



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

07/18/2013

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 006-13

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, August 05, 2013

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

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**JUL 15 2013**

**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-ZC13-02**  
 Date of Adoption: **6/16/2013** Date Mailed: **7/11/2013**  
 Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 5/14/2013  
 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 10.2 acres in size, and located at 3501-3541 and 3547 Fairview Industrial Drive SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 00700 & 00800).

Does the Adoption differ from proposal? Please select one  
 No

Plan Map Changed from: **Industrial** to: **Industrial Commercial**  
 Zone Map Changed from: **IBC (Ind Business Campus)** to: **IC (Industrial Commercial)**  
 Location: **3501-3541 & 3547 Fairview Industrial Dr SE** Acres Involved: **10**  
 Specify Density: Previous: New:

Applicable statewide planning goals:

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

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?  Yes  No

If no, do the statewide planning goals apply?  Yes  No

If no, did Emergency Circumstances require immediate adoption?  Yes  No

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

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

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

Phone: (503) 540-2363 Extension:

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

Fax Number: **503-588-6005**

City: **Salem**

Zip: **97301-**

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

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## **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](mailto: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 Number CPC-ZC13-02

APPLICATION NO. : 13-106778-ZO

NOTICE OF DECISION DATE: June 20, 2013

**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 10.2 acres in size, and located at 3501-3541 and 3547 Fairview Industrial Drive SE - 97302 (Marion County Assessor Map and Tax Lot numbers: 083W02 / 00700 & 00800).

**APPLICANT:** STATE INVESTMENTS LLC

**LOCATION:** 3501-3541 and 3547 FAIRVIEW INDUSTRIAL DR SE

**CRITERIA:** Salem Revised Code Chapters 64 and 113

**FINDINGS:** June 18, 2013

**DECISION:** The Salem Planning Commission **GRANTED** Comprehensive Plan Change/Zone Change CPC-ZC13-02 subject to the following conditions of approval:

- Condition 1. Traffic impacts from development on the subject property shall be limited to a maximum of 7,831 average daily trips.
- Condition 2. Future land uses on the subject property shall be limited to the uses identified in Exhibit A.
- Condition 3. Future use and development on the subject property shall be required to adhere to the development standards identified in Exhibit B.

VOTE:

Yes - 7      No - 0      Absent - 0

Jim Lewis, President  
Planning Commission

A copy of the decision is attached.

Application Deemed Complete: May 14, 2013  
Public Hearing Date: May 14, 2013  
Notice of Decision Mailing Date: June 20, 2013  
Decision Effective Date: July 5, 2013  
State Mandate Date: September 11, 2013

Case Manager: Bryan Colbourne, Case Manager, [bcolbourne@cityofsalem.net](mailto:bcolbourne@cityofsalem.net).

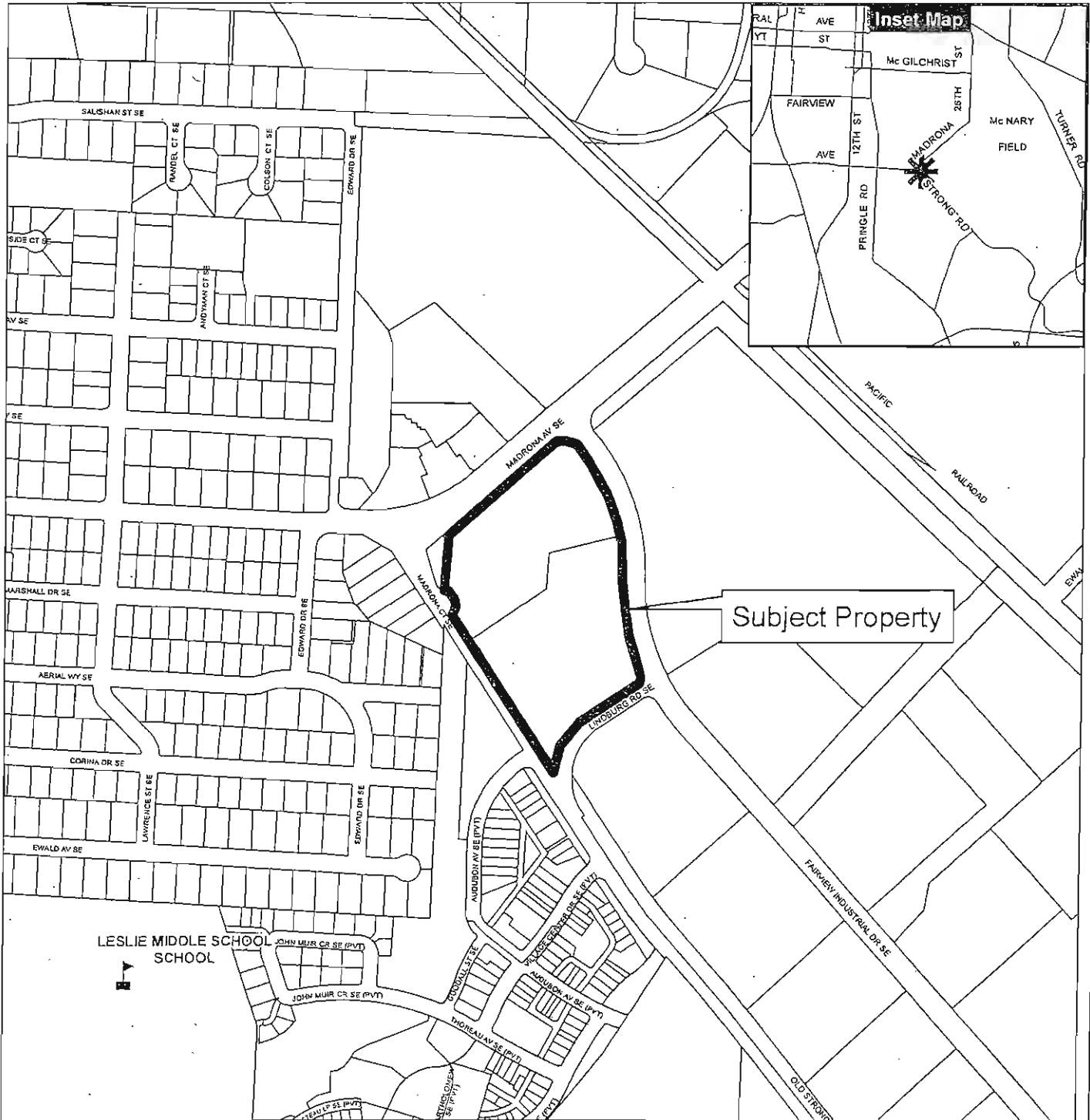
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., July 5, 2013**. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 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.








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

# Vicinity Map

## 3501-3541, & 3547 Fairview Industrial Drive SE



### Legend

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

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

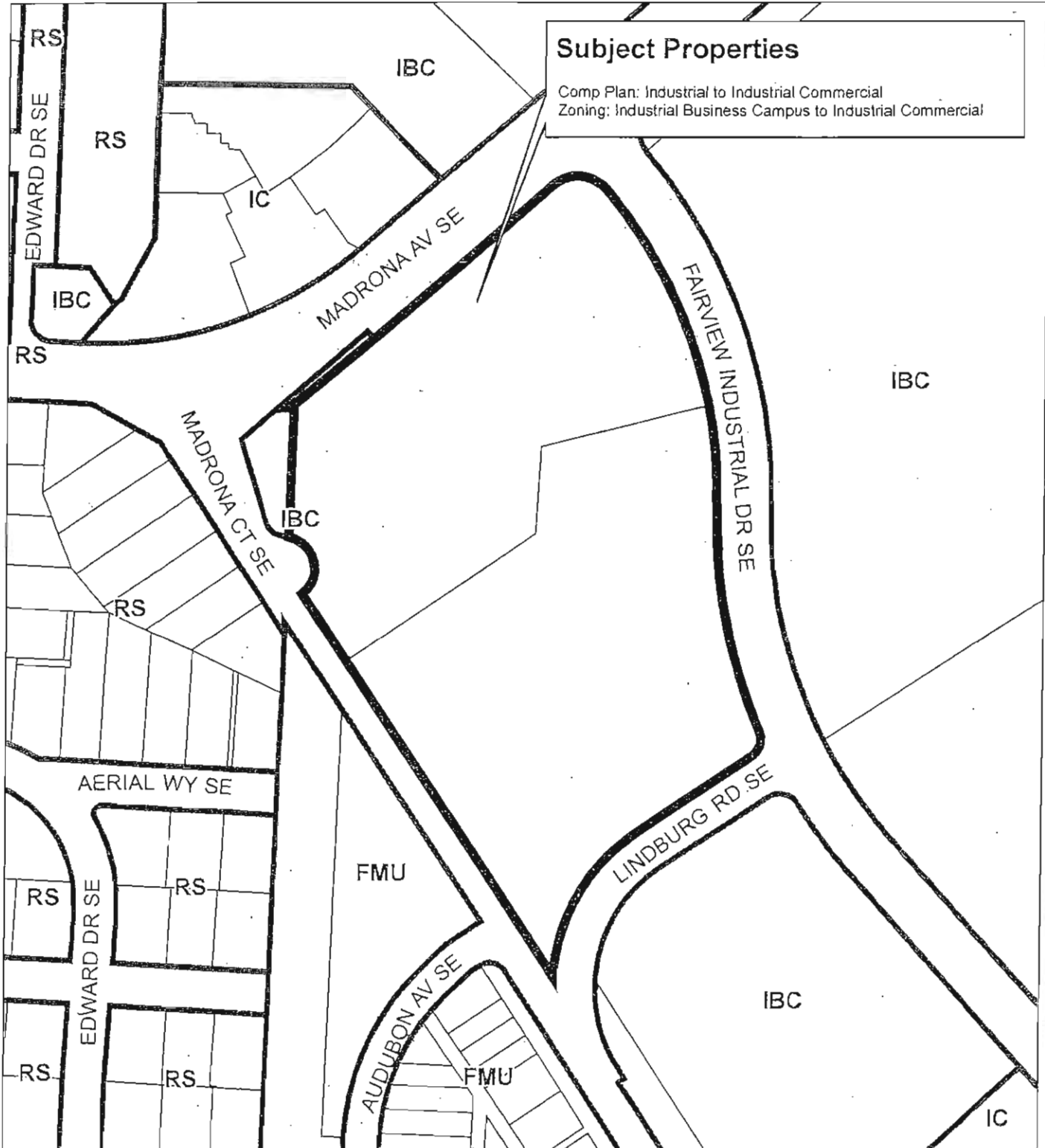


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# Comprehensive Plan Change / Zone Change 13-02

## Subject Properties

Comp Plan: Industrial to Industrial Commercial  
 Zoning: Industrial Business Campus to Industrial Commercial



### Legend

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

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0 50 100 200 Feet



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

## Exhibit A – IC (Industrial Commercial) Uses

Where used in this exhibit, "District" means the property re-zoned to IC as part of Case No. CPCZC13-02.

**(a) Uses.**

The Permitted (P), Conditional (C), and Prohibited (N) uses in the District are set forth in Table 1. Detailed descriptions of each use listed in Table 1 are provided in Section (d) of this exhibit. A **Permitted Use (P)** is a use that is allowed outright in the zone. A **Conditional Use (C)** is a use that is not allowed outright in the zone, but may be allowed through discretionary approval pursuant to the Conditional Use process established in the Salem Revised Code. A **Prohibited Use (N)** is a use that is not allowed in the zone under any circumstances, unless the use has non-conforming status.

**Table 1: Uses**

Use	Status	Limitations & Qualifications
<b>Household Living</b>		
Single Family	N	
Two Family	N	
Multiple Family	N	
<b>Group Living</b>		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
<b>Lodging</b>		
Short-Term Commercial Lodging	P	Short-Term Commercial Lodging is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit; provided, however, a single establishment may accommodate up to 100 guest rooms, regardless of total floor area.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
<b>Retail Sales and Service</b>		
Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, unless noted below, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	Drive-in or drive-through facilities.
Retail Sales	P	The following Retail Sales activities are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit: <ul style="list-style-type: none"> <li>▪ Photocopying and blueprinting.</li> <li>▪ Office supplies.</li> </ul>
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	Postal Services and Retail Financial Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Business and Professional Services</b>		
Office	P	
Audio/Visual Media Production	P	Audio/Visual Media Production is permitted, provided it is within an enclosed building.
Laboratory Research and Testing	P	Laboratory Research and Testing is permitted, provided it is within an enclosed building.
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services</b>		



**Table 1: Uses**

Use	Status	Limitations & Qualifications
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	Gasoline service stations are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Motor Vehicle Services.
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	Heavy equipment rental and leasing is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Heavy Vehicle and Trailer Sales.
Heavy Vehicle and Trailer Service and Storage	N	
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>		
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit; provided however, no single establishment may occupy more than 50,000 square feet of total floor area.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
<b>Health Services</b>		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories are allowed, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Educational Services</b>		
Day Care	P	Child day care services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Post-Secondary and Adult Education is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Civic Services</b>		
Governmental Services	P	Limited to no more than 25% of the gross floor area of all buildings on the subject property.
Social Services	P	Limited to no more than 25% of the gross floor area of all buildings on the subject property.
Governmental Maintenance Services and Construction	N	
<b>Public Safety</b>		
Emergency Services	P	Emergency Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Detention Facilities	N	
Military Installations	N	

**Table 1: Uses**

Use	Status	Limitations & Qualifications
<b>Funeral and Related Services</b>		
Cemeteries	N	
Funeral and Cremation Services	N	
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>		
General Repair Services	P	General Repair Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Building and Grounds Services and Construction Contracting	P	Buildings and Grounds Services and Construction Contracting are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Cleaning Plants	N	
Industrial Services	P	Industrial Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Whole Sales, Storage, and Distribution</b>		
General Wholesaling	P	General Wholesaling is permitted, provided it is within an enclosed building.
Heavy Wholesaling	P	Heavy Wholesaling is permitted, provided it is within an enclosed building.
Warehousing and Distribution	P	Warehousing and Distribution is permitted, provided it is within an enclosed building.
Self-Service Storage	P	Self-Service Storage is permitted, provided it is within an enclosed building.
<b>Manufacturing</b>		
General Manufacturing	P	General Manufacturing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
Heavy Manufacturing	N	
Printing	P	Printing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
<b>Transportation Facilities</b>		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
<b>Utilities</b>		
Basic Utilities	P	
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	Data Center Facilities are permitted, provided they are within an enclosed building.
Fuel Dealers	P	Fuel Dealers are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Waste-Related Facilities	N	
<b>Mining and Natural Resource Extraction</b>		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
<b>Farming, Forestry, and Animal Services</b>		
Agriculture	P	

**Table 1: Uses**

Use	Status	Limitations & Qualifications
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
<b>Other Uses</b>		
Temporary Uses	N	
Home Occupations	N	
Historic Resource Adaptive Reuse under SRC Chapter 230	N	

(b) **Limitations on Uses.** Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

- (1) Unless otherwise provided, the use shall be limited to no more than 10,000 square feet of total floor area per lot.
- (2) Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- (3) Outdoor storage areas shall:
  - (A) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
  - (B) Be enclosed with a minimum six-foot-high sight-obscuring fence or wall;
  - (C) Have at least one side conterminous with the building which it serves; and
  - (D) Have no opening within fifty feet and visible from any property boundary.

(c) **How to Classify Uses.**

- (1) **Classifying "Use"** The principal activity or principal activities that occur upon a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use.
- (2) **Classifying "Accessory Uses"** Accessory activities that are clearly incidental, subordinate to, dependent upon, and conducted in support of one or more principal activities on a property are accessory uses. Accessory uses must be located on the same lot, and must be operated under the same ownership, as the principle activity. To determine whether an activity is clearly incidental, subordinate to, dependent upon, and conducted in support of another activity the following factors shall be considered:
  - (A) The location and arrangement of the activity on the site, and/or its arrangement within a building, in comparison to other activities on the property;
  - (B) The relative amount of site or floor space and equipment devoted to the activity in comparison to other activities on the site and/or in the building;
  - (C) The relative amounts of sales from the activity in comparison to other activities on the property;
  - (D) The relative number of employees for the activity in comparison to other activities on the property.
  - (E) Whether the activity would likely be found independent of the other activities on the property.
  - (F) Whether the activity aids or contributes to other activities on the property or carries on the function of other activities on the property.
  - (G) The relative number of vehicle trips generated by the activity in comparison to other activities on the property.
  - (H) Whether the activity will have its own signage;
  - (I) How the activity advertises itself in comparison to other activities on the property;

(J) The hours of operation of the activity in comparison to other activities on the property.

(3) **Application of Regulations.** When there are multiple uses on a property, each use must comply with the regulations that are specific to that use. An accessory use is considered a part of the use and is subject to the same regulations as the use.

(4) **Similar Use Determination.** If a specific activity cannot be readily classified as falling within a use, the Planning Administrator will determine which use the activity falls within. The Planning Administrator may refer the determination of which use the activity falls within to the Planning Commission. The criteria for the determination shall be whether the activity possesses the characteristics of the use. The Planning Commission's determination is a Type III procedure under SRC Chapter 300.

(5) **Activities in Right-of-Way.** Activities allowed in right-of-way are generally not considered a "use" for purposes of classification under this Chapter.

(d) **Use Classifications.** Each use described below includes Characteristics and Examples, and may also include Exceptions. The purpose of Characteristics, Examples, and Exceptions is as follows:

(1) **Characteristics.** The "characteristics" define and describe the essential features, nature of operation, and impacts generally associated with a specific use.

(2) **Examples.** The "examples" provide a list of activities that fall within a specific use. The list of examples is not exhaustive and is intended to illustrate typical activities that possess the characteristics of the use.

(3) **Exceptions.** The "exceptions" identify specific activities that possess some of the characteristics of one use but more appropriately fall within another use. The list of exceptions is exhaustive and is not intended to illustrate typical activities.

**Household Living.** Household Living consists of the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient, long-term basis, typically more than twenty-eight days by a family.

#### **Single Family.**

**Characteristics.** Single family is characterized by the residential occupancy of a single dwelling unit on an individual lot or space by a family. Single family dwelling units can be detached, attached at the common lot line, or built contiguous with only one side lot line.

**Examples.** Single family detached dwelling; zero side yard dwelling; townhouse; manufactured dwelling; manufactured dwelling park; residential home, as defined under ORS 197.660; secondary dwelling.

#### **Two Family.**

**Characteristics.** Two family is characterized by the residential occupancy of two dwelling units on an individual lot by two families.

**Examples.** Duplex; two family shared dwelling; cottage housing; two dwellings units on one lot.

#### **Multiple Family.**

**Characteristics.** Multiple family is characterized by the residential occupancy of three or more dwelling units on an individual lot by three or more families.

**Examples.** Apartments; cottage housing.

**Group Living.** Group Living consists of the residential occupancy of a structure on a wholly or primarily non-transient, long term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of Household Living, either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include

common facilities that are shared by residents, including, but not limited to, facilities for dining, for social and recreational activities, and for laundry.

**Room and Board.**

**Characteristics.** Room and Board is characterized by Group Living facilities where no personal care, training, and/or treatment requiring a license from the State of Oregon is provided.

**Examples.** Dormitories; fraternities and sororities; monasteries and convents; communes; co-housing or cooperatives that do not meet the definition of household living; single-room occupancy housing for long-term residency where self-contained dwelling units are not provided.

**Exceptions.** All lodging where tenancy is typically arranged for less than twenty eight days is included in Lodging.

**Residential Care.**

**Characteristics.** Residential Care is characterized by Group Living facilities where any combination of personal care, training, or treatment is provided to children, the elderly, or individuals with disabilities or limits on the ability for self-care, but where medical care is not a major element.

**Examples.** Residential facilities, as defined in ORS 197.660; orphanages; group foster homes for six or more individuals; homes for the deaf or blind; housing for persons enrolled in work release programs; assisted living facilities; permanent supportive housing facilities where self-contained dwelling units are not provided.

**Exceptions.**

(A) Residential homes providing care and/or training for five or fewer individuals are included in Household Living.

(B) Homeless shelters are included in Lodging: Shelters.

(C) Facilities for people who are under judicial detainment with twenty-four hour supervision are included in Public Safety: Detention Facilities.

(D) In-patient rehabilitation and recuperative care provided in a hospital setting is included in Health Services: Medical Centers/Hospitals.

**Nursing Care.**

**Characteristics.** Nursing Care facilities are characterized by Group Living facilities that are licensed by the state to provide treatment. Patients in these facilities require some nursing care, including the administration of medications and treatments or the supervision of self-administered medications in accordance with a physician's orders.

**Examples.** Hospice care; nursing homes; convalescent homes; rest homes; in-patient rehabilitation and recuperative care.

**Exception.** Family child care homes are included in Day Care.

**Lodging.** Lodging consists of the occupancy of living accommodations on a temporary basis.

**Short-Term Commercial Lodging.**

**Characteristics.** Short-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated, and provide living accommodations for typically less than twenty-eight days.

**Examples.** Bed and breakfasts; hostels; hotels; inns; motels.

**Long-Term Commercial Lodging.**

**Characteristics.** Long-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated and provide living accommodations for typically more than twenty-eight days, but are not intended to be a permanent place of abode.

**Examples.** Residential hotel; studio hotel.

### **Non-profit Shelters.**

**Characteristics.** Non-Profit Shelters are characterized by lodging establishments providing overnight sleeping accommodations and temporary shelter for the homeless and other vulnerable populations. Individual bath and cooking facilities may or may not be provided.

**Examples.** Homeless shelters; congregate shelters.

**Exceptions.**

(A) Temporary emergency housing is included in Temporary Uses.

(B) Facilities for people who are under judicial detention with twenty-four hour supervision are included in Public Safety: Detention Facilities.

**Retail Sales and Service.** Retail Sales and Service consists of the sale, lease, or rental of products or services to the general public for personal or household use. Customers typically come to the site to obtain goods or services. Some delivery or shipping may also be included.

### **Eating and Drinking Establishments.**

**Characteristics.** Eating and Drinking Establishments are characterized by the preparation and sale of food and non-alcoholic beverages for consumption on the premises and/or take-away/delivery service and/or the sale of alcoholic beverages for on-site consumption.

**Examples.** Brew pubs, taverns, and bars; cafes and restaurants; coffee shops; delicatessens; drive-up or drive-through fast food restaurants.

**Exceptions.**

(A) Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity are included in Manufacturing: General Manufacturing.

(B) Entertainment establishments are included in Recreation, Entertainment, and Cultural Services: Commercial Entertainment – Indoor.

(C) Commercial or industrial catering kitchens where food is prepared and delivered off-site are included in Manufacturing: General Manufacturing.

(D) Bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members are included in Recreation, Entertainment, and Cultural Services: Non-Profit Membership Assembly.

(E) Restaurants and other eating and drinking establishments associated with a truck stop are considered accessory to the truck stop, which is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales, Service, and Storage.

(F) Mobile food units are included in Temporary Uses.

### **Retail Sales.**

**Characteristics.** Retail Sales is characterized by the sale, lease, or rental of products directly to final consumers, but may include the sale, lease, or rental of products to contractors. Visits by customers are generally not scheduled. Stores are typically open to the general public.

**Examples.** Appliance stores; auto supply stores; bicycle shops; book stores; candy stores; clothing, footwear, and apparel stores; catering establishments; commercial art galleries; consignment shops; convenience stores; copy shops; costume or formal wear rental; department stores; drug stores; electronics stores; fruit and vegetable markets; furniture, lighting, and home furnishing stores; furniture rental; grocery stores; hardware stores; health and beauty stores; lawn and garden supply stores; liquor stores; lumber and building materials stores; meat and seafood markets; paint stores; pawn shops; retail bakeries; retail nurseries; retail photocopying and blueprinting; sporting goods stores; tobacco stores; pet stores; video rental.

**Exceptions.**

- (A) Gasoline stations are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.
- (B) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.
- (C) Sales, leasing, and rental of new and used vehicles, including, but not limited to, automobiles, trucks, motorcycles, boats, and recreational vehicles, are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle and Manufactured Dwelling and Trailers Sales.
- (D) Lumber yards and other building material businesses that sell primarily to contractors are included in Wholesale Sales, Storage, and Distribution.
- (E) Sales, rental, and leasing of heavy trucks and trailers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.
- (F) Establishments selling to the general public exclusively through online, phone, or mail-order sales with little or no provision for on-site sales to the general public are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.
- (G) Portable toilet rental and leasing is include in Construction Contracting, Repair, Maintenance, and Industrial Services: Buildings and Grounds Services and Construction Contracting.

#### **Personal Services.**

**Characteristics.** Personal Services are characterized by establishments that provide non-medical services to individuals involving either the intellectual or manual personal labor of the server, rather than a saleable product of the server's skill. Services may be performed on a customer's person or personal items. Services may include repair, maintenance, or cleaning of clothing and/or accessories and/or non-medical aesthetic or personal care treatments to humans. These services typically are provided directly to consumers.

**Examples.** Barber shops; beauty salons; garment alteration; jewelry and watch repair; laundromats; laundry and dry cleaning establishments where customers typically bring items to the site for cleaning; photograph portrait studios; shoe repair; spas; tailors and seamstresses; tattoo/piercing parlors.

#### **Exceptions.**

(A) Industrial laundries and dry cleaning plants where customers do not typically come to the site and linen and diaper services where items are generally delivered to the customer off-site are included in Construction Contracting, Repair, Maintenance, and Industrial Services: Cleaning Plants.

(B) Repair of personal and household items other than clothing and accessories is included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

(C) Establishments providing day time supervision for persons of any age are included in Education Services: Day Care.

(D) Pet grooming and other animal care services are included in Farming, Forestry, and Animal Services: Animal Services.

#### **Postal Services and Retail Financial Services.**

**Characteristics.** Postal and Retail Financial Services are characterized by establishments that provide postal or financial services directly to clients or customers on the site. Services may also be provided remotely, without direct face-to-face customer interaction. Physical products are generally not sold on the site except for incidental sale of supplies directly related to postal or financial services.

**Examples.** Banks; credit unions, money transfer; check cashing; customer-oriented post offices; customer-oriented private mail or package delivery service locations; credit agencies engaging in lending transactions with consumers.

**Exceptions.**

- (A) Bank headquarters and corporate offices of financial services companies where customers do not typically come to the site are included in Business and Professional Services: Office.
- (B) Central postal distribution centers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.
- (C) Pawn shops and consignment stores are included in Retail Sales and Service: Retail Sales.

**Business and Professional Services.** Business and Professional Services consists of establishments that generally provide professional services or produce intellectual property, rather than physical goods. While intellectual property produced may be recorded onto physical media such as paper or electronic storage, the production of the content is the primary activity, rather than the transfer of the content onto the physical media. Business and Professional Services uses generally do not sell, rent, lease, or provide repair or maintenance services for physical products to customers. While customers or clients may come to the site on occasion, generally by appointment, the customer or client does not need to be present on the site in order to receive services.

**Office**

**Characteristics.** Office is characterized by establishments that provide business and professional services to individuals, public or non-profit entities, and/or businesses in an enclosed building, generally in an office environment. There are few visits by the general public, and little walk-in traffic. Those who come to the site are mostly employees, and, to a lesser extent, clients. Laboratory research is not a major component of the activities on-site.

**Examples.** Accountants and tax services; advertising agencies; architects; bank offices and headquarters; business associations; call centers; commercial photography studios; computer system design and computer programming; corporate offices and headquarters; data processing; engineers; financial businesses such as lenders and holding and investment offices; graphic and industrial design; insurance carriers, agents, and brokers; landscape architects; lawyers; lobbyists; planners; post-production and distribution services for audio-visual media where not associated with production/filming/broadcasting; professional membership organizations; real estate agents; scientific and technical services; software and internet content development and publishing; telemarketing or customer support centers; temporary employment agencies; title companies; travel agencies; distance education and distance learning.

**Exceptions.**

- (A) Branch banks, credit unions, and other similar financial institutions where customers come to the site on a regular basis are included in Retail Sales and Service: Postal and Retail Financial Services.
- (B) Producing and recording audio or visual media is included in Business and Professional Services: Audio/Visual Media Production.
- (C) Commercial and non-commercial research and testing conducted in a laboratory environment is included in Business and Professional Services: Laboratory Research and Testing.
- (D) Facilities dedicated to data storage and transmission where employees are not regularly present on site are included in Utilities: Data Center Facilities.

**Audio/Visual Media Production.**

**Characteristics.** Audio/Visual Media Production is characterized by business and professional services related to the recording, production, and/or broadcasting of audio and/or visual media. Audio/Visual Media Production typically involves a studio and/or set where production is staged. Productions may be recorded or



broadcast live. In most cases, the public does not come to the site, although some studios may provide for a live audience.

**Examples.** Movie production facilities; music recording studios; television and radio recording and broadcast studios.

**Exceptions.**

(A) Film and tape distribution associated with television, recording, or movie production and post-production editing of audio and/or visual content that is separate from the production or recording of that content is included in Office.

(B) Wireless telecommunication facilities, AM and FM antennae, and TV antennae, including antenna, structures, equipment, and appurtenances are included in Utilities: Wireless Communication Facilities.

**Laboratory Research and Testing.**

**Characteristics.** Laboratory Research and Testing is characterized by business services related to commercial and non-commercial research and testing conducted in a laboratory environment. Primary data is generated on-site.

**Examples.** Biological, physical, or chemical research; engineering laboratory research; food testing; materials testing; product testing; and water quality testing.

**Exceptions.**

(A) Testing of cars and trucks, including pollution testing, safety tests, and aerodynamic testing, is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

(B) Medical laboratories are included in Health Services: Outpatient Medical Services and Laboratories.

**Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services.** Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services consists of the sale, rental, and leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory storage of motor vehicles; and vehicles for hire with drivers. Motor vehicles include automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation vehicles, buses, and motorized non-road vehicles.

**Motor Vehicle and Manufactured Dwelling and Trailer Sales.**

**Characteristics.** Motor Vehicle and Manufactured Dwelling and Trailer Sales is characterized by the sales, leasing, and rental of new and used motor vehicles, other than heavy trucks and non-road motorized commercial vehicles, manufactured dwellings, and trailers. Motor Vehicle and Manufactured Dwelling and Trailer Sales typically requires extensive indoor and/or outdoor display or storage areas. Customers typically come to the site to view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or trailers.

**Examples.** Sales, leasing, and rental of new and used motor vehicles including automobiles, trucks, motorcycles, motorized boats, recreational vehicles, and other personal transportation vehicles; car rental agencies; manufactured dwelling and pre-fabricated structure sales and display sites; sales, leasing, or rental of trailers.

**Exceptions.**

(A) Heavy truck and heavy equipment sales, leasing, and rental are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

(B) Auto supply stores are included in Retail Sales and Services: Retail Sales.

(C) Sales of used motor vehicle parts is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

(D) Wholesale sales of motor vehicles, manufactured dwellings, and trailers is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling or General Wholesaling, dependent upon whether the activity occurs entirely within an enclosed building.

(E) Temporary motor vehicle and recreational vehicle sales are included in Temporary Uses.

#### **Motor Vehicle Services.**

**Characteristics.** Motor Vehicle Services are characterized by the repair, testing, maintenance, cleaning, storage, and provision of other services for motor vehicles, other than heavy trucks and heavy equipment. Vehicles may be brought to the site by customers or by a towing service. If motor vehicle parts are sold, they are typically installed on-site.

**Examples.** Auto body shops; auto glass repair; automotive paint shops; automotive repair shops; car washes; gasoline stations and unattended card-key stations; motorcycle repair shops; quick lubrication services; testing of cars and trucks, including pollution and safety testing; tire sales and installation shops; towing services; vehicle engine, transmission and muffler repair shops; and vehicle upholstery and detailing shops.

#### **Exceptions.**

(A) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Heavy truck and heavy equipment repair and service are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service, and Storage.

(C) Vehicle salvage and wrecking is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

#### **Commercial Parking.**

**Characteristics.** Commercial Parking is characterized by parking facilities, contained either in structures or on surface lots, where such parking is not exclusively accessory to a specific use and is not needed to meet the minimum off-street parking requirement for the specific use. A fee may or may not be charged.

**Examples.** Commercial shuttle parking; parking structures/garages; public garages as defined in SRC Chapter 110; short and long term fee parking garages and surface parking lots; facilities that provide both accessory parking for a specific use and paid parking for patrons not connected to the use.

#### **Exceptions.**

(A) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby are not considered Commercial Parking facilities.

(B) Public park-and-ride facilities are included in Park-and-Ride Facilities.

(C) Joint use of parking areas by multiple uses is considered accessory to those uses.

#### **Park-and-Ride Facilities.**

**Characteristics.** Park-and-Ride Facilities are characterized by parking spaces owned or leased by a public agency for use by transit riders or ride-share participants. Park-and-Ride Facilities may be located on their own lot or may consist of shared parking spaces associated with another use.

**Examples.** Parking spaces leased to or shared with a public agency for the exclusive or shared use by transit patrons or ride-share participants; parking lots for the exclusive use of transit riders or ride-share participants.

#### **Taxicabs and Car Services.**

**Characteristics.** Taxicabs and Car Services are characterized by establishments providing light- and medium-duty vehicles for hire with drivers. On-site activities are generally limited to storage and maintenance of fleet vehicles; dispatch; and administration. Customers rarely, if ever, come to the site, but typically are picked up from and driven to locations off-site. Services may or may not be scheduled.

Services may be provided to the general public or to employees, customers, or clients of one or more businesses or institutions.

**Examples.** Armored car service, taxicab operators; town car, chauffer, and limousine services; companies operating small shuttle-buses; airport shuttle services; storage and dispatch for shuttle services serving one or more businesses or institutions where such storage and dispatch takes place on a separate site from the use(s) served; dispatch facilities for dial-a-ride and other demand-responsive shuttle services operated by public agencies using light- and medium-duty vehicles.

**Exceptions.**

(A) Facilities for the maintenance, storage, and/or dispatch of vehicles requiring a commercial driver license, including school buses, are included in Heavy Vehicle and Trailer Service and Storage.

(B) Shuttle bus, taxicab, or town car services that serve a particular use and are contained on the same site as that use are considered accessory to that use.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

**Heavy Vehicle and Trailer Sales.**

**Characteristics.** Heavy Vehicle and Trailer Sales is characterized by establishments providing for the sales, rental, or leasing of heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.

**Examples.** Heavy truck rental and leasing; moving truck rental, with or without drivers; sales, rental, and leasing of heavy trucks and heavy equipment, tractors and related mobile farming equipment, vehicles requiring a commercial driver license, and heavy-duty trailers

**Exceptions.** Sales of, industrial and farm equipment is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

**Heavy Vehicle and Trailer Service and Storage.**

**Characteristics.** Heavy Vehicle and Trailer Service and Storage is characterized by facilities providing for the service, maintenance, and/or storage of heavy motor vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles and heavy equipment, are often stored on-site, often outside.

**Examples.** Storage and maintenance facilities for buses, including those owned and operated by public transit agencies and school transportation service providers; storage and maintenance facilities for establishments that collect solid waste; repair and maintenance of tractors and related mobile farming equipment; repair and maintenance services for heavy vehicles and heavy equipment; truck driver and heavy equipment operation training schools; truck stops;

**Exceptions.** Repair and maintenance of industrial, and farm equipment is included in Construction Contracting, Repair, Maintenance, and Industrial Services: Industrial Services.

**Recreation, Entertainment, and Cultural Services and Facilities.** Recreation, Entertainment, and Cultural Services and Facilities consists of facilities providing recreation, entertainment, and/or cultural enrichment services. These services and facilities may be either participant-oriented, with spectators incidental and present on a nonrecurring basis, or event-oriented, drawing people to observe specific meetings, events or shows. In both cases customers come to the site to partake in the activities. Food and beverage sales, if present, are incidental.

**Commercial Entertainment – Indoor.**

**Characteristics.** Commercial Entertainment – Indoor is characterized by the provision of sports, entertainment, or recreational activities in an enclosed facility by a for-profit business.

**Examples.** Video arcades; bowling alleys; dance halls; dance studios and dance schools; indoor pools other than those primarily used for spectator-oriented competition; indoor firing ranges; nightclubs and late night entertainment establishments; indoor paintball or laser tag facilities; physical fitness facilities, health clubs, yoga studios, and gymnasiums; indoor skating rinks; indoor courts or other facilities for team sports other than those primarily used for spectator-oriented competition; small rentable event spaces; movie theaters; membership sports and recreation clubs; concert halls, theaters, and other music and performing arts venues.

**Exceptions.** Performance, meeting, and conference venues designed to accommodate three hundred or more people are classified as Major Event Entertainment.

#### **Commercial Entertainment – Outdoor.**

**Characteristics.** Commercial Entertainment – Outdoor is characterized by the provision of sports or recreation primarily by and for participants in an open, outdoor facility, operated by a for-profit business. Spectators are incidental and present on a nonrecurring basis.

**Examples.** Recreational vehicle parks; campgrounds; miniature golf courses; swimming pools; tennis courts; skateboard parks; outdoor swimming pools; amusement parks; sports fields other than those primarily used for spectator-oriented competition; membership sports and recreation clubs; driving ranges; golf courses; drive-in movie theaters.

**Exceptions.**

(A) Outdoor facilities that are minimally developed with structures and not generally staffed, such as nature parks, recreational trails, and arboreta, are included in Recreation, Entertainment, and Cultural Services and Facilities: Parks and Open Space.

(B) Outdoor participant-oriented recreational facilities of a public or non-profit nature are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

#### **Major Event Entertainment.**

**Characteristics.** Major Event Entertainment is characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Events may be live or previously recorded, and may take place in an enclosed structure, a partially-enclosed structure, or entirely outdoors. The number of people who come to the site as spectators, audience, or attendees is greater than the number there to produce the event. The facilities receive little or no use for other than scheduled events other than for practice or rehearsal purposes.

**Examples.** Athletic and sports stadiums; facilities for major athletic competitions; race tracks; fairs; expositions; major conventions and exhibitions.

**Exceptions.**

(A) Banquet halls that are part of hotels or restaurants are accessory to those uses.

(B) Movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

(C) Drive-in movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Outdoor.

(D) Concert halls, theaters, and other music and performing arts venues are included in Commercial Entertainment – Indoor.

(E) Performance, meeting, and conference venues designed to accommodate fewer than 300 people are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

#### **Recreational and Cultural Community Services.**

**Characteristics.** Recreational and Cultural Community Services are characterized by indoor and outdoor services and facilities typically of a public or non-profit nature providing a range of on-going, on-site recreational and cultural services to the public. Services or activities are generally provided on an on-going basis, not just for special events. Recreational and Cultural Services generally have employees on-site during open hours.

**Examples.** Aquariums; art museums; community centers; golf courses; libraries; museums; zoological gardens; senior centers; youth clubs; indoor and outdoor swimming pools, spectator-oriented ball fields and tennis courts designed to accommodate less than 300 spectators, when operated by the City or a non-profit community club or association.

#### **Exceptions.**

(A) For-profit recreational enterprises, such as amusement parks and membership sports and recreation clubs, are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor or Commercial Entertainment – Outdoor.

(B) Large-scale event-oriented uses are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

#### **Parks and Open Space.**

**Characteristics.** Parks and Open Space is characterized by publicly owned land and outdoor facilities that provide for recreation, or land that provides for the preservation of natural resources.

**Examples.** Arboreta; botanical garden; nature parks and preserves; parks; recreational trails; playgrounds; ball fields; outdoor tennis courts, community garden.

#### **Exceptions.**

(A) Land used for the burial of the dead is included in Funeral and Related Services: Cemeteries.

(B) Outdoor performance or event structures designed to host major events are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

#### **Non-Profit Membership Assembly.**

**Characteristics.** Non-Profit Membership Assembly is characterized by facilities for the assembly of members of civic, social, fraternal, or other non-profit membership groups. Activities on-site often include membership meetings as well as social, philanthropic and/or recreational functions and activities primarily for members of the organization.

**Examples.** Meeting places for civic clubs, fraternal, or veteran organizations; grange halls; bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members.

#### **Religious Assembly.**

**Characteristics.** Religious Assembly is characterized by facilities for worship services. Religious Institutions typically are designed to provide for the assembly of persons for the purpose of religious exercise.

**Examples.** Churches; mosques; synagogues; temples.

#### **Exceptions.**

(A) Religious Assembly that includes residential housing of their members, such as convents and monasteries are included in Residential: Group Living – Room and Board.

(B) Schools operated by religious organizations are included in Education Services: Basic Education.

(C) Child care services operated by religious organizations other than those provided for congregants during worship services and church activities are included in Education Services: Day Care.

**Health Services.** Health Services consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel. Except for medical and dental laboratories, which may have little direct contact with patients, patients typically come to the site to receive health and/or dental services from licensed professionals.

#### **Medical Centers/Hospitals.**

**Characteristics.** Medical Centers / Hospitals are characterized by facilities that provide health services to inpatients and the specialized accommodation services required by inpatients. Medical Centers/Hospitals may also provide outpatient services as a secondary activity. Institutions that fall within this category are accredited by state and national agencies. Emergency services are generally included.

**Examples.** Free-standing inpatient hospitals; psychiatric and substance abuse hospitals primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders; medical complexes that include inpatient hospitals; hospitals or medical centers associated with a university or medical school.

#### **Exceptions.**

(A) Free-standing medical clinics without inpatient services are included in Health Services: Outpatient Medical Services and Laboratories.

(B) Medical office buildings that provide outpatient care and urgent medical care, and which are not located on a medical center campus are included in Health Services: Outpatient Medical Services and Laboratories.

#### **Outpatient Medical Services and Laboratories.**

**Characteristics.** Outpatient Medical Services and Laboratories are characterized by prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care professionals that are provided on an out-patient basis and medical testing and analysis services. Patients generally do not spend more than twenty-four hours at a time. Emergency services are generally not provided, although urgent care may be included.

**Examples.** Offices of doctors, nurses, physicians' assistants, dentists, chiropractors, optometrists, podiatrists, audiologists, dieticians, midwives, naturopaths, occupational and physical therapists, psychologists, psychiatrists, speech therapists, osteopathic doctors, and acupuncturists; medical and dental laboratories; blood banks; outpatient drug or alcohol treatment clinics; kidney dialysis centers; outpatient urgent care facilities; rehabilitation centers; orthotic and prosthetic services.

#### **Exceptions.**

(A) Skilled nursing care facilities are included in Group Living: Nursing Care.

(B) Hospitals are included in Health Services: Medical Centers/Hospitals.

(C) Medical equipment and supplies manufacturing is included in Manufacturing: General Manufacturing.

(D) Cosmetology services are included in Retail Sales and Services: Personal Services.

(E) Home health care services provided to individuals in their own homes is considered accessory to Household Living.

**Education Services.** Education Services consists of educational instruction and/or daytime supervision of people of any age. Services are primarily provided by students or those supervised coming to the site.

**Day Care.**

**Characteristics.** Day Care is characterized by the day or evening supervision of children and/or adults who need assistance or supervision outside of the individual's home or that of a family member. Educational services may or may not be included. A fee is generally charged for services. Individuals supervised come to the site, but do not stay overnight.

**Examples.** Adult day care centers; adult day care homes; child day care centers; child day care homes; Registered Head Start programs; nursery schools; preschools.

**Exceptions.** Babysitting, as defined in SRC Chapter 110, and care given by an individual's parents, guardians, or relatives are accessory to Household Living.

**Basic Education.**

**Characteristics.** Basic Education is characterized by institutions that are licensed by the State to provide comprehensive state-mandated basic education primarily to minors. Students generally come to the site to receive instruction, although some distance learning may be included. Instruction generally takes place within one or more enclosed buildings.

**Examples.** Public and private primary, elementary, middle, and high schools; charter schools; alternative education schools and programs approved by the School District; state-recognized secondary school Career and Technical Education programs (vocational high schools).

**Exceptions.**

(A) Head Start programs are included in Education Services: Day Care.

(B) Adult basic education programs leading to a General Equivalency Diploma (GED) are included in Education Services: Post-Secondary and Adult Education.

**Post-Secondary and Adult Education.**

**Characteristics.** Post-Secondary and Adult Education is characterized by institutions offering advanced education and training to adults. Basic primary and secondary education is not provided except instruction for adults seeking a General Equivalency Diploma (GED). Post-Secondary and Adult Education institutions generally provide instruction leading to a degree, certificate, or license, but may also provide non-degree programs. Instruction generally takes place on-site within one or more enclosed buildings; however, some distance learning and/or outdoor instruction may also be included.

**Examples.** Community colleges; language schools; liberal arts colleges; medical and nursing schools not associated with a medical center; seminaries; universities; adult basic education programs leading to a General Equivalency Diploma (GED).

**Exceptions.**

(A) Post-Secondary and Adult Education institutions that are entirely distance learning based are included in Business and Professional Services: Office.

(B) Trade schools providing training in the operation of vehicles requiring a Commercial Driver License or heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(C) Aviation schools are included in Transportation Facilities: Aviation Facilities.

**Civic Services.** Civic Services consists of governmental or non-profit entities providing services related to the administration of the government or providing social assistance.

**Governmental Services.**

**Characteristics.** Governmental Services are characterized by the administration of the government, typically provided by a public body.

**Examples.** City hall; courts; other government offices.

**Exceptions.**

(A) The provision of emergency services for police protection and fire and life safety are included in Public Safety: Emergency Services.

(B) Government functions related to the detention and correction of offenders are included in Public Safety: Detention Facilities.

(C) Libraries, community centers, and other recreational and cultural enrichment services provided by public or non-profit agencies are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(D) Government offices concerned with the direct delivery of social services to clients or the general public, including, but not limited to, issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included in Civic Services: Social Services.

(E) Schools and educational services provided by public or non-profit agencies are included in Educational Services.

(F) Facilities supporting off-site property and building improvement, construction, or maintenance of public assets are included in Civic Services: Governmental Maintenance Services and Construction.

**Social Services.**

**Characteristics.** Social Services are characterized by the provision of on-going social services to clients or the general public on-site by organizations or agencies of a public or non-profit nature. Clients or those seeking services typically go to the site to receive aid. Services are generally targeted to one or more vulnerable populations and are often provided free of charge.

**Examples.** Individual and family counseling services; referral services for those in need; job training, vocational rehabilitation and habilitation services for the unemployed, the underemployed, and the disabled; government and non-profit offices issuing welfare aid, rent supplements, and food stamps and providing case management for such programs; meal delivery programs; probation and parole offices; facilities providing daytime shelter for the homeless and at-risk populations, other than medical services; organizations providing legal and supportive services for immigrants.

**Exceptions.**

(A) Administrative offices of social service organizations or agencies and offices of non-profit organizations where direct interaction with clients generally does not take place on-site are classified as Business and Professional Services: Office.

(B) Community, senior and youth centers serving the general population are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(C) Adult day care and child day care centers and homes are included in Education Services: Day Care.

(D) Homeless shelters providing overnight lodging are included in Lodging: Non-Profit Shelters.

(E) Temporary emergency housing is included in Temporary Uses

(F) On-going free health clinics serving at-risk populations where provision of medical services is the primary activity on-site are included in Health Services: Outpatient Medical Services and Laboratories.



### **Governmental Maintenance Services and Construction.**

**Characteristics.** Governmental Maintenance Services and Construction is characterized by facilities supporting off-site property and building improvement, construction, or maintenance of public assets. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, minor assembly or preparation of materials, repair and maintenance of machinery and heavy equipment and other services primarily related to management of public assets.

**Examples.** Government motor pools; shops facilities; storage yards.

**Public Safety.** Public Safety consists of facilities that provide for the safety and security of the general public through emergency and disaster response, national defense, or detention for law enforcement purposes.

### **Emergency Services.**

**Characteristics.** Emergency Services is characterized by services and facilities that provide police protection and fire and life safety to residents of the community. Emergency response vehicles and personnel are typically dispatched from these facilities and stationed on-site when not responding to a call. Facilities may be staffed up to twenty-four hours a day and may provide sleeping and eating facilities, as well as office space for employees on duty.

**Examples.** Ambulance stations and facilities; police stations; fire stations; highway patrol facilities; Marshals' offices; Sheriffs' offices; State police facilities.

### **Detention Facilities.**

**Characteristics.** Detention Facilities are characterized by facilities for the confinement of persons within the criminal justice system where inmates and detainees are under twenty-four hour supervision.

**Examples.** State penitentiary; correctional boot camps; holding cells, jails and prisons; juvenile detention homes and reformatories.

**Exceptions.** Housing for persons enrolled in work release programs is considered a Residential use.

### **Military Installations.**

**Characteristics.** Military Installations are characterized by facilities for the operations of the armed forces, including facilities to house, equip, and train enlisted members of the armed forces. Military Installations are operated by a division of the Oregon Military Department or the United States Department of Defense.

**Examples.** Armories and training centers for the Oregon National Guard; US Army, Navy, Marines, and Air Force bases.

**Exceptions.**

(A) Recruitment centers for the armed forces where no training, weapons storage, or troop housing takes place on site are included in Civic Services: Governmental Services.

(B) Administrative offices related to the armed forces or the U.S. Army Corps of Engineers where little interaction with the public takes place and where no troop training or housing or weapons storage takes place on site are included in Civic Services: Governmental Services.

(C) Aeronautics facilities associated with the military are included in Transportation Facilities: Aviation Facilities.

**Funeral and Related Services.** Funeral and Related Services consists of services and facilities engaged in preparing the dead for burial; conducting funerals, cremations, and burials; and providing land for the permanent disposition of remains.

#### **Cemeteries.**

**Characteristics.** Cemeteries are characterized by the provision of land for the permanent disposition of human or animal remains.

**Examples.** Cemeteries, animal cemeteries, mausoleums, columbaria.

#### **Funeral and Cremation Services.**

**Characteristics.** Funeral and Cremation Services are characterized by establishments engaged in preparing the remains of the dead for permanent disposition and arranging, managing, and conducting funerals, wakes, and burials.

**Examples.** Funeral homes or parlors; crematories; taxidermists.

**Construction Contracting, Repair, Maintenance, and Industrial Services.** Construction Contracting, Repair, Maintenance, and Industrial Services consists of construction and maintenance of buildings and grounds and the repair and maintenance of consumer, business, and industrial products and equipment other than the repair of motor vehicles and trailers. Services are generally provided by traveling to the customer or by the delivery of items to the site for repair.

#### **General Repair Services.**

**Characteristics.** General Repair Services are characterized by the repair and maintenance of light business equipment, consumer products, and personal and household items, other than clothing and accessories. Repair and maintenance activities may take place on the subject site or may take place at the customer's location.

**Examples.** Furniture re-upholstery and repair; appliance repair; bicycle and other sporting goods repair and service; repair services for consumer electronics; musical instrument repair; copier, computer, printer, telephone, fax machine, and other office equipment repair and service.

#### **Exceptions.**

(A) Motor vehicle repair is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

(B) Watch and jewelry repair and clothing alteration and repair are included in Retail Sales and Services: Personal Services.

#### **Building and Grounds Services and Construction Contracting.**

**Characteristics.** Building and Grounds Services and Construction Contracting is characterized by establishments engaged in off-site property and building improvement, construction, or maintenance. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

**Examples.** Construction contractors; landscape, lawn and garden services; pest control services; window cleaning services; janitorial services; portable toilets rental and leasing; upholstery and carpet cleaning; excavation and demolition services; water well drilling; specialty trade contractors including glass and glazing contractors, plumbing, electrical, carpentry, painting and paper hanging, heating, ventilation, air conditioning, roofing, siding, sheet metal work, masonry, stone, tile work, flooring, plastering, drywall, insulation, and concrete work; service and storage yards.

#### **Exceptions.**

(A) Building and grounds maintenance services based on the same site where services are provided are considered accessory to the primary use.

(B) Sites used primarily for the storage of heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(C) Building and grounds services conducted entirely in an office environment without outdoor storage are included in Business and Professional Services: Office.

### **Cleaning Plants.**

**Characteristics.** Cleaning Plants are characterized by dry cleaning and laundry service facilities that clean items transported to and from the site by the company or a third party rather than by the customer. Customers rarely, if ever, come to the site.

**Examples.** Dry cleaning plants; industrial laundries; diaper services; linen supply services.

**Exceptions.** Laundry and cleaning service establishments that provide for customer drop off and/or pick up on-site and serve the general public are included in Retail Sales and Service: Personal Services.

### **Industrial Services.**

**Characteristics.** Industrial Services are characterized by establishments providing repair and maintenance of industrial machinery and equipment and other services primarily to industrial businesses.

**Examples.** Commercial and industrial machinery and equipment repair and maintenance, except automotive and electronic; industrial fan rebuilding and repair; precision machinery component repair; welding repair.

**Exceptions.** Repair of heavy vehicles and trailers is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

**Wholesale Sales, Storage, and Distribution.** Wholesale Sales, Storage, and Distribution consists of facilities for the storage, transfer, distribution, repackaging, or wholesale sales of physical goods or personal property other than live animals.

### **General Wholesaling.**

**Characteristics.** General Wholesaling is characterized by sales of physical products primarily to customers other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public rarely comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. For establishments primarily engaged in sales to industrial, commercial, institutional, farm, or business users, activities on the site may also include on-site sales or order taking display areas. Products may be picked up on-site or delivered to the purchaser. General Wholesaling takes place entirely within an enclosed building and does not include the sale of dangerous, toxic, or potentially contaminating products.

**Examples.** Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, when stored inside; sale of supplies, light-duty equipment, store fixtures, and other business needs primarily to industrial, commercial, institutional, farm, or business users; sale of any products that are not dangerous, toxic, or potentially contaminating primarily to retailers or other wholesalers.

#### **Exceptions.**

(A) Wholesale sales of dangerous, toxic, or potentially contaminating products and those requiring outdoor storage are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

(B) Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

(C) Firms that engage in sales on a membership basis are included in Retail Sales and Service: Retail Sales or Wholesale Sales, Storage, and Distribution:

Wholesale Sales, based on the characteristics of the business activity.

(D) Establishments that are primarily storing and distributing goods with little on-site business activity are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

### **Heavy Wholesaling.**

**Characteristics.** Heavy Wholesaling is characterized by sales of physical products that are dangerous, toxic, or potentially contaminating, or that require outdoor storage, primarily to customers, other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public occasionally comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. Activities on the site may also include on-site sales or display areas. Products may be picked up on-site or delivered to the purchaser.

**Examples.** Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, where stored outside, monuments and grave markers, metals, coal, and other minerals and ores, ammunition and firearms, petroleum and petroleum products, and chemicals; sales of logs, timber products, wood, wood chips, nursery stock, and lumber and construction materials requiring outdoor storage primarily to businesses, contractors, farm users, retailers, and/or other wholesalers; metals service centers and offices; grain elevators for the wholesale sale of agricultural products; recovery and wholesale sales of used motor vehicle parts, including junkyards and vehicle salvage; processing and wholesale sales of scrap and waste materials, including wrecking yards (scrap dealers); industrial equipment.

#### **Exceptions.**

(A) Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

(B) Firms that are primarily storing and distributing goods with little on-site business activity are included in Warehousing and Distribution.

(C) Sales of heavy vehicles, heavy-duty trailers, and heavy equipment is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

### **Warehousing and Distribution.**

**Characteristics.** Warehousing and Distribution is characterized by the storage and/or distribution of goods or personal property. Goods are generally delivered to other firms or the final consumer. Except for some will-call pickups, there is little on-site sales.

**Examples.** Central postal distribution centers; cold storage plants and frozen food lockers; free standing warehouses associated with retail stores such as furniture or appliance stores; grain terminals; catalog and mail order houses; distribution facilities for internet retailers; distribution centers; major post offices and postal distribution centers; stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials; truck or rail freight terminals; weapon and ammunition storage; repossession service.

#### **Exceptions.**

(A) Uses that involve the transfer or storage of solid or liquid wastes are included in Utilities: Waste-Related Facilities.

(B) Oil and gasoline storage caverns and petroleum and chemical bulk stations and terminals are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

### **Self-service Storage.**

**Characteristics.** Self-service Storage is characterized by facilities that lease space to individuals, usually storing household goods, or to businesses, usually storing excess inventory or supplies or archived records. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Generally, few, if any, employees work at a the site.

**Examples.** Single story and multistory facilities that provide individual storage areas for rent.

**Exceptions.**

(A) On-site storage units provided to owners or tenants of a residential or office building are considered accessory to the primary use.

(B) A transfer and storage business where there are no individual storage areas, or where employees are the primary movers of the goods to be stored, is included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

**Manufacturing.** Manufacturing consists of the production, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to a manufacturing site.

**General Manufacturing.**

**Characteristics.** General Manufacturing is characterized by the production, processing, fabrication, assembly, or packaging of primarily finished products for entry into the stream of commerce for ultimate sale to the end user. Materials used generally include semi-finished products produced in Heavy Manufacturing industries; and may include some small amounts of natural and/or raw materials. Products produced can be of any size, but are generally smaller than those produced in Heavy Manufacturing. Production does not involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and is not dangerous or polluting. General Manufacturing uses may require large, medium, or small scale facilities and the work, and the storage of product, may be conducted either inside or outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

**Examples.** Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity; commercial or industrial catering kitchens where food is prepared and delivered off-site; manufacturing of apparel; food, beverage and related products; pharmaceuticals; production or assembly of equipment, machinery, and fabricated products; wood, plastic, metal, ceramic, rubber, textile, and leather products; chemical products manufacturing that does not involve, or that does not have, significant impacts on adjacent properties due to noxious odors, noises, dust, smoke vibrations, or potential danger; computer and electronic products; sign manufacturing.

**Exceptions.**

(A) The production of printed materials is included in Manufacturing: Printing.

(B) Wineries, breweries, distilleries, or cider houses that are accessory to establishments for on-site retail food and/or beverage consumption are classified under Retail Sales and Services: Eating and Drinking Establishments.

(C) Cafeteria food service contractors that prepare food for on-site consumption in a cafeteria primarily for use by employees of another company are considered accessory to the use.

(D) The small scale production of handcrafted goods to be sold primarily on-site and to the general public is included in Retail Sales and Services: Retail Sales.

(E) Manufacture and production of products from composting organic material is included in Utilities: Waste-Related Facilities.

**Heavy Manufacturing.**

**Characteristics.** Heavy Manufacturing is characterized by the production or processing of finished or semi-finished products that are generally made for the wholesale market and for the transfer to other plants to be used in the further manufacturing of other, more complex products, or the wholesale market. Materials used generally include large amounts of natural and/or raw materials obtained from extractive industries or agricultural/forestry production; or materials that are

potentially hazardous or explosive. Products produced are typically heavy in weight and large in size or volume. Production may involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and may be dangerous or polluting. Heavy Manufacturing uses typically require large-scale facilities and a substantial portion of the work, and the storage of product, may be conducted outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

**Examples.** Petroleum and coal products manufacturing; primary metal manufacturing; animal slaughtering, processing; meat packing; pulp, paper, and paperboard mills; leather tanning; production of asphalt, cement and concrete products, lime and gypsum products, and other nonmetallic mineral products; starch and vegetable fats and oils manufacturing; sawmills; explosives, ordnance, small arms, and ammunition manufacturing; chemical products manufacturing.

#### **Printing.**

**Characteristics.** Printing is characterized by the production of printed material for wholesale distribution. Printing physically takes place on site. Customers generally do not come to the site.

**Examples.** Book binding; newspaper, magazine and book publishing and printing; and printing maps, directories, calendars, and blank books, commercial printing.

#### **Exceptions.**

(A) Publishing activities without physical printing on site are included in Business and Professional Services: Office.

(B) Retail photocopying services are included in Retail Sales and Services: Retail Sales.

**Transportation Facilities.** Transportation Facilities consists of terminals, stations, and on-site support facilities primarily concerned with the movement of goods and people, at which people and/or goods embark, disembark, or transfer.

#### **Aviation Facilities.**

**Characteristics.** Aviation Facilities are characterized by facilities for the sales, rental, operation of airplanes, jets, helicopters, and gliders. The airside portion of such facilities may be improved or unimproved and air transportation services may be scheduled or unscheduled. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Support facilities at airports may include hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

**Examples.** Air passenger and air freight services and facilities/terminals; airports; air strips, glider facilities, helicopter landing facilities; aviation schools; hangars.

#### **Passenger Ground Transportation Facilities.**

**Characteristics.** Passenger Ground Transportation Facilities are characterized by terminals, stations, or support facilities for passenger ground transportation services, including, but not limited to bus or rail, serving a local, suburban, intercity, or regional market area. Passenger Ground Transportation Facilities are generally located along, or at the terminus of, a particular route and allow passengers access to transportation. Support facilities, such as shelters, ticket offices, waiting rooms, and benches, may be provided to help ensure passenger comfort.

**Examples.** Train or bus stations, stops or terminals; transit centers; multi-modal passenger facilities.

#### **Exceptions.**

(A) Storage yards and maintenance facilities for buses and other large passenger transportation vehicles are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Transportation facilities dedicated to the movement of freight rather than passengers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

(D) Park-and-ride facilities owned or leased by a public agency for use by transit riders or ride-share participants are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Park-and-Ride Facilities.

#### **Marine Facilities**

**Characteristics.** Marine facilities are characterized by terminals, stations, or support facilities for passenger or freight marine transportation, as well as docks, moorings, storage, and other water-dependent facilities for boats. Facilities may be present to allow passengers to safely access transportation. Support facilities, such as shelter, ticket offices, waiting rooms, and benches may be provided to help ensure passenger comfort, but may only include water-related uses.

**Examples.** Ferry landings, marine freight services and facilities/terminals, ports, boat houses, marinas, landings, landing piers.

**Utilities.** Utilities consists of facilities and infrastructure for providing utility services, including, but not limited to, water, gas, sanitary sewer, storm sewer, electricity, communications, and solid waste.

#### **Basic Utilities.**

**Characteristics.** Basic Utilities are characterized by the physical facilities for infrastructure for providing utility services, including, but not limited to water, natural gas, sanitary sewer, storm sewer, electricity, and communications. Facilities are not regularly occupied by employees, and generally do not include parking areas, or vehicle, equipment, or material storage areas.

**Examples.** Pump stations, reservoirs, service poles, underground transmission facilities, substations, and related physical facilities; electric substations; pump stations; transmission and service poles; un-staffed water filtration equipment; water storage facilities.

#### **Exceptions.**

(A) Power generation facilities and equipment are included in Utilities: Power Generation Facilities.

(B) Drinking water treatment plants that are staffed on a regular basis are included in Utilities: Drinking Water Treatment.

(C) Wastewater treatment plants are included in Utilities: Waste-Related Facilities.

(D) Utility offices, other than those associated with power, sewer treatment, or water treatment plants, conducted entirely within an office environment without storage of materials and equipment are included in Business and Professional Services: Office.

#### **Drinking Water Treatment.**

**Characteristics.** Drinking Water Treatment is characterized by facilities that filter and/or treat water for public distribution. They are typically staffed on a regular basis.

**Examples.** Drinking water treatment plants.

**Exceptions.** Water filtration facilities that are not staffed, such as those associated with emergency water sources, are included in Utilities: Basic Utilities.

#### **Power Generation Facilities.**

**Characteristics.** Power Generation Facilities are characterized by the commercial conversion of energy, such as hydroelectric, fossil fuels, nuclear power, and solar power, into electrical energy and/or heat. Power Generation Facilities produce

electric energy and provide electricity to transmission systems or to electric power distribution systems. Power Generation Facilities may also produce thermal energy to fuel mechanical processes or to heat buildings or water.

**Examples.** Hydroelectric power plants; power plants that burn fossil fuels, large-scale photovoltaic power stations; co-generation plants.

**Exceptions.**

(A) Establishments primarily engaged in operating trash incinerators that also generate electricity are included in Utilities: Waste Related Facilities.

(B) Small-scale private power generation equipment, such as roof-top solar and emergency generators, that is sized to meet the needs of the primary use is considered accessory to the primary use.

**Data Center Facilities**

**Characteristics.** Data Center Facilities are characterized by facilities that physically house equipment dedicated to data storage and/or transmission, such as computer systems and as telecommunications and storage systems, that serves users beyond those present on the site. Facilities may not regularly have employees on-site. Facilities often include redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

**Examples.** Computer center; data storage and hosting facility; server farm; data farm; data warehouse; co-location facility; co-located server hosting facility; telecommunication hotel; carrier hotel; telecommunications carriers.

**Exceptions.**

(A) Data storage and transmission equipment that serves the use on-site is not considered a use.

**Fuel Dealers.**

**Characteristics.** Fuel dealers are characterized by establishments that provide delivery of fuels and lubricants to the direct customer.

**Examples.** Heating oil; lubricants.

**Exceptions.** Vehicle fuel dealers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

**Waste-Related Facilities.**

**Characteristics.** Waste-Related Facilities are characterized by establishments that receive solid or liquid wastes from others for disposal on the site, transfer to another location, or processing for re-use; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the biological decomposition of organic material.

**Examples.** Energy recovery plants; hazardous waste collection facilities; limited use landfills; materials recovery facilities; recycling depots; sanitary landfills; solid waste transfer stations; waste composting; wastewater treatment plants.

**Exceptions.**

(A) Disposal of clean fill, as defined in OAR 340-098-0030, is not considered to be a use.

(B) Sewer pump stations and sewer lines outside of the public right-of-way are categorized under Utilities: Basic Utilities.

(C) Structures maintained solely to provide shelter for recyclable material (such as paper, tin cans, and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere are considered accessory to the use.

(D) Scrap dealers and establishments primarily engaged in salvage and/or wrecking of automobiles, trucks, machinery, or similar items are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.



**Mining and Natural Resource Extraction.** Mining and Natural Resource Extraction consists of the extraction of natural resources from the earth.

**Petroleum and Natural Gas Production.**

**Characteristics.** Petroleum and Natural Gas Production is characterized by the operation of oil and gas field properties. Petroleum and Natural Gas Production includes the production of oil through mining and extraction of oil from oil shale and oil sands and the production of gas and hydrocarbon liquids through gasification, liquid fraction, and pyrolysis of coal at the mine site; the operation of oil and gas wells for others on a contract or fee basis; and the provision of oil field services for operators on a contract or fee basis.

**Examples.** Spudding in, drilling in, re-drilling, and directional drilling; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property; drilling, completing, and equipping wells; exploration for crude petroleum and natural gas; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum.

**Surface Mining.**

**Characteristics.** Surface mining is characterized by all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than five thousand cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of twelve consecutive calendar months.

**Examples.** Gravel mining, open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).

**Exceptions.**

(A) Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated is considered accessory to the use.

(B) Excavation or grading operations reasonably necessary for farming are included in Farming, Forestry, and Animal Services: Agriculture.

(C) Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of the state pursuant to a permit issued under ORS 196.800-196.900 is not considered a use.

**Farming, Forestry, and Animal Services.** Farming, Forestry, and Animal Services consists of the propagation, cultivation, and/or harvesting of plants and animal husbandry, breeding, boarding, grooming, and care.

**Agriculture.**

**Characteristics.** Agriculture is characterized by the growing, producing, or keeping of plants for commercial purposes. Agriculture may include activity taking place in a greenhouse, frame, cloth house, lath house, or outdoors.

**Examples.** Crop production; growing cultured Christmas trees as defined in ORS 215.203; orchards; propagation of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod; truck gardening; wholesale plant nurseries.

**Exceptions.** Plant nurseries that are oriented to retail sales are included in Retail Sales and Service: Retail Sales.

**Forestry.**

**Characteristics.** Forestry is characterized by the propagation or harvesting of timber and forest products.

**Examples.** Timber tracts and forest nurseries; gathering of forest products such as bark, cones, seeds, or fungi.

**Exceptions.** Growing cultured Christmas trees as defined in ORS 215.203 is included in Farming, Forestry, and Animal Services: Agriculture.

#### **Agriculture and Forestry Services.**

**Characteristics.** Agriculture and Forestry Services are characterized by establishments providing management and services to the agricultural and forestry industries. Services are generally provided off-site provided by traveling to the customer's property. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

**Examples.** Soil preparation services; crop planting, cultivating, and harvesting; preparation of crops for market, such as cleaning, grading, shelling, and drying; farm labor and farm management services; forest fire fighting, forest fire prevention, forest pest control, and reforestation services.

#### **Keeping of Livestock and Other Animals.**

**Characteristics.** Keeping of Livestock and Other Animals is characterized by the keeping, breeding, boarding, grazing, or feeding of dogs, equines, cattle, swine, sheep, goats, poultry or other animals, or the propagation, cultivation, maintenance and harvesting of aquatic species for a commercial purpose or a private, non-commercial use. Commercial purposes means conduct of the activity to obtain a profit.

**Examples.** Animal shelters; breeding and boarding kennels; dairies; egg production facilities, broiler facilities, poultry hatcheries, apiaries; establishments primarily engaged in buying and/or marketing livestock such as livestock auctions; feedlots; keeping of miniature swine; ranches; riding stables.

**Exceptions.** The keeping of household pets is considered accessory to Residential uses.

#### **Animal Services.**

**Characteristics.** Animal Services is characterized by veterinary, grooming and other services for pets, livestock, and other animals.

**Examples.** Animal day care; animal grooming; veterinary services; wildlife rehabilitation facilities.

**Exceptions.** Pet stores are included in Retail Sales and Services: Retail Sales.

#### **Other Uses.**

##### **Temporary Uses.**

**Characteristics.** Temporary Uses are characterized by activities that are inherently temporary in nature, such as uses that are seasonal or directed toward a specific event; uses which are occasioned by an unforeseen event; uses associated with the process of development; and uses that are mobile.

**Examples.** Mobile food units; residential sales/development office; temporary motor vehicle and recreational vehicle sales; seasonal sales.

##### **Home Occupations.**

**Characteristics.** Home Occupations are characterized by any business or professional activity conducted by a resident within a building used for Household Living, or within an accessory structure thereto, which is clearly accessory and subordinate to the residential use of the building and its premises. Home Occupations maintain the essential residential character of the building and its

premises and do not to give the outward appearance, nor manifest any characteristic, of a business.

**Examples.** Dressmaker, lawyer, public accountant, artist, caterer, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft.

**Exceptions.**

(A) Automotive repair, body work, painting, and other Motor Vehicle Services are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service: Motor Vehicle Services.

(B) Small engine repair, appliance repair, and other General Repair Services are included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

(C) Salvaging, sorting, and recycling of discarded materials and other Waste-Related Facilities are included in Utilities: Waste-Related Facilities.

## Exhibit B – IC (Industrial Commercial) Development Standards

Where used in this exhibit, The "District" means the property re-zoned to IC as part of Case No. CPCZC13-02. "Internal Street" means a street which is not an arterial or collector street, which has no or only one actual or proposed connection to an existing or proposed street at the boundaries of the District, or which is a loop street entirely within the District.

(a) **Lot Standards.** Lots shall conform to the standards set forth in Table 2

<b>Table 2: Lot Standards</b>		
Requirement	Standard	Limitations & Qualifications
<b>Lot Area</b>		
All Uses	None	
<b>Lot Width</b>		
All Uses	None	
<b>Lot Depth</b>		
All Uses	None	
<b>Street Frontage</b>		
All Uses	Min. 16 ft.	

(b) **Land Division.** In addition to any other applicable subdivision approval criteria set forth in the Salem Revised Code, the District shall not be divided unless the following criteria are met:

- (1) The configuration of the lots does not require the creation of other smaller lots as the only way to develop the remainder of the District;
- (2) The lot is complementary and compatible to other uses within the District; and
- (3) The lot does not preclude expansion of existing industries.

(c) **Setbacks.** Setbacks within the District shall be provided as set forth in Tables 3 and 4.

<b>Table 3: Setbacks</b>		
Requirement	Standard	Limitations & Qualifications
<b>ABUTTING STREET</b>		
<i>Buildings</i>		
All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
<i>Accessory Structures</i>		
Accessory to All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
	None	Applicable to transit stop shelters.
<i>Vehicle Use Areas</i>		
All Uses	Min. 20 ft.	
<b>INTERIOR FRONT</b>		
<i>Buildings and Accessory Structures</i>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within

Table 3: Setbacks		
Requirement	Standard	Limitations & Qualifications
		the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>INTERIOR SIDE</b>		
<b>Buildings and Accessory Structures</b>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>INTERIOR REAR</b>		
<b>Buildings and Accessory Structures</b>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.

Table 4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

Table 4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
Mixed-Use Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Commercial Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Public Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial and Employment Zone: EC, IC, and IP	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial Zone: IG and II	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

(d) **Lot Coverage; Height.** Buildings and accessory structures within the District shall conform to the lot coverage and height standards set forth in Table 5.

Table 5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
<b>LOT COVERAGE</b>		
<i>Buildings and Accessory Structures</i>		
All Uses	No Max.	
<b>HEIGHT</b>		
<i>Buildings</i>		
All Uses	Max. 70 ft.	
<i>Accessory Structures</i>		
Accessory to All Uses	Max. 70 ft.	

(e) **Off-Street Parking and Loading.** Within the District off-street parking and loading shall meet the Off-Street Parking standards of the Salem Revised Code, together with the additional requirements of this section:

(1) **Off-Street Parking.** Not more than 10 percent of the required off-street parking spaces may be located in a required setback abutting a street. For purposes of this subsection, required setback means the setback required for a building abutting a street.

(2) **Loading.**

(A) All loading spaces shall be screened from adjacent property by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge; or a berm at least 4 feet in height.

(B) Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

(g) **Landscaping.** Landscaping within the District shall be provided as set forth in this subsection.

(1) **Setbacks.** Unless otherwise provided in the Salem Revised Code, required setbacks shall be landscaped. Landscaping shall meet the Type A standard.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided in the Salem Landscaping Code.

(3) **Development Site.** A minimum of 20 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard. Other required landscaping, such as required landscaping for setbacks or vehicle use areas, may count towards meeting this requirement.


(4) **Landscaping Types.** Required landscaping shall be provided according to one of the landscaping types set forth in Table 6. Where landscaping is required without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

<b>Landscaping Type</b>	<b>Required Plant Units (PU)</b>	<b>Required Screening</b>
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
C	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall

(h) **Outdoor Storage.** Within the District, outdoor storage shall conform to the following standards:

- (1) Storage areas shall not be located within required setbacks;
- (2) Storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, or hedge; or a berm at least four feet in height;
- (3) Materials and equipment stored shall not exceed a maximum height of fourteen feet above grade, provided however, that materials and equipment more than six feet in height above grade shall be screened by sight-obscuring landscaping located within a minimum five-foot-wide landscape strip planted at one plant unit per 20 square feet of landscaped area.

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: June 18, 2013

APPLICATION: Comprehensive Plan Change/Zone Change 13-02

LOCATION: 3501-3541 & 3547 Fairview Industrial Drive SE

SIZE: 10.2 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 10.2 acres in size, and located at 3501-3541 & 3547 Fairview Industrial Drive SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 700 & 800).

APPLICANT: State Investments LLC, represented by 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 conditions:

Condition 1. Traffic impacts from development on the subject property shall be limited to a maximum of 7,831 average daily trips.

Condition 2. Future land uses on the subject property shall be limited to the uses identified in Exhibit A.

Condition 3. Future use and development on the subject property shall be required to adhere to the development standards identified in Exhibit B.

**APPLICATION PROCESSING**

**Subject Application**

On April 16, 2013, Jeff Tross, on behalf of the applicant, State Investments LLC, filed an application for a Comprehensive Plan Change and Zone Change on the subject property. The application was deemed complete for processing on May 14, 2013. The public hearing for the application is scheduled for June 18, 2013.



## **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 May 29, 2013 (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 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City delivered notice of this proposal to DLCD on May 14, 2013.

## **BACKGROUND INFORMATION**

The subject property is located at 3501-3541 and 3547 Fairview Industrial Dr. SE. This property is at the southwest corner of Madrona Avenue SE and Fairview Industrial Drive SE. The property consists of two contiguous parcels, identified as Tax Lots 700 and 800 on Assessor's Map T8SR3W Section 2, and totals approximately 10.2 acres.

The property is fully developed, with five buildings totaling 112,404 square feet, and is known as the Fairview Business Park. The individual building sizes range from 12,446 square feet to 44,200 square feet in floor area. The buildings are flex-space, office/industrial and warehouse-style structures designed to accommodate a variety of service and light industrial activities. The buildings include pedestrian access doors facing the street and perimeter parking areas, and roll-up service doors at the rear of the tenant spaces, in the interior parking and loading area.

The current occupants of the property include Barrett Business Services (human resources management), The Hoop basketball center, Rodda Paints (residential, commercial, and industrial paints and coatings), Cross Fit (fitness center), Northwest Senior and Disability Services, Salem Gymnastics and Cheerleading, and the Southside Speakeasy restaurant/pub, among other uses. For many years an insurance agency occupied the now vacant tenant space facing the intersection of Fairview Industrial Drive and Madrona Avenue.

The property was developed under the Industrial Business Campus (IBC) zone, although the development is unusual for the IBC zone in that it was built with a number of relatively smaller, flex-space, tenant suites, which are not well suited to the sorts of larger industrial uses permitted under the IBC zoning. The current IBC zone does allow some "flexible space" commercial service/support uses, but with significant limitations on the amount and size of such establishments. It is assumed that many of the existing tenants at the site were approved under this flexible space provision.

In December 2012, the applicant met with City Staff to discuss the possibility of rezoning the site to Industrial Commercial. Submittal of this application followed on April 16, 2013.

## **Summary of Requested Action**

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

## **Neighborhood Association Comments**

SRC 300.620(b)(2)(B)(iii) requires public notice be sent to “any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.” The subject property is within the Morningside Neighborhood Association. 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 4). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated February 25, 2013, that was submitted by the applicant and agrees with the findings of the TPR that a “trip-cap” of 7,831 average daily trips should be imposed to ensure no “significant affect” on the surrounding transportation facilities.

**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 the Community Development Department, reviewed the proposal and indicated that “building department issues may arise with occupancy or use changes.”

**Fire Department** – The Fire Department reviewed the proposal and indicated that 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.

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

Development cost per current tariff and service requirements.

## **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:

Northeast: Across Fairview Industrial Drive SE, “Industrial”

Northwest: Across Madrona Avenue SE, “Industrial” & “Industrial Commercial”

Southwest: “Single Family Residential” & “Fairview Mixed Use”

Southeast: Across Lindburg Road SE, “Industrial”

Neighborhood Plan: The property is located within the boundaries of the Morningside Neighborhood Association. The subject property is designated “Industrial” on the Morningside Neighborhood Plan Land Use Map. In the context of the Neighborhood Plan Land Use Map designations, the Industrial

Neighborhood Plan Map designation is consistent with both the "Industrial" and "Industrial Commercial" Comprehensive Plan Map designations, and both the IBC and IC zones.

### **Applicable Detail Plans**

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located on Fairview Industrial Drive SE, Madrona Street SE, and Lindburg Road SE, and abuts Madrona Court at the west side. At this location, Madrona Avenue SE is designated a 'Major Arterial', Fairview Industrial Drive SE is designated a 'Minor Arterial', and Lindburg Road SE is designated a 'Collector' street.

### **Zoning**

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

Northeast: Across Fairview Industrial Drive SE, IBC (Industrial Business Campus)  
Northwest: Across Madrona Ave. SE, IC (Industrial Commercial) & IBC (Industrial Business Campus)  
Southwest: RS (Single Family Residential) & FMU (Fairview Mixed Use)  
Southeast: Across Lindburg Road SE, IBC (Industrial Business Campus)

### **Existing Site Conditions**

The subject property is a relatively flat site, and consists of two units of land identified as Tax Lots 700 and 800 on Assessor's Map T8SR3W Section 2, and totals approximately 10.2 acres. This property is at the southwest corner of Madrona Avenue SE and Fairview Industrial Drive SE, and also has street frontage on Lindburg Road SE to the south and Madrona Court SE to the west. Pringle Creek runs through the property in a north-south direction. The site is developed with commercial buildings totaling 112,404 square feet in gross floor area.

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. The Pringle Creek riparian corridor runs along the south and west sides of the site. The site is already fully developed and no tree removal and no new development are proposed.

According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. Pursuant to SRC Chapter 126, the City sent a Wetland Land Use Notification to the Oregon Department of State Lands (DSL) notifying DSL of this application. DSL will determine whether further permits or approvals are required and work directly with the property owner. No new development is proposed at the site at this time.

### **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 2B.

**Applicant's Statement:** With regards to 2(B) . . . there have been a number of recent Plan amendments that have changed the character of the Fairview Industrial Park from exclusively industrial, to a broader mix of activities that includes manufacturing, service, warehouse and distribution, retail, office and government administration uses. As shown on the Plan map the land use pattern that has resulted from these amendments consists of alternating Industrial and Industrial-Commercial designations. These Plan amendments have converted former manufacturing facilities, such as the SUMCO plant and the Tyco building, to facilities that now provide for a variety of office, administrative, and warehouse/distribution uses. The previous Plan amendments have assisted major, vacant facilities to return to productive use.

As shown on the Plan map these previous Plan amendments have affected a significant number of properties, and created a major change in the circumstances in the Fairview Industrial Park. The

character of the area has changed to the extent that the more restrictive, existing Industrial designation for the multi-purpose Fairview Business Park complex is no longer appropriate.

There have also been Plan Amendments and major capital improvements in the community that altered the industrial land use and development pattern, to the extent that existing areas designated for industrial use were significantly affected. Specifically, the previously approved Comprehensive Plan Amendment that established the Salem Regional Employment Center (SREC), and the subsequent development of the Mill Creek Corporate Center, significantly changed the character of the industrial land inventory and the industrial development pattern by providing extensive new areas for industrial development. The Mill Creek industrial project totals 646 acres of which 507 acres will be developed. Office-based uses are allowed in large parts of that project. As a result, the existing designation for the subject property, like others in the community requires adjustment in order to provide for an appropriate range of activities in order to remain competitive.

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

The EOA described the SREC project as the largest industrial property in a metropolitan area in the state, which makes it locally and regionally significant. The addition of the project was a major change in the local industrial land inventory, and a major change in the circumstances that affect the existing industrial lands within the urban area.

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

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

The Planning Commission recognized and adopted these reasons in its decisions in CPC/ZC 11-05 and CPC/ZC 11-10. Those sites are also developed properties, consisting of buildings for office, industrial, and warehouse uses. The facts and circumstances present in this proposal are substantially similar to those of that case. In its decision the Planning Commission concluded:

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

transitioning from higher-impact manufacturing uses to a mix of commercial and industrial uses. . . "(PC Resolution 11-5)

The previous Plan changes within the Fairview Industrial Park, as well as the Plan Amendment for the SREC and the development of the Mill Creek Corporate Center, 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 designation for the subject property is no longer appropriate. For these reasons, SRC 64.090(b)(2) is satisfied.

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

In addition, recent site-specific plan map amendments along Fairview Industrial Drive SE in the immediate vicinity of the subject property have further contributed to the changed character of the Fairview Industrial Drive area. This transition from purely industrial to a mix of industrial and commercial has been acknowledged by area property owners, and the City, in preparation of the Unified Development Code (UDC) updates to the IBC zone. The updated IBC zone provisions used in Exhibits A and B attached to this staff report were developed with the input of community stakeholders during the UDC outreach process in an effort to make the IBC zone more relevant in light of recent economic trends toward greater need for flex-space industrial-commercial. Therefore, the uses and standards contained in Exhibits A and B are intended to allow a wider range of commercial office and service uses than is currently allowed under the existing IBC zone, while restricting the number of high traffic-generating retail uses so as to minimize the impacts to the surrounding neighborhood. Criterion (2)(B) is satisfied.

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

The following Statewide Goals are reviewed as may be applicable to this proposal:

#### **GOAL 1 – CITIZEN INVOLVEMENT**

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

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

#### **GOAL 2 – LAND USE PLANNING**

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

provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

**Staff 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**

**Applicant's Statement:** The subject property is developed industrial land and has not been identified in the Comprehensive Plan as open space, or a scenic or historic resource. There are no natural resources on the site that will be affected by this proposal.

**Staff Finding:** Staff concurs with the applicant that there are no historic resources on the property. 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) when a land use application or application for building permit is submitted for review. DSL will then determine whether further permits or approvals are required and work directly with the property owner.

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. There is a riparian corridor on the subject property. Trees within this riparian corridor must be protected, pursuant to SRC Chapter 68.

The applicant has adequately demonstrated that the site can be developed for uses consistent with the Industrial Commercial designation while still adequately preserving the natural resources. The proposed plan map change is consistent with Goal 5.

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

**Applicant's Statement:** The purpose of the proposed Plan change is to allow for a wider mix of industrial commercial uses, on land that is currently designated for industrial use. The subject property is already developed, and no additional development is proposed. It is within an intensely developed area that is characterized by a mix of industrial, service, and commercial activities. The property is along the major street routes through the industrial park, and no changes to the street system are proposed or needed. The proposed Plan change will encourage the use of the existing urban facilities. Because the future uses will make use of existing facilities the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location. The major potential impacts to the air in this area are from the existing industrial activities, or those that could be allowed under the existing industrial land use categories.

The proposed Plan change will not result in significant changes to the types of industrial uses that could create an adverse impact on air quality. Air quality impacts from traffic will not occur because traffic volumes generated by new uses will be limited to the same as under the existing land use designation.

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

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

**Staff Finding:** Staff concurs with the applicant. The site is already developed and no new development is proposed with this request. 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**

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

**Staff Finding:** No known natural hazards exist on the subject property.

#### **GOAL 8 – RECREATONAL NEEDS**

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

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

#### **GOAL 9 – ECONOMIC DEVELOPMENT**

**Applicant's Statement:** The subject property is currently designated Industrial on the Plan Map. The proposal is to change the Plan Map designation to Industrial-Commercial. The IC designation provides for a wide range of industrial activities, and also for a range of commercial, office, and business service activities. Many of the allowed industrial activities are common to both designations, and the inventory of land that is available for industrial uses will not be materially affected. The site is fully developed and the proposed change will not alter the form of development on the property. It will increase the range of office and business service activities that are available to the property. The proposed Plan Map change is needed in order to attract an appropriate mix of uses and activities to the subject site, consistent with the types of future economic activities projected in the EOA. By increasing the opportunities for utilizing industrial property, the proposed Plan Map change will be consistent with the purpose of this Goal.

**Staff Finding:** The proposed change will allow for an increased mix of potential uses to provide a more diverse range of economic opportunities consistent with Goal 9. A regional Economic Opportunities Analysis (EOA) was completed in 2011 for the Salem-Keizer area, and demonstrates a surplus of industrial land and the need for commercial land in Salem. The EOA has not been adopted by the City Council, and may not be relied upon as substantial evidence of compliance with the applicable criteria.

City Staff recently met with representatives of DLCD regarding the steps needed in order to adopt an Economic Opportunities Analysis and fully comply with Goal 9 requirements. City Staff will continue to coordinate with DLCD on this matter.

#### **GOAL 10 – Housing**

**Applicant's Statement:** The site is currently designated for industrial use and not for housing, and this goal does not apply.

**Staff Finding:** Staff concurs with applicant and finds that the proposal is consistent with Goal 10.

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

**Applicant's Statement:** Public facilities and services were provided when the site was developed and are in place. The public facility and service requirements of the uses in the proposed IC designation are similar to those in the existing designation. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity and telephone, and solid waste disposal, are currently provided.

**Staff Finding:** The City maintains an infrastructure of public facilities and services as the framework for urban development. The Water System Master Plan, Wastewater Management Master Plan, and



Stormwater Master Plan all provide the outline for facilities adequate to serve the proposed zone. The proposal is consistent with this goal.

## **GOAL 12 – TRANSPORTATION**

**Applicant's Statement:** The subject site is located along Fairview Industrial Drive and Madrona Ave. Both streets provide the site with excellent connections to the surrounding area. Fairview Industrial Drive is classified as a Minor Arterial in the Salem Transportation System Plan (STSP), and Madrona Avenue is a Major Arterial. The intersection of Fairview Industrial Drive and Madrona is controlled by a traffic signal. Madrona provides a link to the I-5 interchange at Santiam Highway via 25th Street and Mission Street. Fairview Industrial is a direct route to Kuebler Boulevard to the south, which is a Major Arterial-Parkway. Kuebler also provides a direct link to an I-5 interchange. All of these streets are intended to handle large volumes of traffic.

The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

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

The potential traffic impact of the proposed change in the land use designation has been examined in a report by Dick Woelk P.E., Associated Transportation Engineering and Planning (ATEP), "State Investments LLC TPR", February 25, 2013. That report is a part of this application. The report examines the potential traffic impact of the proposal on the transportation system, with regards to the requirements of the TPR. The analysis concludes that if the average daily traffic (ADT) from the proposed change does not exceed the traffic impact that could occur from uses allowed by the existing land use designations, there will be no significant impact on the transportation system. The ADT is calculated as 7,831 trips. A trip generation cap of 7,831 ADT is recommended as a means to avoid significant adverse impact on the transportation system. By complying with that limit, the proposal will not have a significant impact on the transportation system, and the proposal will be consistent with the requirements of the TPR.

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

**Staff 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 February 25, 2013 (Attachment 3) 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 7,831 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 7,831 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

### **GOAL 13 – ENERGY CONSERVATION**

**Applicant's Statement:** The site is provided with efficient access to the surrounding community, and facilities and services for multiple forms of motorized and non-motorized transportation are available. The existing buildings were designed in compliance with the building code requirements for energy efficiency in effect at the time they were built. These factors serve to reduce the energy needed for transportation, and space heating and cooling, consistent with the energy conservation requirements of this Goal.

**Staff Finding:** Goal 13 is not directly applicable to the proposal; however, the requested IC designation could potentially facilitate commercial service-type land uses at the site that provide convenient services and employment opportunities for area residents. This, in turn, could serve to reduce the energy used by area workers and residents and is consistent with the energy conservation requirements of this Goal.

### **GOAL 14 – URBANIZATION**

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

**Staff Finding:** Staff concurs with 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:** As shown on the Plan map, the land use pattern in the Fairview Industrial Park consists of alternating IBC and IC zoning. This has occurred as a result of multiple Plan amendments for redesignation from Industrial to Industrial-Commercial. The change proposed in this case is both logical and harmonious with the land use pattern because it requests the same Plan map

designation as has been previously approved in the industrial park, and because it is consistent with the character of the area as it has gradually evolved to provide for a broader range of uses. The land use pattern of the area has transitioned from purely industrial, to a mix of industrial, office, and business-service activities. The Fairview Industrial Park now includes a mix of industrial and industrial-commercial designations, and a variety of industrial, service, office, and public administration uses. The subject site is fully developed and there will be no change in the physical relationship of the property to the surrounding area. The IC designation provides for the types of activities that are suited to the existing buildings. Maintaining the productive use of these facilities provides employment opportunities for residents of the local area as well as the surrounding region.

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

The location of the property, the character of the existing development, and the range of the existing land uses in the area, make this an appropriate location to apply the IC designation. 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.

**Staff Finding:** The land use pattern shown on the plan map for the greater area surrounding the site includes mostly industrial and industrial-commercial lands to the north, east, and south, and single-family residential and mixed-use lands immediately to the southwest.

Considering this pattern of land use in the greater area, the proposed change to Industrial Commercial will be a logical designation that is consistent with the existing pattern of land use surrounding the site. The subject site is a highly visible property located along major thoroughfares. Commercial services and flex-space industrial uses, as will be permitted under the recommended conditional re-zone are well-suited to this site. The existing "business park" development is, in fact, already developed for such a mix of uses, and such uses have been present at the site for some time, although in a limited capacity due to the use limitations imposed by the current IBC zoning.

Based on these findings and the reasons provided by the applicant, above, the proposed plan map amendment to Industrial Commercial, as conditioned, 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 Comprehensive 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 in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a

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

The factors and conditions that affect the use of the subject property have changed since the existing designation was applied and since it was developed. These include changes to the local, regional, and state economies, and changes to the local industrial land use pattern and inventory. The property was developed as a multi-purpose flex-space business park. The proposed redesignation will provide the flexibility to allow the building to be occupied by a wider variety of businesses and services, including non-headquarters office users. The proposed redesignation is consistent with previous land use actions of this type in the area. The proposal is also a response to the large increase in industrial lands that has occurred since the current Plan designation was adopted. The need to redesignate the property is consistent with the stated Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies. The proposed change maintains a significant industrial land use capability, while including an expanded degree of flexibility that is consistent with the need to attract new uses to the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

#### Part IV. Salem Urban Area Goals and Policies

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

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

##### Industrial Lands Policies

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

The subject property is 10.2 acres and includes five buildings totaling 112,404 square feet. The property is fully developed and no changes to the property are planned. Under the IC designation the property will remain available for a wide range of industrial uses. The existing buildings vary in size and provide a variety of spaces that can accommodate a range of industrial activities at this location. The location of the site in the Fairview Industrial Park is conducive to attracting industrial, professional, and service uses. Because the proposed designation retains a wide range of industrial uses, the inventory of industrial land in the city will not be adversely affected by the proposed change. Similarly, the proposed change will not affect the ability of the city to maintain a long term industrial land inventory, which has been greatly enhanced with the addition of 507 acres in the Mill Creek Corporate Center. The proposed redesignation will enhance the use of a multi-purpose property, and thereby help to maintain a competitive market for industrial site. Considering the property's location and existing development, the proposal is consistent with this policy.

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

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

The proposal to redesignate the land to Industrial Commercial maintains the capability for industrial use and expands the opportunities for the use of the site. Enhancing the opportunities for the use of existing buildings is in the community's interest. The proposal does not adversely impact the long-term continuity of the industrial inventory because the IC designation and IC zone maintain the capability for a wide range of industrial uses. Many of the uses are the same as in the current designation. In addition, the long term continuity of the industrial inventory has been enhanced by the addition of the 507-acre Mill Creek Corporate Center. The proposal serves the community's interests by expanding the range of uses that can be attracted to a developed industrial site, in a manner that will be appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is consistent with the projections for the types of industries that are likely to locate in the urban area. For these reasons, the proposal satisfies (a) and (b). It is preferably a boundary adjustment which results from expansion of an existing, adjacent use. The proposal does not involve a boundary adjustment. The boundaries of the subject property are not affected by this proposal.

*And*

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

The proposal does not change the industrial or non-industrial inventory because the IC designation maintains industrial uses. The SREC EOA demonstrated the need to provide industrial sites that would accommodate the categories of industrial activities projected to locate in the community. The IC designation responds to that projection. The proposal will help to maintain and promote occupancy in a developed site that is fully served by public facilities. The industrial use inventory will not be significantly or adversely affected by the proposed redesignation of this site.

*Or*

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

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

*And*

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

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

*And*

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

All public facilities, services and utilities are already in place and serve the property.

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

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

The property is fully developed and is already served by the required public facilities, services and utilities. No new services or utilities are required. The proposal will help to maintain maximum efficient use of the public investment that has been made in the infrastructure, by expanding the opportunities to use the existing buildings. The proposal is consistent with the directive to make use of existing and available public services, facilities and utilities that serve and support industrial areas.

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

The subject site is served by Fairview Industrial Drive and Madrona Avenue, which are Arterials. The proposal does not change or alter the street system. There is no direct access from the property to any local residential street or neighborhood. The site is within an industrial area that was established with regards to its access to the arterial street system. The proposal does not affect, and conforms to, this policy.

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

The IC designation and the IC zone specifically implement this policy by maintaining a variety of industrial development opportunities. The property will remain available for industrial use, and the redesignation will not restrict the opportunity for industrial use. The type of industrial development that occurs on this site will be a function of the existing buildings, and the economic conditions at the time of redevelopment. Applying the IC designation to the property is consistent with this policy to provide for a variety of industrial development opportunities.

The proposed IC designation will enhance the continued use of the property by providing additional opportunities for its occupancy. The proposal will not detract from or significantly affect the industrial land inventory. For the reasons and factors provided, the proposal is consistent with the applicable Industrial Development Goals and Policies.

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

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

The IC designation and IC zone provide for commercial uses as well as industrial uses. The property is within an established business center that currently includes industrial and commercial activities. The site is fully developed. The character of the existing development is appropriate for uses such as professional and business services, support services for employees in the area, combination distribution/service/retail uses, and office-based activities. These types of uses help to maintain and promote the urban area as a commercial and service center for the Marion and Polk County Metropolitan area.

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

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

**Staff 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 goals and policies of the Comprehensive Plan.

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

**Applicant's Statement:** The proposed change will help to encourage and promote the wider use of an existing business park in one of the city's major industrial-business centers. The site was designed for a variety of uses and formerly included a major office use. The property's current condition provides a diminished level of benefit to the public by not being fully occupied. The proposed change in the land use designation will expand the range of potential uses for the property, thereby providing greater opportunity to secure new business activity and employment. The range of uses allowed by the IC zone will add flexibility for the use of the site, in response to the changing conditions affecting the market for industrial land and vacant building space. By expanding the potential to occupy the property and create employment in the community, the proposed change benefits the public.

**Staff 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:** In SRC 113.100, Zone Change, Intent and Purpose, part (a), it is recognized that due to a variety of factors, which include changing development patterns and concepts, and government policy decisions affecting land use, the zoning pattern cannot remain static. This zone change to IC is proposed in response to those factors. There has been a change in the industrial development pattern as a result of the Mill Creek project, and that development is the result of a government policy decision that established the SREC. Additional changes to the industrial development pattern are the result of changes in the economy, as described in the SREC EOA. Those changes, which affect the subject property and other industrial lands in the urban area, could not have been anticipated in the 1980's when the property was placed in its current zone, or in the mid-1990's

when it was developed. The proposed zone change is necessary in order to provide more flexibility in the use of the subject property, which will allow it to respond to these changes. In addition, the proposed zone is consistent with other recent changes to the character of the Fairview Industrial Park. For these reasons the proposal is consistent with the Intent and Purpose of zone changes.

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of this proposal to the Comprehensive Plan has been examined, and the proposal has been shown to conform to those requirements.

**SRC 113.150(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. In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:**

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

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

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

**Staff Finding:** The economic pattern of the properties along Fairview Industrial Drive is changing from large-scale industrial development to a mix of large to medium-sized manufacturing and warehousing along-side business service and office uses. The originally envisioned development model of a well-landscaped, integrated industrial business campus remains. Staff concurs with the applicant that one of the main forces driving the shift to office and service uses on Fairview Industrial Drive is the availability of industrial land at the nearby Mill Creek Corporate Center. Staff also acknowledges the recently re-zoned properties along Fairview Industrial Drive. In those past zone change requests the proponents requested a change from IBC to IC for similar reasons as stated in this application. As was the case for those properties, staff finds that the requested IC zone is consistent with the evolving economic patterns of the neighborhood and is suitable for the subject property. More recently, the City



has also developed the draft Unified Development Code (UDC) IBC zone, which was developed with the input of community stakeholders during the UDC outreach process in an effort to make the IBC zone more relevant to current economic trends. These updated IBC zone provisions have not yet been adopted, but they are attached to this staff report as Exhibits A and B, which staff recommends as conditions of approval for this request. This factor has been addressed.

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

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

**Staff Finding:** Staff concurs that uses in the vicinity have shifted away from solely industrial-based uses to a broader spectrum of commercial and industrial uses. The departure of SUMCO from the property to the east of the subject site created a major vacancy in the area. New development and uses in the area are not solely industrial and manufacturing based. The character of the neighborhood has changed to include more professional service and commercial service uses. This proposal responds to the changing conditions in the neighborhood by changing the zoning to IC zoning, which allows a wider array of both industrial and commercial uses. To ensure this change is compatible and consistent with development in the neighborhood, staff recommends conditions of approval to limit the future commercial-related uses on the subject property by referencing the draft Unified Development Code IBC zone district use and development standards. This approach will limit high-impact retail and commercial uses. This factor has been addressed.

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

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

**Staff Finding:** The proposal's effects on the neighborhood will be to potentially allow more commercial uses at the site, with all of the related increases in traffic and noise that accompany many higher-impact commercial land uses. These effects have been considered and Staff generally 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. However, staff did review traffic impacts and the potential mix of uses allowed under the requested IC zoning and recommends several mitigating conditions, which are outlined below.

Of particular concern to Staff was the effect of increased traffic to the site because of the new uses permitted by the proposed zone change. The applicant submitted a Transportation Planning Rule (TPR) analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed re-zone will not have a significant affect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings that recommend limiting the development on the 10.2 acre site to 7,831

vehicles per day. Therefore, staff recommends the following condition, based on the applicant's statement (Attachment 2) and Transportation Planning Rule (TPR) Analysis (Attachment 3):

**Condition 1.** Traffic impacts from development on the subject property shall be limited to a maximum of 7,831 average daily trips.

Staff also recommends the following two conditions, which require the proposed IC lands to adhere to the use and development standards of the draft updated IBC zone that was developed as part of the Unified Development Code (UDC) project, but is not yet adopted:

**Condition 2.** Future land uses on the subject property shall be limited to the uses identified in Exhibit A.

**Condition 3.** Future use and development on the subject property shall be required to adhere to the development standards identified in Exhibit B.

The updated IBC zone provisions used in Exhibits A and B were developed with the input of community stakeholders during the UDC outreach process in an effort to make the IBC zone more relevant to current economic trends. The uses and standards contained in Exhibits A and B are intended to allow a wider range of commercial office and service uses than is currently allowed under the site's IBC zoning, while restricting the number of high traffic-generating retail uses so as to minimize the impacts to the surrounding neighborhood.

Based on these findings, and with the recommended conditions of approval, the proposal satisfies this criterion.

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

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

**Staff Finding:** Staff concurs. The Water System Master Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the proposed zone.

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

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

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

The proposed zone change is appropriate for the subject property, and consistent with the surrounding area. No adverse impacts are identified. The redesignation of the site will promote its continued use.

The proposal is consistent with the industrial lands policies in the Comprehensive Plan, and it is consistent with the policies for commercial development. The proposal satisfies the criteria for a Plan Amendment and Zone Change.

**Staff 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.

### 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 13-02 on property 10.2 acres in size, and located at 3501-3541 & 3547 Fairview Industrial Drive SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 700 & 800):

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

**Condition 1.** Traffic impacts from development on the subject property shall be limited to a maximum of 7,831 average daily trips.

**Condition 2.** Future land uses on the subject property shall be limited to the uses identified in Exhibit A.

**Condition 3.** Future use and development on the subject property shall be required to adhere to the development standards identified in Exhibit B.

- Exhibits:**
- A. IC Zone Use Exhibit
  - B. IC Zone Development Standards Exhibit

- Attachments:**
- 1. Public Hearing Notice and Map
  - 2. Applicant's Statement Addressing Approval Criteria
  - 3. Transportation Planning Rule Analysis, Dated February 25, 2013
  - 4. Public Works Department Comments

Prepared by: Bryan Colbourne, Planner III



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## Exhibit A – IC (Industrial Commercial) Uses

Where used in this exhibit, “District” means the property re-zoned to IC as part of Case No. CPCZC13-02.

**(a) Uses.**

The Permitted (P), Conditional (C), and Prohibited (N) uses in the District are set forth in Table 1. Detailed descriptions of each use listed in Table 1 are provided in Section (d) of this exhibit. A **Permitted Use (P)** is a use that is allowed outright in the zone. A **Conditional Use (C)** is a use that is not allowed outright in the zone, but may be allowed through discretionary approval pursuant to the Conditional Use process established in the Salem Revised Code. A **Prohibited Use (N)** is a use that is not allowed in the zone under any circumstances, unless the use has non-conforming status.

<b>Table 1: Uses</b>		
<b>Use</b>	<b>Status</b>	<b>Limitations &amp; Qualifications</b>
<b>Household Living</b>		
Single Family	N	
Two Family	N	
Multiple Family	N	
<b>Group Living</b>		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
<b>Lodging</b>		
Short-Term Commercial Lodging	P	Short-Term Commercial Lodging is permitted, subject to the “Limitations on Uses” of Section (b) of this Exhibit; provided, however, a single establishment may accommodate up to 100 guest rooms, regardless of total floor area.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
<b>Retail Sales and Service</b>		
Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, unless noted below, subject to the “Limitations on Uses” of Section (b) of this Exhibit.
	N	Drive-in or drive-through facilities.
Retail Sales	P	The following Retail Sales activities are permitted, subject to the “Limitations on Uses” of Section (b) of this Exhibit: <ul style="list-style-type: none"> <li>▪ Photocopying and blueprinting.</li> <li>▪ Office supplies.</li> </ul>
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	Postal Services and Retail Financial Services are permitted, subject to the “Limitations on Uses” of Section (b) of this Exhibit.
<b>Business and Professional Services</b>		
Office	P	
Audio/Visual Media Production	P	Audio/Visual Media Production is permitted, provided it is within an enclosed building.
Laboratory Research and Testing	P	Laboratory Research and Testing is permitted, provided it is within an enclosed building.
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services</b>		

**Table 1: Uses**

<b>Use</b>	<b>Status</b>	<b>Limitations &amp; Qualifications</b>
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	Gasoline service stations are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Motor Vehicle Services.
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	Heavy equipment rental and leasing is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Heavy Vehicle and Trailer Sales.
Heavy Vehicle and Trailer Service and Storage	N	
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>		
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit; provided however, no single establishment may occupy more than 50,000 square feet of total floor area.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
<b>Health Services</b>		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories are allowed, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Educational Services</b>		
Day Care	P	Child day care services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Post-Secondary and Adult Education is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Civic Services</b>		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
<b>Public Safety</b>		
Emergency Services	P	Emergency Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Detention Facilities	N	
Military Installations	N	
<b>Funeral and Related Services</b>		
Cemeteries	N	

**Table 1: Uses**

<b>Use</b>	<b>Status</b>	<b>Limitations &amp; Qualifications</b>
Funeral and Cremation Services	N	
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>		
General Repair Services	P	General Repair Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Building and Grounds Services and Construction Contracting	P	Buildings and Grounds Services and Construction Contracting are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Cleaning Plants	N	
Industrial Services	P	Industrial Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
<b>Whole Sales, Storage, and Distribution</b>		
General Wholesaling	P	General Wholesaling is permitted, provided it is within an enclosed building.
Heavy Wholesaling	P	Heavy Wholesaling is permitted, provided it is within an enclosed building.
Warehousing and Distribution	P	Warehousing and Distribution is permitted, provided it is within an enclosed building.
Self-Service Storage	P	Self-Service Storage is permitted, provided it is within an enclosed building.
<b>Manufacturing</b>		
General Manufacturing	P	General Manufacturing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
Heavy Manufacturing	N	
Printing	P	Printing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
<b>Transportation Facilities</b>		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
<b>Utilities</b>		
Basic Utilities	P	
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	Data Center Facilities are permitted, provided they are within an enclosed building.
Fuel Dealers	P	Fuel Dealers are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Waste-Related Facilities	N	
<b>Mining and Natural Resource Extraction</b>		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
<b>Farming, Forestry, and Animal Services</b>		
Agriculture	P	
Forestry	N	

**Table 1: Uses**

<b>Use</b>	<b>Status</b>	<b>Limitations &amp; Qualifications</b>
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
<b>Other Uses</b>		
Temporary Uses	N	
Home Occupations	N	
Historic Resource Adaptive Reuse under SRC Chapter 230	N	

**(b) Limitations on Uses.** Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

- (1) Unless otherwise provided, the use shall be limited to no more than 10,000 square feet of total floor area per lot.
- (2) Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- (3) Outdoor storage areas shall:
  - (A) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
  - (B) Be enclosed with a minimum six-foot-high sight-obscuring fence or wall;
  - (C) Have at least one side conterminous with the building which it serves; and
  - (D) Have no opening within fifty feet and visible from any property boundary.

**(c) How to Classify Uses.**

**(1) Classifying "Use"** The principal activity or principal activities that occur upon a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use.

**(2) Classifying "Accessory Uses"** Accessory activities that are clearly incidental, subordinate to, dependent upon, and conducted in support of one or more principal activities on a property are accessory uses. Accessory uses must be located on the same lot, and must be operated under the same ownership, as the principle activity. To determine whether an activity is clearly incidental, subordinate to, dependent upon, and conducted in support of another activity the following factors shall be considered:

- (A) The location and arrangement of the activity on the site, and/or its arrangement within a building, in comparison to other activities on the property;
- (B) The relative amount of site or floor space and equipment devoted to the activity in comparison to other activities on the site and/or in the building;
- (C) The relative amounts of sales from the activity in comparison to other activities on the property;
- (D) The relative number of employees for the activity in comparison to other activities on the property.
- (E) Whether the activity would likely be found independent of the other activities on the property.
- (F) Whether the activity aids or contributes to other activities on the property or carries on the function of other activities on the property.
- (G) The relative number of vehicle trips generated by the activity in comparison to other activities on the property.
- (H) Whether the activity will have its own signage;
- (I) How the activity advertises itself in comparison to other activities on the property;

(J) The hours of operation of the activity in comparison to other activities on the property.

**(3) Application of Regulations.** When there are multiple uses on a property, each use must comply with the regulations that are specific to that use. An accessory use is considered a part of the use and is subject to the same regulations as the use.

**(4) Similar Use Determination.** If a specific activity cannot be readily classified as falling within a use, the Planning Administrator will determine which use the activity falls within. The Planning Administrator may refer the determination of which use the activity falls within to the Planning Commission. The criteria for the determination shall be whether the activity possesses the characteristics of the use. The Planning Commission's determination is a Type III procedure under SRC Chapter 300.

**(5) Activities in Right-of-Way.** Activities allowed in right-of-way are generally not considered a "use" for purposes of classification under this Chapter.

**(d) Use Classifications.** Each use described below includes Characteristics and Examples, and may also include Exceptions. The purpose of Characteristics, Examples, and Exceptions is as follows:

**(1) Characteristics.** The "characteristics" define and describe the essential features, nature of operation, and impacts generally associated with a specific use.

**(2) Examples.** The "examples" provide a list of activities that fall within a specific use. The list of examples is not exhaustive and is intended to illustrate typical activities that possess the characteristics of the use.

**(3) Exceptions.** The "exceptions" identify specific activities that possess some of the characteristics of one use but more appropriately fall within another use. The list of exceptions is exhaustive and is not intended to illustrate typical activities.

**Household Living.** Household Living consists of the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient, long-term basis, typically more than twenty-eight days by a family.

**Single Family.**

**Characteristics.** Single family is characterized by the residential occupancy of a single dwelling unit on an individual lot or space by a family. Single family dwelling units can be detached, attached at the common lot line, or built contiguous with only one side lot line.

**Examples.** Single family detached dwelling; zero side yard dwelling; townhouse; manufactured dwelling; manufactured dwelling park; residential home, as defined under ORS 197.660; secondary dwelling.

**Two Family.**

**Characteristics.** Two family is characterized by the residential occupancy of two dwelling units on an individual lot by two families.

**Examples.** Duplex; two family shared dwelling; cottage housing; two dwellings units on one lot.

**Multiple Family.**

**Characteristics.** Multiple family is characterized by the residential occupancy of three or more dwelling units on an individual lot by three or more families.

**Examples.** Apartments; cottage housing.

**Group Living.** Group Living consists of the residential occupancy of a structure on a wholly or primarily non-transient, long term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of Household Living, either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include



common facilities that are shared by residents, including, but not limited to, facilities for dining, for social and recreational activities, and for laundry.

**Room and Board.**

**Characteristics.** Room and Board is characterized by Group Living facilities where no personal care, training, and/or treatment requiring a license from the State of Oregon is provided.

**Examples.** Dormitories; fraternities and sororities; monasteries and convents; communes; co-housing or cooperatives that do not meet the definition of household living; single-room occupancy housing for long-term residency where self-contained dwelling units are not provided.

**Exceptions.** All lodging where tenancy is typically arranged for less than twenty eight days is included in Lodging.

**Residential Care.**

**Characteristics.** Residential Care is characterized by Group Living facilities where any combination of personal care, training, or treatment is provided to children, the elderly, or individuals with disabilities or limits on the ability for self-care, but where medical care is not a major element.

**Examples.** Residential facilities, as defined in ORS 197.660; orphanages; group foster homes for six or more individuals; homes for the deaf or blind; housing for persons enrolled in work release programs; assisted living facilities; permanent supportive housing facilities where self-contained dwelling units are not provided.

**Exceptions.**

(A) Residential homes providing care and/or training for five or fewer individuals are included in Household Living.

(B) Homeless shelters are included in Lodging: Shelters.

(C) Facilities for people who are under judicial detainment with twenty-four hour supervision are included in Public Safety: Detention Facilities.

(D) In-patient rehabilitation and recuperative care provided in a hospital setting is included in Health Services: Medical Centers/Hospitals.

**Nursing Care.**

**Characteristics.** Nursing Care facilities are characterized by Group Living facilities that are licensed by the state to provide treatment. Patients in these facilities require some nursing care, including the administration of medications and treatments or the supervision of self-administered medications in accordance with a physician's orders.

**Examples.** Hospice care; nursing homes; convalescent homes; rest homes; in-patient rehabilitation and recuperative care.

**Exception.** Family child care homes are included in Day Care.

**Lodging.** Lodging consists of the occupancy of living accommodations on a temporary basis.

**Short-Term Commercial Lodging.**

**Characteristics.** Short-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated, and provide living accommodations for typically less than twenty-eight days.

**Examples.** Bed and breakfasts; hostels; hotels; inns; motels.

**Long-Term Commercial Lodging.**

**Characteristics.** Long-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated and provide living accommodations for typically more than twenty-eight days, but are not intended to be a permanent place of abode.

**Examples.** Residential hotel; studio hotel.

### **Non-profit Shelters.**

**Characteristics.** Non-Profit Shelters are characterized by lodging establishments providing overnight sleeping accommodations and temporary shelter for the homeless and other vulnerable populations. Individual bath and cooking facilities may or may not be provided.

**Examples.** Homeless shelters; congregate shelters.

#### **Exceptions.**

(A) Temporary emergency housing is included in Temporary Uses.

(B) Facilities for people who are under judicial detainment with twenty-four hour supervision are included in Public Safety: Detention Facilities.

**Retail Sales and Service.** Retail Sales and Service consists of the sale, lease, or rental of products or services to the general public for personal or household use. Customers typically come to the site to obtain goods or services. Some delivery or shipping may also be included.

### **Eating and Drinking Establishments.**

**Characteristics.** Eating and Drinking Establishments are characterized by the preparation and sale of food and non-alcoholic beverages for consumption on the premises and/or take-away/delivery service and/or the sale of alcoholic beverages for on-site consumption.

**Examples.** Brew pubs, taverns, and bars; cafes and restaurants; coffee shops; delicatessens; drive-up or drive-through fast food restaurants.

#### **Exceptions.**

(A) Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity are included in Manufacturing: General Manufacturing.

(B) Entertainment establishments are included in Recreation, Entertainment, and Cultural Services: Commercial Entertainment – Indoor.

(C) Commercial or industrial catering kitchens where food is prepared and delivered off-site are included in Manufacturing: General Manufacturing.

(D) Bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members are included in Recreation, Entertainment, and Cultural Services: Non-Profit Membership Assembly.

(E) Restaurants and other eating and drinking establishments associated with a truck stop are considered accessory to the truck stop, which is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales, Service, and Storage.

(F) Mobile food units are included in Temporary Uses.

### **Retail Sales.**

**Characteristics.** Retail Sales is characterized by the sale, lease, or rental of products directly to final consumers, but may include the sale, lease, or rental of products to contractors. Visits by customers are generally not scheduled. Stores are typically open to the general public.

**Examples.** Appliance stores; auto supply stores; bicycle shops; book stores; candy stores; clothing, footwear, and apparel stores; catering establishments; commercial art galleries; consignment shops; convenience stores; copy shops; costume or formal wear rental; department stores; drug stores; electronics stores; fruit and vegetable markets; furniture, lighting, and home furnishing stores; furniture rental; grocery stores; hardware stores; health and beauty stores; lawn and garden supply stores; liquor stores; lumber and building materials stores; meat and seafood markets; paint stores; pawn shops; retail bakeries; retail nurseries; retail photocopying and blueprinting; sporting goods stores; tobacco stores; pet stores; video rental.

#### **Exceptions.**

- (A) Gasoline stations are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.
- (B) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.
- (C) Sales, leasing, and rental of new and used vehicles, including, but not limited to, automobiles, trucks, motorcycles, boats, and recreational vehicles, are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle and Manufactured Dwelling and Trailers Sales.
- (D) Lumber yards and other building material businesses that sell primarily to contractors are included in Wholesale Sales, Storage, and Distribution.
- (E) Sales, rental, and leasing of heavy trucks and trailers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.
- (F) Establishments selling to the general public exclusively through online, phone, or mail-order sales with little or no provision for on-site sales to the general public are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.
- (G) Portable toilet rental and leasing is include in Construction Contracting, Repair, Maintenance, and Industrial Services: Buildings and Grounds Services and Construction Contracting.

#### **Personal Services.**

**Characteristics.** Personal Services are characterized by establishments that provide non-medical services to individuals involving either the intellectual or manual personal labor of the server, rather than a saleable product of the server's skill. Services may be performed on a customer's person or personal items. Services may include repair, maintenance, or cleaning of clothing and/or accessories and/or non-medical aesthetic or personal care treatments to humans. These services typically are provided directly to consumers.

**Examples.** Barber shops; beauty salons; garment alteration; jewelry and watch repair; laundromats; laundry and dry cleaning establishments where customers typically bring items to the site for cleaning; photograph portrait studios; shoe repair; spas; tailors and seamstresses; tattoo/piercing parlors.

#### **Exceptions.**

(A) Industrial laundries and dry cleaning plants where customers do not typically come to the site and linen and diaper services where items are generally delivered to the customer off-site are included in Construction Contracting, Repair, Maintenance, and Industrial Services: Cleaning Plants.

(B) Repair of personal and household items other than clothing and accessories is included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

(C) Establishments providing day time supervision for persons of any age are included in Education Services: Day Care.

(D) Pet grooming and other animal care services are included in Farming, Forestry, and Animal Services: Animal Services.

#### **Postal Services and Retail Financial Services.**

**Characteristics.** Postal and Retail Financial Services are characterized by establishments that provide postal or financial services directly to clients or customers on the site. Services may also be provided remotely, without direct face-to-face customer interaction. Physical products are generally not sold on the site except for incidental sale of supplies directly related to postal or financial services.

**Examples.** Banks; credit unions, money transfer; check cashing; customer-oriented post offices; customer-oriented private mail or package delivery service locations; credit agencies engaging in lending transactions with consumers.

**Exceptions.**

(A) Bank headquarters and corporate offices of financial services companies where customers do not typically come to the site are included in Business and Professional Services: Office.

(B) Central postal distribution centers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

(C) Pawn shops and consignment stores are included in Retail Sales and Service: Retail Sales.

**Business and Professional Services.** Business and Professional Services consists of establishments that generally provide professional services or produce intellectual property, rather than physical goods. While intellectual property produced may be recorded onto physical media such as paper or electronic storage, the production of the content is the primary activity, rather than the transfer of the content onto the physical media. Business and Professional Services uses generally do not sell, rent, lease, or provide repair or maintenance services for physical products to customers. While customers or clients may come to the site on occasion, generally by appointment, the customer or client does not need to be present on the site in order to receive services.

**Office**

**Characteristics.** Office is characterized by establishments that provide business and professional services to individuals, public or non-profit entities, and/or businesses in an enclosed building, generally in an office environment. There are few visits by the general public, and little walk-in traffic. Those who come to the site are mostly employees, and, to a lesser extent, clients. Laboratory research is not a major component of the activities on-site.

**Examples.** Accountants and tax services; advertising agencies; architects; bank offices and headquarters; business associations; call centers; commercial photography studios; computer system design and computer programming; corporate offices and headquarters; data processing; engineers; financial businesses such as lenders and holding and investment offices; graphic and industrial design; insurance carriers, agents, and brokers; landscape architects; lawyers; lobbyists; planners; post-production and distribution services for audio-visual media where not associated with production/filming/broadcasting; professional membership organizations; real estate agents; scientific and technical services; software and internet content development and publishing; telemarketing or customer support centers; temporary employment agencies; title companies; travel agencies; distance education and distance learning.

**Exceptions.**

(A) Branch banks, credit unions, and other similar financial institutions where customers come to the site on a regular basis are included in Retail Sales and Service: Postal and Retail Financial Services.

(B) Producing and recording audio or visual media is included in Business and Professional Services: Audio/Visual Media Production.

(C) Commercial and non-commercial research and testing conducted in a laboratory environment is included in Business and Professional Services: Laboratory Research and Testing.

(D) Facilities dedicated to data storage and transmission where employees are not regularly present on site are included in Utilities: Data Center Facilities.

**Audio/Visual Media Production.**

**Characteristics.** Audio/Visual Media Production is characterized by business and professional services related to the recording, production, and/or broadcasting of audio and/or visual media. Audio/Visual Media Production typically involves a studio and/or set where production is staged. Productions may be recorded or

broadcast live. In most cases, the public does not come to the site, although some studios may provide for a live audience.

**Examples.** Movie production facilities; music recording studios; television and radio recording and broadcast studios.

**Exceptions.**

(A) Film and tape distribution associated with television, recording, or movie production and post-production editing of audio and/or visual content that is separate from the production or recording of that content is included in Office.

(B) Wireless telecommunication facilities, AM and FM antennae, and TV antennae, including antenna, structures, equipment, and appurtenances are included in Utilities: Wireless Communication Facilities.

**Laboratory Research and Testing.**

**Characteristics.** Laboratory Research and Testing is characterized by business services related to commercial and non-commercial research and testing conducted in a laboratory environment. Primary data is generated on-site.

**Examples.** Biological, physical, or chemical research; engineering laboratory research; food testing; materials testing; product testing; and water quality testing.

**Exceptions.**

(A) Testing of cars and trucks, including pollution testing, safety tests, and aerodynamic testing, is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

(B) Medical laboratories are included in Health Services: Outpatient Medical Services and Laboratories.

**Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services.** Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services consists of the sale, rental, and leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory storage of motor vehicles; and vehicles for hire with drivers. Motor vehicles include automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation vehicles, buses, and motorized non-road vehicles.

**Motor Vehicle and Manufactured Dwelling and Trailer Sales.**

**Characteristics.** Motor Vehicle and Manufactured Dwelling and Trailer Sales is characterized by the sales, leasing, and rental of new and used motor vehicles, other than heavy trucks and non-road motorized commercial vehicles, manufactured dwellings, and trailers. Motor Vehicle and Manufactured Dwelling and Trailer Sales typically requires extensive indoor and/or outdoor display or storage areas. Customers typically come to the site to view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or trailers.

**Examples.** Sales, leasing, and rental of new and used motor vehicles including automobiles, trucks, motorcycles, motorized boats, recreational vehicles, and other personal transportation vehicles; car rental agencies; manufactured dwelling and pre-fabricated structure sales and display sites; sales, leasing, or rental of trailers.

**Exceptions.**

(A) Heavy truck and heavy equipment sales, leasing, and rental are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

(B) Auto supply stores are included in Retail Sales and Services: Retail Sales.

(C) Sales of used motor vehicle parts is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

(D) Wholesale sales of motor vehicles, manufactured dwellings, and trailers is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling or General Wholesaling, dependent upon whether the activity occurs entirely within an enclosed building.

(E) Temporary motor vehicle and recreational vehicle sales are included in Temporary Uses.

#### **Motor Vehicle Services.**

**Characteristics.** Motor Vehicle Services are characterized by the repair, testing, maintenance, cleaning, storage, and provision of other services for motor vehicles, other than heavy trucks and heavy equipment. Vehicles may be brought to the site by customers or by a towing service. If motor vehicle parts are sold, they are typically installed on-site.

**Examples.** Auto body shops; auto glass repair; automotive paint shops; automotive repair shops; car washes; gasoline stations and unattended card-key stations; motorcycle repair shops; quick lubrication services; testing of cars and trucks, including pollution and safety testing; tire sales and installation shops; towing services; vehicle engine, transmission and muffler repair shops; and vehicle upholstery and detailing shops.

#### **Exceptions.**

(A) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Heavy truck and heavy equipment repair and service are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service, and Storage.

(C) Vehicle salvage and wrecking is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

#### **Commercial Parking.**

**Characteristics.** Commercial Parking is characterized by parking facilities, contained either in structures or on surface lots, where such parking is not exclusively accessory to a specific use and is not needed to meet the minimum off-street parking requirement for the specific use. A fee may or may not be charged.

**Examples.** Commercial shuttle parking; parking structures/garages; public garages as defined in SRC Chapter 110; short and long term fee parking garages and surface parking lots; facilities that provide both accessory parking for a specific use and paid parking for patrons not connected to the use.

#### **Exceptions.**

(A) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby are not considered Commercial Parking facilities.

(B) Public park-and-ride facilities are included in Park-and-Ride Facilities.

(C) Joint use of parking areas by multiple uses is considered accessory to those uses.

#### **Park-and-Ride Facilities.**

**Characteristics.** Park-and-Ride Facilities are characterized by parking spaces owned or leased by a public agency for use by transit riders or ride-share participants. Park-and-Ride Facilities may be located on their own lot or may consist of shared parking spaces associated with another use.

**Examples.** Parking spaces leased to or shared with a public agency for the exclusive or shared use by transit patrons or ride-share participants; parking lots for the exclusive use of transit riders or ride-share participants.

#### **Taxicabs and Car Services.**

**Characteristics.** Taxicabs and Car Services are characterized by establishments providing light- and medium-duty vehicles for hire with drivers. On-site activities are generally limited to storage and maintenance of fleet vehicles; dispatch; and administration. Customers rarely, if ever, come to the site, but typically are picked up from and driven to locations off-site. Services may or may not be scheduled.

Services may be provided to the general public or to employees, customers, or clients of one or more businesses or institutions.

**Examples.** Armored car service, taxicab operators; town car, chauffer, and limousine services; companies operating small shuttle-buses; airport shuttle services; storage and dispatch for shuttle services serving one or more businesses or institutions where such storage and dispatch takes place on a separate site from the use(s) served; dispatch facilities for dial-a-ride and other demand-responsive shuttle services operated by public agencies using light- and medium-duty vehicles.

**Exceptions.**

(A) Facilities for the maintenance, storage, and/or dispatch of vehicles requiring a commercial driver license, including school buses, are included in Heavy Vehicle and Trailer Service and Storage.

(B) Shuttle bus, taxicab, or town car services that serve a particular use and are contained on the same site as that use are considered accessory to that use.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

**Heavy Vehicle and Trailer Sales.**

**Characteristics.** Heavy Vehicle and Trailer Sales is characterized by establishments providing for the sales, rental, or leasing of heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.

**Examples.** Heavy truck rental and leasing; moving truck rental, with or without drivers; sales, rental, and leasing of heavy trucks and heavy equipment, tractors and related mobile farming equipment, vehicles requiring a commercial driver license, and heavy-duty trailers

**Exceptions.** Sales of, industrial and farm equipment is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

**Heavy Vehicle and Trailer Service and Storage.**

**Characteristics.** Heavy Vehicle and Trailer Service and Storage is characterized by facilities providing for the service, maintenance, and/or storage of heavy motor vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles and heavy equipment, are often stored on-site, often outside.

**Examples.** Storage and maintenance facilities for buses, including those owned and operated by public transit agencies and school transportation service providers; storage and maintenance facilities for establishments that collect solid waste; repair and maintenance of tractors and related mobile farming equipment; repair and maintenance services for heavy vehicles and heavy equipment; truck driver and heavy equipment operation training schools; truck stops;

**Exceptions.** Repair and maintenance of industrial, and farm equipment is included in Construction Contracting, Repair, Maintenance, and Industrial Services: Industrial Services.

**Recreation, Entertainment, and Cultural Services and Facilities.** Recreation, Entertainment, and Cultural Services and Facilities consists of facilities providing recreation, entertainment, and/or cultural enrichment services. These services and facilities may be either participant-oriented, with spectators incidental and present on a nonrecurring basis, or event-oriented, drawing people to observe specific meetings, events or shows. In both cases customers come to the site to partake in the activities. Food and beverage sales, if present, are incidental.

**Commercial Entertainment – Indoor.**

**Characteristics.** Commercial Entertainment – Indoor is characterized by the provision of sports, entertainment, or recreational activities in an enclosed facility by a for-profit business.

**Examples.** Video arcades; bowling alleys; dance halls; dance studios and dance schools; indoor pools other than those primarily used for spectator-oriented competition; indoor firing ranges; nightclubs and late night entertainment establishments; indoor paintball or laser tag facilities; physical fitness facilities, health clubs, yoga studios, and gymnasiums; indoor skating rinks; indoor courts or other facilities for team sports other than those primarily used for spectator-oriented competition; small rentable event spaces; movie theaters; membership sports and recreation clubs; concert halls, theaters, and other music and performing arts venues.

**Exceptions.** Performance, meeting, and conference venues designed to accommodate three hundred or more people are classified as Major Event Entertainment.

#### **Commercial Entertainment – Outdoor.**

**Characteristics.** Commercial Entertainment – Outdoor is characterized by the provision of sports or recreation primarily by and for participants in an open, outdoor facility, operated by a for-profit business. Spectators are incidental and present on a nonrecurring basis.

**Examples.** Recreational vehicle parks; campgrounds; miniature golf courses; swimming pools; tennis courts; skateboard parks; outdoor swimming pools; amusement parks; sports fields other than those primarily used for spectator-oriented competition; membership sports and recreation clubs; driving ranges; golf courses; drive-in movie theaters.

**Exceptions.**

(A) Outdoor facilities that are minimally developed with structures and not generally staffed, such as nature parks, recreational trails, and arboreta, are included in Recreation, Entertainment, and Cultural Services and Facilities: Parks and Open Space.

(B) Outdoor participant-oriented recreational facilities of a public or non-profit nature are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

#### **Major Event Entertainment.**

**Characteristics.** Major Event Entertainment is characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Events may be live or previously recorded, and may take place in an enclosed structure, a partially-enclosed structure, or entirely outdoors. The number of people who come to the site as spectators, audience, or attendees is greater than the number there to produce the event. The facilities receive little or no use for other than scheduled events other than for practice or rehearsal purposes.

**Examples.** Athletic and sports stadiums; facilities for major athletic competitions; race tracks; fairs; expositions; major conventions and exhibitions.

**Exceptions.**

(A) Banquet halls that are part of hotels or restaurants are accessory to those uses.

(B) Movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

(C) Drive-in movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Outdoor.

(D) Concert halls, theaters, and other music and performing arts venues are included in Commercial Entertainment – Indoor.



(E) Performance, meeting, and conference venues designed to accommodate fewer than 300 people are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

#### **Recreational and Cultural Community Services.**

**Characteristics.** Recreational and Cultural Community Services are characterized by indoor and outdoor services and facilities typically of a public or non-profit nature providing a range of on-going, on-site recreational and cultural services to the public. Services or activities are generally provided on an on-going basis, not just for special events. Recreational and Cultural Services generally have employees on-site during open hours.

**Examples.** Aquariums; art museums; community centers; golf courses; libraries; museums; zoological gardens; senior centers; youth clubs; indoor and outdoor swimming pools, spectator-oriented ball fields and tennis courts designed to accommodate less than 300 spectators, when operated by the City or a non-profit community club or association.

#### **Exceptions.**

(A) For-profit recreational enterprises, such as amusement parks and membership sports and recreation clubs, are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor or Commercial Entertainment – Outdoor.

(B) Large-scale event-oriented uses are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

#### **Parks and Open Space.**

**Characteristics.** Parks and Open Space is characterized by publicly owned land and outdoor facilities that provide for recreation, or land that provides for the preservation of natural resources.

**Examples.** Arboreta; botanical garden; nature parks and preserves; parks; recreational trails; playgrounds; ball fields; outdoor tennis courts, community garden.

#### **Exceptions.**

(A) Land used for the burial of the dead is included in Funeral and Related Services: Cemeteries.

(B) Outdoor performance or event structures designed to host major events are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

#### **Non-Profit Membership Assembly.**

**Characteristics.** Non-Profit Membership Assembly is characterized by facilities for the assembly of members of civic, social, fraternal, or other non-profit membership groups. Activities on-site often include membership meetings as well as social, philanthropic and/or recreational functions and activities primarily for members of the organization.

**Examples.** Meeting places for civic clubs, fraternal, or veteran organizations; grange halls; bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members.

#### **Religious Assembly.**

**Characteristics.** Religious Assembly is characterized by facilities for worship services. Religious Institutions typically are designed to provide for the assembly of persons for the purpose of religious exercise.

**Examples.** Churches; mosques; synagogues; temples.

#### **Exceptions.**

- (A) Religious Assembly that includes residential housing of their members, such as convents and monasteries are included in Residential: Group Living – Room and Board.
- (B) Schools operated by religious organizations are included in Education Services: Basic Education.
- (C) Child care services operated by religious organizations other than those provided for congregants during worship services and church activities are included in Education Services: Day Care.

**Health Services.** Health Services consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel. Except for medical and dental laboratories, which may have little direct contact with patients, patients typically come to the site to receive health and/or dental services from licensed professionals.

**Medical Centers/Hospitals.**

**Characteristics.** Medical Centers / Hospitals are characterized by facilities that provide health services to inpatients and the specialized accommodation services required by inpatients. Medical Centers/Hospitals may also provide outpatient services as a secondary activity. Institutions that fall within this category are accredited by state and national agencies. Emergency services are generally included.

**Examples.** Free-standing inpatient hospitals; psychiatric and substance abuse hospitals primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders; medical complexes that include inpatient hospitals; hospitals or medical centers associated with a university or medical school.

**Exceptions.**

- (A) Free-standing medical clinics without inpatient services are included in Health Services: Outpatient Medical Services and Laboratories.
- (B) Medical office buildings that provide outpatient care and urgent medical care, and which are not located on a medical center campus are included in Health Services: Outpatient Medical Services and Laboratories.

**Outpatient Medical Services and Laboratories.**

**Characteristics.** Outpatient Medical Services and Laboratories are characterized by prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care professionals that are provided on an out-patient basis and medical testing and analysis services. Patients generally do not spend more than twenty-four hours at a time. Emergency services are generally not provided, although urgent care may be included.

**Examples.** Offices of doctors, nurses, physicians' assistants, dentists, chiropractors, optometrists, podiatrists, audiologists, dieticians, midwives, naturopaths, occupational and physical therapists, psychologists, psychiatrists, speech therapists, osteopathic doctors, and acupuncturists; medical and dental laboratories; blood banks; outpatient drug or alcohol treatment clinics; kidney dialysis centers; outpatient urgent care facilities; rehabilitation centers; orthotic and prosthetic services.

**Exceptions.**

- (A) Skilled nursing care facilities are included in Group Living: Nursing Care.
- (B) Hospitals are included in Health Services: Medical Centers/Hospitals.
- (C) Medical equipment and supplies manufacturing is included in Manufacturing: General Manufacturing.
- (D) Cosmetology services are included in Retail Sales and Services: Personal Services.

(E) Home health care services provided to individuals in their own homes is considered accessory to Household Living.

**Education Services.** Education Services consists of educational instruction and/or daytime supervision of people of any age. Services are primarily provided by students or those supervised coming to the site.

**Day Care.**

**Characteristics.** Day Care is characterized by the day or evening supervision of children and/or adults who need assistance or supervision outside of the individual's home or that of a family member. Educational services may or may not be included. A fee is generally charged for services. Individuals supervised come to the site, but do not stay overnight.

**Examples.** Adult day care centers; adult day care homes; child day care centers; child day care homes; Registered Head Start programs; nursery schools; preschools.

**Exceptions.** Babysitting, as defined in SRC Chapter 110, and care given by an individual's parents, guardians, or relatives are accessory to Household Living.

**Basic Education.**

**Characteristics.** Basic Education is characterized by institutions that are licensed by the State to provide comprehensive state-mandated basic education primarily to minors. Students generally come to the site to receive instruction, although some distance learning may be included. Instruction generally takes place within one or more enclosed buildings.

**Examples.** Public and private primary, elementary, middle, and high schools; charter schools; alternative education schools and programs approved by the School District; state-recognized secondary school Career and Technical Education programs (vocational high schools).

**Exceptions.**

(A) Head Start programs are included in Education Services: Day Care.

(B) Adult basic education programs leading to a General Equivalency Diploma (GED) are included in Education Services: Post-Secondary and Adult Education.

**Post-Secondary and Adult Education.**

**Characteristics.** Post-Secondary and Adult Education is characterized by institutions offering advanced education and training to adults. Basic primary and secondary education is not provided except instruction for adults seeking a General Equivalency Diploma (GED). Post-Secondary and Adult Education institutions generally provide instruction leading to a degree, certificate, or license, but may also provide non-degree programs. Instruction generally takes place on-site within one or more enclosed buildings; however, some distance learning and/or outdoor instruction may also be included.

**Examples.** Community colleges; language schools; liberal arts colleges; medical and nursing schools not associated with a medical center; seminaries; universities; adult basic education programs leading to a General Equivalency Diploma (GED).

**Exceptions.**

(A) Post-Secondary and Adult Education institutions that are entirely distance learning based are included in Business and Professional Services: Office.

(B) Trade schools providing training in the operation of vehicles requiring a Commercial Driver License or heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(C) Aviation schools are included in Transportation Facilities: Aviation Facilities.

**Civic Services.** Civic Services consists of governmental or non-profit entities providing services related to the administration of the government or providing social assistance.

**Governmental Services.**

**Characteristics.** Governmental Services are characterized by the administration of the government, typically provided by a public body.

**Examples.** City hall; courts; other government offices.

**Exceptions.**

(A) The provision of emergency services for police protection and fire and life safety are included in Public Safety: Emergency Services.

(B) Government functions related to the detention and correction of offenders are included in Public Safety: Detention Facilities.

(C) Libraries, community centers, and other recreational and cultural enrichment services provided by public or non-profit agencies are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(D) Government offices concerned with the direct delivery of social services to clients or the general public, including, but not limited to, issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included in Civic Services: Social Services.

(E) Schools and educational services provided by public or non-profit agencies are included in Educational Services.

(F) Facilities supporting off-site property and building improvement, construction, or maintenance of public assets are included in Civic Services: Governmental Maintenance Services and Construction.

**Social Services.**

**Characteristics.** Social Services are characterized by the provision of on-going social services to clients or the general public on-site by organizations or agencies of a public or non-profit nature. Clients or those seeking services typically go to the site to receive aid. Services are generally targeted to one or more vulnerable populations and are often provided free of charge.

**Examples.** Individual and family counseling services; referral services for those in need; job training, vocational rehabilitation and habilitation services for the unemployed, the underemployed, and the disabled; government and non-profit offices issuing welfare aid, rent supplements, and food stamps and providing case management for such programs; meal delivery programs; probation and parole offices; facilities providing daytime shelter for the homeless and at-risk populations, other than medical services; organizations providing legal and supportive services for immigrants.

**Exceptions.**

(A) Administrative offices of social service organizations or agencies and offices of non-profit organizations where direct interaction with clients generally does not take place on-site are classified as Business and Professional Services: Office.

(B) Community, senior and youth centers serving the general population are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(C) Adult day care and child day care centers and homes are included in Education Services: Day Care.

(D) Homeless shelters providing overnight lodging are included in Lodging: Non-Profit Shelters.

(E) Temporary emergency housing is included in Temporary Uses

(F) On-going free health clinics serving at-risk populations where provision of medical services is the primary activity on-site are included in Health Services: Outpatient Medical Services and Laboratories.

### **Governmental Maintenance Services and Construction.**

**Characteristics.** Governmental Maintenance Services and Construction is characterized by facilities supporting off-site property and building improvement, construction, or maintenance of public assets. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, minor assembly or preparation of materials, repair and maintenance of machinery and heavy equipment and other services primarily related to management of public assets.

**Examples.** Government motor pools; shops facilities; storage yards.

**Public Safety.** Public Safety consists of facilities that provide for the safety and security of the general public through emergency and disaster response, national defense, or detention for law enforcement purposes.

### **Emergency Services.**

**Characteristics.** Emergency Services is characterized by services and facilities that provide police protection and fire and life safety to residents of the community. Emergency response vehicles and personnel are typically dispatched from these facilities and stationed on-site when not responding to a call. Facilities may be staffed up to twenty-four hours a day and may provide sleeping and eating facilities, as well as office space for employees on duty.

**Examples.** Ambulance stations and facilities; police stations; fire stations; highway patrol facilities; Marshals' offices; Sheriffs' offices; State police facilities.

### **Detention Facilities.**

**Characteristics.** Detention Facilities are characterized by facilities for the confinement of persons within the criminal justice system where inmates and detainees are under twenty-four hour supervision.

**Examples.** State penitentiary; correctional boot camps; holding cells, jails and prisons; juvenile detention homes and reformatories.

**Exceptions.** Housing for persons enrolled in work release programs is considered a Residential use.

### **Military Installations.**

**Characteristics.** Military Installations are characterized by facilities for the operations of the armed forces, including facilities to house, equip, and train enlisted members of the armed forces. Military Installations are operated by a division of the Oregon Military Department or the United States Department of Defense.

**Examples.** Armories and training centers for the Oregon National Guard; US Army, Navy, Marines, and Air Force bases.

**Exceptions.**

(A) Recruitment centers for the armed forces where no training, weapons storage, or troop housing takes place on site are included in Civic Services: Governmental Services.

(B) Administrative offices related to the armed forces or the U.S. Army Corps of Engineers where little interaction with the public takes place and where no troop training or housing or weapons storage takes place on site are included in Civic Services: Governmental Services.

(C) Aeronautics facilities associated with the military are included in Transportation Facilities: Aviation Facilities.

**Funeral and Related Services.** Funeral and Related Services consists of services and facilities engaged in preparing the dead for burial; conducting funerals, cremations, and burials; and providing land for the permanent disposition of remains.

**Cemeteries.**

**Characteristics.** Cemeteries are characterized by the provision of land for the permanent disposition of human or animal remains.

**Examples.** Cemeteries, animal cemeteries, mausoleums, columbaria.

**Funeral and Cremation Services.**

**Characteristics.** Funeral and Cremation Services are characterized by establishments engaged in preparing the remains of the dead for permanent disposition and arranging, managing, and conducting funerals, wakes, and burials.

**Examples.** Funeral homes or parlors; crematories; taxidermists.

**Construction Contracting, Repair, Maintenance, and Industrial Services.** Construction Contracting, Repair, Maintenance, and Industrial Services consists of construction and maintenance of buildings and grounds and the repair and maintenance of consumer, business, and industrial products and equipment other than the repair of motor vehicles and trailers. Services are generally provided by traveling to the customer or by the delivery of items to the site for repair.

**General Repair Services.**

**Characteristics.** General Repair Services are characterized by the repair and maintenance of light business equipment, consumer products, and personal and household items, other than clothing and accessories. Repair and maintenance activities may take place on the subject site or may take place at the customer's location.

**Examples.** Furniture re-upholstery and repair; appliance repair; bicycle and other sporting goods repair and service; repair services for consumer electronics; musical instrument repair; copier, computer, printer, telephone, fax machine, and other office equipment repair and service.

**Exceptions.**

**(A)** Motor vehicle repair is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

**(B)** Watch and jewelry repair and clothing alteration and repair are included in Retail Sales and Services: Personal Services.

**Building and Grounds Services and Construction Contracting.**

**Characteristics.** Building and Grounds Services and Construction Contracting is characterized by establishments engaged in off-site property and building improvement, construction, or maintenance. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

**Examples.** Construction contractors; landscape, lawn and garden services; pest control services; window cleaning services; janitorial services; portable toilets rental and leasing; upholstery and carpet cleaning; excavation and demolition services; water well drilling; specialty trade contractors including glass and glazing contractors, plumbing, electrical, carpentry, painting and paper hanging, heating, ventilation, air conditioning, roofing, siding, sheet metal work, masonry, stone, tile work, flooring, plastering, drywall, insulation, and concrete work; service and storage yards.

**Exceptions.**

**(A)** Building and grounds maintenance services based on the same site where services are provided are considered accessory to the primary use.

**(B)** Sites used primarily for the storage of heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

**(C)** Building and grounds services conducted entirely in an office environment without outdoor storage are included in Business and Professional Services: Office.

### **Cleaning Plants.**

**Characteristics.** Cleaning Plants are characterized by dry cleaning and laundry service facilities that clean items transported to and from the site by the company or a third party rather than by the customer. Customers rarely, if ever, come to the site.

**Examples.** Dry cleaning plants; industrial laundries; diaper services; linen supply services.

**Exceptions.** Laundry and cleaning service establishments that provide for customer drop off and/or pick up on-site and serve the general public are included in Retail Sales and Service: Personal Services.

### **Industrial Services.**

**Characteristics.** Industrial Services are characterized by establishments providing repair and maintenance of industrial machinery and equipment and other services primarily to industrial businesses.

**Examples.** Commercial and industrial machinery and equipment repair and maintenance, except automotive and electronic; industrial fan rebuilding and repair; precision machinery component repair; welding repair.

**Exceptions.** Repair of heavy vehicles and trailers is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

**Wholesale Sales, Storage, and Distribution.** Wholesale Sales, Storage, and Distribution consists of facilities for the storage, transfer, distribution, repackaging, or wholesale sales of physical goods or personal property other than live animals.

### **General Wholesaling.**

**Characteristics.** General Wholesaling is characterized by sales of physical products primarily to customers other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public rarely comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. For establishments primarily engaged in sales to industrial, commercial, institutional, farm, or business users, activities on the site may also include on-site sales or order taking display areas. Products may be picked up on-site or delivered to the purchaser. General Wholesaling takes place entirely within an enclosed building and does not include the sale of dangerous, toxic, or potentially contaminating products.

**Examples.** Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, when stored inside; sale of supplies, light-duty equipment, store fixtures, and other business needs primarily to industrial, commercial, institutional, farm, or business users; sale of any products that are not dangerous, toxic, or potentially contaminating primarily to retailers or other wholesalers.

#### **Exceptions.**

**(A)** Wholesale sales of dangerous, toxic, or potentially contaminating products and those requiring outdoor storage are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

**(B)** Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

**(C)** Firms that engage in sales on a membership basis are included in Retail Sales and Service: Retail Sales or Wholesale Sales, Storage, and Distribution: Wholesale Sales, based on the characteristics of the business activity.

**(D)** Establishments that are primarily storing and distributing goods with little on-site business activity are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

### **Heavy Wholesaling.**

**Characteristics.** Heavy Wholesaling is characterized by sales of physical products that are dangerous, toxic, or potentially contaminating, or that require outdoor storage, primarily to customers, other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public occasionally comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. Activities on the site may also include on-site sales or display areas. Products may be picked up on-site or delivered to the purchaser.

**Examples.** Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, where stored outside, monuments and grave markers, metals, coal, and other minerals and ores, ammunition and firearms, petroleum and petroleum products, and chemicals; sales of logs, timber products, wood, wood chips, nursery stock, and lumber and construction materials requiring outdoor storage primarily to businesses, contractors, farm users, retailers, and/or other wholesalers; metals service centers and offices; grain elevators for the wholesale sale of agricultural products; recovery and wholesale sales of used motor vehicle parts, including junkyards and vehicle salvage; processing and wholesale sales of scrap and waste materials, including wrecking yards (scrap dealers); industrial equipment.

#### **Exceptions.**

**(A)** Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

**(B)** Firms that are primarily storing and distributing goods with little on-site business activity are included in Warehousing and Distribution.

**(C)** Sales of heavy vehicles, heavy-duty trailers, and heavy equipment is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

### **Warehousing and Distribution.**

**Characteristics.** Warehousing and Distribution is characterized by the storage and/or distribution of goods or personal property. Goods are generally delivered to other firms or the final consumer. Except for some will-call pickups, there is little on-site sales.

**Examples.** Central postal distribution centers; cold storage plants and frozen food lockers; free standing warehouses associated with retail stores such as furniture or appliance stores; grain terminals; catalog and mail order houses; distribution facilities for internet retailers; distribution centers; major post offices and postal distribution centers; stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials; truck or rail freight terminals; weapon and ammunition storage; repossession service.

#### **Exceptions.**

**(A)** Uses that involve the transfer or storage of solid or liquid wastes are included in Utilities: Waste-Related Facilities.

**(B)** Oil and gasoline storage caverns and petroleum and chemical bulk stations and terminals are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

### **Self-service Storage.**

**Characteristics.** Self-service Storage is characterized by facilities that lease space to individuals, usually storing household goods, or to businesses, usually storing excess inventory or supplies or archived records. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Generally, few, if any, employees work at the site.

**Examples.** Single story and multistory facilities that provide individual storage areas for rent.



**Exceptions.**

(A) On-site storage units provided to owners or tenants of a residential or office building are considered accessory to the primary use.

(B) A transfer and storage business where there are no individual storage areas, or where employees are the primary movers of the goods to be stored, is included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

**Manufacturing.** Manufacturing consists of the production, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to a manufacturing site.

**General Manufacturing.**

**Characteristics.** General Manufacturing is characterized by the production, processing, fabrication, assembly, or packaging of primarily finished products for entry into the stream of commerce for ultimate sale to the end user. Materials used generally include semi-finished products produced in Heavy Manufacturing industries; and may include some small amounts of natural and/or raw materials. Products produced can be of any size, but are generally smaller than those produced in Heavy Manufacturing. Production does not involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and is not dangerous or polluting. General Manufacturing uses may require large, medium, or small scale facilities and the work, and the storage of product, may be conducted either inside or outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

**Examples.** Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity; commercial or industrial catering kitchens where food is prepared and delivered off-site; manufacturing of apparel; food, beverage and related products; pharmaceuticals; production or assembly of equipment, machinery, and fabricated products; wood, plastic, metal, ceramic, rubber, textile, and leather products; chemical products manufacturing that does not involve, or that does not have, significant impacts on adjacent properties due to noxious odors, noises, dust, smoke vibrations, or potential danger; computer and electronic products; sign manufacturing.

**Exceptions.**

(A) The production of printed materials is included in Manufacturing: Printing.

(B) Wineries, breweries, distilleries, or cider houses that are accessory to establishments for on-site retail food and/or beverage consumption are classified under Retail Sales and Services: Eating and Drinking Establishments.

(C) Cafeteria food service contractors that prepare food for on-site consumption in a cafeteria primarily for use by employees of another company are considered accessory to the use.

(D) The small scale production of handcrafted goods to be sold primarily on-site and to the general public is included in Retail Sales and Services: Retail Sales.

(E) Manufacture and production of products from composting organic material is included in Utilities: Waste-Related Facilities.

**Heavy Manufacturing.**

**Characteristics.** Heavy Manufacturing is characterized by the production or processing of finished or semi-finished products that are generally made for the wholesale market and for the transfer to other plants to be used in the further manufacturing of other, more complex products, or the wholesale market. Materials used generally include large amounts of natural and/or raw materials obtained from extractive industries or agricultural/forestry production; or materials that are

potentially hazardous or explosive. Products produced are typically heavy in weight and large in size or volume. Production may involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and may be dangerous or polluting. Heavy Manufacturing uses typically require large-scale facilities and a substantial portion of the work, and the storage of product, may be conducted outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

**Examples.** Petroleum and coal products manufacturing; primary metal manufacturing; animal slaughtering, processing; meat packing; pulp, paper, and paperboard mills; leather tanning; production of asphalt, cement and concrete products, lime and gypsum products, and other nonmetallic mineral products; starch and vegetable fats and oils manufacturing; sawmills; explosives, ordnance, small arms, and ammunition manufacturing; chemical products manufacturing.

### **Printing.**

**Characteristics.** Printing is characterized by the production of printed material for wholesale distribution. Printing physically takes place on site. Customers generally do not come to the site.

**Examples.** Book binding; newspaper, magazine and book publishing and printing; and printing maps, directories, calendars, and blank books, commercial printing.

#### **Exceptions.**

(A) Publishing activities without physical printing on site are included in Business and Professional Services: Office.

(B) Retail photocopying services are included in Retail Sales and Services: Retail Sales.

**Transportation Facilities.** Transportation Facilities consists of terminals, stations, and on-site support facilities primarily concerned with the movement of goods and people, at which people and/or goods embark, disembark, or transfer.

### **Aviation Facilities.**

**Characteristics.** Aviation Facilities are characterized by facilities for the sales, rental, operation of airplanes, jets, helicopters, and gliders. The airside portion of such facilities may be improved or unimproved and air transportation services may be scheduled or unscheduled. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Support facilities at airports may include hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

**Examples.** Air passenger and air freight services and facilities/terminals; airports; air strips, glider facilities, helicopter landing facilities; aviation schools; hangars.

### **Passenger Ground Transportation Facilities.**

**Characteristics.** Passenger Ground Transportation Facilities are characterized by terminals, stations, or support facilities for passenger ground transportation services, including, but not limited to bus or rail, serving a local, suburban, intercity, or regional market area. Passenger Ground Transportation Facilities are generally located along, or at the terminus of, a particular route and allow passengers access to transportation. Support facilities, such as shelters, ticket offices, waiting rooms, and benches, may be provided to help ensure passenger comfort.

**Examples.** Train or bus stations, stops or terminals; transit centers; multi-modal passenger facilities.

#### **Exceptions.**

(A) Storage yards and maintenance facilities for buses and other large passenger transportation vehicles are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Transportation facilities dedicated to the movement of freight rather than passengers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

(D) Park-and-ride facilities owned or leased by a public agency for use by transit riders or ride-share participants are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Park-and-Ride Facilities.

#### **Marine Facilities**

**Characteristics.** Marine facilities are characterized by terminals, stations, or support facilities for passenger or freight marine transportation, as well as docks, moorings, storage, and other water-dependent facilities for boats. Facilities may be present to allow passengers to safely access transportation. Support facilities, such as shelter, ticket offices, waiting rooms, and benches may be provided to help ensure passenger comfort, but may only include water-related uses.

**Examples.** Ferry landings, marine freight services and facilities/terminals, ports, boat houses, marinas, landings, landing piers.

**Utilities.** Utilities consists of facilities and infrastructure for providing utility services, including, but not limited to, water, gas, sanitary sewer, storm sewer, electricity, communications, and solid waste.

#### **Basic Utilities.**

**Characteristics.** Basic Utilities are characterized by the physical facilities for infrastructure for providing utility services, including, but not limited to water, natural gas, sanitary sewer, storm sewer, electricity, and communications. Facilities are not regularly occupied by employees, and generally do not include parking areas, or vehicle, equipment, or material storage areas.

**Examples.** Pump stations, reservoirs, service poles, underground transmission facilities, substations, and related physical facilities; electric substations; pump stations; transmission and service poles; un-staffed water filtration equipment; water storage facilities.

#### **Exceptions.**

(A) Power generation facilities and equipment are included in Utilities: Power Generation Facilities.

(B) Drinking water treatment plants that are staffed on a regular basis are included in Utilities: Drinking Water Treatment.

(C) Wastewater treatment plants are included in Utilities: Waste-Related Facilities.

(D) Utility offices, other than those associated with power, sewer treatment, or water treatment plants, conducted entirely within an office environment without storage of materials and equipment are included in Business and Professional Services: Office.

#### **Drinking Water Treatment.**

**Characteristics.** Drinking Water Treatment is characterized by facilities that filter and/or treat water for public distribution. They are typically staffed on a regular basis.

**Examples.** Drinking water treatment plants.

**Exceptions.** Water filtration facilities that are not staffed, such as those associated with emergency water sources, are included in Utilities: Basic Utilities.

#### **Power Generation Facilities.**

**Characteristics.** Power Generation Facilities are characterized by the commercial conversion of energy, such as hydroelectric, fossil fuels, nuclear power, and solar power, into electrical energy and/or heat. Power Generation Facilities produce

electric energy and provide electricity to transmission systems or to electric power distribution systems. Power Generation Facilities may also produce thermal energy to fuel mechanical processes or to heat buildings or water.

**Examples.** Hydroelectric power plants; power plants that burn fossil fuels, large-scale photovoltaic power stations; co-generation plants.

**Exceptions.**

(A) Establishments primarily engaged in operating trash incinerators that also generate electricity are included in Utilities: Waste Related Facilities.

(B) Small-scale private power generation equipment, such as roof-top solar and emergency generators, that is sized to meet the needs of the primary use is considered accessory to the primary use.

**Data Center Facilities**

**Characteristics.** Data Center Facilities are characterized by facilities that physically house equipment dedicated to data storage and/or transmission, such as computer systems and as telecommunications and storage systems, that serves users beyond those present on the site. Facilities may not regularly have employees on-site. Facilities often include redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

**Examples.** Computer center; data storage and hosting facility; server farm; data farm; data warehouse; co-location facility; co-located server hosting facility; telecommunication hotel; carrier hotel; telecommunications carriers.

**Exceptions.**

(A) Data storage and transmission equipment that serves the use on-site is not considered a use.

**Fuel Dealers.**

**Characteristics.** Fuel dealers are characterized by establishments that provide delivery of fuels and lubricants to the direct customer.

**Examples.** Heating oil; lubricants.

**Exceptions.** Vehicle fuel dealers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

**Waste-Related Facilities.**

**Characteristics.** Waste-Related Facilities are characterized by establishments that receive solid or liquid wastes from others for disposal on the site, transfer to another location, or processing for re-use; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the biological decomposition of organic material.

**Examples.** Energy recovery plants; hazardous waste collection facilities; limited use landfills; materials recovery facilities; recycling depots; sanitary landfills; solid waste transfer stations; waste composting; wastewater treatment plants.

**Exceptions.**

(A) Disposal of clean fill, as defined in OAR 340-098-0030, is not considered to be a use.

(B) Sewer pump stations and sewer lines outside of the public right-of-way are categorized under Utilities: Basic Utilities.

(C) Structures maintained solely to provide shelter for recyclable material (such as paper, tin cans, and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere are considered accessory to the use.

(D) Scrap dealers and establishments primarily engaged in salvage and/or wrecking of automobiles, trucks, machinery, or similar items are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

**Mining and Natural Resource Extraction.** Mining and Natural Resource Extraction consists of the extraction of natural resources from the earth.

**Petroleum and Natural Gas Production.**

**Characteristics.** Petroleum and Natural Gas Production is characterized by the operation of oil and gas field properties. Petroleum and Natural Gas Production includes the production of oil through mining and extraction of oil from oil shale and oil sands and the production of gas and hydrocarbon liquids through gasification, liquid fraction, and pyrolysis of coal at the mine site; the operation of oil and gas wells for others on a contract or fee basis; and the provision of oil field services for operators on a contract or fee basis.

**Examples.** Spudding in, drilling in, re-drilling, and directional drilling; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property; drilling, completing, and equipping wells; exploration for crude petroleum and natural gas; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum.

**Surface Mining.**

**Characteristics.** Surface mining is characterized by all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than five thousand cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of twelve consecutive calendar months.

**Examples.** Gravel mining, open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).

**Exceptions.**

**(A)** Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated is considered accessory to the use.

**(B)** Excavation or grading operations reasonably necessary for farming are included in Farming, Forestry, and Animal Services: Agriculture.

**(C)** Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of the state pursuant to a permit issued under ORS 196.800-196.900 is not considered a use.

**Farming, Forestry, and Animal Services.** Farming, Forestry, and Animal Services consists of the propagation, cultivation, and/or harvesting of plants and animal husbandry, breeding, boarding, grooming, and care.

**Agriculture.**

**Characteristics.** Agriculture is characterized by the growing, producing, or keeping of plants for commercial purposes. Agriculture may include activity taking place in a greenhouse, frame, cloth house, lath house, or outdoors.

**Examples.** Crop production; growing cultured Christmas trees as defined in ORS 215.203; orchards; propagation of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod; truck gardening; wholesale plant nurseries.

**Exceptions.** Plant nurseries that are oriented to retail sales are included in Retail Sales and Service: Retail Sales.

**Forestry.**

**Characteristics.** Forestry is characterized by the propagation or harvesting of timber and forest products.

**Examples.** Timber tracts and forest nurseries; gathering of forest products such as bark, cones, seeds, or fungi.

**Exceptions.** Growing cultured Christmas trees as defined in ORS 215.203 is included in Farming, Forestry, and Animal Services: Agriculture.

#### **Agriculture and Forestry Services.**

**Characteristics.** Agriculture and Forestry Services are characterized by establishments providing management and services to the agricultural and forestry industries. Services are generally provided off-site provided by traveling to the customer's property. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

**Examples.** Soil preparation services; crop planting, cultivating, and harvesting; preparation of crops for market, such as cleaning, grading, shelling, and drying; farm labor and farm management services; forest fire fighting, forest fire prevention, forest pest control, and reforestation services.

#### **Keeping of Livestock and Other Animals.**

**Characteristics.** Keeping of Livestock and Other Animals is characterized by the keeping, breeding, boarding, grazing, or feeding of dogs, equines, cattle, swine, sheep, goats, poultry or other animals, or the propagation, cultivation, maintenance and harvesting of aquatic species for a commercial purpose or a private, non-commercial use. Commercial purposes means conduct of the activity to obtain a profit.

**Examples.** Animal shelters; breeding and boarding kennels; dairies; egg production facilities, broiler facilities, poultry hatcheries, apiaries; establishments primarily engaged in buying and/or marketing livestock such as livestock auctions; feedlots; keeping of miniature swine; ranches; riding stables.

**Exceptions.** The keeping of household pets is considered accessory to Residential uses.

#### **Animal Services.**

**Characteristics.** Animal Services is characterized by veterinary, grooming and other services for pets, livestock, and other animals.

**Examples.** Animal day care; animal grooming; veterinary services; wildlife rehabilitation facilities.

**Exceptions.** Pet stores are included in Retail Sales and Services: Retail Sales.

#### **Other Uses.**

##### **Temporary Uses.**

**Characteristics.** Temporary Uses are characterized by activities that are inherently temporary in nature, such as uses that are seasonal or directed toward a specific event; uses which are occasioned by an unforeseen event; uses associated with the process of development; and uses that are mobile.

**Examples.** Mobile food units; residential sales/development office; temporary motor vehicle and recreational vehicle sales; seasonal sales.

##### **Home Occupations.**

**Characteristics.** Home Occupations are characterized by any business or professional activity conducted by a resident within a building used for Household Living, or within an accessory structure thereto, which is clearly accessory and subordinate to the residential use of the building and its premises. Home Occupations maintain the essential residential character of the building and its

premises and do not to give the outward appearance, nor manifest any characteristic, of a business.

**Examples.** Dressmaker, lawyer, public accountant, artist, caterer, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft.

**Exceptions.**

**(A)** Automotive repair, body work, painting, and other Motor Vehicle Services are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service: Motor Vehicle Services.

**(B)** Small engine repair, appliance repair, and other General Repair Services are included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

**(C)** Salvaging, sorting, and recycling of discarded materials and other Waste-Related Facilities are included in Utilities: Waste-Related Facilities.

**Exhibit B – IC (Industrial Commercial) Development Standards**

Where used in this exhibit, The "District" means the property re-zoned to IC as part of Case No. CPCZC13-02. "Internal Street" means a street which is not an arterial or collector street, which has no or only one actual or proposed connection to an existing or proposed street at the boundaries of the District, or which is a loop street entirely within the District.

(a) **Lot Standards.** Lots shall conform to the standards set forth in Table 2

<b>Table 2: Lot Standards</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
<b>Lot Area</b>		
All Uses	None	
<b>Lot Width</b>		
All Uses	None	
<b>Lot Depth</b>		
All Uses	None	
<b>Street Frontage</b>		
All Uses	Min. 16 ft.	

(b) **Land Division.** In addition to any other applicable subdivision approval criteria set forth in the Salem Revised Code, the District shall not be divided unless the following criteria are met:

- (1) The configuration of the lots does not require the creation of other smaller lots as the only way to develop the remainder of the District;
- (2) The lot is complementary and compatible to other uses within the District; and
- (3) The lot does not preclude expansion of existing industries.

(c) **Setbacks.** Setbacks within the District shall be provided as set forth in Tables 3 and 4.

<b>Table 3: Setbacks</b>		
<b>Requirement</b>	<b>Standard</b>	<b>Limitations &amp; Qualifications</b>
<b>ABUTTING STREET</b>		
<i>Buildings</i>		
All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
<i>Accessory Structures</i>		
Accessory to All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
	None	Applicable to transit stop shelters.
<i>Vehicle Use Areas</i>		
All Uses	Min. 20 ft.	
<b>INTERIOR FRONT</b>		
<i>Buildings and Accessory Structures</i>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within



**Table 3: Setbacks**

Requirement	Standard	Limitations & Qualifications
		the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>INTERIOR SIDE</b>		
<b>Buildings and Accessory Structures</b>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>INTERIOR REAR</b>		
<b>Buildings and Accessory Structures</b>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
<b>Vehicle Use Areas</b>		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.

**Table 4: Zone-to-Zone Setbacks**

Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

Table 4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
Mixed-Use Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Commercial Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Public Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial and Employment Zone: EC, IC, and IP	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial Zone: IG and II	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

(d) **Lot Coverage; Height.** Buildings and accessory structures within the District shall conform to the lot coverage and height standards set forth in Table 5.

Table 5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
<b>LOT COVERAGE</b>		
<i>Buildings and Accessory Structures</i>		
All Uses	No Max.	
<b>HEIGHT</b>		
<i>Buildings</i>		
All Uses	Max. 70 ft.	
<i>Accessory Structures</i>		
Accessory to All Uses	Max. 70 ft.	

(e) **Off-Street Parking and Loading.** Within the District off-street parking and loading shall meet the Off-Street Parking standards of the Salem Revised Code, together with the additional requirements of this section:

(1) **Off-Street Parking.** Not more than 10 percent of the required off-street parking spaces may be located in a required setback abutting a street. For purposes of this subsection, required setback means the setback required for a building abutting a street.

(2) **Loading.**

(A) All loading spaces shall be screened from adjacent property by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge; or a berm at least 4 feet in height.

(B) Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

(g) **Landscaping.** Landscaping within the District shall be provided as set forth in this subsection.

(1) **Setbacks.** Unless otherwise provided in the Salem Revised Code, required setbacks shall be landscaped. Landscaping shall meet the Type A standard.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided in the Salem Landscaping Code.

(3) **Development Site.** A minimum of 20 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard. Other required landscaping, such as required landscaping for setbacks or vehicle use areas, may count towards meeting this requirement.

(4) **Landscaping Types.** Required landscaping shall be provided according to one of the landscaping types set forth in Table 6. Where landscaping is required without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

<b>Landscaping Type</b>	<b>Required Plant Units (PU)</b>	<b>Required Screening</b>
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
C	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall

(h) **Outdoor Storage.** Within the District, outdoor storage shall conform to the following standards:

(1) Storage areas shall not be located within required setbacks;

(2) Storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, or hedge; or a berm at least four feet in height;

(3) Materials and equipment stored shall not exceed a maximum height of fourteen feet above grade, provided however, that materials and equipment more than six feet in height above grade shall be screened by sight-obscuring landscaping located within a minimum five-foot-wide landscape strip planted at one plant unit per 20 square feet of landscaped area.



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

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

<b>CASE NUMBER:</b>	Comprehensive Plan Change/Zone Change Case No.CPC-ZC13-02
<b>AMANDA APPLICATION NO:</b>	13-106778-ZO
<b>HEARING INFORMATION:</b>	Planning Commission, <u>Tuesday, June 18, 2013 at 5:30 p.m.</u> , in the Council Chambers, Room 240, Civic Center
<b>PROPERTY LOCATION:</b>	3501-3541 & 3547 FAIRVIEW INDUSTRIAL DR SE, SALEM OR 97306
<b>OWNER / APPLICANT:</b>	STATE INVESTMENTS LLC
<b>AGENT:</b>	JEFF TROSS
<b>DESCRIPTION OF REQUEST:</b>	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 10.2 acres in size, and located at 3501-3541 and 3547 Fairview Industrial Drive SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 00700 & 00800).
<b>CRITERIA TO BE CONSIDERED:</b>	<p>❖ <b>Comprehensive Plan Change</b></p> <p>Pursuant to SRC 64.090(b), the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria:</p> <ol style="list-style-type: none"><li>1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or</li><li>2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and</li><li>3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and</li><li>4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and</li><li>5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and</li><li>6. The proposed change benefits the public.</li></ol> <p>❖ <b>Zone Change</b></p> <p>Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none"><li>1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;</li><li>2. A change in the social, economic, or demographic patterns of the neighborhood or the community;</li><li>3. A change of conditions in the character of the neighborhood;</li><li>4. The effect of the proposal on the neighborhood;</li><li>5. The physical characteristics of the subject property, and public facilities and services; and</li><li>6. Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.</li></ol>

ATTACHMENT 1

**HOW TO PROVIDE TESTIMONY:**

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

**HEARING PROCEDURE:**

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

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

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

**CASE MANAGER:**

*BC*  
**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](mailto:bcolbourne@cityofsalem.net)

**NEIGHBORHOOD ORGANIZATION:**

Morningside Neighborhood Association, Geoffrey James, Land Use Committee Chair; Phone: (503) 931-4120 or [geoffreyjames@comcast.net](mailto:geoffreyjames@comcast.net)

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

**ACCESS:**

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

**NOTICE MAILING DATE:**

May 29, 2013

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

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

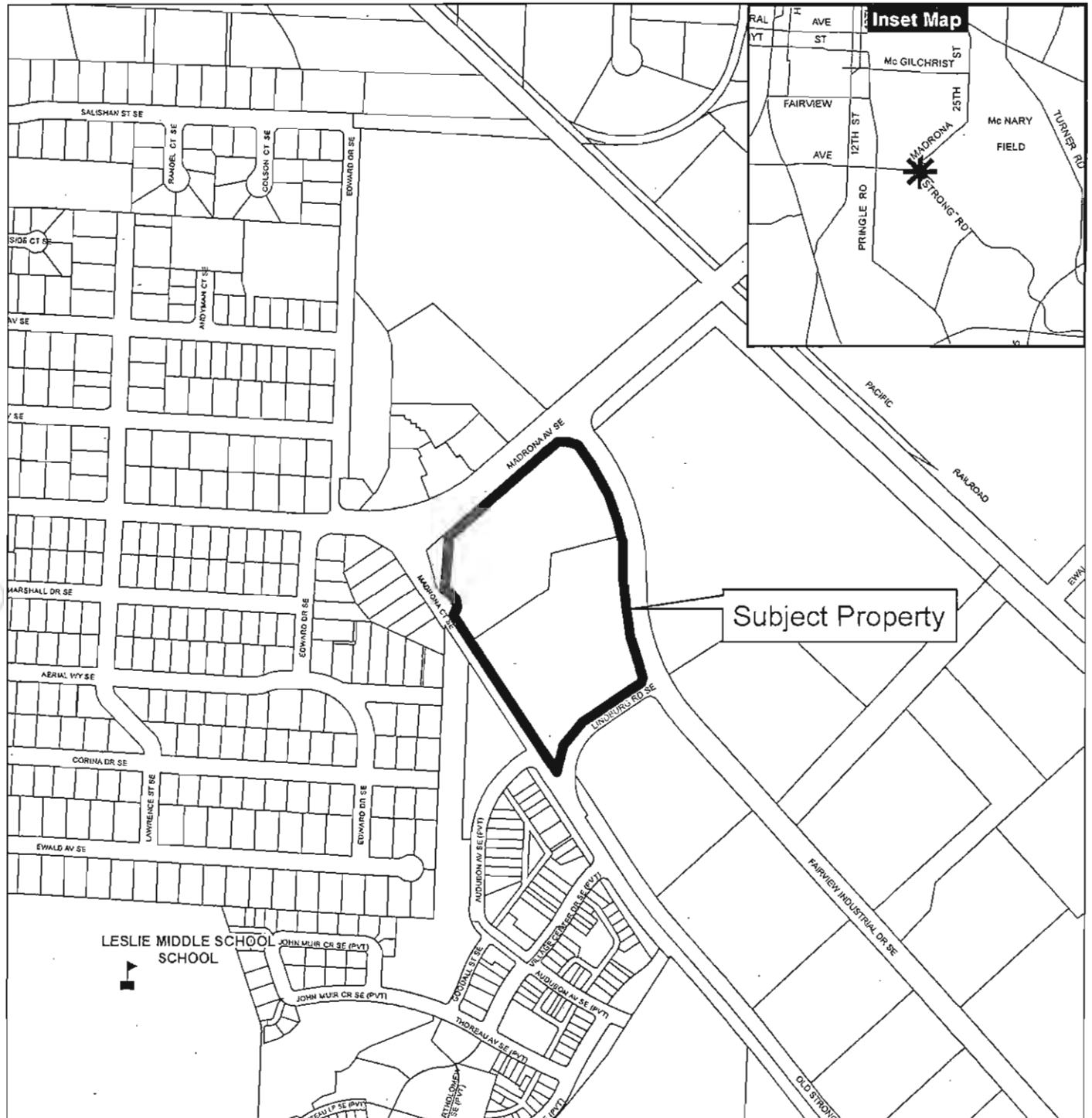
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*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender 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 two business days before this meeting or event.*

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

# Vicinity Map

## 3501-3541, & 3547 Fairview Industrial Drive SE



Subject Property

### Legend

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



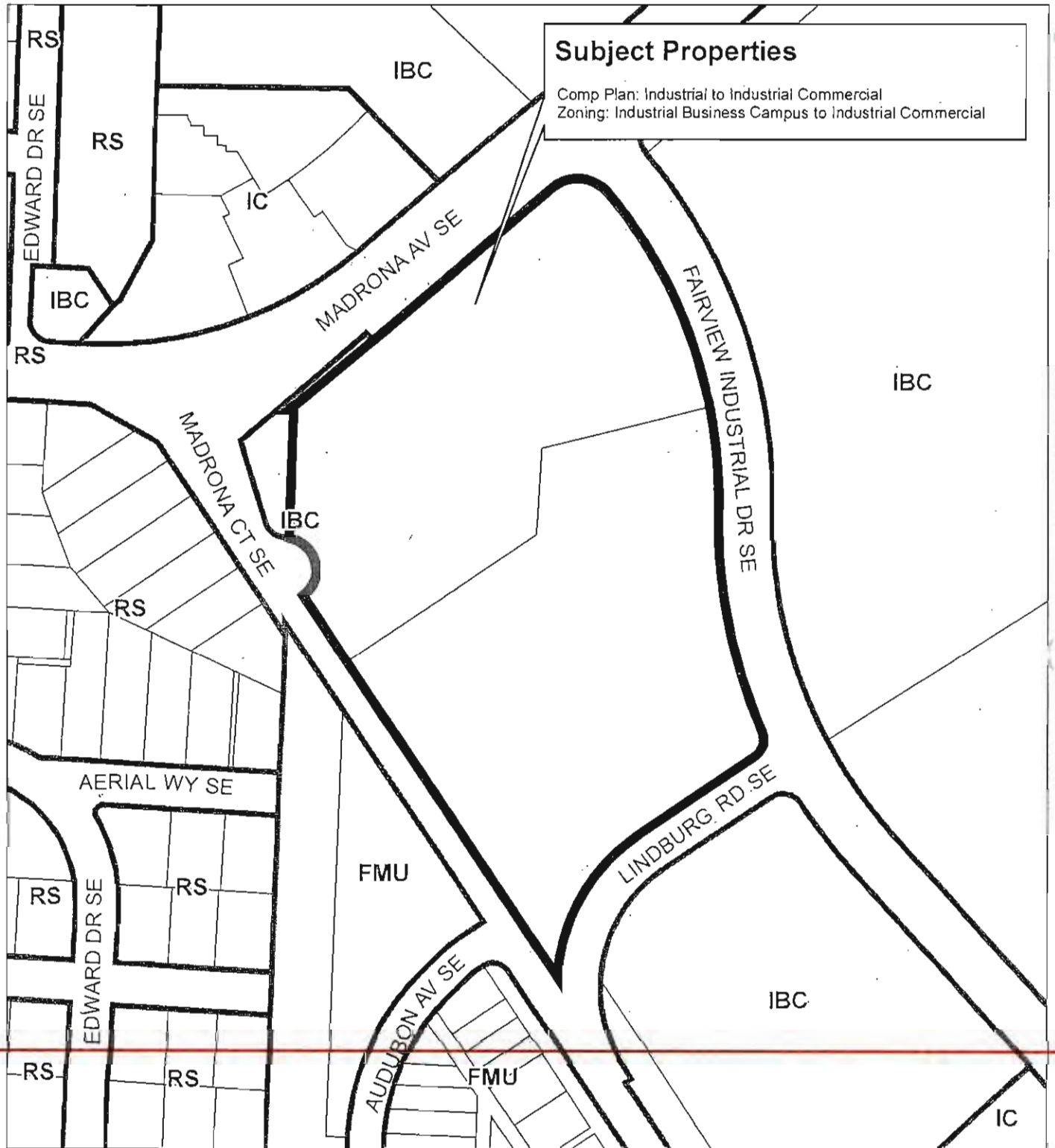
CITY OF Salem  
 AT YOUR SERVICE  
 Community Development Dept.

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# Comprehensive Plan Change / Zone Change 13-02

## Subject Properties

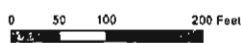
Comp Plan: Industrial to Industrial Commercial  
 Zoning: Industrial Business Campus to Industrial Commercial



### Legend

- RS 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. SE, Salem, Oregon 97302  
Phone and fax (503) 370-8704 email jefftross@msn.com

APPLICANT'S STATEMENT  
FOR  
STATE INVESTMENTS LLC -  
FAIRVIEW BUSINESS PARK  
COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

RECEIVED

APR 16 2013

COMMUNITY DEVELOPMENT

ATTACHMENT 2



## BACKGROUND

### Property Identification and Characteristics

State Investments LLC is a Salem property investment and management company, with a focus on acquiring underutilized industrial and commercial properties, and returning them to productive use by making improvements that meet the needs of new and existing tenants. Recent examples of the Company's projects include the former Tyco manufacturing facility in the Fairview Industrial Park, which was vacant until it was acquired and converted for occupancy by the Oregon Department of Transportation; and the former Sunwest Retirement Corp. office headquarters, also in the Fairview Industrial Park, which was acquired and is now being prepared for occupancy by multiple tenants. The Company's practice of improving and converting vacant and underutilized buildings to accommodate new tenants results in absorption of vacant space, and renewed employment opportunities, both of which improve economic conditions in the community.

More recently, in August, 2012, State Investments acquired the multi-building Fairview Business Park, located at 3501-3541 and 3547 Fairview Industrial Dr. SE. This property is at the southwest corner of Madronna Avenue and Fairview Industrial Drive, which is the north entrance and "gateway" to the Fairview Industrial Park. The property consists of two contiguous parcels, identified as Tax Lots 700 and 800 on Assessor's Map T8S-R3W Section 2, and totals approximately 10.2 acres. The property is currently designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned IBC.

The property is fully developed, with five buildings totaling 112,404 square feet (s.f.). The individual building sizes are (approximately) 12,446 s.f., 12,936 s.f., 15,840 s.f., 26,982 s.f., and 44,200 s.f. These are flex-space, office/industrial and warehouse-style structures designed to accommodate a variety of service and light industrial activities. The buildings include pedestrian access doors facing the street and perimeter parking areas, and roll-up service doors in the interior parking and loading area.

The current occupants of the property include Barrett Business Services (human resources management), The Hoop basketball center, Rodda Paints (residential, commercial, and industrial paints and coatings), Cross Fit (fitness center), Northwest Senior and Disability Services, Salem Gymnastics and Cheerleading, and the Southside Speakeasy restaurant/pub, among other uses. These activities have been in place since prior to the State Investments acquisition. For many years the Huggins Insurance agency occupied the highly visible, “keystone” space facing the intersection of Fairview Industrial Dr. and Madronna Ave. That space, and a total of about 16% of the building area, has suffered from long-term vacancy. This is a condition that has occupied the foremost concern of the current owners.

The property was developed under the IBC zone, and the ability to maintain existing occupants and attract new business to the site has been constrained by the use and development limitations of that zone. For example, the IBC zone allows “Finance, insurance, and real estate...*providing that it is a corporate, regional or district office headquarters*”, SRC 156.020(f) (italics added). This qualification is unique in the Zone Code because in addition to regulating the type of use, it requires the business to be of a certain scale or function. In other words, it regulates the type of organization, in addition to the category of use, and as a result eliminates the opportunity for occupancy by local providers of the allowed businesses services. This restriction imposed by the IBC zone is not found in other zones, and greatly restricts the pool of potential occupants by preventing “non-headquarters” level activities.

The IBC zone was created in the early 1980’s to facilitate an expected need for “campus-based” industrial development. In addition to regulating uses, the zone included extensive property development standards. ~~While large tracts of vacant industrial land~~ were placed in this zone, few of those experienced extensive industrial development, and the campus-style development did not materialize to the degree that had been anticipated.

In recent years, the difficulty encountered by developed properties in the IBC zone has been with its limitations on uses, more than with the development standards. In the Fairview Industrial Park, and elsewhere in the city, several properties have been redesignated from IBC to IC zoning to assist in renewing the use of vacant industrial building space. These redesignations have largely accomplished their purpose, and several formerly vacant properties are now occupied with a variety of uses. In the Fairview Industrial Park the vacant, former SUMCO silicon wafer facility was redesignated from IBC to IC in 2007 (CPC/ZC 07-1), and is now occupied by a variety of uses. As mentioned the vacant TYCO facility was redesignated from IBC to IC in 2008 (CPC/ZC 08-7), the vacant Sunwest building was redesignated from IBC to IC in 2011 (CPC/ZC 11-10), and the complex at 3831-3871 Fairview Industrial Dr. was redesignated from IBC to IC in 2011 (CPC-ZC 11-05). The extent to which the Fairview Industrial Park has been converted to the IC zone is shown on the City Zoning Maps of that area.

### **The Proposal**

The severe changes to the economy that have occurred since the beginning of the recession in 2007 have impacted the types of industrial and business activities that locate in Salem. New large-scale manufacturing, and headquarters-level office functions, are not common in the community. In response to the economic conditions industrial property owners must focus on smaller-scale and locally-based activities to fill space in existing buildings and to occupy vacant property. The issues and problems involved with maintaining the use of developed industrial land are also affected by the availability of new industrial land, in particular the regional-scale Mill Creek Corporate Center. This requires existing developed properties to adapt new strategies for attracting occupants.

For these reasons State Investments believes that the IBC zone is no longer well suited to the Fairview Business Park complex. Maintaining the productive use of the property will require a wider range of potential uses without the limitations imposed by the IBC zone. This includes the ability to attract a more diverse mix of business, service, and office-based uses than the current IBC zone allows. In order for this to occur, State Investments

requests a change in the Comprehensive Plan map designation from *Industrial* to *Industrial-Commercial*, along with a corresponding Zone Change from IBC to IC. This action will provide for a wider range of industrial, professional, and business-service activities than is currently allowed. While some types of retail uses included in the IC zone may not be appropriate for the location, such as “big box” general merchandise and grocery, and automotive sales, overall the range of uses allowed by the IC zone will assist in maintaining and improving the productive use of this property, and in a manner that is consistent with the facilities and the location.

A Pre-Application conference to discuss this proposal was held on Nov. 29, 2012; Pre-Application Conference No. 12-51.

#### **Relationship to the Fairview Industrial Park**

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

The Fairview Urban Renewal Plan is now 29 years old. Changes in the local, regional and global economy during that period, as well as additions to the local industrial land base, affect existing industrial facilities and require changes in land use designations in order to maintain underutilized facilities in productive use. The proposed Comprehensive Plan Amendment and Zone Change is consistent with the original intent of the Urban Renewal Plan to create an “industrial-commercial” business and employment center, and to encourage the reuse of vacant space in existing structures.

## CRITERIA

### Salem Area Comprehensive Plan

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

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

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

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

With regards to (B), as described above there have been a number of recent Plan amendments that have changed the character of the Fairview Industrial Park from exclusively industrial, to a broader mix of activities that includes manufacturing, service, warehouse and distribution, retail, office and government administration uses. As shown on the Plan map the land use pattern that has resulted from these amendments consists of alternating Industrial and Industrial-Commercial designations. These Plan amendments have converted former manufacturing facilities, such as the SUMCO plant and the Tyco building, to facilities that now provide for a variety of office, administrative, and warehouse/distribution uses. The previous Plan amendments have assisted major, vacant facilities to return to productive use.

As shown on the Plan map these previous Plan amendments have affected a significant number of properties, and created a major change in the circumstances in the Fairview Industrial Park. The character of the area has changed to the extent that the more

restrictive, existing Industrial designation for the multi-purpose Fairview Business Park complex is no longer appropriate.

There have also been Plan Amendments and major capital improvements in the community that altered the industrial land use and development pattern, to the extent that existing areas designated for industrial use were significantly affected. Specifically, the previously approved Comprehensive Plan Amendment that established the Salem Regional Employment Center (SREC), and the subsequent development of the Mill Creek Corporate Center, significantly changed the character of the industrial land inventory and the industrial development pattern by providing extensive new areas for industrial development. The Mill Creek industrial project totals 646 acres of which 507 acres will be developed. Office-based uses are allowed in large parts of that project. As a result, the existing designation for the subject property, like others in the community requires adjustment in order to provide for an appropriate range of activities in order to remain competitive.

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

The EOA described the SREC project as the largest industrial property in a metropolitan area in the state, which makes it locally and regionally significant. The addition of the project was a major change in the local industrial land inventory, and a major change in the circumstances that affect the existing industrial lands within the urban area.

Because of this major addition to the industrial land inventory, and in order to respond to the changing economic conditions that affect the local industrial development pattern, it

is necessary for existing industrial sites, such as the subject property, to attract and accommodate an expanded range of activities appropriate to the existing facilities. In order to attract the types of economic activities that the EOA identified, existing industrial sites must be provided with the necessary zoning flexibility to accommodate new uses.

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

The Planning Commission recognized and adopted these reasons in its decisions in CPC-ZC11-05 and CPC/ZC 11-10. Those sites are also developed properties, consisting of buildings for office, industrial, and warehouse uses. The facts and circumstances present in this proposal are substantially similar to those of that case. In its Decision the Planning Commission concluded:

“...The proposed comprehensive plan and zoning map amendment to Industrial Commercial will facilitate a wider range of uses at the site. The previously approved plan amendment and zone change of the nearby 646 acre Mill Creek Corporate Center site to ‘Employment Center’ (EC) zoning was a major change in circumstances affecting a significant number of properties in the area. The EC zoning of the Mill Creek Corporate Center allows for a wide range of industrial uses. That change was large enough in scope that the existing industrial

designations for many other properties in the area, such as the subject property, are no longer appropriate. The proposal is a logical change given the surrounding mix of uses and economic pattern along Fairview Industrial Drive SE, which is transitioning from higher-impact manufacturing uses to a mix of commercial and industrial uses...” (PC Resolution 11-5)

The previous Plan changes within the Fairview Industrial Park, as well as the Plan Amendment for the SREC and the development of the Mill Creek Corporate Center, 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 designation for the subject property is no longer appropriate. For these reasons SRC 64.090(B)(2) is satisfied.

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

The following Statewide Goals apply to this proposal:

#### GOAL 1 - CITIZEN INVOLVEMENT

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



## GOAL 2 - LAND USE PLANNING

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

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

The subject property is developed industrial land and has not been identified in the Comp Plan as open space, or a scenic or historic resource. There are no natural resources on the site that will be affected by this proposal.

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

The purpose of the proposed Plan change is to allow for a wider mix of industrial-commercial uses, on land that is currently designated for industrial use. The subject property is already developed, and no additional development is proposed. It is within an intensely developed area that is characterized by a mix of industrial, service, and commercial activities. The property is along the major street routes through the industrial park, and no changes to the street system are proposed or needed. The proposed Plan change will encourage the use of the existing urban facilities. Because the future uses will make use of existing facilities the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impacts to the air in this area are from the existing industrial activities, or those that could be allowed under the existing industrial land use categories.

The proposed Plan change will not result in significant changes to the types of industrial uses that could create an adverse impact on air quality. Air quality impacts from traffic will not occur because traffic volumes generated by new uses will be limited to the same as under the existing land use designation.

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

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

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

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

#### GOAL 8 - RECREATIONAL NEEDS

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

#### GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is currently designated *Industrial* on the Plan Map. The proposal is to change the Plan Map designation to *Industrial-Commercial*. The I-C designation provides for a wide range of industrial activities, and also for a range of commercial, office, and business service activities. Many of the allowed industrial activities are common to both designations, and the inventory of land that is available for industrial

uses will not be materially affected. The site is fully developed and the proposed change will not alter the form of development on the property. It will increase the range of office and business-service activities that are available to the property. The proposed Plan Map change is needed in order to attract an appropriate mix of uses and activities to the subject site, consistent with the types of future economic activities projected in the EOA. By increasing the opportunities for utilizing industrial property, the proposed Plan Map change will be consistent with the purpose of this Goal.

#### GOAL 10 - HOUSING

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

#### GOAL 11 - PUBLIC FACILITIES AND SERVICES

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

#### GOAL 12 - TRANSPORTATION

The subject site is located along Fairview Industrial Drive and Madronna Ave. Both streets provide the site with excellent connections to the surrounding area. Fairview Industrial Drive is classified as a Minor Arterial in the Salem Transportation System Plan (STSP), and Madronna Ave. is a Major Arterial. The intersection of Fairview Industrial Drive and Madronna is controlled by a traffic signal. Madronna provides a link to the I-5 interchange at Santiam Highway via 25<sup>th</sup> Street and Mission Street. Fairview Industrial is a direct route to Kuebler Blvd. to the south, which is a Major Arterial-Parkway. Kuebler also provides a direct link to an I-5 interchange. All of these streets are intended to handle large volumes of traffic.

The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

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

The potential traffic impact of the proposed change in the land use designation has been examined in a report by Dick Woelk P.E., Associated Transportation Engineering and Planning (ATEP), "State Investments LLC TPR", Feb 25, 2013. That report is a part of this application. The report examines the potential traffic impact of the proposal on the transportation system, with regards to the requirements of the TPR. The analysis concludes that if the average daily traffic (ADT) from the proposed change does not exceed the traffic impact that could occur from uses allowed by the existing land use designations, there will be no significant impact on the transportation system. The ADT is calculated as 7,831 trips. A trip generation cap of 7,831 ADT is recommended as a means to avoid significant adverse impact on the transportation system. By complying with that limit, the proposal will not have a significant impact on the transportation system, and the proposal will be consistent with the requirements of the TPR.

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

#### GOAL 13 - ENERGY CONSERVATION

The site is provided with efficient access to the surrounding community, and facilities and services for multiple forms of motorized and non-motorized transportation are

available. The existing buildings were designed in compliance with the building code requirements for energy efficiency in effect at the time they were built. These factors serve to reduce the energy needed for transportation, and space heating and cooling, consistent with the energy conservation requirements of this Goal.

#### GOAL 14 - URBANIZATION

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

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

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

As shown on the Plan map the land use pattern in the Fairview Industrial Park consists of alternating IBC and IC zoning. This has occurred as a result of multiple Plan amendments for redesignation from Industrial to Industrial-Commercial. The change proposed in this case is both logical and harmonious with the land use pattern because it requests the same Plan map designation as has been previously approved in the industrial park, and because it is consistent with the character of the area as it has gradually evolved to provide for a broader range of uses. The land use pattern of the area has transitioned from purely industrial, to a mix of industrial, office, and business-service activities. The Fairview Industrial Park now includes a mix of industrial and industrial-commercial designations, and a variety of industrial, service, office, and public administration uses.

The subject site is fully developed and there will be no change in the physical relationship of the property to the surrounding area. The I-C designation provides for the types of activities that are suited to the existing buildings. Maintaining the productive

use of these facilities provides employment opportunities for residents of the local area as well as the surrounding region.

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

The location of the property, the character of the existing development, and the range of the existing land uses in the area, make this an appropriate location to apply the I-C designation. For these reasons the proposed change is logical and harmonious with the land use pattern for the greater area, as shown on the detailed and general Plan maps.

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

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

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

future use. The Plan recognizes that land use and zoning are expected to change as conditions change.

The factors and conditions that affect the use of the subject property have changed since the existing designation was applied and since it was developed. These include changes to the local, regional, and state economies, and changes to the local industrial land use pattern and inventory. The property was developed as a multi-purpose flex-space business park. The proposed redesignation will provide the flexibility to allow the building to be occupied by a wider variety of businesses and services, including non-headquarters office users. The proposed redesignation is consistent with previous land use actions of this type in the area. The proposal is also a response to the large increase in industrial lands that has occurred since the current Plan designation was adopted. The need to redesignate the property is consistent with the stated Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies. The proposed change maintains a significant industrial land use capability, while including an expanded degree of flexibility that is consistent with the need to attract new uses to the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

#### Part IV. Salem Urban Area Goals and Policies

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

##### I. Industrial Development

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

The proposed I-C designation and implementing IC zone provide for a wide range of industrial uses, including manufacturing, fabrication, processing, and transportation, among others, as well as professional and business services. Those uses reflect the economic base of the community, as described in the SREC EOA. The site is fully

developed and the existing buildings are appropriate for the types of activities that are likely to locate here. The proposed IC zone will expand the capability of the site to attract the industries that can be accommodated on the property. By expanding the potential uses for the site in a manner that is consistent with the expected economic make-up of the community, the proposed change will encourage and promote industrial activity that strengthens the economic base of the community, which is in keeping with this goal.

#### Industrial Lands Policies

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

The subject property is 10.2 acres and includes five buildings totaling 112,404 s.f. The property is fully developed and no changes to the property are planned. Under the I-C designation the property will remain available for a wide range of industrial uses. The existing buildings vary in size and provide a variety of spaces that can accommodate a range of industrial activities at this location. The location of the site in the Fairview Industrial Park is conducive to attracting industrial, professional, and service uses.

Because the proposed designation retains a wide range of industrial uses, the inventory of industrial land in the city will not be adversely affected by the proposed change.

Similarly, the proposed change will not affect the ability of the city to maintain a long-term industrial land inventory, which has been greatly enhanced with the addition of 507 acres in the Mill Creek Corporate Center. The proposed redesignation will enhance the use of a multi-purpose property, and thereby help to maintain a competitive market for industrial site. Considering the property's location and existing development, the proposal is consistent with this policy.



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

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

The proposal to redesignate the land to Industrial-Commercial maintains the capability for industrial use and expands the opportunities for the use of the site. Enhancing the opportunities for the use of existing buildings is in the community's interest. The proposal does not adversely impact the long-term continuity of the industrial inventory because the I-C designation and IC zone maintain the capability for a wide range of industrial uses. Many of the uses are the same as in the current designation. In addition, the long term continuity of the industrial inventory has been enhanced by the addition of the 507-acre Mill Creek Corporate Center. The proposal serves the community's interests by expanding the range of uses that can be attracted to a developed industrial site, in a manner that will be appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is consistent with the projections for the types of industries that are likely to locate in the urban area. For these reasons, the proposal satisfies *a.*

*and*

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

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

*And*

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

The proposal does not change the industrial or non-industrial inventory because the I-C designation maintains industrial uses. The SREC EOA demonstrated the need to provide industrial sites that would accommodate the categories of industrial activities projected to locate in the community. The I-C designation responds to that projection. The proposal will help to maintain and promote occupancy in a developed site that is fully served by public facilities. The industrial use inventory will not be significantly or adversely affected by the proposed redesignation of this site.

Or

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

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

*and*

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

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

*and*

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

All public facilities, services and utilities are already in place and serve the property.

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

The property is fully developed and is already served by the required public facilities, services and utilities. No new services or utilities are required. The proposal will help to maintain maximum efficient use of the public investment that has been made in the infrastructure, by expanding the opportunities to use the existing buildings. The proposal is consistent with the directive to make use of existing and available public services, facilities and utilities that serve and support industrial areas.

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

The subject site is served by Fairview Industrial Drive and Madronna Ave., which are Arterials. The proposal does not change or alter the street system. There is no direct access from the property to any local residential street or neighborhood. The site is within an industrial area that was established with regards to its access to the arterial street system. The proposal does not affect, and conforms to, this policy.

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

The I-C designation and the IC zone specifically implement this policy by maintaining a variety of industrial development opportunities. The property will remain available for industrial use, and the redesignation will not restrict the opportunity for industrial use. The type of industrial development that occurs on this site will be a function of the existing buildings, and the economic conditions at the time of redevelopment. Applying the I-C designation to the property is consistent with this policy to provide for a variety of industrial development opportunities.

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

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

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

The I-C designation and IC zone provide for commercial uses as well as industrial uses. The property is within an established business center that currently includes industrial and commercial activities. The site is fully developed. The character of the existing development is appropriate for uses such as professional and business services, support

services for employees in the area, combination distribution/service/retail uses, and office-based activities. These types of uses help to maintain and promote the urban area as a commercial and service center for the Marion and Polk County Metropolitan area.

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

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

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

The proposed change will help to encourage and promote the wider use of an existing business park in one of the city's major industrial-business centers. The site was designed for a variety of uses and formerly included a major office use. The property's current condition provides a diminished level of benefit to the public by not being fully occupied. The proposed change in the land use designation will expand the range of potential uses for the property, thereby providing greater opportunity to secure new business activity and employment. The range of uses allowed by the IC zone will add flexibility for the use of the site, in response to the changing conditions affecting the market for industrial land and vacant building space. By expanding the potential to occupy the property and create employment in the community, the proposed change benefits the public.

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

### **Morningside Neighborhood Plan**

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

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

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

Industrial Policy 16. recommends new industrial development be limited to existing areas that are designated for that purpose. Those areas included the "Fairview area". Policy

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

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

Commercial Goal 9. is to provide for the day-to-day commercial needs of the neighborhood and to provide a suitable environment for existing commercial facilities and sites. The subject site is not intended as a primary location for the daily commercial needs of the neighborhood, although certain of those needs, such as food stores, are allowed in the existing zone. Commercial policy 10. suggests commercial uses should be limited to areas along 12<sup>th</sup> and Commercial Streets. The subject site is part of the existing mixed industrial-commercial area in the Fairview Industrial Park. It is not part of the existing commercial corridors in the neighborhood. Policy 11. suggests that commercial uses that serve and support employees in the Fairview Industrial area should be located near 25<sup>th</sup> and McGilchrist, to direct traffic away from the neighborhood. That policy makes no sense as it would result in additional vehicle trips and out-of-direction travel for the employees. Policy 12. suggests that new commercial uses in existing commercial

areas shall complement the ability of local residents to shop and work near their homes. The effect of this proposal will be to increase employment opportunities at new uses on the subject site, which will complement the ability of local residents to work near their homes. With regards to Policy 14., no adverse impacts from new uses at this developed site are anticipated that would affect the livability of the area.

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

### **Zone Change Criteria**

In SRC 113.100, Zone Change, Intent and Purpose, part (a), it is recognized that due to a variety of factors, which include changing development patterns and concepts, and government policy decisions affecting land use, the zoning pattern cannot remain static. This zone change to IC is proposed in response to those factors. There has been a change in the industrial development pattern as a result of the Mill Creek project, and that development is the result of a government policy decision that established the SREC. Additional changes to the industrial development pattern are the result of changes in the economy, as described in the SREC EOA. Those changes, which affect the subject property and other industrial lands in the urban area, could not have been anticipated in the 1980's when the property was placed in its current zone, or in the mid-1990's when it was developed. The proposed zone change is necessary in order to provide more flexibility in the use of the subject property, which will allow it to respond to these changes. In addition, the proposed zone is consistent with other recent changes to the character of the Fairview Industrial Park. For these reasons the proposal is consistent with the Intent and Purpose of zone changes.

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of this

proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements. In addition the following factors are to be evaluated and addressed:

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

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

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

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



existing zone. The proposed zone change provides an opportunity to expand and diversify the range of businesses and services that are possible for this site.

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

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

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

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

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

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

little or no affect on the physical characteristics of the property or the on public facilities and services

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

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

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

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

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APR 16 2013

COMMUNITY DEVELOPMENT

Associated Transportation Engineering & Planning, Inc.

# State Investments LLC TPR

Transportation Planning Rule Analysis



R. Woelk P.E.  
2/25/2013

ATTACHMENT 3



February 25, 2013

**Comprehensive Plan Change  
Transportation Planning Rule Analysis  
State Investments LLC Fairview Site**

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

Dear Mr. Tross:

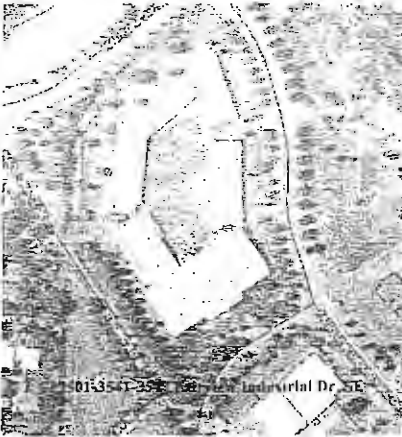
You have asked that ATEP to provide information concerning traffic impacts of changing the comprehensive plan map designation of State Investments 3501-3541 and 3547 Fairview Industrial Dr. SE.

The tract is currently designated Industrial on the Comprehensive Plan map, and it is zoned IBC. This analysis is part of the work you are doing to change the comprehensive plan map designation from "Industrial" to "Industrial Commercial." The purpose of this memo is to address the traffic related criteria in the Transportation Planning Rule (TPR) for a comprehensive plan map change.

The tax lots are currently zoned IBC (General Industrial) (Salem Revised Code (SRC) Chapter 158) and designated "Industrial" on the comprehensive plan map. The property consists of Tax Lots 700 and 800 as shown on Tax Assessor Map 8-3W-02 for a total 10.26 acres. The site is fully built out. There are five existing buildings with a total of 113,211 s.f. See Figure 1.

The buildings are flex-space/warehouse style, and are currently occupied by a variety of commercial-type uses such as the Hoop, Rodda Paint, a cheerleading school, a brew pub, a dance/fitness center, an employment placement service. Of the 113,211 sqft approximately 13,570 sqft is currently vacant.

Figure 1 - State Investments site plan



In consultation with City of Salem staff, the decision has been made to request a zone change from IBC to IC (Industrial Commercial) (SRC Chapter 155). The zone change will require a comprehensive plan map amendment changing the designation from “Industrial” to “Industrial Commercial.” The requested change will create employment opportunities for people working at productive jobs. The distinctions between the two comprehensive plan map designations seem, (and perhaps are) minor but they may be of significance. Some of the uses allowed in the IBC zone are not allowed in the IC zone and the reverse is also true. These different uses may generate different volumes of traffic. Many uses are common to both and so would have no traffic impact.

Oregon land use law requires that the TPR be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action, not “significantly affect an existing or planned transportation facility” without specific steps being taken. The intent of this analysis is to establish restrictions so that the proposed comprehensive plan map amendment and concurrent zone changes do not significantly affect a transportation facility. There are two methods to assure that there is minimal “significant affect” as a result of a comprehensive land use plan map change. The first method is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation, in this case, “Industrial.” The second method is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in possible traffic. It has been determined that in this instance the best way to make the assurance is to use the first method. This analysis will determine the number of trips that could be generated from the site in the existing comprehensive plan map designation (“Industrial”). The analysis will recommend that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal or less than currently could be generated by allowed uses. The trip generation will be measured as Average Daily Traffic (ADT) and as determined by the current ITE Trip Generation Manual for the existing and new uses.

The parcels are about 10.6 acres in area and are zoned IBC. Traffic generated on this site in the existing comprehensive plan map designation (“Industrial”) is intended to be traffic from administrative, business and industrial uses. The “Salem Revised Code limits development of IBC sites to specific uses in each zoning designation. Using the Institute of Transportation Engineer’s, Trip Generation Manual (8<sup>th</sup> Edition), it is estimated the site could reasonably generate 7,340 Average Daily Trips (ADT) under the existing “Industrial” comprehensive plan map designation. This is based on the existing uses already in the buildings.

**Table 1 –Reasonable land uses & anticipated trip generation estimates for IBC Zone**

ITE #	Land Use	# of Units	ADT/Unit	Estimated Trips Per Day
492	Membership sports and rec clubs	40 ksf	35	1,400
565	Day Care Center	30 ksf	79	2,378
814	Flex Space	18 ksf	44	798
850	Food Store < 30k of IBC	15 ksf	102	1,534
932	High Turnover Rest	6 ksf	127	763
938	Coffee Shop no drive thru	4 ksf	117	468
	Total	113,000		7,340

This establishes a reasonable limit to the number of trips (ADT) that can be generated by development under the proposed IC zone under the “Industrial Commercial” comprehensive plan designation. The “Industrial Commercial” plan map designation only allows IC zoning. In discussion with the City, the site owners have agreed to eliminate some uses allowed in the IC zone designation that are not be allowed in the IBC zone designation without specific approval from the City.

The intent will be to develop the site with uses that generate equal to or less traffic than the 7,240 trips per day (ADT) that could be generated under the existing allowed IBC, zones in the “Industrial” plan map designation.

Table 2 outlines some reasonable uses that could be developed on the site using the proposed “Industrial Commercial” plan map designation and IC zone. Actual uses may vary. The intent of this analysis is to outline a way to limit the number of trips generated to less than 7,340 ADT. It is noted that the trip generation uses in the ITE Trip Generation Manual do not conform exactly to the Standard Industrial Classification Manual (SIC) number identified in the SRC. Reasonable judgment must be used in estimating trip generation information from the list of allowed uses.

Table 2 –Reasonable land uses & anticipated trip generation estimates in proposed IC zone			
ITE #	Land Use	Number of Units	Estimated Trips
ITE 493	Athletic Club	58.3 ksf	2,507 trips/day
ITE 565	Restaurant	11.5ksf	1,462 trips/day
ITE 814	Specialty Retail	4.1 ksf	182 trips/day
ITE 850	Supermarket	10 ksf	1,022 trips/day
ITE 870	Apparel Store	10 ksf	664 trips/day
ITE 911	Walk In Bank	5.5 ksf	861 trips/day
ITE 932	Day Care	11.4 ksf	1,033 trips/day
		Total ADT	7,831 trips/day

The number of units in the above Table 2 is an estimated building size (area) of the specified uses.

Under the IC comprehensive plan map designation and zoning, the entire site can be used for a variety of office or retail uses without exceeding the trip limit established in this analysis. It is true one can imagine a combination of uses that would generate too much traffic and not fill the site.

It is reasonable, as a condition of approval for the requested zone change and comprehensive plan map amendment, to limit the trip generation of future uses. The total trips generated from the site should be limited to the estimated 7,831 ADT using the ITE Manual. Such a restriction will preclude development of the site in the future with uses that generate larger volumes of traffic, but does not limit reasonable, lower trip generating uses that would be allowed under the requested IC zoning. Limiting total trip generation estimates from future uses in the proposed IC zoning to the trip generation estimates of the existing industrial designation zones (IBC) leads logically to the conclusion that development of the site under the proposed zoning will have no adverse traffic impacts as defined by Goal 12, or the TPR section of the OARs.

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

1. Limit the combined trip generation from the four parcels to equal or less than the trip potential under the industrial designation (7,831 trips ADT).

Sincerely,



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

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MAY 31 2013

COMMUNITY DEVELOPMENT

MEMO

**TO:** Bryan Colbourne, Planner III  
Community Development Department

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

**DATE:** May 30, 2013

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
CPC/ZC NO. 13-02 (13-106778)  
3501-3541, 3547 FAIRVIEW INDUSTRIAL DRIVE 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 10.2 acres in size, and located at 3501-3541 and 3547 Fairview Industrial Drive SE.

**RECOMMENDED CONDITION:**

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 7,831 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 (TPR) —The applicant submitted a TPR Analysis in consideration of the requirements of the TPR *Oregon Administrative 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 TPR analysis

**ATTACHMENT 4**



findings and recommends a condition to limit the development on the 10.2 acre site to 7,831 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 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.

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

Prepared by: Robin Bunse, C.F.M., Administrative Analyst II  
cc: File

State

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

DEPT OF  
JUL 15 2013  
LAND CONSERVATION  
AND DEVELOPMENT

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