



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/30/2013

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 016-13

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: Tuesday, January 14, 2014

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



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

FOR DLCD USE
File No.: 016-13 (20089)
[17724]
Received: 12/24/2013

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

Jurisdiction: City of Salem

Local file no.: **CPC-ZC13-06**

Date of adoption: 12/17/2013 Date sent: 12/24/2013

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 11/12/2013
- No

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

Local contact (name and title): Bryan Colbourne, Planner III BC
 Phone: 503-540-2363 E-mail: bcolbourne@cityofsalem.net
 Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

- Change from Industrial to Industrial Commercial. 6.69 acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

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

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from General Industrial to Industrial Commercial. Acres: 6.69

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

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

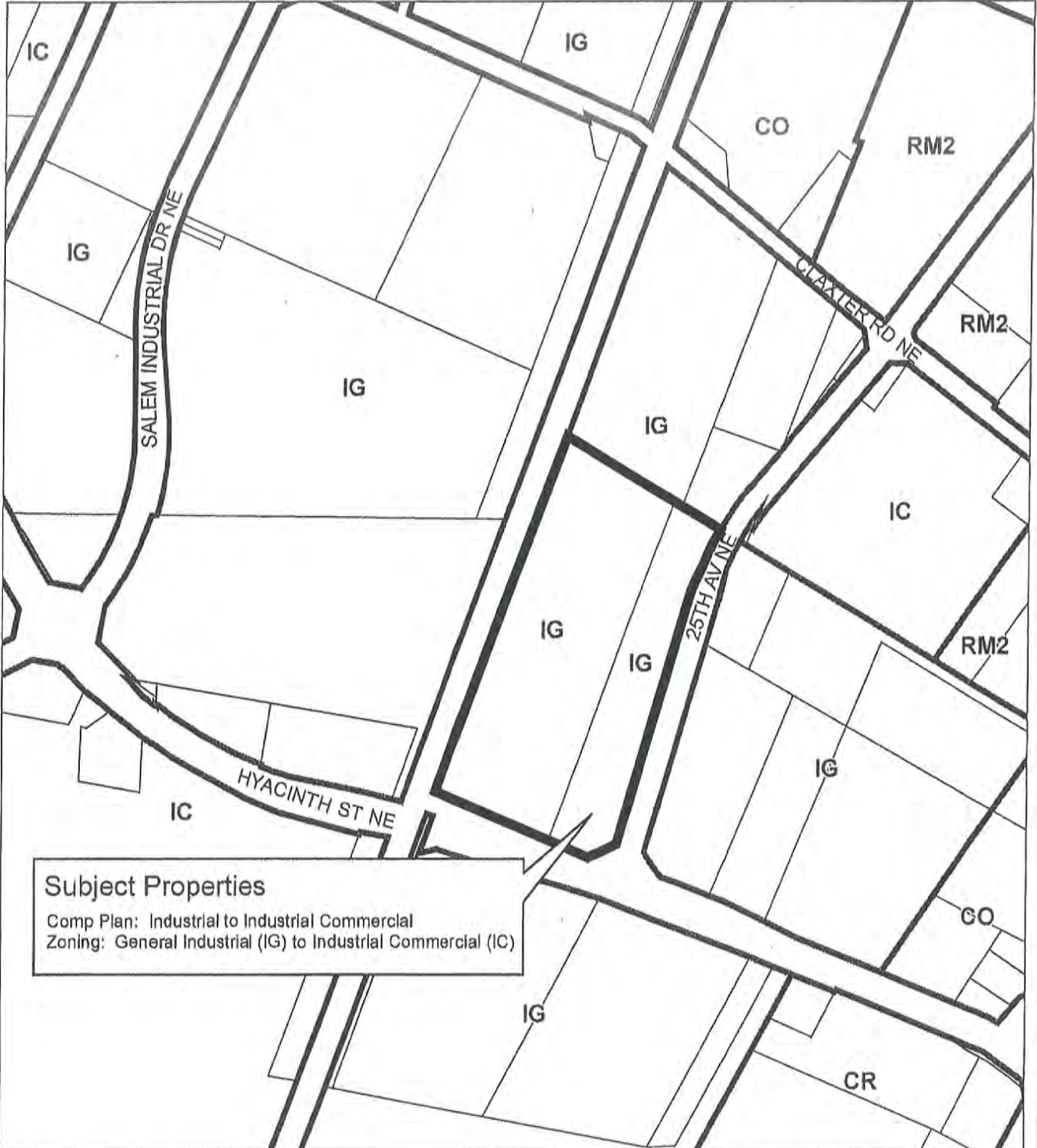
Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): 073W12B 00200 & 073W12B 00300, 2195 Hyacinth St NE

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

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

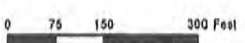
Comprehensive Plan Change / Zone Change 13-06



Subject Properties
 Comp Plan: Industrial to Industrial Commercial
 Zoning: General Industrial (IG) to Industrial Commercial (IC)

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

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

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*

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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE NO. CPC-ZC13-06

APPLICATION NO. : 13-117474-ZO & 13-117684-ZO

NOTICE OF DECISION DATE: DECEMBER 18, 2013

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IG (General Industrial) to IC (Industrial Commercial) on property approximately 6.69 acres in size, and located at 2195 Hyacinth Street NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W12B 00200 & 073W12B 00300).

APPLICANT: MICHAEL TEVIS, INTRINSIC VENTURES, INC.

LOCATION: 2195 HYACINTH ST NE

CRITERIA: Salem Revised Code Chapters 64 and 265

DECISION:

The Planning Commission **GRANTED** Comprehensive Plan Change / Zone Change Case No. CPC-ZC13-06, as follows:

- 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 IG (General Industrial) to IC (Industrial Commercial) be GRANTED subject to the following condition of approval:

Condition 1. Traffic impacts from all uses on the subject property shall be limited to a maximum of 4,700 average daily trips.

VOTE:

Yes 5 No 0 Absent 2 (Fry, Guyer)

Jim Lewis, President
Planning Commission

A copy of the decision is attached.

Application Deemed Complete: November 12, 2013
Public Hearing Date: December 17, 2013
Notice of Decision Mailing Date: December 18, 2013
Decision Effective Date: January 3, 2014

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

BC

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., January 2, 2014.** Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

FOR MEETING OF: December 17, 2013
AGENDA ITEM NO.: 6.2

Yes Andrew got it

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AIC Urban Planning Administrator

STAFF: Bryan Colbourne, Planner III

HEARING DATE: December 17, 2013

APPLICATION: Comprehensive Plan Change/Zone Change 13-06

LOCATION: 2195 Hyacinth Street NE

SIZE: 6.69 acres

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IG (General Industrial) to IC (Industrial Commercial) on property approximately 6.69 acres in size, and located at 2195 Hyacinth Street NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W12B 00200 & 073W12B 00300).

APPLICANT: Mike Tevis of Intrinsic Ventures, represented by Richard Rothweiler

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

RECOMMENDATION: APPROVE subject to the following condition:

Condition 1. Traffic impacts from all uses on the subject property shall be limited to a maximum of 4,700 average daily trips.

APPLICATION PROCESSING

Subject Application

On October 24, 2013, Richard Rothweiler, on behalf of the applicant, Mike Tevis of Intrinsic Ventures, filed an application for a Comprehensive Plan Change and Zone Change on the subject property. The application was deemed complete for processing on November 12, 2013. The public hearing for the application is scheduled for December 17, 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 November 27, 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 November 12, 2013.

BACKGROUND INFORMATION

The subject property consists of two units of land identified as taxlots 073W12B 00200 & 073W12B 00300, and totals approximately 6.69 acres in size. The property is owned by Intrinsic Ventures Inc. The site contains a 67,320 square-foot building that was originally used by Overhead Door Company. In recent years the building has been used as a warehouse for a furniture company, and with other portions of the building divided into smaller tenant suites for a range of different commercial uses.

The current IG zoning limits the use of the site to primarily industrial uses. The applicant is requesting this rezone in order to broaden the range of commercial uses permitted at the site.

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 IG (General Industrial) 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 Northgate Neighborhood Association. The Northgate NA submitted the following written comments in support for the rezone proposal:

The Association voted in favor of granting this request. We believe that this is [an] excellent use of a property that otherwise might be sitting vacant.

In addition, Mr. Don Russo, who serves as the Chair of the Northgate Neighborhood Association and the Vice Chair of the North Gateway Redevelopment Advisory Board, submitted the following comments in favor of the proposal:

This note is to verify that the property owner has met with the Northgate Neighborhood Association as well as the North Gateway Redevelopment Advisory Board (NGRAB) to explain his property development plan and the need it fills in the marketplace. The NGRAB even held one of its meetings at the property and saw firsthand the improvements made by the owner and his plans for further improvements. Both organizations voiced support for his project and the zone change needed.

Public Comments

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

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 5).

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

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

Public and Private Agency Comments

Oregon Department of Land Conservation and Development (DLCD) – DLCD reviewed the proposal and submitted a letter in opposition to the proposal on the grounds that Statewide Planning Goal 9 (Economic Development) requires that Comprehensive Plan Map amendments reducing the industrial land supply within the City must rely on a locally adopted Economic Opportunities Analysis. The letter is included as Attachment 6.

Staff Response: OAR 660-009-0015 requires that Comprehensive Plan Map amendments, which change the designation of land in excess of two acres from an industrial or employment use designation to a non-industrial designation be supported by an analysis of economic development trends for the inventory of industrial land within the urban area for a 20 year planning period. Such analysis must be adopted by the City Council in order to be used as a Goal 9 finding in a local government decision to amend a Plan Map. 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. This EOA was not adopted by the Salem City Council, however, and may not be relied upon as substantial evidence of compliance with the applicable criteria. City Staff are currently in the initial stages of developing an EOA for the City of Salem. Once completed, the new EOA will be presented to City Council for adoption, in order to fully comply with this goal.

In this case, the subject property is currently designated Industrial and it is zoned IG (General Industrial). The IG zone allows for industrial uses and some commercial uses. The proposal is to change the Plan Map designation of the subject property from Industrial to Industrial Commercial with a concurrent zone change from IG to IC (Industrial Commercial). The IC zone includes a full range of industrial and commercial permitted uses and maintains the capability for industrial development. Since the IG and IC zoning designations allow similar industrial uses, the potential for industrial development and economic development of the site will not decrease. Based on this, the proposal effectively is not a change to a non-industrial use. Therefore, the EOA requirement of OAR 660-009-0015 is not applicable to this case.

Oregon Department of Transportation (ODOT), Rail Division – ODOT Rail Division reviewed the proposal and submitted the following comments:

ODOT Rail Division has no objection to commercial development as depicted in the site plan. We do have some comments for future consideration when development plans are being generated. There could be some difficulties with the existing driveway in the southwest quadrant of the property, adjacent to the Hyacinth Street railroad crossing. Driveways [which are] that close to a crossing are not as safe as driveways more than 100 feet away, (as measured from nearest rail to near edge of driveway). The risk is that vehicles will queue over the track while waiting for turning traffic ahead of them to clear. This Union Pacific main line track is one of the busiest in Oregon for both train frequency and track speed, so there is little room for error regarding vehicles too close to the track. This potential problem can be addressed by a) closing the driveway, or b) making the driveway right-in and/or right-out only, and possibly by also constructing a center median on Hyacinth in advance of the crossing. We understand that the City of Salem desires to expand its current train horn quiet zones to include

grade crossings north of downtown, such as the Hyacinth Street crossing. If that plan goes forward, they may be required by the Federal Railroad Administration (FRA) to consider median treatments to prevent gate run-arounds. These are some thoughts to consider if development goes forward on the subject property.

Staff Response: The development concept plan submitted with this application shows driveway locations that do not meet current or proposed driveway spacing standards. At the time of development, access to the subject property will be evaluated and the driveway closest to the Hyacinth Street railroad crossing will need to be closed or relocated.

Salem Area Comprehensive Plan (SACP) Designation

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

North: "Industrial"
South: Across Hyacinth Street NE, "Industrial"
Southwest: Across Hyacinth Street NE and railroad, "Industrial Commercial"
West: Across railroad, "Industrial"
East: Across 25th Avenue NE, "Industrial"

Neighborhood Plan: The Northgate Neighborhood Association does not have a City Council-adopted neighborhood plan.

Applicable Detail Plans

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located at the corner of Hyacinth Street NE and 25th Avenue NE. Hyacinth Street is classified as a "Major Arterial" street and 25th Avenue is a "local street" at this location.

Zoning

The subject property is currently zoned IG (General Industrial). Zoning of surrounding properties includes:

North: IG (General Industrial)
South: Across Hyacinth Street NE, IG (General Industrial)
Southwest: Across Hyacinth Street NE and railroad, IC (Industrial Commercial)
West: Across railroad, IG (General Industrial)
East: Across 25th Avenue NE, IG (General Industrial)
Northeast: Across 25th Avenue NE, IC (Industrial Commercial)

Existing Site Conditions

The subject property consists of two units of land identified as taxlots 073W12B 00200 & 073W12B 00300, and totals approximately 6.69 acres in size. The property is owned by Intrinsic Ventures Inc. Taxlot 00300 is approximately two acres of undeveloped land located on the corner of Hyacinth Street and 25th Avenue. Taxlot 00200 is approximately 4.7 acres in size and is located to the west of Taxlot 00300 with frontage on Hyacinth Street and the Union Pacific Rail Road running along its western boundary. Taxlot 00200 contains a 67,320 square-foot building that was originally used by Overhead Door Company. In recent years the building has been used as a warehouse for a furniture company,

and with other portions of the building divided into smaller tenant suites for a range of different commercial uses. In addition, there is a 3,840 square-foot metal building also located on Taxlot 00200. The remainder of Taxlot 00200 is paved with parking, loading, and vehicular storage areas.

There are no creeks, mapped wetlands, or areas of mapped landslide risk assessment on the subject property. Any future tree removal will need to comply with the applicable provisions of the tree preservation ordinance.

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 help 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) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided a statement addressing all applicable criteria (Attachment 2).

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

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

Finding: This proposal is justified based on (ii). The subject property is a mostly flat site and is not encumbered by waterways, wetlands, large amounts of vegetation, or mapped landslide hazards. The tenant suite layout of the existing buildings and configuration of parking on the site are equally well suited for industrial and commercial development. The site presents no special challenges to further building development for industrial or commercial use. Street and sidewalk access are provided by Hyacinth Street NE, which connects the site to Portland Road, the Salem Parkway, Interstate 5 and central Salem.

The applicant's development concept for the site includes small commercial/industrial flex space tenant suites within the existing and proposed buildings. These small flex space suites would be ideal for startup commercial and light industrial business ventures. The surrounding land uses are currently a mix of industrial, commercial, and residential uses to the south and east, and heavier industrial uses to the north and west. The subject property is in an area of transition between industrial and commercial lands. Based on this, the proposed Industrial Commercial designation is equally suited to the site than the current Industrial designation. This criterion is satisfied.

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

Finding: Water: There is an existing 8-inch water line located in 25th Avenue NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute. A 10-inch water line is located in Hyacinth Street NE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute. As a condition of water service, all future developments of the site will be required to provide public water mains of sufficient size for fire protection to the satisfaction of the City Fire Marshal and Public Works Director (SRC 72.017; PWDS Water 2.00).

Sewer: There is an existing 15-inch sewer line is located within a 10-foot easement along the north and east property line of the subject property. A 15-inch sewer line is located adjacent to Hyacinth Street NE. A 60-inch sewer line is located in Hyacinth Street NE. There is no public sewer in 25th Avenue NE. Every building is required to have an independent connection with a public or private sewage collection system (SRC 73.065).

Storm Drainage: There is an existing 18-inch storm line located in Hyacinth Street NE. A 12-inch storm line is located in 25th Street NE. The applicant will be required to design and construct a storm drainage system at the time of future development at the site. At that time, the applicant shall provide an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal (SRC 73.075).

Streets: The site fronts on both 25th Avenue NE and Hyacinth Street NE. 25th Avenue NE is designated as a local street in the Salem TSP. The standard for local streets is a 30-foot-wide improvement within a 60-foot-wide right-of-way. There is an approximate 48-foot improvement within a varied 50- to 60-foot-wide right-of-way adjacent to the subject property. At the time of future development on the site, the applicant may be required to convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side (SRC 77.150; SRC 63.235(a)). In addition, at the time of development, where the existing street condition along the frontage of 25th Avenue NE is underimproved, as defined in SRC 77.150(a)(2), the developers will be required to construct a half-street improvement to local street standards as specified in the City Street Design Standards, including a minimum 12-foot travel lane on the opposite side of 25th Avenue NE consistent with the provisions of SRC Chapter 77.

Hyacinth Street NE is designated as a major arterial street in the Salem TSP. The standard for major arterial streets is a 68-foot-wide improvement within a 96-foot-wide right-of-way. There is an existing approximate 64-foot improvement within a varied 73- to 110-foot-wide right-of-way adjacent to the subject property. At the time of development, the applicant shall convey land for dedication to equal a half-width right-of-way of up to 48 feet on the development side (SRC 77.150; SRC 63.235(a)). In

addition, at the time of development, where the existing street condition along the frontage of Hyacinth Street NE is underimproved, as defined in SRC 77.150(a)(2), the developer will be required to construct a half-street improvement to local street standards as specified in the City Street Design Standards, including a minimum 12-foot travel lane on the opposite side of Hyacinth Street NE consistent with the provisions of SRC Chapter 77.

Hyacinth Street provides a direct link to Portland Road and the Salem Parkway. The intersections of Hyacinth Street and Portland Road and with the Salem Parkway are controlled by traffic signals. The change in the Plan Map designation for this property will not cause a significant effect on the existing transportation system, or result in a level of services decreasing to an unacceptable level. The Transportation Planning Rule Analysis by Project Delivery Group (Attachment 3) concludes that the site could generate up to 4,700 average daily trips (ADT) if fully developed under the existing Industrial Plan Map designation. The analysis proposes a limit of 4,700 ADT to be included as a condition upon this re-zone request (recommended Condition 1). The condition will ensure that the future uses on the re-zoned site will not generate more average daily trips than the site could potentially generate under the current Plan Map designation and zoning.

Based on the above analysis, the water, sewer, storm, and street infrastructure are available within surrounding streets and lands and are adequate to serve existing and anticipated future land uses on the site. Site specific infrastructure requirements will be addressed in the Site Plan Review process of SRC Chapter 220 when specific development plans are proposed. This criterion is met.

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

Finding: The subject property is partially developed land surrounded by fully developed Industrial and Industrial Commercial lands to the north, south, and east. There are undeveloped properties located to the west and southwest of the site, which are designated both Industrial and Industrial Commercial. The land in the immediate vicinity is designated both Industrial and Industrial Commercial on the Comprehensive Plan Map. These surrounding properties contain uses such as masonry and lumber yards, building supply stores, warehouses and distribution centers, and construction contractors. Farther to the south and east there is currently a mixture of residential and retail commercial land uses and Plan Map designations. Farther to the north and west is an area of exclusively Industrial use and Plan Map designation. An Industrial Commercial Plan Map designation would be consistent with the surrounding mixture of Industrial and Industrial Commercial designations. Industrial Commercial Plan Map designation at the subject site would also well reflect the site's location in an area of transition between the residential and commercial lands to the southeast and the exclusively industrial lands to the northwest. In this way, the proposal to amend the Plan Map designation of the site from Industrial to Industrial Commercial will facilitate the use and development of the site in a manner that promotes an efficient urban area with logical transitions between land uses. The proposal satisfies this criterion.

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

Finding: The following elements of the Salem Area Comprehensive Plan are applicable to this request:

Comprehensive Land Use Plan Map, Intent (Page 3, Salem Comprehensive Policies Plan):

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

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

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

Response: This proposal to change the Comprehensive Plan Map designation from Industrial to Industrial Commercial on the subject property is made in response to changing economic conditions and the need for greater flexibility for the use of existing industrial lands. The proposed change maintains the current industrial land use capability, while including an expanded degree of flexibility in the use of the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Urban Growth Policies (Page 13, Salem Comprehensive Policies Plan):

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

Response: The public facilities and service needs for the subject property were provided at the time of construction of the existing buildings on the site. All public services and utilities are available to the subject property including water, sewer, storm drainage, streets, bike lanes, sidewalks, fire and police protection, public transit (Cherriots bus lines 14 and 15), electricity and telephone, and solid waste disposal. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies.

Salem Urban Area and Goals and Policies, General Development Policy 7, Optimal Use of the Land (Page 25, Salem Comprehensive Policies Plan):

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

Response: The existing building will be optimized through this Zone Change allowing a broader number of use categories and facilitating further development of this existing site without the need to clear and grade other more environmentally sensitive land within the urban area.

Salem Urban Area and Goals and Policies, Growth Management Goal (Page 28, Salem Comprehensive Policies Plan):

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

Response: The necessary public facilities, services and utilities are already in place and providing service to the subject property. Expansions of the services and systems may be needed as a result of the planned development of the remainder of the site that will be made possible by the proposed Comprehensive Plan Map amendment with concurrent Zone Change. The existence and availability of public services, facilities and utilities to the property fulfills this goal.

Salem Urban Area and Goals and Policies, Commercial Development Goal (Page 35, Salem Comprehensive Policies Plan):

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

Response: The proposed Zone Change from Industrial to Industrial Commercial will provide for a mix of industrial and commercial office uses adjacent to a Major Arterial street (Hyacinth Street) with easy access to an Interstate-5 interchange. As a result of the adjoining transportation system, the property is accessible from all parts of the Salem urban area as well as the Marion-Polk County metropolitan area. Because the subject property is highly accessible and visible, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, in keeping with this Goal.

Salem Urban Area and Goals and Policies, Economic Development Goal (Page 36, Salem Comprehensive Policies Plan):

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

Response: The proposed Industrial Commercial Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a larger range of commercial and industrial uses than the existing IG (General Industrial) designation. Therefore, the finished building will be home to between 20 to 40 tenants. This refurbished property will be an incubator of entrepreneurial activity and employment.

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

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

Industrial Land Inventory: Maintain a long-term industrial land inventory which provides a full range of small, medium, and large parcels and sizes and locations to sustain a competitive market for industrial sites. Re-designation of the land to or from industrial may be allowed providing . . . that it serves the community's interests and does not impact the long-term continuity of the industrial inventory and it is contingent on a specific, verifiable development project. . . .

Response: The proposal to amend the Comprehensive Plan Map from Industrial to Industrial Commercial on 6.69 acres does not impact the long-term continuity of the industrial inventory because the Industrial Commercial designation and IC zoning maintains the capability for the siting of industrial uses. The proposed change to Industrial Commercial serves the community's interests by adding flexibility to the uses allowed on the subject site in a manner that is appropriate for the location, the available public facilities, and the land use pattern, which is a mix of industrial and commercial uses in the general vicinity of the site. The proposed Comprehensive Plan Map amendment with concurrent zone change is consistent with the types of uses that are likely to locate on a parcel the size of the subject property. For these reasons, the proposal satisfies the community's interests and does not impact the long-term continuity of the industrial inventory.

The proposed re-designation is based upon the character of the area. The property is currently developed an underutilized, but the proposed amendment will provide the basis for full utilization of the site by expanding the range of industrial and commercial uses allowed. Therefore, the re-designations are appropriate for this specific property. See the applicant's proposed redevelopment concept attached (Attachment 4).

The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 - Citizen Involvement

Response: The City's public hearing process meets the requirements of this goal for citizen involvement in the land use process. Additionally, the property owner has met with the Northgate Neighborhood Association who supports the proposal. Notice of the proposal has been provided to the Neighborhood Association, to surrounding property owners, and posted on the property prior to the hearing. 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 making process. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Statewide Planning Goal 2 - Land Use Planning

Response: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

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

Response: The majority of the site is currently developed, including two buildings and a paved vehicular use area. The surrounding area is already developed with a mix of commercial and industrial land uses. There are no waterways on the subject property. New uses on the property will take place within the existing buildings, and potentially within two new buildings on a relatively flat grassy undeveloped part of the site (Taxlot 00300). The property lies between two major transportation routes, Portland Road, a designated Major Arterial Street, and Salem Parkway, a designated Parkway Street. The proposed Comprehensive Plan Map amendment from Industrial to Industrial Commercial with concurrent Zone Change to IC (Industrial Commercial) will not alter the density or form of development on the subject property. Because uses on the subject property will continue to be commercial and industrial activities, the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

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

Response: OAR 660-009-0015 requires that Comprehensive Plan Map amendments, which change the designation of land in excess of two acres from an industrial or employment use designation to a non-industrial designation be supported by an analysis of economic development trends for the inventory of industrial land within the urban area for a 20 year planning period. Such analysis must be adopted by the City Council in order to be used as a Goal 9 finding in a local government decision to amend a Plan Map. 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. This EOA was not adopted by the Salem City Council, however, and may not be relied upon as substantial evidence of compliance with the applicable criteria. City Staff are currently in the initial stages of developing an EOA for the City of Salem. Once completed, the new EOA will be presented to City Council for adoption, in order to fully comply with this goal.

In this case, the subject property is currently designated Industrial and it is zoned IG (General Industrial). The IG zone allows for industrial uses and some commercial uses. The proposal is to change the Plan Map designation of the subject property from Industrial to Industrial Commercial with a concurrent zone change from IG to IC (Industrial Commercial). The IC zone includes a full range of industrial and commercial permitted uses and maintains the capability for industrial development. Since the IG and IC zoning designations allow similar industrial uses, the potential for industrial development and economic development of the site will not decrease. Based on this, the proposal effectively is not a change to a non-industrial use. Therefore, the EOA requirement of OAR 660-009-0015 is not applicable to this case.

In any case, the proposed change to Industrial Commercial will increase the number of permitted uses at the site and thereby open up opportunities for economic development such as new professional and business services, and entrepreneurial and artistic uses at this location, consistent with the intent of Goal 9.

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

Response: All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently available. The provision of adequate public facilities and services for the proposed uses, meets the requirements of this Goal.

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

Response: 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 September 26, 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 a development condition be created for the rezone that limits

future trip generation to volumes equal to or less than currently could be generated by allowed uses in the Industrial designation, which the analysis estimates to be 4,700 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system as defined by OAR 660-012-0060, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 4,700 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.

Statewide Planning Goal 13 - Energy Conservation

Response: The building that was constructed on the subject property was designed to meet or exceed any Building Code requirements for energy efficiency in effect at the time of construction. The location of the subject property along a major arterial route, and the availability of public transit (Cherriots Bus Routes 14 and 15) and bicycle transportation to the site make the site highly accessible and serve to reduce the energy needed to reach the site. As the property is redeveloped, energy efficient lighting, heating, cooling, and insulation are being installed. These factors result in the site being consistent with the energy conservation requirements of this Goal.

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

Response: 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.

Concluding Statement: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Map change from Industrial to Industrial Commercial conforms to the applicable provisions of the Salem Area Comprehensive Plan and Statewide Planning Goals.

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

Finding: The proposed Plan Map amendment from Industrial to Industrial Commercial is in the public interest and would be of general benefit because it will expand the number of permitted commercial uses at the site in order to open up opportunities for professional and business services, entrepreneurial and artistic uses, and employment at this location. By allowing a greater number of potential uses to occupy the site, the proposed change will thereby facilitate a potentially lower vacancy rate in the existing building, and future investment in the site. Investment in the redevelopment of underutilized properties within the City is in the public interest and of general benefit. This criterion is satisfied.

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 IG (General Industrial) to IC (Industrial Commercial).

SRC Chapter 265.005(e) provides the criteria for approval of 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 are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided a statement addressing all applicable criteria (Attachment 2).

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

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

Finding: The request satisfies (3). The subject property is a mostly flat site and is not encumbered by waterways, wetlands, large amounts of vegetation, or mapped landslide hazards. The tenant suite layout of the existing buildings and configuration of parking on the site are equally well suited for industrial and commercial development. The site presents no special challenges to further building development for industrial or commercial use. Street and sidewalk access are provided by Hyacinth Street NE, which connects the site to Portland Road, the Salem Parkway, Interstate 5 and central Salem.

The applicant's development concept for the site includes small commercial/industrial flex space tenant suites within the existing and proposed buildings. These small flex space suites would be ideal for startup commercial and light industrial business ventures. The surrounding land uses are currently a mix of industrial, commercial, and residential uses to the south and east, and heavier industrial uses to the north and west. The subject property is in an area of transition between industrial and commercial lands. Based on this, the proposed Industrial Commercial zoning is equally appropriate for the site than the current Industrial zoning. This criterion is satisfied.

SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City owned property, the zone change is in the public interest and would be of general benefit.

Finding: This zone change request is applicant initiated, not City initiated, and therefore this criterion is not applicable.

SRC 265.005(e)(1)(C): The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.

SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan and applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. This criterion is met.

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or

employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The subject property is currently designated Industrial and it is zoned IG (General Industrial). The IG zone allows for industrial uses and some commercial uses. The proposal is to change the Plan Map designation from Industrial to Industrial Commercial with a consolidated zone change from IG to IC (Industrial Commercial). The IC zone includes a full range of industrial and commercial permitted uses and maintains a complete capability for industrial development. Therefore, this criterion is not applicable to this case, because the IG and IC zoning designations allow similar industrial uses and the potential for industrial development and employment will not decrease.

SRC 265.005(e)(1)(F): The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: Hyacinth Street provides a direct link to Portland Road and the Salem Parkway. The intersections of Hyacinth Street and Portland Road and with the Salem Parkway are controlled by traffic signals. The change in the Plan Map designation for this property will not cause a significant effect on the existing transportation system, or result in a level of services decreasing to an unacceptable level. The Transportation Planning Rule Analysis by Project Delivery Group (Attachment 3) concludes that the site could generate up to 4,700 average daily trips (ADT) if fully developed under the existing IG zoning. The analysis proposes a limit of 4,700 ADT to be included as a condition upon this re-zone request. This condition will ensure that the future uses on the re-zoned site will not generate more average daily trips than the site could potentially generate under the current Plan Map designation and zoning:

Condition 1. Traffic impacts from all uses on the subject property shall be limited to a maximum of 4,700 average daily trips.

As conditioned, this criterion is met.

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

Finding: Water: There is an existing 8-inch water line located in 25th Avenue NE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute. A 10-inch water line is located in Hyacinth Street NE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute. As a condition of water service, all future developments of the site will be required to provide public water mains of sufficient size for fire protection to the satisfaction of the City Fire Marshal and Public Works Director (SRC 72.017; PWDS Water 2.00).

Sewer: There is an existing 15-inch sewer line is located within a 10-foot easement along the north and east property line of the subject property. A 15-inch sewer line is located adjacent to Hyacinth Street NE. A 60-inch sewer line is located in Hyacinth Street NE. There is no public sewer in 25th Avenue NE. Every building is required to have an independent connection with a public or private sewage collection system (SRC 73.065).

Storm Drainage: There is an existing 18-inch storm line located in Hyacinth Street NE. A 12-inch storm line is located in 25th Street NE. The applicant will be required to design and construct a storm drainage system at the time of future development at the site. At that time, the applicant shall provide

an analysis that includes capacity calculations, detention requirements, pretreatment, and evaluation of the connection to the approved point of disposal (SRC 73.075).

Based on the above analysis, the water, sewer, storm infrastructure are available within surrounding streets and lands and are adequate to serve existing and anticipated future land uses on the site. Site specific infrastructure requirements will be addressed in the Site Plan Review process of SRC Chapter 220 when specific development plans are proposed. This criterion is met.

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 13-06 on property approximately 6.69 acres in size, and located at 2195 Hyacinth Street NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W12B 00200 & 073W12B 00300).

- 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 IG (General Industrial) to IC (Industrial Commercial) be GRANTED subject to the following condition of approval:

Condition 1. Traffic impacts from all uses on the subject property shall be limited to a maximum of 4,700 average daily trips.

- Attachments:**
- 1. Public Hearing Notice and Map
 - 2. Applicant's Statement Addressing Approval Criteria
 - 3. Applicant's Transportation Planning Rule Analysis
 - 4. Applicant's development Concept Plan
 - 5. Public Works Department Comments
 - 6. Letter submitted by the Oregon Department of Land Conservation and Development (DLCD)

Prepared by: Bryan Colbourne, Planner III



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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change/Zone Change Case No.CPC-ZC13-06
AMANDA APPLICATION NO:	13-117474-ZO & 13-117684-ZO
HEARING INFORMATION:	SALEM PLANNING COMMISSION, TUESDAY, DECEMBER 17, 2013, at 5:30 p.m., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	2195 HYACINTH ST NE, SALEM OR 97301
OWNER / APPLICANT:	MICHAEL TEVIS, INTRINSIC VENTURES INC
AGENT:	RICHARD ROTHWEILER, ARBUCKLE COSTIC ARCHITECTS, INC.
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IG (General Industrial) to IC (Industrial Commercial) on property approximately 6.69 acres in size, and located at 2195 Hyacinth Street NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W12B 00200 & 073W12B 00300).
CRITERIA TO BE CONSIDERED:	<p><i>Comprehensive Plan Change</i></p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <ul style="list-style-type: none">(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:<ul style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ul style="list-style-type: none">(aa) Whether there was a mistake in the application of a land use designation to the property;(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;(C) The proposed plan map designation provides for the logical urbanization of land;(D) The proposed land use designation is consistent with the Salem Area

- Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
(E) The amendment is in the public interest and would be of general benefit.

Zone Change

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

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

HOW TO PROVIDE TESTIMONY:

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


HEARING PROCEDURE:

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

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

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

CASE MANAGER:


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

NEIGHBORHOOD ORGANIZATION:

Northgate Neighborhood Association, Dwan Muller, Land Use Chair; Phone: (503) 856-9180; Email: dwan58@live.com

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

November 27, 2013

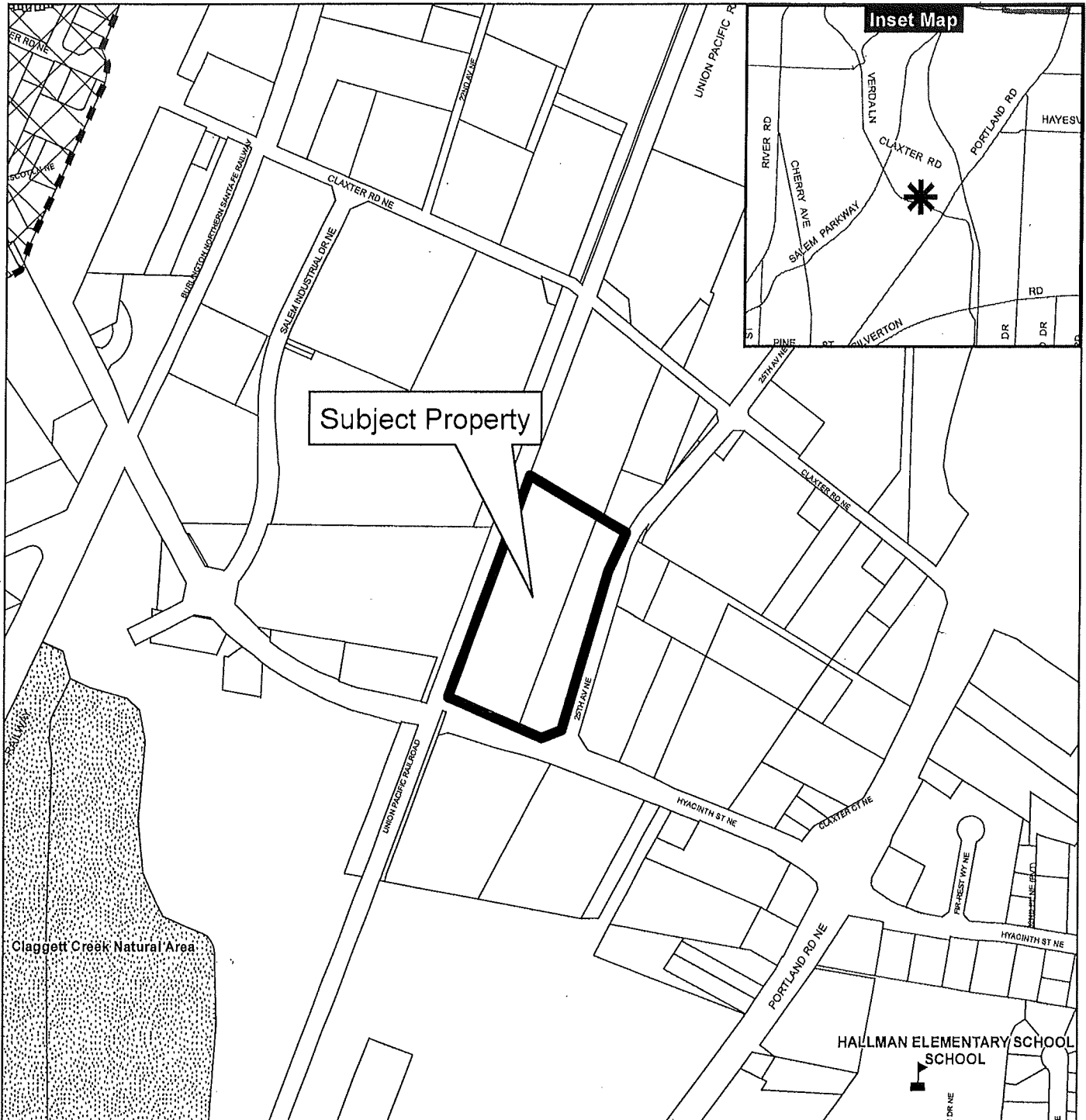
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

<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 2195 Hyacinth Street NE



Legend

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

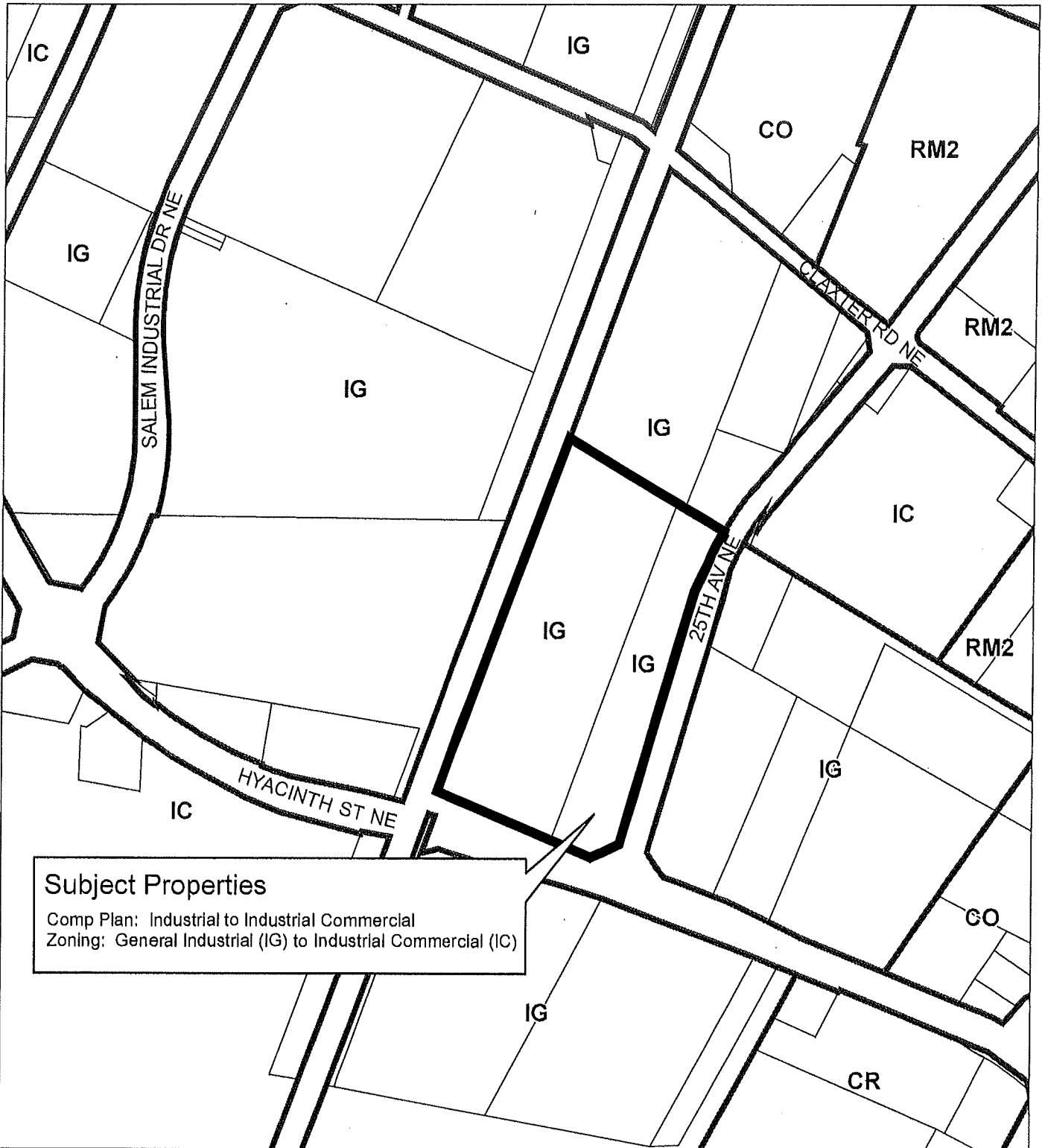

CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

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Comprehensive Plan Change / Zone Change 13-06



Subject Properties
 Comp Plan: Industrial to Industrial Commercial
 Zoning: General Industrial (IG) to Industrial Commercial (IC)

Legend

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

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

October 10, 2013



Alan E. Costic, AIA
Lisa Mance, IIDA
Richard S. Rothweiler, AIA
Blake Bural, AIA
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Community Development Department
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E-Mail: architects@arbucklecostic.com www.arbucklecostic.com

RECEIVED

OCT 24 2013

COMMUNITY DEVELOPMENT

RE: 2195 Hyacinth Street NE
Comprehensive Plan Map Amendment with Concurrent Zone Change

Dear Bryan:

We wish to express our appreciation for the City Salem's review of the 2195 Hyacinth Street NE Property. Specifically in reference to the request to change the Comprehensive Plan Map Designation from "Industrial" to "Industrial/Commercial" with a concurrent Zone Change from "IG" (General Industrial) to "IC" (Industrial/Commercial). The property is currently developed with a large multi-tenant warehouse space of 67,320 square feet, and a metal warehouse building of 4,000 square feet.

As a result of the economy, potential land use tenants, and surrounding property uses, the existing warehouse functions are obsolete. To revitalize the property and adjacent areas a wider range of potential uses in conjunction with light industrial needs is sought and requested. Approval of these requests will allow new tenants into the project, which in turn will hopefully be a catalyst for new Commercial/Industrial development on the adjacent Portland Road area/corridor.

In reference to the Comprehensive Plan Map Amendment Application (attached), please refer to the following locations within the Applicant's Statement:

- Alteration in Circumstance: Refer to Page 3, 6 (Goal 9) and 15.
- Equally or Better Designation: Refer to Page 9 and 16.
- Conflicts Between Comprehensive Plan and Zoning: Refer to Page 4 and 14.
- Public Facilities and Services: Refer to Page 7 and 16.
- Urbanization of Land: Refer to Page 8.
- Planning Goals: Refer to Pages 4 thru 8.
- Public Interest: Refer to Page 5 (Goal 6), 6 (Goal 9), 13 and 15.

In reference to the Concurrent Zone Change Application (attached), please refer to the following locations within the Applicant's Statement:

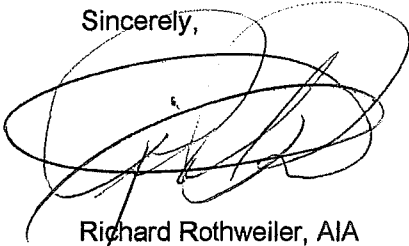
- Zoning Mistake: Refer to Pages 14 thru 15.
- Economic/Demographic Change: Refer to Page 3, 6, (Goal 9) and 15.
- Equally or Better Designation: Refer to Page 9 and 16.
- Conforms to Comprehensive Plan: Refer to Pages 9 thru 10.
- Planning Goals: Refer to Pages 4 thru 8.
- Transportation: Refer to Page 7.
- Public Facilities and Services: Refer to Page 7 and 16.

ATTACHMENT 2

Bryan Colbourne
25th & Hyacinth Zone Change
2013.0062.000
October 10, 2013
Page 2

As demonstrated herein, the "Industrial/Commercial" land use designation and corresponding "IC" (Industrial Commercial) Zoning designation is appropriate for the subject property. Based upon the presented supportive findings and conclusions, the proposed request to amend the Comprehensive Plan Map from "Industrial" to "Industrial/Commercial" with concurrent Zone Change from "IG" (General Industrial) to "IC" (Industrial Commercial) on 6.69 acres is consistent and in compliance with applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals. The proposal satisfies all applicable criteria for the Comprehensive Plan Map amendments with concurrent Zone Changes. We look forward to your approval of the attached requests. Should you have any questions, please contact us at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Rothweiler", is written over a large, loopy scribble.

Richard Rothweiler, AIA
Associate

RR:mj

Encl.

cc: Michael Tevis, Intrinsic Ventures, Inc.

Intrinsic Ventures, Inc.
Comprehensive Plan and Zone Change Amendments
October 1, 2013

RECEIVED

OCT 24 2013

APPLICANT'S STATEMENT

COMMUNITY DEVELOPMENT

Comprehensive Plan Map Amendment with Concurrent Zone Change for Property Located at
2195 Hyacinth Street NE

REQUEST: To change the Comprehensive Plan Map designation from "Industrial" to "Industrial/Commercial" with a concurrent Zone Change from IG (General Industrial) to IC (Industrial Commercial) for 6.69 acres at the NW corner of Hyacinth Street NE and NE 25th Avenue. Marion County Assessor's Map Number 73W12B, Tax Lots 200 and 300.

APPLICANT: Michael Tevis, President, Intrinsic Ventures, Inc., 530 Oak Grove Ave., Suite 201, Menlo Park, CA 95025

AGENT: Richard Rothweiler, AIA – Arbuckle Costic Architects, Inc., 363 State Street, Salem, OR 97301

APPROVAL CRITERIA: Salem Revised Code, Chapter 64.025 (e)(2), Comprehensive Plan Map Amendment and Salem Revised Code, Zone Map Amendment.

SITE INFORMATION: The subject property is currently developed with a large multi-tenant warehouse space with multiple uses containing a total of 67,320 square feet, and a metal building with a total of 4,000 square feet. The site is located at the intersection of Hyacinth Street NE and 25th Avenue NE and is within the City's Urban Service Area (USA).

As a result of changes in the economy, current industrial land use potential tenants, and the overall effect on existing industrial lands, the applicant seeks to adjust the range of potential uses to include a wider mix of uses consistent with other properties and the ever evolving needs of light industrial/commercial uses of space. In order for this to occur, the applicant proposes to change the Comprehensive Plan Map designation from "Industrial" to "Industrial/Commercial" with a concurrent Zone Change from IG (General Industrial) to IC (Industrial Commercial). As demonstrated in the following Applicant's Statement, these changes will provide for a wider range of professional service, commercial and employment activities than is currently available to the area and will provide for compatible uses with close proximity to one another. Expanding the range of uses through these measures is supported by various factors including identified changes in the local and regional economy since the property was originally zoned, the corresponding changes in industrial land requirements, and the effect of the renovated Capitol City Business Center Project.

SALEM AREA COMPREHENSIVE PLAN (SACP) DESIGNATION: The Salem Area Comprehensive Plan identifies the subject property as "Industrial." The property to the North, East, South and West are designated as "Industrial Commercial."

ZONING: The properties to the North, South, East and West are designated as IG (General Industrial). The properties to the East along Portland Road are designated as IC (Industrial Commercial).

APPLICABLE NEIGHBORHOOD PLAN: The subject property is part of the Northgate Neighborhood Association. The Northgate NA has a city Council adopted Neighborhood Plan. The subject property is currently designated "Industrial" in the Northgate Land Use Plan. The Northgate NA is in support of this Zone Change request.

APPLICABLE DETAIL PLAN: Detail plans are prepared as a policy guide to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The Salem Industrial/Northgate area local access and Circulation Study was developed by the City in 1999. The intent of the plan was to create new major industrial-commercial business and employment centers, in a blighted area in need of economic revitalization.

The Salem Transportation System Plan, adopted August 24, 1998, and subsequently amended March 28, 2005, is identified as a detailed plan that is intended to provide a framework of goals, objectives and policies that will guide the community's efforts at achieving mobility. This Plan uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject site abuts Hyacinth Street NE to the South which is classified as a Major Arterial Street in the Salem Transportation System Plan and 25th Avenue NE to the East which is classified as a local street in the Salem TSP.

REQUIRED SUBMITTAL INFORMATION: An application for a Minor Comprehensive Plan Change must include a thorough statement addressing the approval criteria. Similarly, requests for a Zone Change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code.

APPLICANT'S STATEMENT TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR
A COMPREHENSIVE PLAN AMENDMENT

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

The proposal must satisfy either SRC 64.090 Criterion IA, IB, 2A or 2B.

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

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

Applicant's Statement: The subject property has been designed to utilize existing parking and proposed new parking areas for the main building containing 67,320 square feet and the secondary building of 4,000 square feet. The parking provided is adequate to serve more intense uses than would be allowed in the existing IG (General Industrial) zoning district or the proposed IC (Industrial Commercial) zoning district. Access to the site will continue to be from a driveway off of Hyacinth Street and 25th Avenue. Several of the building spaces have been vacant for some time. The proposed Comprehensive Plan Map designation will expand the range of possible uses that are appropriate for the location. There is no pre-existing inventory of land designated "Industrial/Commercial" in the immediate area. The character of the area has been established, the proposed change will continue to provide for consistency of uses in the area. The types of activities that could occupy the existing building, the appearances of the existing building, and the character of the uses adjacent to the subject property will conform to the established use of the properties within close proximity. For these reasons, this location-specific proposal to amend the Comprehensive Plan Map from "Industrial" to "Industrial Commercial" concurrent Zone Change from IBC (Industrial Business Park) to IC (Industrial Commercial) is consistent with regards to the type and character of the existing and future development in the area.

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

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

Applicant's Statement: This Criterion is not applicable to this request.

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

Applicant's Statement: The following Statewide Goals apply to this proposal:

Statewide Planning Goal 1 – Citizen Involvement:

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

Applicant's Statement: The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Additionally, the Owner has met with the North Gateway Bus Association and Neighborhood Association who have indicated their support. Notice of the proposal will be provided to the Neighborhood Association, to property Owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A meeting with the Northgate Neighborhood Association will be held prior to the public hearing on the proposed changes. A public hearing to consider the request will be held by the Planning Commission with an opportunity to also be heard by the City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Statewide Planning Goal 2 – Land Use Planning:

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

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

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: The purpose of the proposed Comprehensive Plan Map amendment is to allow for a wider mix of industrial-commercial uses that are more compatible with the area on land that is currently designated for general industrial use. The subject property is developed, and it is within a developed area that is already characterized by a mix of commercial and industrial activities. New uses on the property will take place within the building. The property lies between two major transportation routes, Portland Road, a designated Major Arterial Street and Salem Parkway, a designated Parkway Street lies adjacent to a local street, 25th Avenue. The proposed Comprehensive Plan Map amendment from "Industrial" to "Industrial/Commercial" with concurrent Zone Change to IC (Industrial Commercial) will not alter the density or form of development on the subject property. Because uses on the subject property will continue to be retail based activities and/or low intensity industrial uses, the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impact to the air in this area is from industrial activities and vehicle traffic on Hyacinth Street. The proposed Plan changes will not result in a change in the types of uses or create an adverse impact on air quality due to vehicle traffic. It is anticipated that vehicle traffic should be reduced due to increased bicycle commuting related to more creative uses.

Public sewer, water and storm drain services are already provided to the subject property. The City treats sewage to meet the applicable standards for environmental quality. Surface water runoff is collected on site and taken to the public storm drain system in Hyacinth Street. 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.

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

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

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: The subject property is currently designated Industrial and it is zoned IG (General Industrial), SRC Chapter 158. The IG zone allows for industrial uses and some commercial uses, with restrictions. The proposal is to change the Plan Map designation on portions of the subject property from "Industrial" to "Industrial/Commercial" with a concurrent Zone Change from IG (General Industrial) to IC (Industrial Commercial), SRC Chapter 155. The IC zone includes a full range of uses and maintains a complete capability for industrial zone development. Therefore, although the Comprehensive Plan map designation and the category will change, as the IBC zone and IC zoning designations allow similar industrial uses, the likelihood also exists that the potential for industrial development will not decrease. As a result of changes in the local, regional, and State economies, the availability and location of industrial lands in the urban area, and the character of the adjoining area, the proposal will provide for an appropriate mix of uses and activities on the subject site, with an increase in employment and vitality.

Statewide Goal 10 – Housing: *To provide for the housing needs of citizens of the State.*

Applicant's Statement: This Statewide Goal is not applicable to this request.

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

Applicant's Statement: All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently provided. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IG (General Industrial) zoning district. The provision of adequate public facilities and services for the proposed uses, meets the requirements of this Goal.

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

Applicant's Statement: The subject property located adjacent to Hyacinth Street, a major Arterial Street on the Salem Transportation System Plan (STSP) which is linked to two major transportation routes. Hyacinth Street has a completed, full street improvement within the right-of-way. Hyacinth Street is a direct link to Portland Road and the Salem Parkway.

The intersections of Hyacinth Street and Portland Road and with Salem Parkway are controlled by traffic signals. The change in the land use designation for this developed property will not cause a significant impact on the existing transportation system, or result in a level of services decreasing to an unacceptable level.

As a result of the subject property being located along this major route, the subject property is adequately served by the existing street system and no new streets are needed or proposed. Public transit service is available on Hyacinth Street and 25th Avenue. The North Gateway Bus Association has been contacted and has indicated support for the Zone Change. Hyacinth Street is also a bike route. These transit and bicycle facilities provide transportation alternatives to the private auto to reach the subject sites, and together with the site's accessible locations from a major street, will serve to reduce vehicle miles traveled within the urban area.

The Transportation Planning Rule Analysis by Project Delivery Group provides an analysis for a reasonable limit to the number of daily trips (ADT) that could be generated by development under existing zoning. The Applicant is willing to agree to limit the trips from the site in the future to the number for the entire site in the subject to the request for Comprehensive Plan Map Amendment. The project is keeping with the requirements of the TPR. Because the proposed uses will not have a significant impact on the existing transportation facilities, and will be consistent with TPR, the requirements of this Goal are met.

Statewide Goal 13 – Energy Conservation: *To conserve energy.*

Applicant's Statement: The building that was constructed on the subject property was designed to meet or exceed the Building Code requirements for energy efficiency in effect at the time of construction. The location of the subject property along a major arterial route with direct access to two major arterials, and the availability of public transit and bicycle transportation to the site make the site highly accessible and serves to reduce the energy needed to reach the site. As the property is redeveloped, energy efficient lighting, heating, cooling, and insulation are being installed. These factors result in the site being consistent with the energy conservation requirements of this Goal.

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

Applicant's Statement: The subject property is within the city and is fully developed to IBC standards. The proposal to amend the Comprehensive Plan map from "Industrial" to "Industrial/Commercial" is consistent with the intent of this Goal to maintain a compact and efficient urban area. This proposal does not affect the Urban Growth Boundary.

Statewide Goal 15 – Willamette River Greenway:

Applicant's Statement: This Statewide Goal is not applicable to this request.

Statewide Goal 16 – Estuarine Resources:

Applicant's Statement: This Statewide Goal is not applicable to this request.

Statewide Goal 17 – Coastal Shorelands:

Applicant's Statement: This Statewide Goal is not applicable to this request.

Statewide Goal 18 – Beaches and Dunes:

Applicant's Statement: This Statewide Goal is not applicable to this request.

Statewide Goal 19 – Ocean Resources:

Applicant's Statement: This Statewide Goal is not applicable to this request.

Applicant's Statement: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan May change from "Industrial" to "Industrial/Commercial" conforms to the applicable Statewide Planning Goals.

Criterion 4: The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed general plan maps; and

Applicant's Statement: The subject property is currently designated on the Salem Area Comprehensive Plan for general industrial use, as are the lands to the North, East, South, and West of the subject property and are zoned IG (General Industrial).

The proposed "Industrial/Commercial" designation is compatible with the industrial and service uses within close proximity to the subject property. The proposed IC (Industrial Commercial) zoning designation maintains a full range of light industrial uses as well as allowing a wider range of retail, commercial, and creative type uses. There will no change in the capability of the site to provide for industrial activity. The proposed change will expand the capability for a combination of retail based industrial and service uses on 6.69 acres.

The location of the property, the character of the existing development on the subject property and on the surrounding lands, and the range of the existing land uses in the area, make the subject property an appropriate location for the propose "Industrial/Commercial" Comprehensive Plan designation and corresponding zoning designation. For these reasons the proposed changes are logical and harmonious with the land use pattern for the greater area, as shown on the general Plan Map.

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

Applicant's Statement: The following elements of the Salem Area Comprehensive Plan are applicable to this request:

Comprehensive Land Use Plan Map

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

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

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

processes. This Plan recognizes that the land use and zoning is expected to change during the time span of the Plan as conditions change.

Applicant's Statement: This proposal to change the Comprehensive Plan Map designation from "Industrial" to "Industrial/Commercial" on the subject property is made in response to the conditions that influence the subject property and to the changes that affect it. The subject property is within an area that was created in response to a perceived need for a large industrial campus development. Due to changing conditions, greater flexibility for the use of existing industrial lands is now required. The proposed change maintains the current industrial land use capability, while including an expanded degree of flexibility in the use of the existing development on the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Special Resource Information:

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

- a. The Flood Boundary and Flood Way.
- b. Fish and Wildlife: Fishery areas are under the jurisdiction of the Oregon State Fish and Wildlife Commission. Mill and Pringle Creeks are Salmon spawning streams.

Applicant's Statement: Special resource information is not applicable to this request, since the property is not located in Flood/Fish and Wildlife boundaries.

Urban Growth Policies:

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

Applicant's Statement: The public facilities and service needs for the subject property were provided at the time of construction. All public services and utilities are available to the subject property including water, sewer, storm drainage, streets, bike lanes, sidewalks, fire and police protection, public transit, electricity and telephone, and solid waste disposal. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IG (General Industrial) zoning district. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies.

General Definitions:

- a. Neighborhood Plans
- b. Detailed Plans

Applicant's Statement: The subject property is included in the Northgate Neighborhood plan. A current Site Plan is included as an Exhibit to this application.

Part IV. Salem Urban Area and Goals and Policies

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

Applicant's Statement: The existing building will be optimized through this Zone Change allowing a broader number of use categories.

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

Applicant's Statement: The necessary public facilities, services and utilities are ready in place and providing service to the subject property. Additional services or expansions of the systems will be needed as a result of the proposed Comprehensive Plan Map Amendment with concurrent Zone Change. The existence and availability of public services, facilities and utilities to the property fulfills this policy directive. For the reasons, factors, and conditions that have been described, the proposal conforms to the requirements and guidelines of the Commercial Development Goal and Policies of the Salem Area Comprehensive Plan.

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

Applicant's Statement: The proposed Zone Change from "Industrial" to "Industrial/Commercial" will provide for a mix of industrial and commercial office uses adjacent to a Major Arterial street (Hyacinth Street) with easy access to an Interstate-5 interchange. As a result of the adjoining transportation system, the property is accessible from all parts of the Salem urban area as well as the Marion-Polk County metropolitan area. Because the subject property is highly accessible and visible, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, in keeping with this Goal.

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

Applicant's Statement: The proposed "Industrial/Commercial" Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a larger range of commercial and industrial uses than the existing IG (General Industrial) designation thus providing for more employment opportunities. The finished building will be home to between 20 to

40 tenants. This repositioned refurbished property will be an incubator of entrepreneurial activity and employment.

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

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

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

Applicant's Statement: The subject property totals approximately 6.69 acres. It is currently developed with two warehouse type buildings containing a total of 67,320 and 4,000 square feet. Under the "Industrial/Commercial" designation, the property will remain available for a wide range of industrial uses. The inventory of industrial parcels will not be affected by the proposed change, and the change will not affect the ability of the city with an opportunity to expand and diversify its range of office/commercial-based industries and professional services, and doing so helps to sustain a competitive market for a range of small, medium and large industrial sites and users of space. Considering the size and character of the subject property, the proposal is consistent with this policy.

- b. ***Industrial Land Survey:*** *Re-designation of the land to or from industrial may be allowed providing that it serves the community's interests and does not impact the long-term continuity of the industrial inventory and it is contingent on a specific, verifiable development project.*

Applicant's Statement: The proposal to amend the Comprehensive Plan May from "Industrial" to "Industrial/Commercial" on 6.69 acres does not impact the long-term continuity of the industrial inventory because the Industrial/Commercial IC zoning designation maintains the capability for the siting of industrial uses. The proposed change to "Industrial/Commercial" serves the community's interests by adding flexibility to the uses allowed on the subject site in a manner that is appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with the types of uses that are likely to locate on a parcel the size of the subject property. For these

reasons, the proposal satisfies the community's interests and does not impact the long-term continuity of the industrial inventory.

The proposed re-designations are based upon the character of the area. The property is currently developed but the proposed amendments will provide the basis for a viable development by expanding the range of industrial and commercial uses allowed. As a result, the nature of the future uses will be a function of the buildings, rather than all possible uses allowed by the zoning category. Therefore, the re-designations are appropriate for this specific property.

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The proposed change in the land use designation will be consistent with the location, the character of the property, and the surrounding land use and transportation pattern. The type of development that is allowed by the IC (Industrial Commercial) zoning district is consistent with the existing uses within the immediate vicinity of the property. The mix of uses allowed by the Industrial/Commercial designation will add flexibility for this property, in response to the changing conditions affecting industrial land. The appearance and function of the property will be consistent with the adjoining uses. The redevelopment of the existing structures will be a significant upgrade to the appearance of the building(s). The proposed change will expand the opportunities for professional and business services, entrepreneurial and artistic uses, and employment at this location. For these reasons the change benefits the public.

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

APPLICANT'S STATEMENT
TO THE APPLICABLE SALEM REVISED CODE CRITERIA
FOR A ZONE MAP AMENDMENT

Salem Revised Code, Chapter 113, Section 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. Burden of Proof: The applicant for any quasi-judicial land use action under this zoning code shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden on the proponent (SRC113.150(a)).

Opening Statement: SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns, concepts, and community needs, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. This zone change is proposed in response to economic changes in the industrial land use patterns. The project maintains the inventory of industrial land by 6.69 developable acres. The proposed Zone Change maintains the character of the area by providing a more flexible zoning alternative for the subject property. The Zone Change from IG (General Industrial) to IC (Industrial Commercial) provides an opportunity to expand and diversify the range of office/commercial-based industries and professional services located in the city. The change however, retains the less intensive industrial uses currently allowed under the IG Zone. The proposed Zone Change corresponds to the proposed change in the Comprehensive Plan Map designation.

Criterion 1 (SRC113.150(a): 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 its intent statements, those portions of adopted neighborhood plans...

Applicant's Statement: The relationship of the proposal to the Plan has been examined. As demonstrated in the response to the Minor Comprehensive Plan Change Criteria 1-6, the proposed amendments to the Comprehensive Plan Map from "Industrial" to "Industrial/Commercial" with concurrent Zone Change from IG (General Industrial) to IC (Industrial Commercial) can conform to the Goals and Policies of the Comprehensive Plan.

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

Applicant's Statement: The property is currently zoned IG (General Industrial). The original application of the IG Zone to the property is not in question, as it was the result of the anticipated type of economic development at the time the zone was applied. However, the type of anticipated economic development and economic conditions in the area have changed since the IG Zone was applied to the property, such as software design and manufacturing type uses and businesses. This proposal is a request to expand the development options for the site in response to changes in the economic conditions. Specifically focused on providing viable space for a broad range of local entrepreneurial uses. These changes in circumstance require the change in the zone category to allow for expanded opportunities of use. The requested IC Zone represents a relatively small amount of change from the existing IG Zone, and it maintains a full capability for industrial uses. Because the proposal is a response to changes in economic conditions in the area, a mistake in a map or the application of a land use designation to the property is not claimed, and this consideration is not considered relevant to the proposal.

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

Applicant's Statement: The economic patterns of the community have changed. The project is designed to accommodate a mix of industries including large-scale operations, which appreciate enhanced access to the 1-5 Corridor. Existing industrial land will become the focus of office-based, software, and intellectual "knowledge" industries and professional services. Because of its size, location, and advanced preparation for development, a significant change in the economic pattern of the community, and this warrants reconsideration of the appropriate land use category for the subject site. The proposed Zone Change is an appropriate means of addressing the changes in the economic pattern of the community. The Northgate Neighborhood is being revitalized and the conversion of this property to a more "Neighborhood" oriented zoning and is warranted and supported by the Northgate Association.

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

The subject property is currently developed with two low ceiling height warehouse type buildings containing a total of 67,320 and 4,000 square feet. The property to the South across Hyacinth Street is developed with large industrial buildings. To the North, are residential apartments and the Capitol City Business Center Office buildings. To the West are flexible space industrial buildings with multiple tenants. The immediate neighborhood conditions between Portland Road and Salem Parkway have changed and are evolving to predominantly service-oriented activities and partially used industrial buildings. These conditions change the character of the neighborhood from an industrial reserve, to a mix of industrial, light manufacturing and warehousing intermixed with

commercial and professional service uses. The proposed Zone Change addresses the change in the conditions of the neighborhood by providing an additional location for multi-purpose, office-based, mixed industrial, service and commercial activities. These types of uses are consistent with the overall conditions and character of the neighborhood. The proposal to change the zone from IG to IC will not affect the industrial uses located within the area.

For these reasons, the proposed Zone Change is appropriate with regard to the changes in the conditions of the character of the area.

Factor 4 and 5: *The effect of the proposal on the neighborhood. The physical characteristics of the subject property, and public facilities and services;*

Applicant's Statement: The proposal to change the zone will have no significant effect on the neighborhood, the physical characteristics of the property are complete including public facilities and services. Development of the property is complete and the building on the site is partially occupied at this time. The entire development has been master planned, and the location and size of future buildings and parking are known. The form of the development, its architectural style, landscape plan, access and parking, surrounding properties will not change nor be impacted as a result of changing the zone. The subject property is part of a mixed-use neighborhood, and the proposed change in zoning will be consistent with the existing character of the area. The IC Zone will provide for industrial and commercial uses, similar to those that currently exist on properties in the area. The types of industrial and commercial uses that may locate on this property will be a function of the style of the existing buildings. The proposal will not change the effect of the existing development on the physical characteristics of the property. All needed public facilities and services are already in place on the property. The physical characteristics of the property have been made a part of its development. There have been no significant adverse impacts on the property identified as a result of the existing uses on the property. For these reasons, the proposal will have no effect on the neighborhood, the physical characteristics of the property, or public facilities and services, and this criterion is satisfied.

Factor 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 be consistent with the existing land uses and transportation pattern in this area. The proposed IC (Industrial Commercial) Zone is appropriate for the location along a Major Arterial with access to two major transportation streets (Portland Road designated Major Arterial Street and Salem Parkway a designated Parkway Street) and an Interstate-5 interchange. The

existing transportation system is adequate for the proposal, and included multiple modes of transport and access.

The proposal represents an appropriate and subtle change in the uses that could be allowed on the property. Existing public services provide for water supply, sewage disposal and storm drainage, and all needed utilities are available or currently in place. No factors have been identified that would be detrimental to the public health, safety or welfare. In general, the public welfare will be improved by the type of mixed-use development that is intended by this proposal due to the potential for increased economic development, revitalization of a blighted area, and job creation.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal considers the relevant review factors and qualifies for the proposed Zone Change. The proposed Zone Change will be appropriate for the subject property, and consistent with the surrounding area. No adverse impacts are identified. The future uses of the site will result in efficient use of the property and use of the available public utilities.

The requests are for an adjustment in the industrial land use category in order to provide for expanded use capabilities. The proposal is consistent with the applicable policies in the Comprehensive Plan. The proposal satisfies the criteria for a Plan Amendment with concurrent Zone Change.

CONSLUSIONS: As demonstrated herein, the "Industrial/Commercial" land use designation and corresponding IC (Industrial Commercial) Zoning designation is appropriate for the subject property. Based upon the presented supportive findings and conclusions, the proposed request to amend the Comprehensive Plan Map from "Industrial" to "Industrial/Commercial" with concurrent Zone Change from IG (General Industrial) to IC (Industrial Commercial) on 6.69 acres is consistent and in compliance with applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals. The proposal satisfies all applicable criteria for the Comprehensive Plan Map amendments with concurrent Zone Changes and the burden of proof has been met.

RECEIVED

OCT 24 2013

COMMUNITY DEVELOPMENT



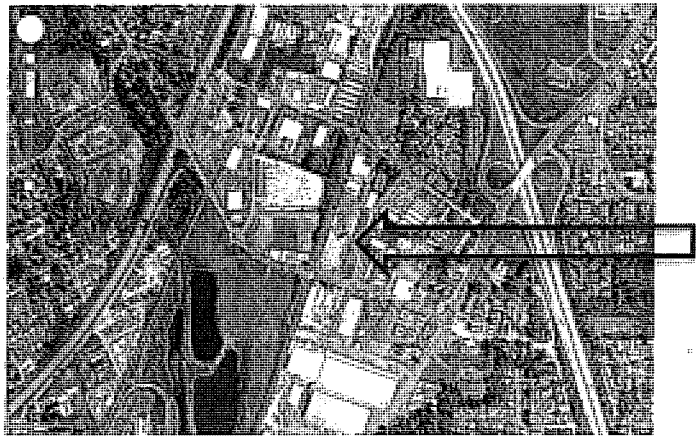
September 26, 2013

Zone Change – Revised Transportation Planning Rule Analysis
2195 Hyacinth St. NE, Salem, OR

Mr. Kanyer:

I thank you for asking Project Delivery Group, LLC to provide the Transportation Planning Rule (TPR) analysis for Zone Change for tax lots 200 and 300 of tax map 7S3W12B in Salem. The parcel is zoned General Industrial (IG) and you are asking the City to change the zoning to Industrial Commercial (IC). The parcel is designated Industrial on the comprehensive plan map.

The parcel lies east of the railroad tracks and is accessed from Hyacinth Avenue and 25th Ave. The parcel is 6.7 acres and currently has a 70,000 sq. ft. industrial building on site.



Oregon land use law requires that the TPR be met whenever a land use change is undertaken. Goal 12 of the TPR requires that the land use action not “significantly affect an existing or planned transportation facility” without specific remedies. It is the intent of this analysis to establish parameters so the proposed zone change does not significantly affect an existing or planned transportation facility.

Transportation facilities convey traffic and “significant affect” is measured by the volume of traffic using the system. This analysis will compare the amount of traffic that could be generated if the parcel was developed with allowed uses under the current zoning to the amount of traffic that could be generated if the parcel is developed with the proposed IC zoning. It is the conclusion of this study that the requested zone change will have no significant effect on an existing or planned transportation facility with the permitted uses in each zone if the total trips generated by the uses is limited to 4695 trips per day.

Traffic engineers use the ITE (Institute of Transportation Engineers) Trip Generation Manual to estimate the trip generation for a wide variety of uses. Trip generation is estimated for weekdays (ADT), AM Peak Hour and PM Peak Hour for the various uses. Generally the important volumes are the Average Daily Traffic (ADT) and the PM Peak Hour volume. During the PM Peak Hour the traffic volume is normally greatest on the roadways. The weekday daily traffic will be used in this study because it estimates all the traffic being generated by the site over a day.

The request to change the zoning from IG to IC will permit the developer to lease space to interested parties that currently are excluded by the IG zoning. Specific reference is made to “service office”, “destination retail” and “tech sector” uses.

ATTACHMENT 3

The City of Salem Revised Code lists many permitted uses in the existing IG zone. Article 158.020 identifies a variety of specific manufacturing, retail, wholesale, banking and services uses that are permitted uses. I will consider five of the many uses in this list to provide guidance and an estimate of trip generation. The 6.7 acres could be developed with a drive-up bank (5,000 sq. ft. (5ksf)), an eating and drinking place (8ksf), an athletic club (32ksf), general light industrial (20ksf) and/or a child day care service provider (5ksf). One can imagine that buildings will cover 78ksf and the remaining 213ksf of the site used for parking and landscaping. Table 1 summarizes the data compiled using the ITE Manual and data from trip generation studies across the United States and applied in this analysis.

ITE #	Use	Units	Average Size	PM Peak Rate	Weekday Rate
110	General Light Industrial	ksf*	200	0.97/ksf	6.97/ksf
493	Athletic Club	ksf	32	5.96/ksf	43/ksf
565	Day Care Center	ksf	4	12.34/ksf	74.06/ksf
912	Bank with Drive Up	ksf	4	24.30/ksf	148.15/ksf
934	Fast Food with Drive Thru	ksf	4	32.65/ksf	496.12/ksf

Table 1 – Trip Generation Rates for Existing Zoning Permitted Uses - *ksf is 1000 sq. ft.

Table 2 estimates the trips that would be generated by the site with different uses in Table 1.

ITE #	Use	Size	PM Peak Trips	Weekday Trips
110	General Light Industrial	32ksf	31	223
493	Athletic Club	32ksf	191	1376
565	Day Care Center	5ksf	62	370
912	Bank with Drive Up	5ksf	122	741
934	Fast Food with Drive Thru	4ksf	131	1984
	Total	78ksf	536	4695

Table 2 – Possible Generated Trips for Existing IG Permitted Uses

Several things strike me from the information presented in Table 2. By developing 73,000 sq. ft. of space in the building with a day care center, a bank, and athletic club and a light industrial use and building a 5,000 sq. ft. fast food restaurant on a corner, the site would generate 4,695 trips on a normal weekday. It is informative to consider uses allowed under the proposed IC zone for comparison. Table 3 considers some high volume trip generators with the proposed IC zone.

Many, if not most, of the permitted uses in the IC zone are permitted uses in the IG zone. All of the uses in Tables 1 and 2 are allowed in both zones except Day Care Centers which are not allowed in the Industrial Commercial zone.

ITE #	Use	Size	PM Peak Trips	Weekday Trips
110	General Light Industrial	73ksf	71	509
493	Athletic Club	73ksf	435	3139
565	Day Care Center	5ksf	62	370
912	Bank with Drive Up	5ksf	122	741

934	Fast Food with Drive Thru	4ksf	131	1984
710	General Office Building	73ksf	109	805
770	Business Park	73ksf	92	908
820	Shopping Center	73ksf	271	3117
826	Specialty Retail	73ksf	198	3235
850	Supermarket	73ksf	692	7464

Table 3 – Possible Generated Trips from Possible IC Permitted Uses

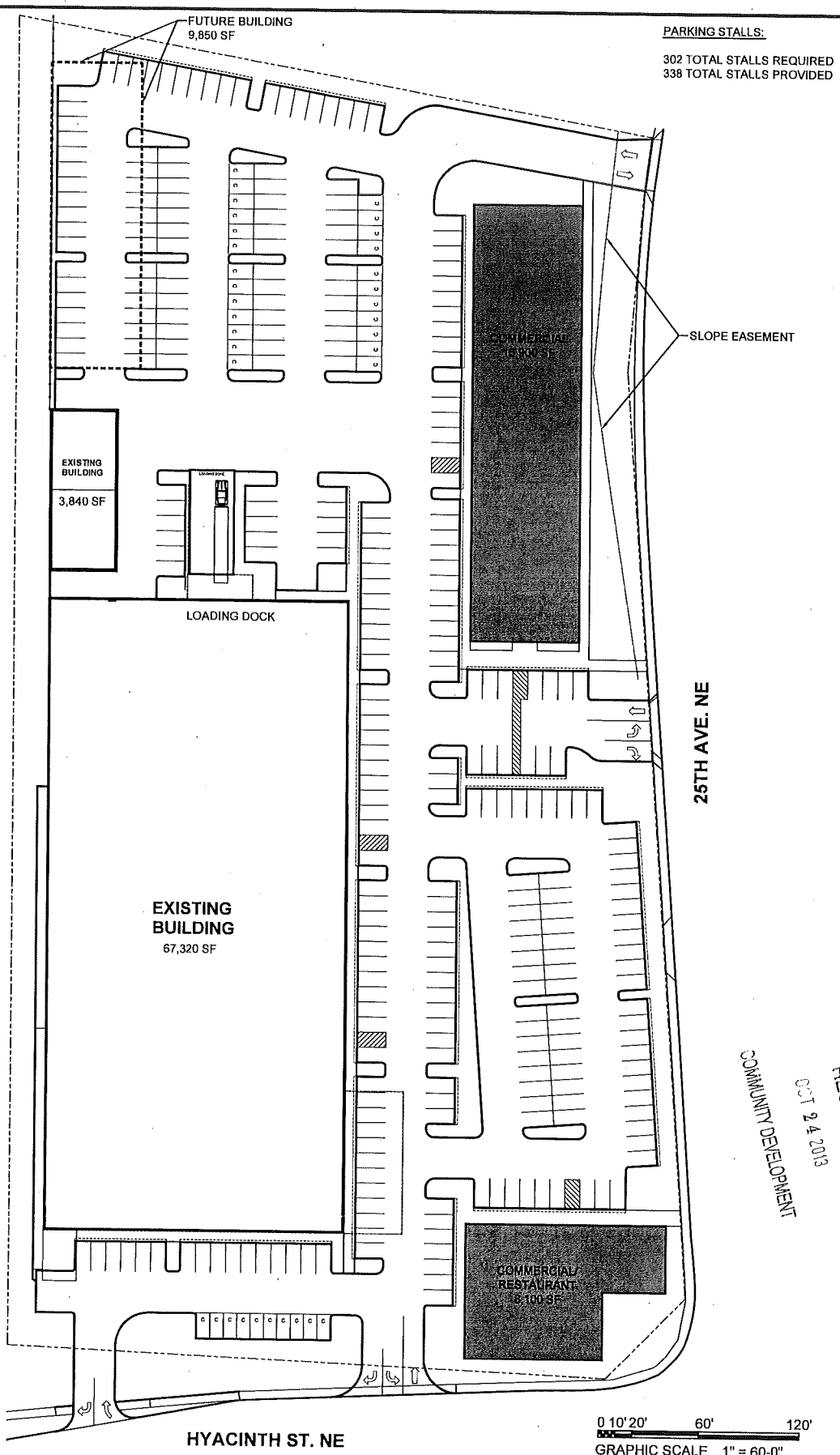
General office buildings, business parks, shopping centers, specialty retail and supermarkets are uses that are permitted in IC, but not permitted in IG. A supermarket could generate too much traffic compared to existing uses that are allowed in existing IG zone and should not be allowed.

Summary: It is my engineering judgment that the requested zone change should be approved with a trip generation cap of 4,700 trips per day.

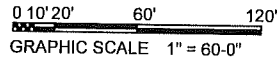
I thank you again for asking Project Delivery Group, LLC to provide this analysis. If there is any additional information you might find helpful or if you have questions, I would be pleased to respond.

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

UNION PACIFIC R/R



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PRELIMINARY SITE PLAN

SCALE: 1"=60'-0"



25TH AND HYACINTH
SALEM, OREGON
PROJECT NO. 2012.0043.100

ARBUCKLE COS
363 STATE STREET
SALEM, OR 97301-35
T: 503.581.4114
F: 503.581.3655

ATTACHMENT 4

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CITY OF *Salem*
AT YOUR SERVICE

WORKS

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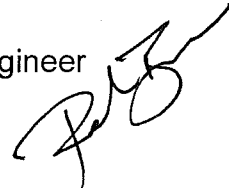
MEMO

TO: Bryan Colbourne, Planner III
Community Development Department

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

DATE: December 6, 2013

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC 13-06 (13-117474)
2195 HYACINTH STREET NE**



PROPOSAL

To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IG (General Industrial) to IC (Industrial Commercial) on property approximately 6.69 acres in size, and located at 2195 Hyacinth Street NE.

RECOMMENDED CONDITIONS:

At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then current Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic impacts from future development on the IC (Industrial Commercial) designated property shall be limited to a maximum of 4,700 average daily trips generated by the proposed use or uses.

FACTS

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

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) analysis in consideration of the requirements of the Transportation Planning Rule (*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

Code authority references are abbreviated in this document as follows: *Salem Revised Co Design Standards (PWDS)*; *Salem Transportation System Plan (Salem TSP)*; and *Stormwa* (SMP).

Engineer concurs with the TPR Analysis findings and recommends a condition to limit the development on the 6.7 acre site to 4,700 vehicles per day.

CRITERIA AND FINDINGS

SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding—The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The proposed development plan submitted with the CPC/ZC application shows driveway locations that do not meet current or proposed driveway spacing standards. At the time of development, access to the subject property will be evaluated and the driveway closest to the Hyacinth Street NE railroad crossing will need to be closed or relocated.

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

Finding—The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the existing and future tenants. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Robin Bunse, C.F.M., Administrative Analyst II
cc: File



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



November 26, 2013

Bryan Colbourne
Planner III
555 Liberty St SE, Rm 305
Salem, OR 97301

Submitted Via Email

RE: Local File No. CPC-ZC13-06;
DLCD File No 016-13

Dear Bryan,

The Department of Land Conservation and Development received a notice of proposed amendment for the file referenced above. The proposal is to change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and change the zone district from IG (General Industrial) to IC (Industrial Commercial). The department appreciates the opportunity to comment please enter these comments into the record on this case. We hope you will find them helpful in the city's deliberations on this matter.

The intent of Goal 9 and its implementing administrative rule is for cities to have an adequate land supply for economic development and employment growth in Oregon. Our department's purpose is to help cities identify, designate, and protect the most suitable land for employment uses.

Our specific comments and concerns regarding this proposal, and the lack of a factual basis to support the proposed change to the city's comprehensive plan and zoning, are discussed below. As a general matter, we recommend that, since the city is preparing to complete a much-needed Economic Opportunities Analysis (EOA), this proposed plan and zone change be denied and reconsidered if the results of the analysis show that the proposed change is consistent with the city's economic development policies and needs.

Goal 9 – Economic Development

Oregon Administrative Rule (OAR) 660-009-0010(4) states:

ATTACHMENT 6

For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Comprehensive Plan and or Zoning Map Change not consistent with Goal 9

The proposal does not demonstrate compliance with this rule because it is not supported by specific studies or other factual information demonstrating that the plan amendment is consistent with the comprehensive plan.

Since the plan amendment changes the designation of more than two acres from an industrial designation to a non-industrial use designation, the cited rule requires findings that the proposal is consistent with the comprehensive plan or, alternatively, that the city amend its comprehensive plan to be consistent with the proposed amendment. In reviewing this proposal, Salem must rely on its most recently adopted Economic Opportunities Analysis (EOA).¹ The EOA should contain the factual information and data for determining whether the proposal will result in a deficit of industrial or commercial land for the planning area for the planning period.

The proposal appears to degrade Salem's supply of industrial land by either direct or indirect conversion of land possessing attributes difficult to replicate or replace within the UGB. The proposal would convert 6.69 acres from Industrial to Industrial Commercial. While the department does not find the Industrial Commercial zone to be at issue, the proposal must address whether the conversion of the 6.69 acres will result in a deficit of employment land. Further, we are concerned with the lack of a Goal 9 element in the City's comprehensive plan. The proposal does not rely on an EOA and is therefore deficient regarding the numbers and types of sites needed in the urban growth boundary for industrial and commercial development.²

The applicant does not address how the city will maintain a 20-year supply of employment land and an analysis of this proposal must include a comparison and findings³ regarding how much land, by type, is needed and how much land by type already exists in the urban growth boundary.

We also cannot find record of any earlier adoption of a Goal 9 inventory which puts the city at risk of potential economic land investments and/or appeals down the road in the event of a UGB

¹ OAR 660-009-0015

² OAR 660-009-0015 (2) and 660-009-0025(1)

expansion. Our primary concern is that important economic development planning decisions are vulnerable to appeal and reversal due to lack of an adopted EOA. See *Gunderson v. City of Portland*, LUBA Nos. 2010-39, -40 and -41 (Jan. 21, 2011).

Transportation Planning Rule

OAR 660-012-0060 requires an analysis as to whether an application will have a significant effect on the transportation system. One means of dealing with a significant effect is to limit trips that would otherwise occur so that there will not be a significant effect.³

The applicants' TPR analysis concludes the proposed plan and zone changes will avoid a significant impact on the transportation system by capping the trips at what would have resulted from the existing Industrial plan designation and IBC zoning. To be consistent with the TPR, the city must make a determination of significant effect. If the proposed amendments result in a significant effect, the City must take action under OAR 660-012-0060(2).

We respectfully request that this letter be entered into the record of the proceedings. When additional information such as staff reports or revised drafts becomes available, we would appreciate receiving a copy. Submitting files via e-mail can speed our review.

If you have any questions, please do not hesitate to contact me (503-934-0056, angela.lazarean@state.or.us).

Sincerely,

Angela Lazarean

Angela Lazarean
Mid-Willamette Valley Regional Representative

cc: Tom Hogue, DLCD (via email)

³ OAR 660-012-0060(1): (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.