



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/01/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 011-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, October 15, 2012

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

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

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

Cc: Bryan Colbourne, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Amanda Punton, DLCD Natural Resources Specialist

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 24 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC12-07**

Date of Adoption: **9/18/2012**

Date Mailed: **9/21/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/2/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road and Macleay Road SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 072W32D / 02400).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Industrial**

to: **Industrial Commercial**

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

Location: **SW Corner of Cordon Rd SE & Macleay Rd SE**

Acres Involved: **1.39**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?


Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 011-12 (19443) [17180]

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

Local Contact: Bryan Colbourne, Planner III  Phone: (503) 540-2363 Extension:
Address: 555 Liberty St SE, Rm 305 Fax Number: 503-588-6005
City: Salem Zip: 97301- E-mail Address: bcolbourne@cityofsalem.net

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

NOTICE OF DECISION

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



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

**DECISION OF THE
SALEM PLANNING COMMISSION**
Comprehensive Plan Change/Zone Change Case No. CPC-ZC12-07
APPLICATION NO. : 12-110768-ZO

NOTICE OF DECISION & MAILING DATE: September 19, 2012

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road and Macleay Road SE - 97317 (Marion County Assessor Map and Tax Lot numbers: 072W32D / 02400).

APPLICANT: ONE EIGHTY TRIANGLE LLC

LOCATION: Southwest corner of the intersection of Cordon Road and Macleay Road SE

CRITERIA: Salem Revised Code Chapters 64 and 113

FINDINGS: The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated September 18, 2012 herewith attached and by this reference incorporated herein.

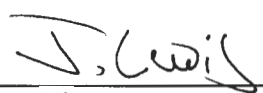
DECISION: The Planning Commission GRANTED the Comprehensive Plan Change/Zone Change CPC-ZC12-07 subject to the following conditions of approval:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Industrial" to "Industrial Commercial" be GRANTED.
- B. That the zone change request for the subject property from IBC (Industrial Business Campus) to IC (Industrial Commercial) be GRANTED subject to the following 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 3,522 average daily trips generated by the proposed use or uses.

VOTE:

Yes 5 No 0 Absent 2 (Fry, Palmateer)



Jim Lewis, President
Planning Commission

A copy of the decision is attached.

Application Deemed Complete: August 2, 2012
Public Hearing Date: September 18, 2012
Notice of Decision Mailing Date: September 19, 2012
Decision Effective Date: October 5, 2012

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., October 4, 2012**. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 113. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

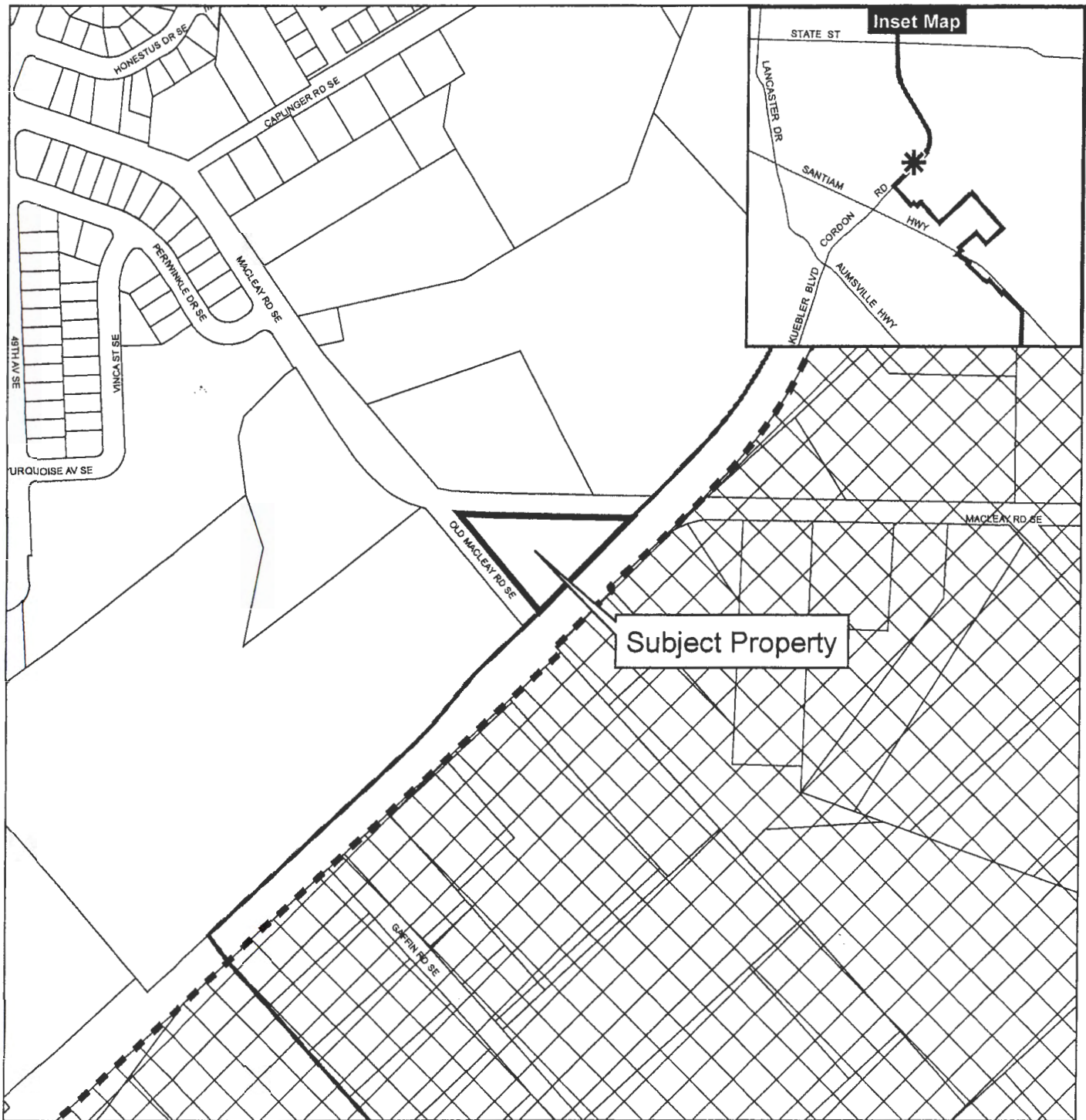
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

Case Manager: Bryan Colbourne, Case Manager, bcolbourne@cityofsalem.net

G:\CD\Planning\Case Application Files 2011 – on \CPC-ZC ... \2012\3- Case Processing Documents \CPC-ZC12-07 ... \CPC-ZC12-07 Notice of Decision.doc

Vicinity Map

Taxlot: 072W32D 02400



Legend

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

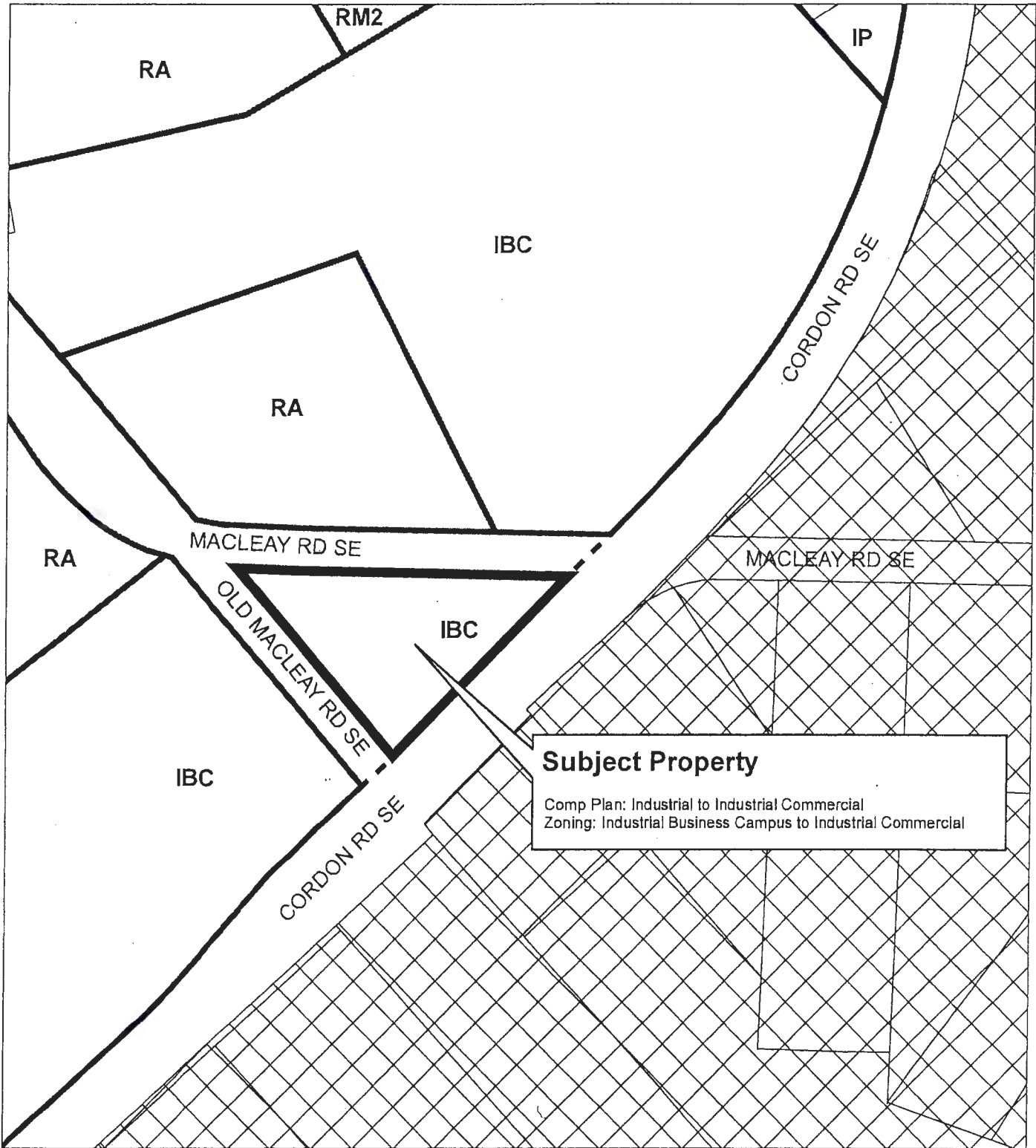
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CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

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Comprehensive Plan Change / Zone Change 12-07



Legend

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


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

TO: Planning Commission

FROM:  Glenn W. Gross, Urban Planning Administrator

STAFF: Bryan Colbourne, Planner III

HEARING DATE: September 18, 2012

APPLICATION: Comprehensive Plan Change / Zone Change Case No. CPC-ZC12-07

LOCATION: Southwest corner of the intersection of Cordon Road and Macleay Road SE

SIZE: Approximately 1.39 acres

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road and Macleay Road SE- 97317 (Marion County Assessor's Map and Tax Lot numbers: 072W32D I 02400).

APPLICANT: One Eighty Triangle LLC

APPLICANT'S REPRESENTATIVE: Jeff Tross

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

Zone Map Amendment: Salem Revised Code, Chapter 113

RECOMMENDATION: APPROVE subject to the following condition:

Condition 1: At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 3,522 average daily trips generated by the proposed use or uses.

APPLICATION PROCESSING

Subject Application

On July 5, 2012, Jeff Tross, on behalf of One Eighty Triangle LLC, filed a Comprehensive Plan Change/Zone Change application to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Industrial Commercial" and the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial). The application was deemed complete for processing on August 2, 2012.

Notice must be given in accordance with Section 300.620(b) of the Salem Revised Code. An approval by the Planning Commission shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted.

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

The public hearing on the proposed Comprehensive Plan Change/Zone Change is scheduled for September 18, 2012.

Appeals

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

120-Day Requirement

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

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on August 28, 2012 (Attachment 1).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.
3. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on August 2, 2012.

BACKGROUND INFORMATION

The parcel's current designation as industrial land is a result of the "Project 90" industrial lands study. Project 90 was a long range community planning process initiated in the early 1980's that analyzed the local economy and planned for future economic development opportunities. The purpose of this effort was to provide the City with a guide to economic development through the year 1990, and as a result the study was titled "Project 90". The major product of this undertaking was the recognition that the City needed a larger inventory of sites for industrial development, and in particular sites that could attract large-scale industry such as high-technology electronics manufacturing. To act upon this recommendation, the study proposed the concept of "industrial corridors" that would create concentrations of industrial activity. The subject property is part of one of those planned industrial corridors that was centered on Cordon Road from Highway 22 (Santiam Highway) north to Macleay Road.

At that time, the City also devised and adopted the Industrial Business Campus (IBC) zone, and applied it to much of the land that was selected for future industrial development. The purpose of the zone was to provide a modern format for industrial development, and to preserve large tracts of land for the types of industries that would be attracted to a higher quality, "campus" style environment. Since the establishment of the Project 90 industrial land inventory, major industrial development has occurred in the Fairview Industrial Park near the airport. And more recently, industrial development has occurred in the Mill Creek Corporate Center, which is located south of Highway 22 and east of Cordon Road. Although the lands along Cordon Road north of Highway 22 have now been reserved for industrial use for nearly thirty years, most have never developed for that purpose. While the larger parcels in this area might conceivably accommodate future industrial-scale development, the subject property's small size, triangular shape, and natural features make it impractical for industrial use, and better suited to commercial development.

Summary of Requested Action

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

Neighborhood Association Comments

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

Public Comments

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

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 5). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated July 5, 2012, that was submitted by the applicant and agree with the findings of the TPR that a "trip-cap" of 3,522 average daily trips should be imposed.

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

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

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

Public and Private Agency Comments

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

Marion County – Marion County reviewed the proposal and indicated that they have no comments.

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

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

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

Salem Area Comprehensive Plan (SACP) Designation

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

North: Across Macleay Road SE – “Industrial”

Southwest: Across Old Macleay Road SE – “Industrial”

Southeast: Across Cordon Road SE – Outside City Limits and Urban Growth Boundary

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

Applicable Detail Plans

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

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

Zoning

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

North: Across Macleay Road SE – IBC (Industrial Business Campus)

Southwest: Across Old Macleay Road SE – IBC (Industrial Business Campus)

Southeast: Across Cordon Road SE – Outside City Limits

Existing Site Conditions

The subject property is a triangular shaped property with streets fronting on all three sides. The site is relatively flat. A tributary of the West Middle Fork of the Little Pudding River runs through the property.

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

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. SRC Chapter 126 requires the City to send a Wetland Land Use

Notification to the Oregon Department of State Lands (DSL). DSL will then determine whether further permits or approvals are required and work directly with the property owner.

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

Site Plan

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application. The applicant did, however, provide a rudimentary plan entitled "Preliminary Site Plan" showing a potential layout for a future gas station and retail development at the site. The applicant's preliminary site plan is attached to this report for reference (Attachment 3). The applicant also includes a detailed description of the preliminary site plan beginning on Page 4 of the applicant's statement (Attachment 2).

Applicant Submittal Information

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

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

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

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

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

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

- (A) The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended; or**

(B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

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

Applicant's Statement: The application addresses (1)(B), as follows . . . The proposed use is a small-scale commercial service center to serve the nearby residential area. The alternate sites vicinity includes the urban area bounded by Santiam Highway on the south, State Street on the north, Connecticut Avenue on the west, and Cordon Road on the east. An Alternate Sites Vicinity Map is attached. These streets comprise the major elements of the transportation system in the area, as Santiam Highway is classified as a Freeway, State Street is a Minor Arterial, Connecticut Avenue is a Collector, and Cordon Road is a Parkway (Salem Transportation System Plan [STSP]). This area is developed predominantly with residential uses. The rural area east of Cordon Road is also in proximity to the site and can also be served by the proposed use. (The proposed use is an "urban use" and is not allowed in the Marion County SA or AR zones, and in general would not be allowed outside of the UGB.) Within the identified urban vicinity there are no sites that are appropriately designated for the proposed use. The proposed use could be accommodated by the City of Salem's CN, CR, CG, or IC zones, or Marion County Urban Zones CR, CG or IC. None of those zones are present within the vicinity. The closest site that is appropriately designated for the proposed use is the large Lancaster Marketplace commercial plaza located along Lancaster Drive and Rickey Street, to the west of Houck Middle School. The Lancaster Marketplace site is zoned CR and is fully developed with large-scale stores including Shopko general merchandise, Winco foods, and Wholesale Sports. This commercial area is located over a mile from the subject property, and is in general beyond a convenient walking distance from the residences within the vicinity area. That site is outside of the defined vicinity, and the size and scale of its existing development does not provide for the types of small scale commercial uses as proposed.

Because there is no appropriately designated suitable alternative site within the vicinity for the proposed use based on its location, this criterion is satisfied.

The proposal also satisfies (1)(A), which states *Size: Suitability of the size of the alternative sites to accommodate the proposed use.* As noted the Lancaster Marketplace commercial site is the closest commercial area to the identified vicinity. However, that large site totals approximately 28 acres, and it is fully developed with large scale commercial stores. It is not designed or intended to accommodate the proposed use of small scale commercial services. The large size of that site makes it unsuitable as an alternative site for the proposed use.

The proposal is also consistent with criterion (2)(B), which states *A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following: (B).* Previously approved Plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

There have been several previously approved Plan Amendments for properties in the area that have changed its character by increasing the amount of residential land and decreasing the amount of industrial land. As noted above, those changes from industrial to residential include CPC/ZC 96-1, to the west of the south end of 49th Avenue; CPC/ZC 05-4, south of Macleay Road and east of 49th; and CPC/ZC 08-10, along the south side of Caplinger Road just west of Cordon Road. These Plan Amendments are within a half mile or less of the subject property. Despite the increase in residential land there has not been a provision for commercial support services in proximity to the residential area. By increasing the amount of residential land and the actual and potential number of dwellings, the benefits of using of the subject property for the proposed use is increasingly apparent. This is especially evident considering its lack of suitability for industrial use, as is it currently designated. The previously approved Plan amendments resulted in a major change in

circumstances that affected a significant number of properties within the vicinity, and changed the character of the area to the extent that the existing designations of the subject property is no longer appropriate. For these reasons the proposal also satisfies (2)(B).

Finding: The applicant intends to develop a gas station and small scale multi-tenant retail commercial development at the site. Staff concurs with the applicant's chosen vicinity used for their alternate sites analysis. The applicant has adequately demonstrated that there are no adequately sized or located alternate sites in the vicinity that are appropriately designated for commercial use. Staff also concurs that the single family and multi-family residential developments built in the immediate vicinity have created a change in circumstances that necessitate further commercial services. This site presents an ideal location for commercial services since it is not large enough for significant industrial development, and not ideal for residential use because of the high-traffic public streets located on three sides. Criterion (2)(B) is satisfied.

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

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

GOAL 1 – CITIZEN INVOLVEMENT

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

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

GOAL 2 – LAND USE PLANNING

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

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

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

The site is not identified or designated as open space, a scenic or historic resource, or as any of the resources included under this Goal except for wetlands. A wetland delineation performed by Zion Natural Resources Consulting in April, 2010, defined the character and extent of the wetland on the property. The wetland is shown on the enclosed Wetland Delineation map. The wetland will remain on the property and will be protected from development by a building setback. Protecting the identified natural resource conforms to the requirements of this Goal.

Finding: Staff concurs with the applicant that there are no open space or scenic or historic resources on the subject property, but there is a wetland located on the site. By providing a wetland delineation and preliminary site plan, the applicant has adequately demonstrated that the site can be

developed for uses consistent with the Industrial Commercial designation while still adequately preserving the wetlands on the site. The proposed plan map change is consistent with Goal 5.

GOAL 6 -- WATER AND LAND RESOURCES QUALITY

The proposed Plan change will allow for new development of small scale commercial uses on the property. As described in the UGA Preliminary Declaration, adequate urban services are available and can be provided to support the proposed use. Waste water and storm water runoff will be required to be discharged into the City systems that are designed and operated to collect and treat such discharges. There will be no discharge of waste water or storm water runoff to an undesignated or unregulated source.

The property is served by existing streets which are adequate to serve the proposed use, and no new streets are needed as a result of the proposed Plan change. The site's proximity to the surrounding residential neighborhoods will help to reduce the need for motor vehicle travel, and reduce the distance to reach the types of services to be provided. This will reduce the impact of vehicle usage on the local airshed.

The buildable area of the site is generally flat and level and presents no identified obstacles for building development. The site is urban land and is intended to be used for urban purposes. An identified wetland on the property will be protected from development. The proposed Plan change will not affect the land resource quality at this location.

By discharging waste water and storm water to public facilities, protecting the wetland, and reducing the impact on the airshed, the quality of the air, land and water will be maintained and improved, consistent with this Goal.

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

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards specific to this site have been identified.

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

GOAL9 – ECONOMIC DEVELOPMENT

The subject property is currently designated Industrial and it is zoned IBC, SRC Chapter 156. The proposal is to change the Plan map designation to Industrial-Commercial and the Zone to IC, SRC Chapter 155. The IC zone provides a mix of industrial and commercial uses and maintains a broad capability for industrial development. Therefore, while the range of uses allowed on the property will expand, the range of industrial uses will not be significantly reduced. However, due to its small size the site is not suitable for industrial use, therefore the potential for industrial development will not be significantly affected by the Plan change. Expanding the range of possible uses will increase the potential for development of the site. The site is currently vacant, and development will benefit the state and local economies. For these reasons, the proposal is consistent with this Goal.

Finding: Staff concurs with the applicant's statement. The proposed change will allow for an increased mix of potential uses to provide a more diverse range of economic opportunities.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

The site is located in a highly developed part of the urban area. The availability of public facilities and services to this site was examined through the UGA Permit process. That process determined that all necessary public facilities and services can be provided at levels adequate to serve the proposed use at the time of development. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Finding: The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The previously approved preliminary declaration of UGA development permit No. 10-01 identifies the requirements to provide the necessary public services and utilities to serve a range of uses allowed under both the existing Industrial Plan map designation and the proposed Industrial Commercial designation at this site. The proposal is consistent with this goal.

GOAL 12 – TRANSPORTATION

The subject site is located along Macleay Road, which is classified as a Minor Arterial; Cordon Road, classified as a Parkway; and Old Macleay Road, a local street (STSP). In this part of the urban area Macleay Road is the main route between Cordon Road and Lancaster Drive (via Rickey Street). The intersection of Macleay and Cordon is controlled by a traffic signal. Lancaster Drive provides a link to Highway 22/Mission Street, which provides a direct route to 1-5 and the central city. Cordon Road is the main north-south route along the eastern edge the urban area, and a direct link to Kuebler Blvd in South Salem which provides a connection to 1-5, and to Commercial Street SE. The streets that serve the property connect it to other major elements of the local and regional transportation system that serve the southeast part of the urban area. As a result the site is adequately served by the existing street system, and no new streets are needed to serve the proposed use.

The potential traffic impact of the proposed change has been examined in a report prepared by a professional traffic engineer, Dick Woelk, P.E., Associated Transportation Engineering and Planning (ATEP). The traffic impact report is provided with this application. The report compares the traffic impact of possible uses in the proposed IC zone to the impact of uses allowed in the existing IBC zone. As described in the report the analysis calculates that the uses allowed in the existing IBC zone could generate up to 3,522 trips per day. This volume becomes the limit for traffic volume generated by uses in the proposed IC zone without additional mitigation. In order to further limit the projected traffic volume to that level, the report recommends restricting specific, high traffic generating uses that are allowed in the proposed IC zone from the property. These are discount superstore, building materials center, and garden supply center.

With the stated limit on daily traffic volume, and the restriction on specific uses allowed in the proposed IC zone as recommended, the traffic volume from uses in the IC zone will not exceed those from uses allowed in the existing IBC zone. Therefore, the proposed change to IC will not adversely affect a transportation facility and will not have a significant traffic impact. No new streets or improvements to the transportation system will be needed in order to accommodate the proposed change.

With the recommended limit on traffic volume and the restrictions on allowed uses, the change in the land use designation for this property will not cause a significant impact on the existing transportation system, result in a level of service decreasing to an unacceptable level, or change the functional classification of an existing street or intersection. The subject property is adequately served by the existing street system, and no new streets are needed as a result of the proposed change in the land use designation.

The nearest public transit service is available at the intersection of Macleay/Rickey and Connecticut streets (No. 16 State Street route), which is approximately a mile from the property. The lack of convenient transit service in this area makes the provision of neighborhood services more important, in term of reducing travel distances, encouraging pedestrian and bicycle access, and reducing reliance on the use of private motor vehicles. These factors are in keeping with the requirements of the TPR.

Because the proposal will not have a significant adverse impact on the existing transportation system, provides for and encourages alternate modes of transportation, and reduces reliance on the use of private motor vehicles, it is consistent with the TPR and the requirements of this Goal are met.

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

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

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

The applicant’s TPR analysis, dated July 5, 2012 (Attachment 4) determines the number of trips that could be generated from the site under the existing comprehensive plan map designation of Industrial. The analysis recommends that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal to or less than currently could be generated by allowed uses in the Industrial designation, which the analysis estimates to be 3,522 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a “significant affect” on the transportation system as defined by OAR 660-012-0060, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 3,522 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

GOAL 13 – ENERGY CONSERVATION

New buildings will be required to meet or exceed the building code requirements for energy efficiency in effect at the time of construction. The proximity to residential neighborhoods and access by alternate modes will reduce the energy needed to reach the site. These factors result in the site being consistent with the energy conservation requirements of this Goal.

Finding: By providing a new location for commercial services where there are currently none, the proposal, when developed, will offer closer commercial services to surrounding residents who now are forced to drive to Lancaster Drive and beyond for such basic services as groceries, gasoline, and other basic needs. This will serve to reduce the energy used by area residents and is consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

The site is within the city. The proposal is to redesignate vacant land that can be provided with all necessary public services. The proposal is consistent with the intent 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 facts provided by the applicant. The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

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

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

Applicant's Statement: The urban land use pattern of the greater area consists of industrial lands along the Cordon Road frontage from Santiam Highway on the south nearly to Caplinger Road on the north, and residential land to the west of the industrial lands. The subject property has frontage on Cordon Road and is currently designated for industrial use. However, because of its small size and shape, the development constraints imposed by its natural resources, and the bordering streets, it is not a viable industrial parcel. There are no commercial services in the vicinity, or anywhere along the Cordon Road frontage. Changing the use of the parcel as proposed will allow small scale commercial services for the existing residential population as well as any future industrial activity. Commercial services at this location will reduce travel distances, traffic impacts on the minor arterial to the west, and save time for area residents and future employees. For these reasons it is logical to provide limited commercial services for this area. Allowing those services at a location that is bordered by industrial land to the north and south, but within a short distance to residential areas, makes the proposed change harmonious with the land use pattern of this area.

For these reasons the proposed change is logical and harmonious with the land use pattern for the greater area, as shown on the detailed and general Plan maps. The location of the property, and its relationship to the uses and development on the surrounding lands, make the IC designation at this location compatible and appropriate.

Finding: Staff concurs with the applicant's statement. The proposed Industrial Commercial designation is a logical location for commercial use to serve surrounding residential areas as well as Cordon Road traffic. Future commercial use at the subject property will be harmonious with the future mix of industrial and residential uses that the surrounding lands are currently designated for on the Salem Area Comprehensive Plan Map. Based on these findings and the reasons provided by the applicant, above, the proposed plan map amendment to Industrial Commercial is consistent with the surrounding land use pattern, and is a logical and harmonious change given the surrounding mix of uses. This criterion is met.

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

Applicant's Statement: The following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

predetermined projection of future use, and the Plan recognizes that land use and zoning are expected to change as conditions change.

This proposal is made in response to the changes in the conditions of the area and their influence on the use of the subject property. The property is located in a designated industrial corridor, at the edge of an extensive residential area. Several previous, nearby Plan amendments recognized that industrial development was unlikely, and changed vacant land to residential use. Economic conditions in the city have changed since the early 1980's when the land was originally designated for industrial use, which requires consideration for greater flexibility for the use of this site. The proposed change maintains the broad industrial use capability, while increasing the flexibility for the productive use of the site in a way that is appropriate for the location. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

The IC zone provides for both industrial and commercial uses, and the Plan policies for both types of uses are reviewed as follows:

G. Commercial Development

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

The proposed use will serve as an accessory location for commercial services at the eastern edge of the urban area. It is located along the major streets through the area, making it visible and accessible. There are no similar nearby services. The site will provide commercial services for an extensive, existing urban residential area, the outlying rural area, as well as any future industrial activity on nearby lands. By creating a site for new commercial activity in an unserved area the proposal will help to maintain and promote the urban area as a commercial center, in keeping with this goal.

The following Commercial Development Policies apply to this proposal:

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

Site Plan Review approval will be required prior to development. The development factors cited in this policy will be considered at that time and at the time building permits are requested. This policy will be satisfied by the review procedures required prior to development.

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

The site is not intended to be a community shopping and service facility and this policy is not directly applicable. However, the property will have access from Macleay Road, a Minor Arterial, and it is adjacent to Cordon Road, a Parkway (a type of Major Arterial). The required parking will be provided on-site. There is no adjoining residential property and there is no access to the site through residential streets. The site is appropriately located for the types of uses allowed in the IC zone. Based on its location and the adjoining transportation system, the site location is consistent with this policy.

5. Neighborhood and Community Shopping and Service Facilities: Unless the existing development pattern along arterials and collectors commits an area to strip development,

new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.

The size of the site and the scale of development that can occur on it are consistent with the description for a Neighborhood shopping facility (SACP Part II. Definition and Intent Statements, part A.3.c.). There are no other commercial sites in the area, and there is no existing pattern of commercial strip development. The subject site will constitute a single location for the intended convenience commercial uses. The adjoining arterial streets allow the site to serve the nearby residential neighborhoods without the use of local residential streets. Based on these factors the proposal conforms to this policy.

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

The proposed IC zone represents a form of mixed-use development that combines industrial and commercial uses, and residential use is included as a Conditional Use. However, the site is not specifically proposed for Mixed-Use development.

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

The site is bordered on all sides by streets. It does not share a boundary with any residential land or uses.

Based on its location, access, size and intended type of use, and relationship to the surrounding area, the proposal conforms to the requirements and guidelines of the Commercial Development Goal and Policies.

1. Industrial Development

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

The proposed IC zone provides for a wide range of industrial uses. The range of uses includes those that are present in the community, and includes many in common with the existing IBC zone. However, the physical conditions of the subject site make it unsuitable for the type of industrial uses allowed by the IBC zone. As a result the site has little potential to strengthen the economic base of the community through new industrial uses as provided for by the IBC zone. The proposed IC zone will expand the opportunity for the site to attract new uses. By expanding the range of potential uses for the site in a manner that is consistent with its size, characteristics and location, the economic make-up of the community will be strengthened, which is in keeping with the intent of this goal.

The following Industrial Lands Policies may apply to the proposal:

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.

The subject property is 1.39 acres. The IC designation maintains the potential for industrial use. The parcel is not realistically suitable for industrial use, and the inventory of usable industrial parcels will not be adversely affected by the proposed change. The change will not affect the ability of the city to maintain a long-term industrial land inventory or a range of small, medium and large industrial sites. The City's has added land for large-scale industries, at the Mill Creek Corporate Center and the SRETC. The proposal does not affect those projects. Considering the subject property's size and location, and the character of the surrounding area, this policy is not affected. 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 does not impact the long-term continuity of the industrial inventory because the parcel is not realistically suitable for industrial development, and the IC zone maintains the capability for industrial uses. The proposal serves the community's interests by providing uses that are appropriate for the property as well as the location and the local land use and transportation patterns. Providing flexibility for the reasonable use of vacant land serves the community's interests. 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 does not involve a boundary adjustment. The boundaries of the subject property will not be affected.

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

The industrial land inventory will not be significantly affected. The property is not a suitable industrial site. The IC designation provides for industrial uses. There is no specific inventory of vacant IC land. The site is appropriately located to accommodate uses that are included in the IC zone, and which will serve the surrounding area. These factors warrant the capability for providing the flexibility for uses that are included under the IC designation.

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

The proposal includes a preliminary plan that will accommodate the types of uses that are provided in the IC zone. The exact uses for the property are yet to be determined, but the scale of development will be similar to that shown.

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

There is no specific inventory of IC land. There is no existing IC zoning in the vicinity, and no zoning that provides for the intended use. The proposal is made based on the specific characteristics of this property, including its size, shape, natural features, buildable area, street access, and location relative to the neighborhood. The proposal is specific to these factors.

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

All necessary public facilities, services and utilities can be provided at levels adequate for the proposed use, and have been identified through the UGA process.

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

The necessary public facilities, services and utilities are available to be provided to the site. The availability of the necessary facilities, services and utilities has been specified through the UGA Preliminary Declaration for this property. The proposed redesignation of the site is consistent with this policy directive to make maximum use of the existing infrastructure investment.

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

The subject site is served by existing arterial streets. The site has direct access to Macleay Road, a Minor Arterial; which provides a direct link to Cordon Road, a Parkway. There is no direct access from the property to a residential street. The site is appropriately located with regards to access. The location of the site, and its access routes, are consistent with this policy.

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

The IC designation maintains a wide variety of industrial development opportunities, as directed by this policy. These include manufacturing, processing, warehousing, distribution, and service industries. The designation will maintain industrial capability.

The redesignation of the property will not affect its opportunity for industrial development, which is a function of its size, shape, and buildable area. The IC zone provides for industrial and commercial uses to locate together or in close proximity, where they may be mutually supportive. For these reasons, applying the IC zone to the property will be consistent with this policy to provide for a variety of industrial development opportunities.

The proposal will encourage and promote development that strengthens the economic base of the community and minimizes air and water pollution by expanding and enhancing the range of development opportunities for this property. The IC designation supports service and professional activities, as well as the more traditional manufacturing, processing, and distribution industries. Because of the character of the property the proposed IC designation will not affect the industrial development opportunities for this property or others in the vicinity. The proposal will not have an adverse affect on the industrial land inventory. For the reasons and factors provided, the proposal is consistent with the applicable Industrial Development Goals and Policies.

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

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The subject property is located at the eastern edge of the urban area. It is surrounded by industrial and residential lands. The nearby residential lands are highly developed at multiple densities, and constitute one of the most extensive concentrations of residential use in the urban area. However, there are no commercial services in proximity to this extensive residential area, and the residential population is dependent on the Lancaster corridor to obtain even basic levels of commercial service. The distance to commonly needed commercial services, and the lack of convenient transit service in this area, results in a near-total dependence on private motor vehicles for access to even basic services. The proposed change will provide a location for small-scale commercial services closer to the residential population, resulting in shorter travel distances, and creating the opportunity for alternate forms of transportation to reach those services, such as walking and bicycling. By locating small commercial services closer to the residential neighborhoods and as a result improving the transportation alternatives, the proposed change will benefit the public.

The mix of uses allowed by the IC designation will add needed flexibility for the utilization of this property. The proposed change in the land use designation will be consistent with its location, physical character, and the surrounding pattern of land use and transportation. The relationship of

the property to the surrounding area will not significantly change as it does not adjoin residential development. The proposed redesignation will create opportunities for small commercial services at a location that is highly accessible. By expanding the range of uses that will be available to the property, without impacting the transportation system or changing the relationship of the site to its surroundings, the proposed change benefits the public.

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

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

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

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

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

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

Applicant's Opening Statement: SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns and concepts, government policy decisions affecting land use, community needs, and other factors which cannot be precisely anticipated and implemented legislatively, the zoning pattern cannot remain static. This zone change proposal is consistent with those factors. The Comp Plan policies recognize that it is appropriate to provide commercial services in proximity to residential neighborhoods as a development concept. The City's commitment to creating large-scale industrial reserves, such as the Mill Creek Corporate Center project is a policy decision that affects industrial land use patterns. These changes in development patterns and policy decisions, together with the character of the property, warrant reconsideration of its appropriate use. The proposed zone change from IBC to IC provides a more flexible zoning alternative for the property, and expands the opportunities for the reasonable use of the site, in a manner that is appropriate for the area. The zone change corresponds to the proposed change in the Comp Plan designation.

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

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

Applicant's Statement: SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp Plan. The relationship of the proposal to

the Comp Plan has been examined, and the proposal has been shown to conform to the requirements of the Plan.

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

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

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

Applicant's Statement: The property is currently zoned IBC. The original assignment of the IBC zone to the property is not specifically in question, although the property is too small to effectively meet the development requirements of that zone. The IBC zone was created for the type of industrial development that was anticipated at that time, which was campus-style high technology electronics manufacturing. However, that type of anticipated economic development did not materialize, and economic conditions have changed since the IBC zone was applied to the property. This proposal is a request to expand the development options for the subject site with uses that are more suitable for the property. However, while expanding the range of uses for the property, the IC zone maintains a broad capability for industrial uses. Because the proposal is a response to changes in conditions, development patterns, and factors that could not be anticipated at the time IBC zoning was applied, a mistake in a map or the application of a land use designation to the property is not claimed. The zone change request is consistent with the provision for zone changes as stated in this chapter.

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

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

Applicant's Statement: The economic patterns of the community have changed since the property was zoned IBC with regards to its industrial makeup and the inventory of industrial land. Large scale manufacturing and processing activities, such as silicon wafers and food processing, have decreased, while warehousing and distribution have increased. The industrial land inventory has also increased. The Mill Creek industrial project added 507 acres of developable industrial land, and development of the Salem Renewable Energy and Technology Center on Gaffin Road opened an additional 80 acres. Meanwhile, the industrial lands west of Cordon Road have remained vacant. These factors represent significant changes in the economic pattern of the community, which warrants changing the zone of the subject property to one that is more appropriate for the reasonable use of the site. The proposed zone change is the appropriate means of responding to the changes that have occurred in the economic pattern of the community.

Finding: Staff agrees with the applicant's reasons. The economic pattern of the community with regard to industrial property has been a trend toward warehouse, distribution, and flexible commercial/industrial spaces, and not the sort of uses originally envisioned for the IBC zone. The redesignation of the subject property to Industrial Commercial reflects this economic pattern in the Salem community. This factor has been addressed.

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

Applicant's Statement: The change of several former industrial properties to residential use represents a change of the conditions in the character of the neighborhood since the subject site was zoned IBC. The acreage of industrial land has decreased while the acreage for residential use has increased. Those changes have added several hundred existing or planned residential units in the vicinity of the property, resulting in an expansion of the residential population while the remaining

industrial land remains vacant. This represents a change of conditions in the character of the neighborhood . . .

The proposed zone change is consistent with this change in the conditions of the character of the neighborhood by providing a location for commercial services to support the expanding residential population. For these reasons, the proposed zone change is appropriate with regard to the changes in the conditions of the character of the area.

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

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

Applicant's Statement: The effect of the proposal on the neighborhood will be to provide small scale commercial services in closer proximity than are currently available, thereby decreasing the travel time and distance needed to obtain those services, and allowing for alternatives to the private motor vehicle to access the property. Other effects on the neighborhood will be those expected from the future development and use of land that is now vacant. The potential uses such as a food store, miscellaneous retail, a restaurant, and a gas station, are already included in the IBC zone, and so do not represent new uses for the site. The development of the site will result in increased traffic but the primary access is provided by a Minor Arterial, which is intended to accommodate this type of traffic. The site is bordered by streets on all sides, and it does not adjoin residential land. All necessary public facilities and services can be provided to serve development on the site.

Considering these factors, the proposed zone change will not significantly change the relationship of the property to the neighborhood, and the effect of the proposal on the neighborhood will not be significantly different than under the existing zone.

Finding: The proposal's effects on the neighborhood will be to provide commercial services for the residents of the surrounding area and to facilitate the development of this currently vacant site. These effects have been considered and Staff concurs with the applicant's conclusion that the neighborhood will not be significantly changed by the proposed change in land use designation for the subject property. The applicant has provided adequate reasons to demonstrate compliance with this factor.

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

Applicant's Statement: The property is essentially level, with minor topographic variation. A drainage and wetland is located in the eastern half of the property. The buildable land is in the western half of the site. Development in the western half of the site can occur without disturbing the defined wetland area. All required public facilities and services can be provided, as described in the UGA Preliminary Declaration. Outside of the defined wetland area the physical characteristics of the site present no major obstacles for the proposed uses.

Finding: Staff considered the potential effects of the proposed zone change on the neighborhood. Of particular concern was the effect of increased traffic to the site because of the new uses permitted by the IC zone. Therefore, staff recommends the following condition, based on the applicant's statement (Attachment 2) and Transportation Planning Rule (TPR) Analysis (Attachment 4):

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 3,522 average daily trips generated by the proposed use or uses.

As conditioned, this factor has been addressed.

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

Applicant's Statement: The factors relating to the public health, safety, and general welfare have been considered in the UGA review. All necessary public facilities and services related to those factors can be provided to the site. The existing street system is adequate to provide for the proposed use and no new streets are needed. The proposed IC zone is appropriate for the location along an arterial street, and in proximity to a signalized intersection. The proposal represents a reasonable and appropriate change for the use of the property. No other factors have been identified that would be detrimental to the public health, safety or welfare.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal satisfies the zone change review factors.

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

CONCLUSIONS

Applicant's Conclusion: The proposed change to IC is an appropriate response to the changing character of this part of the urban area. The intended industrial development has not occurred. Residential development has increased. The surrounding urban area consists of extensive residential development but no local supporting commercial services. The nearest commercial services are at Lancaster Drive, which requires all traffic from the neighborhoods to travel west on Macleay Road and Rickey Street to reach those services. There are no available commercial alternatives, and no commercial services within a reasonable pedestrian or bicycling distance. The IC classification is applied on a site specific, case-by-case basis. It has not been applied legislatively to establish a preexisting inventory of sites. This proposal is made to address the specific conditions of the area and the subject site. In any case, there is no alternative site within the vicinity that is already designated for the proposed use. The factors and circumstances presented address and satisfy the applicable criteria.

The proposed zone change is appropriate for the subject property, and it is consistent with its location and the zoning and uses in the surrounding area. No adverse impacts associated with the proposed zone change are identified. The proposal will improve the potential for the productive use of the property, and make use of existing public utilities.

The request represents an adjustment in the land use category in order to provide for the reasonable use of the site. The proposal is consistent with the policies in the Comprehensive Plan for industrial and commercial development. For the reasons, factors, and circumstances presented, the proposal satisfies the criteria for a Comprehensive Plan Amendment and Zone Change.

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

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

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE**, by resolution, the following actions for Comprehensive Plan Change/Zone Change 12-07, for property 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road and Macleay Road SE, 97317 (Marion County Assessor's Map and Tax Lot numbers: 072W32D I 02400):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Industrial" to "Industrial Commercial" be GRANTED.
- B. That the zone change request for the subject property from IBC (Industrial Business Campus) to IC (Industrial Commercial) be GRANTED subject to the following 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 3,522 average daily trips generated by the proposed use or uses.

- Attachments:**
- 1. Public Hearing Notice and Map
 - 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change Approval Criteria
 - 3. Applicant's Preliminary Site Plan
 - 4. Transportation Planning Rule Analysis, dated July 5, 2012
 - 5. Public Works Department Comments
 - 6. Applicant's Vicinity
 - 7. Applicant's Wetland Delineation

Prepared by: Bryan Colbourne, Planner III



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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change/Zone Change Case No.CPC-ZC12-07
AMANDA APPLICATION NO:	12-110768-ZO
HEARING INFORMATION:	Salem Planning Commission, Tuesday, September 18, 2012, at 5:30 p.m. , Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	SOUTHWEST CORNER OF THE INTERSECTION OF CORDON RD SE & MACLEAY RD SE, SALEM OR 97317
OWNER:	BIG SKY CONSTRUCTION COMPANY
APPLICANT	ONE EIGHTY TRIANGLE LLC
AGENT:	JEFF TROSS
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road and Macleay Road SE- 97317 (Marion County Assessor's Map and Tax Lot numbers: 072W32D / 02400).
CRITERIA TO BE CONSIDERED:	<p>❖ Comprehensive Plan Change</p> <p>Pursuant to SRC 64.090, the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria:</p> <ol style="list-style-type: none">1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and6. The proposed change benefits the public. <p>❖ Zone Change</p> <p>Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none">1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;2. A change in the social, economic, or demographic patterns of the neighborhood or the community;3. A change of conditions in the character of the neighborhood;4. The effect of the proposal on the neighborhood;5. The physical characteristics of the subject property, and public facilities and services; and6. Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.

HOW TO PROVIDE TESTIMONY:

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


HEARING PROCEDURE:

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

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

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

CASE MANAGER:


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

NEIGHBORHOOD ORGANIZATION:

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

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

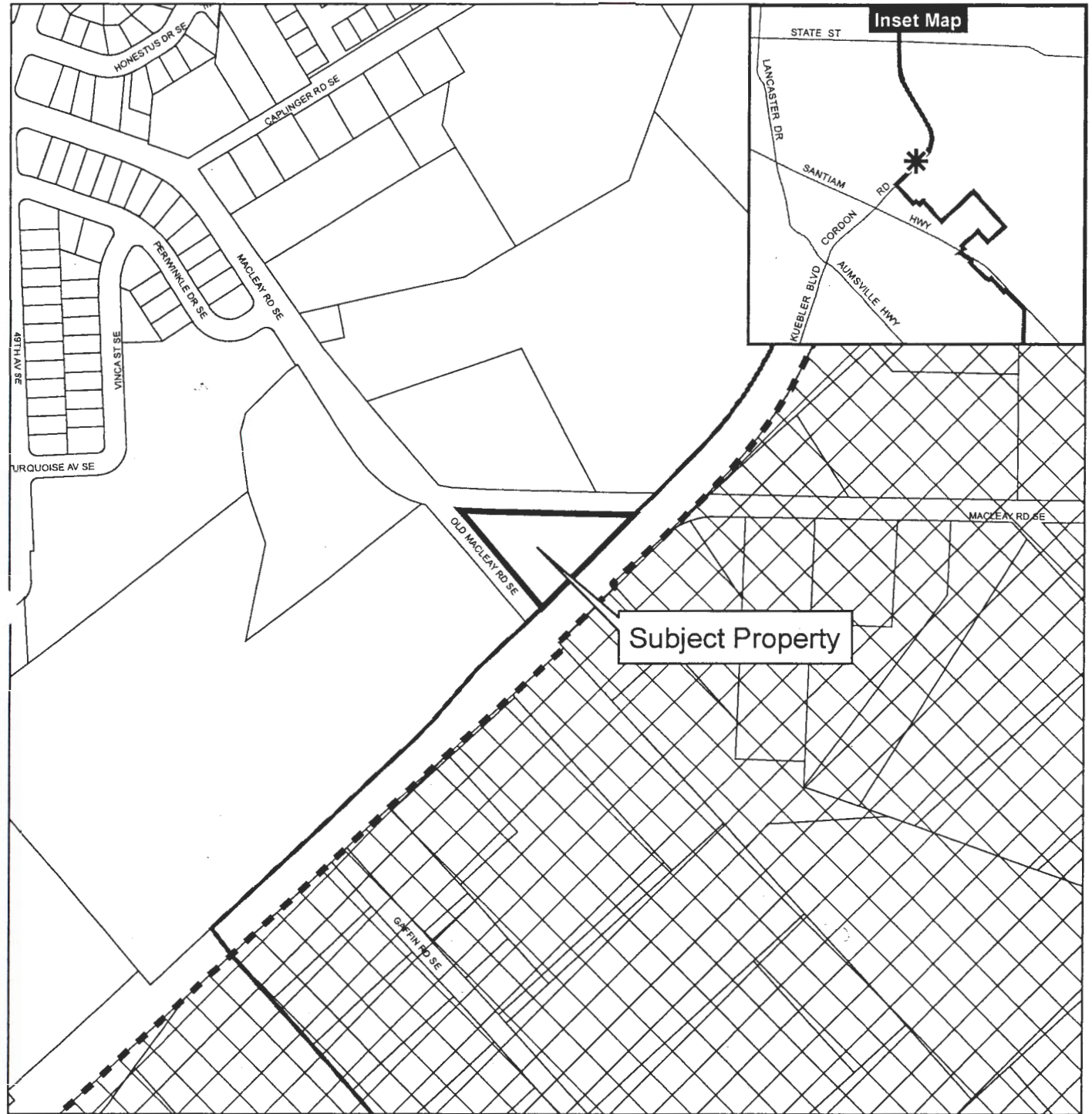
August 28, 2012

G:\CD\Planning\Case Application Files 2011 - on \CPC-ZC ...13 - Case Processing Documents \CPC-ZC12-07 ... \CPC-ZC12-07 Hearing Notice.doc
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE


*It is the City of Salem's policy to assure that no person shall be discriminated 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

Taxlot: 072W32D 02400



Legend

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

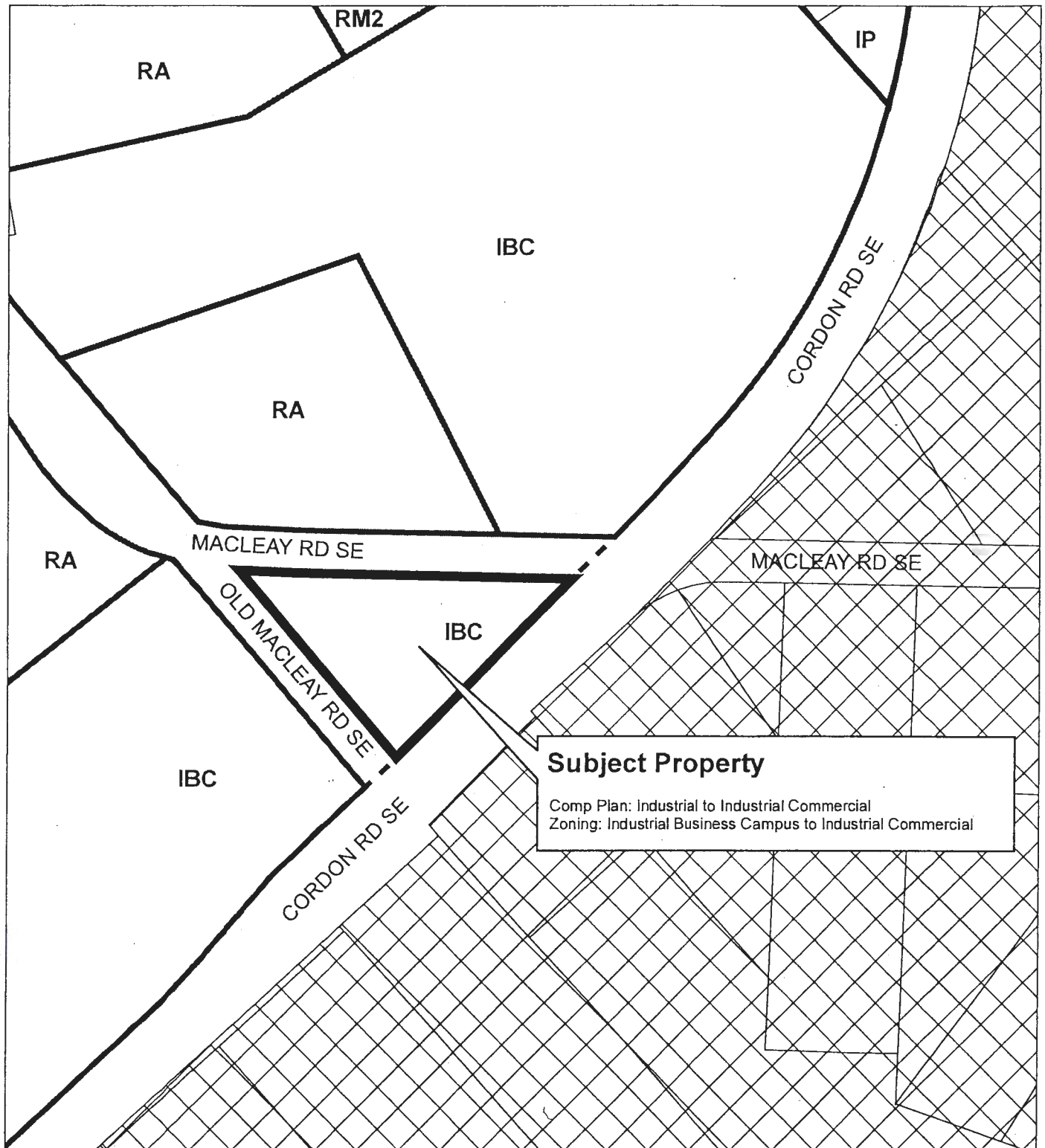
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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Comprehensive Plan Change / Zone Change 12-07



Legend

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

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

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

***APPLICANTS' STATEMENT
FOR
ONE EIGHTY TRIANGLE LLC -
MACLEAY ROAD COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE***

RECEIVED

JUL 05 2012

COMMUNITY DEVELOPMENT

ATTACHMENT 2

This report remains the property of Jeffrey R. Tross/Tross Consulting, Inc. It cannot be used for any purpose other than the application for which it was filed without the written consent and approval of Jeffrey R. Tross/Tross Consulting, Inc.

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SUMMARY OF THE PROPOSAL

Gary Cameron of Silverton and John Knebes of Salem, through their business One Eighty Triangle LLC, own the property located in the triangle formed by Macleay Road SE, Old Macleay Road SE, and Cordon Road SE. The property is a single parcel, identified as Tax Lot 2400 on Assessor's map T7S-R2W-Section 32D. The parcel totals approximately 1.39 acres (60,548 sq. ft.). The parcel is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map and it is zoned IBC. The land is vacant.

The parcel is within the long-standing, intended industrial district located along the west side of Cordon Road, north of Santiam Highway. This area includes extensive vacant acreage that has been zoned IBC and IP for industrial use since the early 1980's, but which has never developed for that purpose. While the larger parcels in this area might accommodate industrial-scale development, the subject parcel's small size, triangular shape, and natural features make it impractical for industrial use. The triangular shape poses inherent limitations for development, and a tributary of the West Middle Fork of the Little Pudding River, and adjoining wetland, bisect the parcel into western and eastern parts. This regulated natural feature, and its effect on the parcel, is shown on the attached Wetlands Delineation map.

As shown on the wetlands map, the combined drainage and wetland area totals 17,054 sq. ft. This is approximately twenty-eight percent of the parcel. The land to the west of the wetland totals approximately 36,824 sq. ft. (.85 acre). The eastern end of the parcel is isolated by the wetland in a triangle of approximately 6,670 sq. ft., at the intersection of Macleay and Cordon Roads. The buildable area of the lands outside of the delineated wetland is further reduced by the development standards of the current IBC zone, which include a 40' setback from each street frontage, and a requirement for 20% landscaped area (ref SRC 156.100(a) and 156.130). In addition to those requirements, the eastern triangle is also unusable for building development due to its proximity to the intersection, which would likely prohibit a driveway access to Macleay Road, the only possible access street.

Because of the small size of the area west of the wetland, which is the only buildable area; its defined natural resource features, and the current development standards and requirements that apply, the subject parcel cannot be considered as practical or appropriate for development of industrial activity.

While there has been no industrial development in the area west of Cordon Road despite its long-standing designation for industrial use, over time various industrial properties have been redesignated for single and multi-family residential uses. These changes include CPC/ZC 96-1, west off the south end of 49th Ave.; CPC/ZC 05-4, south of MacCley Road and east of 49th; and CPC/ZC 08-10, along the south side of Caplinger Road just west of Cordon Road. In addition to those Plan amendments, various development approvals in this area resulted in major residential developments that are now part of the residential land use pattern. These include PUD 01-01 for the Evergreen Village Mobile Home Park, 138 lots; Subdivision 00-8, 53 lots; and Subdivision 05-21 for 94 lots. These projects have added hundreds of built and future dwellings to the extensive, existing residential areas located to the north and south of MacCley Road.

The continued residential development in this area contrasts with the lack of industrial development. However, despite the extensive residential development in the area, there are no existing or planned commercial services for the residential population. The nearest commercial services are off of Rickey Street at Lancaster Dr., approximately a mile and a quarter to the west of the subject property. That is not a convenient walking distance from the residential neighborhoods, especially those to the east of Connecticut Street, and in most cases results in the use of a motor vehicle. The lack of planning for small scale commercial services in proximity to the residential areas is inconsistent with the City's residential neighborhood development policies (e.g. SACP Residential Development Policies 1.d., 2.a.).

The Proposal

One Eighty Triangle LLC proposes to develop its property for small-scale commercial services to serve the surrounding residential neighborhoods, such as a convenience grocery, cafe, coffee shop, personal services (hair salon, laundry and dry cleaning, etc.), gas station, and medical and professional offices. The site is appropriately situated for that type of use due to its location along Macleay Road, which is the major street through the residential area to the west and which is classified as a Minor Arterial (STSP). The current IBC zone provides for some of these uses, however, it includes development prerequisites and standards that are impractical for this site, such as those in SRC 156.030(b)(2) and 156.040(b)(3), (4), (6). Therefore, in order to allow the productive use of its parcel for small-scale commercial activities, One Eighty Triangle LLC requests a Comprehensive Plan Amendment from *Industrial* to *Industrial Commercial*, and a corresponding Zone Change from IBC to IC. The IC zone provides for the types of small scale commercial services that are appropriate for this location, and it retains industrial uses in common with the IBC zone. It represents the smallest degree of change from IBC while allowing the site to be put to practical and appropriate use.

Preliminary Site Plan

A preliminary site plan has been prepared to provide a concept of how a small-scale commercial development could occur within the buildable land that remains in the western part of the parcel. The preliminary site plan is included with this application and demonstrates how the buildable area of the site can be used for a compact and efficient development that could provide for a variety of uses. The final layout and design of the project will be subject to Site Plan Review.

As shown on the preliminary plan the property development is anticipated to include two buildings, situated at the east and west ends of the buildable area and facing into the interior of the site. A convenience/grocery store with gas pumps is in the west side of the site. The store building shown is approximately 2,500 squ. ft. A building for retail, service, or office uses is shown on the east side, with approximately 4,000 squ. ft. The

size of the individual spaces within that building will depend on the specific users. The 6,500 total square feet of building space is about 18% of the buildable area of the site, and just 10% of the total parcel.

Parking spaces are shown adjacent to each building for convenient customer access. Driveways are shown to both Macleay Road and Old Macleay Road, for efficient circulation through and within the site.

The working name for the project is “Macleay Crossing”, which recognizes its location along the road that joins the eastern edge of the urban area with the rural area to the east.

The Applicant presented the proposal to the Southeast Mill Creek Neighborhood Association (SEMCA) at its meeting of February 14, 2012. The proposal was the subject of Pre-Application Conference No. 12-04, held on February 23, 2012. The property was the subject of UGA Permit Preliminary Declaration No. UGA 10-01.

Neighborhood Background

The parcel’s current designation as industrial land is a result of the “Project 90” industrial study. From August of 1980 to September of 1981, a working group of seventy local citizens representing a variety of community interests worked in conjunction with the City to analyze the local economy and plan for future economic development opportunities. The purpose of this effort was to provide the city with a guide to economic development through the year 1990, and as a result the study was titled “Project 90”. The major product of this undertaking was the recognition that the city needed a larger inventory of sites for industrial development, and in particular sites that could attract large-scale industry such as high-technology electronics manufacturing.

To act upon this recommendation, the study proposed the concept of “industrial corridors” that would create concentrations of industrial activity. The industrial concentrations would be established through the formation of Economic Development

Districts. These Districts were to be located in areas where new economic development would be most appropriate and would be most likely to occur during the twenty years following the study. Significantly, the Economic Development Districts were to include a mix of land uses, including high density residential, commercial, and industrial and office parks.

One of the areas recommended for such development was the “Southeast Salem Economic Development District” (later Cascade Economic Development District, or CEDD), which included an area centered on Cordon Road from Santiam Highway north to Macleay Road, and along Gaffin Road to the east of Cordon Road. This outlying area was composed of tracts of vacant land outside of the Urban Growth Boundary. In order for this area to become part of the city’s industrial land inventory it was brought into the UGB and designated for industrial use.

As an additional means of implementing the recommended economic development strategy, the City devised and adopted the Industrial Business Campus (IBC) zone, and applied it to much of the land that was selected for future industrial development. The purpose of the zone was to provide a modern format for industrial development, and to preserve large tracts of land for the types of industries that would be attracted to a higher-quality, “campus” style environment.

Industrial Development Since Project 90

Since the establishment of the Project 90 industrial land inventory, major industrial development occurred in the Fairview Industrial Park, in the Salem Industrial Park, along Hawthorne Avenue between Santiam Highway and State Street, and around the airport. Although the lands in the CEDD have now been reserved for industrial use for nearly thirty years, most have never developed for that purpose. Except for a site on Gaffin Road those lands remain vacant, and the area has returned little value to the city. While it remains a priority for the City to provide a diverse inventory of industrial sites, since the time of Project 90 there have been important changes in the local, regional, and national

economies, and to the industrial development patterns within the urban area. The assumptions on which the Project 90 industrial lands were based are now thirty years old, and the changes to the economy and to the local industrial development pattern since that time warrant reconsideration of the need to retain all of the sites that were designated for industrial use as a result of Project 90.

Of great long-term significance, the City has entered into an agreement with the State to establish the new Salem Regional Employment Center (SREC) - Mill Creek Corporate Center, which is located south of Santiam Highway and east of Cordon Road. The intent and justification for this project was set out in the SREC "Economic Opportunities Analysis" (EOA) of October, 2004. As described in the EOA the Mill Creek project consists of approximately 646 acres, of which 507 acres are to be made available for industrial development. This includes 313 acres designated for large industrial parcels, 80 acres for general industrial uses, 104 acres for commercial-office uses, and 10 acres for accessory service and retail uses. The project is expected to be built out over a 20 year period (EOA pp.1-2.).

The agreement with the State includes the provision of financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. This is to assure developers that infrastructure will be available when needed, and environmental mitigation will be provided. These measures are intended to position the development "...to compete for developers and uses on a local, regional and national scale" (EOA p.1).

The intent of the Mill Creek project as stated in the EOA includes to "...*advance the State's policy of developing sites with regionally significant economic potential through the use of a master planning process...*" (EOA p. 2), and to "...*distinguish the property from Salem's existing inventory of industrial sites...*" (EOA p. 21). Through the provision of infrastructure, and the mitigation of environmental issues in advance of development, the site is provided with a competitive advantage over existing, individual

industrial parcels in the area. The size and scale of the project, the integration of complementary uses, and its advance preparation for development through master planning, make it a focus of industrial development efforts in the urban area. Promoting its use is a priority for local and State economic development organizations in order to provide return on the investment in the site's advance planning and improvements.

As a result it is appropriate to reconsider the use of other vacant industrial parcels, that do not have the development advantages that have been provided to the Mill Creek project. The industrial lands north of Santiam Highway remain vacant despite their long-term designation. It is appropriate to re-evaluate the likely and appropriate future use of these lands as opportunities and proposals are presented.

The One Eighty Triangle proposal is an opportunity to gain productive use of a vacant parcel that is not suitable for industrial use. Considering its size, development constraints, and proximity to the nearby residential areas, the conversion of the site for small scale commercial uses is consistent with the policies to allow support services in proximity to residential districts. The proposed use is appropriate for the character of the parcel and the land use and transportation pattern in the area, and it will provide an alternative to the Lancaster Drive corridor for the convenience shopping needs of the residents of the local neighborhoods.

Surrounding Land Uses

The lands surrounding the subject property include vacant industrial land, and vacant and developed residential lands. The industrial lands are within the city, and the residential lands lie both within city, and within the unincorporated parts of the Urban Growth Boundary (UGB). Marion County Urban Zoning Maps for this area are attached.

North of Macleay Road is vacant industrial land zoned IBC and IP, and an acreage parcel with a house zoned RA. The IBC land includes City property reserved for storm drainage and wetlands mitigation. North of the IBC land is a vacant parcel fronting on

Caplinger Drive that is primarily zoned RM2, and RM1 along the street. To the west of that parcel along Caplinger are small parcels with single-family homes zoned RA. Extensive residential development zoned RS is located north of Caplinger Road, including the 138 lot Evergreen Village manufactured home PUD, and a 53 lot single-family subdivision to the west.

To the south, across Old Macleay Road, is vacant land zone IBC and RA. To the west is Opal Estates, a 94-lot single-family subdivision zoned RS; and Santiam Village, consisting of 120 apartments zoned RM2.

The lands across Cordon Road to the east are rural lands outside of the Urban Growth Boundary. Those lands are zoned Marion County SA (Special Agriculture) and AR (Acreage Residential). The SA zone is a farm zone, in which uses are regulated by ORS Chapter 215. The AR zone is Marion County's rural residential zone. The Marion County Rural Zoning Map for this area is attached.

There are two public schools in city west of the subject property. Mary Eyre Elementary is on the north side of Macleay Road, and Houck Middle School is located at Rickey and Connecticut Streets.

The subject parcel is at the eastern the edge of the city, with frontage on the major streets that provide access through the area. It is in proximity to the residential areas without being adjacent to residential development. Support services are intended to be located close to the residential areas they serve, but there are no services in proximity to the extensive residential area in between Cordon Road and Connecticut Street. The proposal will remedy the lack of small neighborhood-scale services in this area and offer an alternative to travel to the Lancaster corridor for area residents.

CRITERIA

Salem Area Comprehensive Plan

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

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

(B) Location: Suitability of the location of the alternative sites to permit the proposed use.

The proposed use is a small-scale commercial service center to serve the nearby residential area. The alternate sites vicinity includes the urban area bounded by Santiam Highway on the south, State Street on the north, Connecticut Avenue on the west, and Cordon Road on the east. An Alternate Sites Vicinity Map is attached. These streets comprise the major elements of the transportation system in the area, as Santiam Highway is classified as a Freeway, State Street is a Minor Arterial, Connecticut Avenue is a Collector, and Cordon Road is a Parkway (Salem Transportation System Plan (STSP)). This area is developed predominantly with residential uses. The rural area east of Cordon Road is also in proximity to the site and can also be served by the proposed use. (The proposed use is an “urban use” and is not allowed in the Marion County SA or AR zones, and in general would not be allowed outside of the UGB.)

Within the identified urban vicinity there are no sites that are appropriately designated for the proposed use. The proposed use could be accommodated by the City of Salem’s CN, CR, CG, or IC zones, or Marion County Urban Zones CR, CG or IC. None of those zones are present within the vicinity. The closest site that is appropriately designated for the proposed use is the large Lancaster Marketplace commercial plaza located along Lancaster Drive and Rickey Street, to the west of Houck Middle School. The Lancaster Marketplace site is zoned CR and is fully developed with large-scale stores including

Shopko general merchandise, Winco foods, and Wholesale Sports. This commercial area is located over a mile from the subject property, and is in general beyond a convenient walking distance from the residences within the vicinity area. That site is outside of the defined vicinity, and the size and scale of its existing development does not provide for the types of small scale commercial uses as proposed.

Because there is no appropriately designated suitable alternative site within the vicinity for the proposed use based on its location, this criterion is satisfied.

The proposal also satisfies (1)(A) *Size: Suitability of the size of the alternative sites to accommodate the proposed use.* As noted the Lancaster Marketplace commercial site is the closest commercial area to the identified vicinity. However, that large site totals approximately 28 acres, and it is fully developed with large scale commercial stores. It is not designed or intended to accommodate the proposed use of small scale commercial services. The large size of that site makes it unsuitable as an alternative site for the proposed use.

The proposal is also consistent with criterion (2)(B), *A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:*

(B) Previously approved Plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

There have been several previously approved Plan Amendments for properties in the area that have changed its character by increasing the amount of residential land and decreasing the amount of industrial land. As noted above, those changes from industrial to residential include CPC/ZC 96-1, to the west off the south end of 49th Ave.; CPC/ZC 05-4, south of MaCleay Road and east of 49th; and CPC/ZC 08-10, along the south side of Caplinger Road just west of Cordon Road. These Plan Amendments are within a half-mile or less of the subject property. Despite the increase in residential land there has not

been a provision for commercial support services in proximity to the residential area. By increasing the amount of residential land and the actual and potential number of dwellings, the benefits of using of the subject property for the proposed use is increasingly apparent. This is especially evident considering its lack of suitability for industrial use, as is it currently designated. The previously approved Plan amendments resulted in a major change in circumstances that affected a significant number of properties within the vicinity, and changed the character of the area to the extent that the existing designations of the subject property is no longer appropriate. For these reasons the proposal also satisfies (2)(B).

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

The following Statewide Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to

the methodology and intent of the Plan, its applicable goals and policies, the Comp Plan Change criteria, and the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

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

The site is not identified or designated as open space, a scenic or historic resource, or as any of the resources included under this Goal except for wetlands. A wetland delineation performed by Zion Natural Resources Consulting in April, 2010, defined the character and extent of the wetland on the property. The wetland is shown on the enclosed Wetland Delineation map. The wetland will remain on the property and will be protected from development by a building setback. Protecting the identified natural resource conforms to the requirements of this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposed Plan change will allow for new development of small scale commercial uses on the property. As described in the UGA Preliminary Declaration, adequate urban services are available and can be provided to support the proposed use. Waste water and storm water runoff will be required to be discharged into the City systems that are designed and operated to collect and treat such discharges. There will be no discharge of waste water or storm water runoff to an undesignated or unregulated source.

The property is served by existing streets which are adequate to serve the proposed use, and no new streets are needed as a result of the proposed Plan change. The site's proximity to the surrounding residential neighborhoods will help to reduce the need for motor vehicle travel, and reduce the distance to reach the types of services to be provided. This will reduce the impact of vehicle usage on the local airshed.

The buildable area of the site is generally flat and level and presents no identified obstacles for building development. The site is urban land and is intended to be used for urban purposes. An identified wetland on the property will be protected from development. The proposed Plan change will not affect the land resource quality at this location

By discharging waste water and storm water to public facilities, protecting the wetland, and reducing the impact on the airshed, the quality of the air, land and water will be maintained and improved, consistent with this Goal.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards specific to this site have been identified.

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is currently designated *Industrial* and it is zoned IBC, SRC Chapter 156. The proposal is to change the Plan map designation to *Industrial-Commercial* and the Zone to IC, SRC Chapter 155. The IC zone provides a mix of industrial and commercial uses and maintains a broad capability for industrial development. Therefore, while the range of uses allowed on the property will expand, the range of industrial uses will not be significantly reduced. However, due to its small size the site is not suitable for industrial use, therefore the potential for industrial development will not be significantly affected by the Plan change. Expanding the range of possible uses will increase the potential for development of the site. The site is currently vacant, and development will benefit the state and local economies. For these reasons, the proposal is consistent with this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The site is located in a highly developed part of the urban area. The availability of public facilities and services to this site was examined through the UGA Permit process. That process determined that all necessary public facilities and services can be provided at

levels adequate to serve the proposed use at the time of development. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject site is located along Macleay Road, which is classified as a Minor Arterial; Cordon Road, classified as a Parkway; and Old Macleay Road, a local street (STSP). In this part of the urban area Macleay Road is the main route between Cordon Road and Lancaster Drive (via Rickey Street). The intersection of Macleay and Cordon is controlled by a traffic signal. Lancaster Drive provides a link to Highway 22/Mission Street, which provides a direct route to I-5 and the central city. Cordon Road is the main north-south route along the eastern edge the urban area, and a direct link to Kuebler Blvd in South Salem which provides a connection to I-5, and to Commercial St. SE. The streets that serve the property connect it to other major elements of the local and regional transportation system that serve the southeast part of the urban area. As a result the site is adequately served by the existing street system, and no new streets are needed to serve the proposed use.

The potential traffic impact of the proposed change has been examined in a report prepared by a professional traffic engineer, Dick Woelk, P.E., Associated Transportation Engineering and Planning (ATEP). The traffic impact report is provided with this application. The report compares the traffic impact of possible uses in the proposed IC zone to the impact of uses allowed in the existing IBC zone. As described in the report the analysis calculates that the uses allowed in the existing IBC zone could generate up to 3,522 trips per day. This volume becomes the limit for traffic volume generated by uses in the proposed IC zone without additional mitigation. In order to further limit the projected traffic volume to that level, the report recommends restricting specific, high traffic generating uses that are allowed in the proposed IC zone from the property. These are discount superstore, building materials center, and garden supply center.

With the stated limit on daily traffic volume, and the restriction on specific uses allowed in the proposed IC zone as recommended, the traffic volume from uses in the IC zone will not exceed those from uses allowed in the existing IBC zone. Therefore, the proposed change to IC will not adversely affect a transportation facility and will not have a significant traffic impact. No new streets or improvements to the transportation system will be needed in order to accommodate the proposed change.

With the recommended limit on traffic volume and the restrictions on allowed uses, the change in the land use designation for this property will not cause a significant impact on the existing transportation system, result in a level of service decreasing to an unacceptable level, or change the functional classification of an existing street or intersection. The subject property is adequately served by the existing street system, and no new streets are needed as a result of the proposed change in the land use designation.

The nearest public transit service is available at the intersection of Macleay/Rickey and Connecticut streets (No. 16 State Street route), which is approximately a mile from the property. The lack of convenient transit service in this area makes the provision of neighborhood services more important, in term of reducing travel distances, encouraging pedestrian and bicycle access, and reducing reliance on the use of private motor vehicles. These factors are in keeping with the requirements of the TPR.

Because the proposal will not have a significant adverse impact on the existing transportation system, provides for and encourages alternate modes of transportation, and reduces reliance on the use of private motor vehicles, it is consistent with the TPR and the requirements of this Goal are met.

GOAL 13 - ENERGY CONSERVATION

New buildings will be required to meet or exceed the building code requirements for energy efficiency in effect at the time of construction. The proximity to residential neighborhoods and access by alternate modes will reduce the energy needed to reach the

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

GOAL 14 - URBANIZATION

The site is within the city. The proposal is to redesignate vacant land that can be provided with all necessary public services. The proposal is consistent with the intent of this Goal to maintain a compact and efficient urban area. The proposal does not affect the Urban Growth Boundary.

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

(4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general Plan maps.

The urban land use pattern of the greater area consists of industrial lands along the Cordon Road frontage from Santiam Highway on the south nearly to Caplinger Road on the north, and residential land to the west of the industrial lands. The subject property has frontage on Cordon Road and is currently designated for industrial use. However, because of its small size and shape, the development constraints imposed by its natural resources, and the bordering streets, it is not a viable industrial parcel. There are no commercial services in the vicinity, or anywhere along the Cordon Road frontage. Changing the use of the parcel as proposed will allow small scale commercial services for the existing residential population as well as any future industrial activity. Commercial services at this location will reduce travel distances, traffic impacts on the minor arterial to the west, and save time for area residents and future employees. For these reasons it is logical to provide limited commercial services for this area. Allowing those services at a location that is bordered by industrial land to the north and south, but within a short distance to residential areas, makes the proposed change harmonious with the land use pattern of this area.

For these reasons the proposed change is logical and harmonious with the land use pattern for the greater area, as shown on the detailed and general Plan maps. The location of the property, and its relationship to the uses and development on the surrounding lands, make the IC designation at this location compatible and appropriate

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

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

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

This proposal is made in response to the changes in the conditions of the area and their influence on the use of the subject property. The property is located in a designated industrial corridor, at the edge of an extensive residential area. Several previous, nearby Plan amendments recognized that industrial development was unlikely, and changed vacant land to residential use. Economic conditions in the city have changed since the early 1980's when the land was originally designated for industrial use, which requires consideration for greater flexibility for the use of this site. The proposed change maintains the broad industrial use capability, while increasing the flexibility for the

productive use of the site in a way that is appropriate for the location. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

The IC zone provides for both industrial and commercial uses, and the Plan policies for both types of uses are reviewed as follows:

G. Commercial Development

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

The proposed use will serve as an accessory location for commercial services at the eastern edge of the urban area. It is located along the major streets through the area, making it visible and accessible. There are no similar nearby services. The site will provide commercial services for an extensive, existing urban residential area, the outlying rural area, as well as any future industrial activity on nearby lands. By creating a site for new commercial activity in an unserved area the proposal will help to maintain and promote the urban area as a commercial center, in keeping with this goal.

The following Commercial Development Policies apply to this proposal:

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

Site Plan Review approval will be required prior to development. The development factors cited in this policy will be considered at that time and at the time building permits are requested. This policy will be satisfied by the review procedures required prior to development.

4. Community Shopping and Service Facilities: *Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and*

development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.

The site is not intended to be a community shopping and service facility and this policy is not directly applicable. However, the property will have access from Macleay Road, a Minor Arterial, and it is adjacent to Cordon Road, a Parkway (a type of Major Arterial). The required parking will be provided on-site. There is no adjoining residential property and there is no access to the site through residential streets. The site is appropriately located for the types of uses allowed in the IC zone. Based on its location and the adjoining transportation system, the site location is consistent with this policy.

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

The size of the site and the scale of development that can occur on it are consistent with the description for a Neighborhood shopping facility (SACP Part II. Definition and Intent Statements, part A.3.c.). There are no other commercial sites in the area, and there is no existing pattern of commercial strip development. The subject site will constitute a single location for the intended convenience commercial uses. The adjoining arterial streets allow the site to serve the nearby residential neighborhoods without the use of local residential streets. Based on these factors the proposal conforms to this policy.

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

The proposed IC zone represents a form of mixed-use development that combines industrial and commercial uses, and residential use is included as a Conditional Use. However, the site is not specifically proposed for Mixed-Use development.

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

The site is bordered on all sides by streets. It does not share a boundary with any residential land or uses.

Based on its location, access, size and intended type of use, and relationship to the surrounding area, the proposal conforms to the requirements and guidelines of the Commercial Development Goal and Policies.

I. Industrial Development

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

The proposed IC zone provides for a wide range of industrial uses. The range of uses includes those that are present in the community, and includes many in common with the existing IBC zone. However, the physical conditions of the subject site make it unsuitable for the type of industrial uses allowed by the IBC zone. As a result the site has little potential to strengthen the economic base of the community through new industrial uses as provided for by the IBC zone. The proposed IC zone will expand the opportunity for the site to attract new uses. By expanding the range of potential uses for the site in a manner that is consistent with its size, characteristics and location, the economic make-up of the community will be strengthened, which is in keeping with the intent of this goal.

The following Industrial Lands Policies may apply to the proposal:

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.*

The subject property is 1.39 acres. The I-C designation maintains the potential for industrial use. The parcel is not realistically suitable for industrial use, and the inventory of usable industrial parcels will not be adversely affected by the proposed change. The change will not affect the ability of the city to maintain a long-term industrial land

inventory or a range of small, medium and large industrial sites. The City's has added land for large-scale industries, at the Mill Creek Corporate Center and the SRETC. The proposal does not affect those projects. Considering the subject property's size and location, and the character of the surrounding area, this policy is not affected.

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 does not impact the long-term continuity of the industrial inventory because the parcel is not realistically suitable for industrial development, and the IC zone maintains the capability for industrial uses. The proposal serves the community's interests by providing uses that are appropriate for the property as well as the location and the local land use and transportation patterns. Providing flexibility for the reasonable use of vacant land serves the community's interests. For these reasons, the proposal satisfies *a*.

and

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

The proposal does not involve a boundary adjustment. The boundaries of the subject property will not be affected.

And

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

The industrial land inventory will not be significantly affected. The property is not a suitable industrial site. The I-C designation provides for industrial uses. There is no specific inventory of vacant I-C land. The site is appropriately located to accommodate uses that are included in the IC zone, and which will serve the surrounding area. These factors warrant the capability for providing the flexibility for uses that are included under the I-C designation.

Or

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

The proposal includes a preliminary plan that will accommodate the types of uses that are provided in the IC zone. The exact uses for the property are yet to be determined, but the scale of development will be similar to that shown.

and

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

There is no specific inventory of I-C land. There is no existing IC zoning in the vicinity, and no zoning that provides for the intended use. The proposal is made based on the specific characteristics of this property, including its size, shape, natural features, buildable area, street access, and location relative to the neighborhood. The proposal is specific to these factors.

and

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

All necessary public facilities, services and utilities can be provided at levels adequate for the proposed use, and have been identified through the UGA process.

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

The necessary public facilities, services and utilities are available to be provided to the site. The availability of the necessary facilities, services and utilities has been specified through the UGA Preliminary Declaration for this property. The proposed redesignation of the site is consistent with this policy directive to make maximum use of the existing infrastructure investment.

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

The subject site is served by existing arterial streets. The site has direct access to Macleay Road, a Minor Arterial; which provides a direct link to Cordon Road, a Parkway. There is no direct access from the property to a residential street. The site is appropriately located with regards to access. The location of the site, and its access routes, are consistent with this policy.

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

The I-C designation maintains a wide variety of industrial development opportunities, as directed by this policy. These include manufacturing, processing, warehousing, distribution, and service industries. The designation will maintain industrial capability. The redesignation of the property will not affect its opportunity for industrial development, which is a function of its size, shape, and buildable area. The IC zone provides for industrial and commercial uses to locate together or in close proximity, where they may be mutually supportive. For these reasons, applying the IC zone to the property will be consistent with this policy to provide for a variety of industrial development opportunities.

The proposal will encourage and promote development that strengthens the economic base of the community and minimizes air and water pollution by expanding and enhancing the range of development opportunities for this property. The I-C designation supports service and professional activities, as well as the more traditional manufacturing, processing, and distribution industries. Because of the character of the property the proposed I-C designation will not affect the industrial development opportunities for this property or others in the vicinity. The proposal will not have an adverse affect on the industrial land inventory. For the reasons and factors provided, the proposal is consistent with the applicable Industrial Development Goals and Policies.

(6) The proposed change benefits the public:

The subject property is located at the eastern edge of the urban area. It is surrounded by industrial and residential lands. The nearby residential lands are highly developed at multiple densities, and constitute one of the most extensive concentrations of residential use in the urban area. However, there are no commercial services in proximity to this extensive residential area, and the residential population is dependent on the Lancaster corridor to obtain even basic levels of commercial service. The distance to commonly needed commercial services, and the lack of convenient transit service in this area, results in a near-total dependence on private motor vehicles for access to even basic services. The proposed change will provide a location for small-scale commercial services closer to the residential population, resulting in shorter travel distances, and creating the opportunity for alternate forms of transportation to reach those services, such as walking and bicycling. By locating small commercial services closer to the residential neighborhoods and as a result improving the transportation alternatives, the proposed change will benefit the public.

The mix of uses allowed by the I-C designation will add needed flexibility for the utilization of this property. The proposed change in the land use designation will be consistent with its location, physical character, and the surrounding pattern of land use and transportation. The relationship of the property to the surrounding area will not significantly change as it does not adjoin residential development. The proposed redesignation will create opportunities for small commercial services at a location that is highly accessible. By expanding the range of uses that will be available to the property, without impacting the transportation system or changing the relationship of the site to its surroundings, the proposed change benefits the public.

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

Zone Changes, SRC Chapter 113

SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns and concepts, government policy decisions affecting land use, community needs, and other factors which cannot be precisely anticipated and implemented legislatively, the zoning pattern cannot remain static. This zone change proposal is consistent with those factors. The Comp Plan policies recognize that it is appropriate to provide commercial services in proximity to residential neighborhoods as a development concept. The City's commitment to creating large-scale industrial reserves, such as the Mill Creek Corporate Center project is a policy decision that affects industrial land use patterns. These changes in development patterns and policy decisions, together with the character of the property, warrant reconsideration of its appropriate use. The proposed zone change from IBC to IC provides a more flexible zoning alternative for the property, and expands the opportunities for the reasonable use of the site, in a manner that is appropriate for the area. The zone change corresponds to the proposed change in the Comp Plan designation.

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

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

The property is currently zoned IBC. The original assignment of the IBC zone to the property is not specifically in question, although the property is too small to effectively meet the development requirements of that zone. The IBC zone was created for the type of industrial development that was anticipated at that time, which was campus-style high-technology electronics manufacturing. However, that type of anticipated economic development did not materialize, and economic conditions have changed since the IBC

zone was applied to the property. This proposal is a request to expand the development options for the subject site with uses that are more suitable for the property. However, while expanding the range of uses for the property, the IC zone maintains a broad capability for industrial uses. Because the proposal is a response to changes in conditions, development patterns, and factors that could not be anticipated at the time IBC zoning was applied, a mistake in a map or the application of a land use designation to the property is not claimed. The zone change request is consistent with the provision for zone changes as stated in this chapter.

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

The economic patterns of the community have changed since the property was zoned IBC with regards to its industrial makeup and the inventory of industrial land. Large scale manufacturing and processing activities, such as silicon wafers and food processing, have decreased, while warehousing and distribution have increased. The industrial land inventory has also increased. The Mill Creek industrial project added 507 acres of developable industrial land, and development of the Salem Renewable Energy and Technology Center on Gaffin Road opened an additional 80 acres. Meanwhile, the industrial lands west of Cordon Road have remained vacant. These factors represent significant changes in the economic pattern of the community, which warrants changing the zone of the subject property to one that is more appropriate for the reasonable use of the site. The proposed zone change is the appropriate means of responding to the changes that have occurred in the economic pattern of the community.

(3) A change of conditions in the character of the neighborhood in which the use or development is proposed.

The change of several former industrial properties to residential use represents a change of the conditions in the character of the neighborhood since the subject site was zoned IBC. The acreage of industrial land has decreased while the acreage for residential use has increased. Those changes have added several hundred existing or planned residential

units in the vicinity of the property, resulting in an expansion of the residential population while the remaining industrial land remains vacant. This represents a change of conditions in the character of the neighborhood in which the use is proposed changed.

The proposed zone change is consistent with this change in the conditions of the character of the neighborhood by providing a location for commercial services to support the expanding residential population. For these reasons, the proposed zone change is appropriate with regard to the changes in the conditions of the character of the area.

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

The effect of the proposal on the neighborhood will be to provide small scale commercial services in closer proximity than are currently available, thereby decreasing the travel time and distance needed to obtain those services, and allowing for alternatives to the private motor vehicle to access the property. Other effects on the neighborhood will be those expected from the future development and use of land that is now vacant. The potential uses such as a food store, miscellaneous retail, a restaurant, and a gas station, are already included in the IBC zone, and so do not represent new uses for the site. The development of the site will result in increased traffic but the primary access is provided by a Minor Arterial, which is intended to accommodate this type of traffic. The site is bordered by streets on all sides, and it does not adjoin residential land. All necessary public facilities and services can be provided to serve development on the site. Considering these factors, the proposed zone change will not significantly change the relationship of the property to the neighborhood, and the effect of the proposal on the neighborhood will not be significantly different than under the existing zone.

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

The property is essentially level, with minor topographic variation. A drainage and wetland is located in the eastern half of the property. The buildable land is in the western half of the site. Development in the western half of the site can occur without disturbing

the defined wetland area. All required public facilities and services can be provided, as described in the UGA Preliminary Declaration. Outside of the defined wetland area the physical characteristics of the site present no major obstacles for the proposed uses.

(6) Any other factor that relates to the public health, safety and general welfare that the Review Authority identifies as relevant to the proposed change.

The factors relating to the public health, safety, and general welfare have been considered in the UGA review. All necessary public facilities and services related to those factors can be provided to the site. The existing street system is adequate to provide for the proposed use and no new streets are needed. The proposed IC zone is appropriate for the location along an arterial street, and in proximity to a signalized intersection. The proposal represents a reasonable and appropriate change for the use of the property. No other factors have been identified that would be detrimental to the public health, safety or welfare.

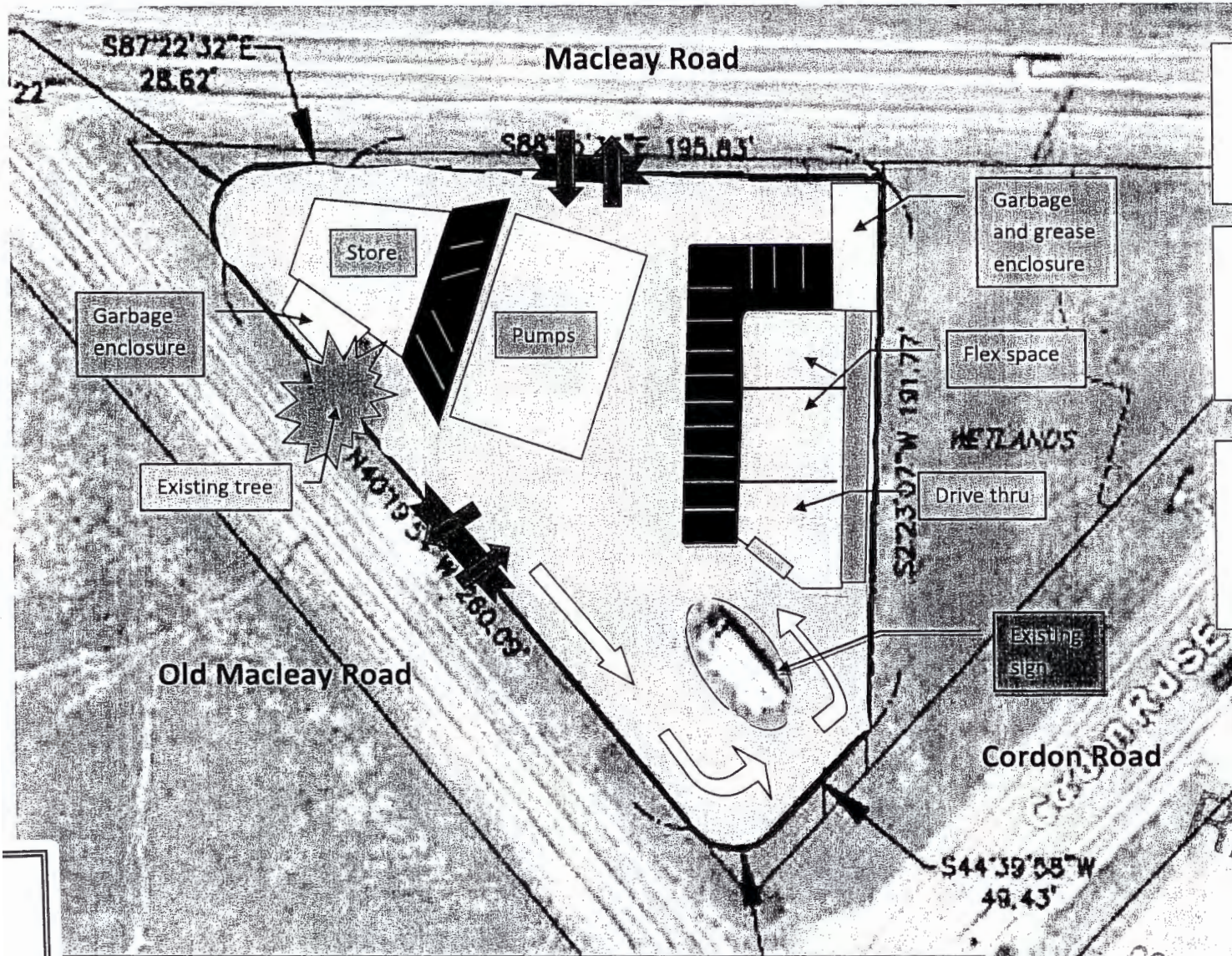
Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal satisfies the zone change review factors.

Summary

The proposed change to IC is an appropriate response to the changing character of this part of the urban area. The intended industrial development has not occurred. Residential development has increased. The surrounding urban area consists of extensive residential development but no local supporting commercial services. The nearest commercial services are at Lancaster Drive, which requires all traffic from the neighborhoods to travel west on Macleay Road and Rickey Street to reach those services. There are no available commercial alternatives, and no commercial services within a reasonable pedestrian or bicycling distance. The IC classification is applied on a site-specific, case-by-case basis. It has not been applied legislatively to establish a pre-existing inventory of sites. This proposal is made to address the specific conditions of the area and the subject site. In any case, there is no alternative site within the vicinity that is

already designated for the proposed use. The factors and circumstances presented address and satisfy the applicable criteria.

The proposed zone change is appropriate for the subject property, and it is consistent with its location and the zoning and uses in the surrounding area. No adverse impacts associated with the proposed zone change are identified. The proposal will improve the potential for the productive use of the property, and make use of existing public utilities. The request represents an adjustment in the land use category in order to provide for the reasonable use of the site. The proposal is consistent with the policies in the Comprehensive Plan for industrial and commercial development. For the reasons, factors, and circumstances presented, the proposal satisfies the criteria for a Comprehensive Plan Amendment and Zone Change.



Total developable area west of wetlands is 36,824 square feet.

Approximate square footage of store is 2,500 sq. ft.

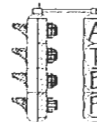
Approximate square footage of Flex and Drive thru is 4,000 sq. ft.

Macleay Crossing Project.
Owner/developer: One Eighty Triangle LLC.

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JUL 05 2012
COMMUNITY DEVELOPMENT

RECEIVED

JUL 05 2012



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING Inc.

A.T.E.P., Inc. Tel.: 503.364.5066
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Salem, OR. 97302 e-mail: dwoelk@atepinc.com

Date: July 5, 2012

To: Mr. Jeffrey Tross

Land Planning & Development Consultant

From: Richard Woelk PE, TE

Re: Traffic implications of Zone Change for Macleay Triangle development

Mr. Tross:

You have asked me to provide information to include in the much larger work you are doing to accomplish a Comprehensive Plan Map amendment and zone change for the property located in the Macleay Road triangle between Cordon Road and Old Macleay Road to the new Macleay Road here in Salem, Oregon. Land use actions like these require mitigation of certain negative traffic impacts if they occur as part of the approval process. The intent of this narrative is to determine the impacts and describe alternatives that might be included in the land use change decision of the City.

INTRODUCTION

The Macleay Road Triangle is currently a vacant 1.4 acre parcel of which only .9 acres (approximately 43,000 sq ft) could be developed due to verified wetlands on the property. The Triangle includes tax lot 2400 of tax map T7S-R2W-32D. The site is currently zoned IBC (Industrial Business Campus) and this proposal is to change the zoning to IC (Industrial Commercial). The site is designated Industrial on the Comprehensive Plan Map and this proposal is to change that designation to Industrial/Commercial on the map.

In consultation with the staff at the City of Salem, the decision has been made to request this zone change and comprehensive plan map amendment to change the zoning to expand the opportunity for business land uses that are more consistent with current economic trends. The distinctions between the two zoning designations seem, (and perhaps are) minor but they are of significance. Some of the uses allowed in the IBC zone are not allowed in the IC zone and the reverse is also true. Many uses are common to both zones and would have no traffic impact.

The IBC zone has been a conflicted zone for some time due to the lack clarification of what the "District" contains, i.e. just one property of the entire IBC zone in the area of a parcel or the entire contiguous IBC properties. The City of Salem Assistant Traffic Engineer in collaboration with the City of Salem Planning Department prepared an analysis of the IBC Zones definition and its associated uses as it pertains to the IBC District for the Macleay Triangle development.

Methodology

Oregon land use law requires that the Transportation Planning Rule (TPR) be met whenever a land use action like this is undertaken. Goal 12 (the TPR) requires that the land use action, in this case a zone change, not “significantly affect an existing or planned transportation facility” without specific steps being taken. The intent of this analysis is to establish parameters so that the proposed comprehensive plan map amendment and the zone change do not significantly affect a transportation facility.

There are two ways to make the assurance. The first is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to less than anticipated or permitted amount of traffic from allowed uses under the existing zoning and comprehensive plan map designations. The second is to mitigate (fix) facilities that are significantly affected by a resulting increase in possible traffic. In this instance the best way to make the assurance is to use the first method.

The IBC zoning in the City of Salem SRC identifies specific uses that are permitted to develop on the site. Many types of manufacturing are permitted and there are provisions for warehousing, transporting and wholesaling in the zone. Specific Retail uses in the “District” as described in the City of Salem Memo is limited to approximately 67,818 sq ft. Once the 67,818 sq ft of buildings are constructed the remaining properties can be developed into either gas station, a convenient store or eating and drinking establishments are permitted but may not occupy more than 10% of the gross area.) The SRC zoning ordinance there is also provision for flexible space uses. Flex space has limitations such as maximum/minimum building size, total allowed in the zone, etc., but because this lot is so small, maximum building sizes could not be accommodated.

One can reasonably assume they could develop with the following mix of uses and potential estimated trips using the ITE Trip Generation Manual (8th Edition). The recommendation of the City of Salem study proposed that the “Worst Case” trip generation for the Macleay Triangle property and is shown in Table 1.

Table 1 – City of Salem Proposed Uses for the Macleay Triangle IBC Zone				
ITE No.	Land Use	Rate	Size/Units	ADT
932	High Turnover Rest.	127.15/ksf	7,750 ksf	985
853	Convenience Store W/Gas Pumps	845.60/ksf	3,000 ksf	2,537
			TOTAL:	3,522

In discussion with the City, the site owners have agreed not to allow some uses in the IC zone that are not allowed in the IBC zone. Specific reference is made to the following uses that tend to generate large volumes of traffic and are allowed in IC zones:

- 1) Discount Superstore
- 2) Building Materials Center
- 3) Garden Supply Center

The intent is to develop the site with uses that generate less traffic than the 3,522 trips per day (ADT) that, using the ITE Trip Generation Manual, could be generated under the existing zoning. It is reasonable to

limit the total number of trips to the 3,522 trips for purposes of meeting the TPR. Actual uses may vary from the existing uses but the intent is to limit the number of trips generated to less than 3,522 ADT as defined by the ITE Trip Generation Manual. It is noted that the trip generation uses in the ITE Trip Generation Manual do not conform to the SIC # uses identified in the SRC and that reasonable judgment must be used in estimating trip generation information.

SUMMARY

The Macleay Triangle in Salem Oregon located on a site zoned IBC and with a Comprehensive plan map designation of Industrial. The intent of this request to change the zoning and comprehensive plan map designations is to expand the opportunities for uses that are more consistent with current economic trends to locate on the site. The State of Oregon Transportation Planning Rule requires that land use actions like these, do not create negative traffic impacts on the existing and planned transportation system. It is the conclusion of this study that the proposed changes will not create the negative traffic impacts that could occur.

The City and owner have agreed that if the requested changes are approved, the site will not become the home of the following specific high trip generating uses that are permitted under the IC zoning but will not be permitted on this site.

- 1) Discount Superstore
- 2) Building Materials Center
- 3) Garden Supply Center

I thank you for asking ATEP to provide this piece of information for your application to the City of Salem. I can be reached at 503-364-5066.

Richard L. Woelk PE



RECEIVED

PUBLIC

CITY OF *Salem*
AT YOUR SERVICE

SEP 07 2012

MEMO

WORKS COMMUNITY DEVELOPMENT

TO: Bryan Colbourne, Planner III
Community Development Department

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

DATE: September 7, 2012

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 12-07 (12-110768)
CORDON ROAD SE AND MACLEAY ROAD SE



PROPOSAL

To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial, and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 1.39 acres in size, and located at the southwest corner of the intersection of Cordon Road SE and Macleay Road SE.

FINDINGS:

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 Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 3,522 average daily trips generated by the proposed use or uses.

FACTS

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

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



and recommends a condition to limit the development on the 1.39 acre site to 3,522 vehicles per day.

CRITERIA AND FINDINGS

SRC 113.205(b)(11) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and mass transportation

Finding: The applicant has submitted a Transportation Planning Rule (TPR) analysis that is required to address the TPR (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant affect on the transportation system as defined by OAR 660-012-0060 with a limit of 3,522 average daily trips generated by the proposed development.

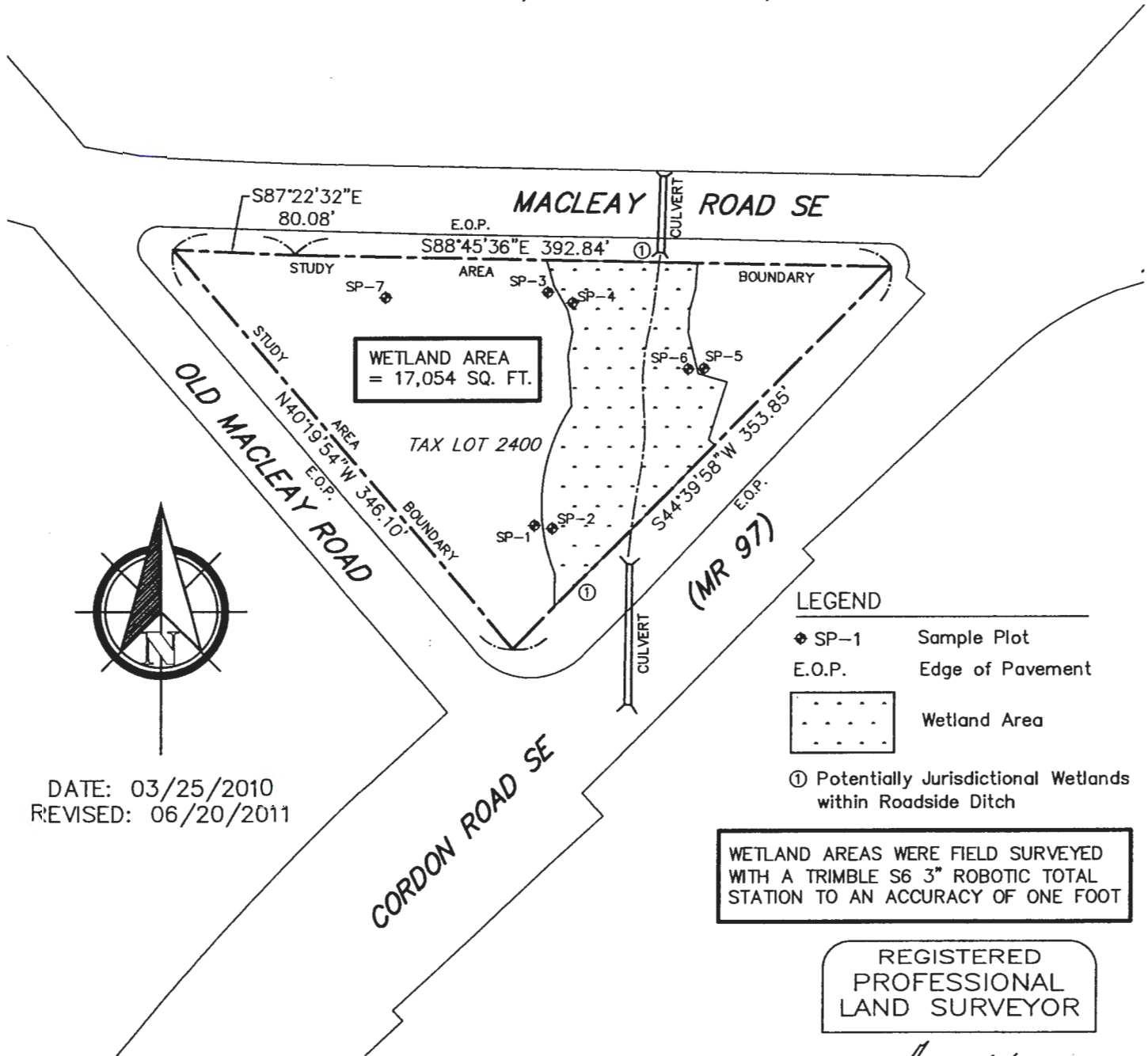
Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 163.

Prepared by: Robin Bunse, Administrative Analyst II
cc: File

WETLAND DELINEATION

FOR: ZION NATURAL RESOURCES CONSULTING
 ONE EIGHTY TRIANGLE LLC
 TAX LOT 2400

LOCATION: IN THE SE 1/4 OF SEC. 32, T. 7 S., R. 2 W., W.M.,
 CITY OF SALEM, MARION COUNTY, OREGON



DATE: 03/25/2010
 REVISED: 06/20/2011

LEGEND

- ◆ SP-1 Sample Plot
- E.O.P. Edge of Pavement
- ⊠ Wetland Area
- ① Potentially Jurisdictional Wetlands within Roadside Ditch

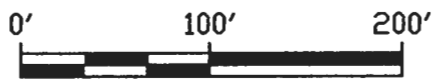
WETLAND AREAS WERE FIELD SURVEYED WITH A TRIMBLE S6 3" ROBOTIC TOTAL STATION TO AN ACCURACY OF ONE FOOT

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Gregory L. Wilson

OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687

BARKER SURVEYING
 7657 KASHMIR WAY SE.
 SALEM, OR 97317
 503-588-8800



EXPIRATION DATE: 6-30-2012

ATTACHMENT 1

State

CITY OF SALEM
COMMUNITY DEVELOPMENT DEPARTMENT
555 LIBERTY ST. S.E. - ROOM 305
SALEM, OR 97301

DEPT OF

SEP 24 2012

LAND CONSERVATION
AND DEVELOPMENT

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