



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: October 22, 2015
Jurisdiction: City of Salem
Local file no.: CPC-NPC-ZC-CU-ADJ-SP
DLCD file no.: 009-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/21/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE
File No.: 009-15 {24018}
Received: 10/21/2015

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

Jurisdiction: City of Salem

Local file no.: CPC-NPC-ZC-CU-ADJ-SPR15-02

Date of adoption: 10-20-2015 Date sent: 10/21/2015

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09-15-2015

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

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

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

Street address: 555 Liberty St SE 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 Single Family Residential to Industrial Commercial. 1.44 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): 1060-1140 Boone Rd SE, 083W15AA00400, 0600, 0700, 0800 & 0801

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 RA (Residential Agriculture) to IC (Industrial Commercial). Acres: **1.44**

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):

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.

Notice of Decision

Supplemental Staff Report dated Oct. 20, 2015

Staff Report dated Oct. 20, 2015

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT/NEIGHBORHOOD PLAN
CHANGE/ZONE CHANGE/CONDITIONAL USE/ADJUSTMENT/SITE PLAN
REVIEW CASE NO. CPC-NPC-ZC-CU-ADJ-SPR15-02

APPLICATION NOS.: 15-111928-ZO, 15-111930-ZO, 15-111931-ZO,
15-111933-RP, 15-111935-ZO

NOTICE OF DECISION DATE: OCTOBER 21, 2015

REQUEST: A consolidated application to allow expansion of the existing D & O
Garbage office and storage facility onto a vacant bordering property
("Tax Lot 800"), including the following:

- 1) A proposed Salem Area Comprehensive Plan (SACP) Map Amendment and
Neighborhood Plan Amendment to change the SACP Map designation of Tax
Lot 800 from "Single Family Residential" to "Industrial Commercial"; and
- 2) A proposed Zone Change to change the zoning of Tax Lot 800 from RA
(Residential Agriculture) to IC (Industrial Commercial); and
- 3) A Conditional Use to allow gravel surfacing of vehicle storage areas on the new
and existing portions of the facility; and
- 4) A Class 2 Adjustment to reduce the minimum landscaping of the new and
existing portions of the facility from 15% to ~~9.7%~~ 7.5%; and
- 5) A Class 3 Site Plan Review for the proposed expansion of the existing facility
onto Tax Lot 800.

Tax Lot 800, the subject property for the Comprehensive Plan Map, Neighborhood
Plan Change, and Zone Change is approximately 1.44 acres in size, zoned RA
(Residential Agriculture) and is located at the 1000 Block of Boone Road SE (Marion
County Assessor Map and Tax Lot number: 083W15AA00800). The existing facility
consists of 4 lots totaling 1.85 acres in size, zoned IC (Industrial Commercial), and
located at 1060-1140 Boone Road SE (Marion County Assessor's Map and Tax Lot
numbers: 083W15AA00400; 0600; 0700; and 0801).

APPLICANT: NELITON INVESTMENTS LLC (D.A. NELITON, NELITON LIVING
TRUST & J.L. NELITON, NELITON LIVING TRUST)

LOCATION: 1060 – 1140 BOONE RD SE / 97306

CRITERIA: Salem Revised Code 64.025(e)(2), 265.005(e), 240.005(d),
250.005(d)(2), and 220.005(f)(3)

FINDINGS: The Planning Commission adopted the Facts and Findings in the staff report and supplemental staff report, both dated October 20, 2015.

DECISION:

The **Planning Commission, GRANTED** the following actions for the subject property located in the 1000 Block of Boone Road SE (Marion County Assessor Map and Tax Lot number: 083W15AA00800):

- A. The Comprehensive Plan Map Amendment, to change the designation of the subject property from "Single Family Residential" to "Industrial Commercial" be **APPROVED**.
- B. The Zone Change, to change the zoning of the subject property from RA (Residential Agriculture) to IC (Industrial Commercial) be **APPROVED**, subject to the following condition:

Condition 1: At the time of development review for any proposed use on the combination of the subject property and the existing facility, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the combined properties shall be limited to a maximum of 4,468 average daily trips generated by the proposed use or uses.

The Planning Commission adopted the facts and findings of the staff report and **APPROVED** the following action for the subject property located in the 1000 Block of Boone Road SE and 1060-1140 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: **083W15AA00400; 0600; 0700; 0800; and 0801**):

- C. The Conditional Use permit, to allow gravel surfacing of vehicle storage areas on the new and existing portions of the development site, be APPROVED, subject to the following conditions:

Condition 1: Provide a 6-foot sight-obscuring fence and Type C perimeter landscaping along the north boundary of the subject property, between the existing fence line and Boone Road SE right-of-way, as shown in the site plan. In the event that Boone Road is expanded into the Special Setback, a 6-foot sight-obscuring fence and 20 feet of Type C landscaping shall be provided along the new north boundary of Tax Lot 800, within the "landscape replacement area" shown on the site plan.

Condition 2: ~~No vehicular driveway~~ access to graveled vehicle use areas on Tax Lots 700, 800, and 801 shall be limited to the existing driveway provided directly from Boone Road SE to Tax Lot 400.

- D. The proposed Class 2 Adjustment, to reduce the minimum landscaped percentage of development site from 15 percent to ~~9.7~~ 7.5 percent be APPROVED, subject to the following condition:

Condition 1: Provide a 6-foot sight-obscuring fence and 10-foot wide Type D perimeter landscaping along the south boundary of Tax Lot 800. Provide a 6-foot sight-obscuring fence and Type D perimeter landscaping within the area between the south property boundary and existing stormwater detention pond on Tax Lot 801.

- E. The proposed Class 3 Site Plan Review for the proposed expansion of the existing facility onto Tax Lot 800 be APPROVED, subject to the following condition:

Condition 1: Design and construct storm drainage system according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

VOTE:

Yes 6 No 0 Absent 3 (Levin, McKinley, Palmateer)



Rich Fry, President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, as follows, or these approvals shall be null and void:

Conditional Use: November 6, 2017

Site Plan Review: November 6, 2019

A copy of the decision is attached.

Application Deemed Complete: September 15, 2015

Public Hearing Date: October 20, 2015

Notice of Decision Mailing Date: October 21, 2015

Decision Effective Date: November 6, 2015

State Mandate Date: January 13, 2016

Case Manager: Chris Green, cgreen@cityofsalem.net

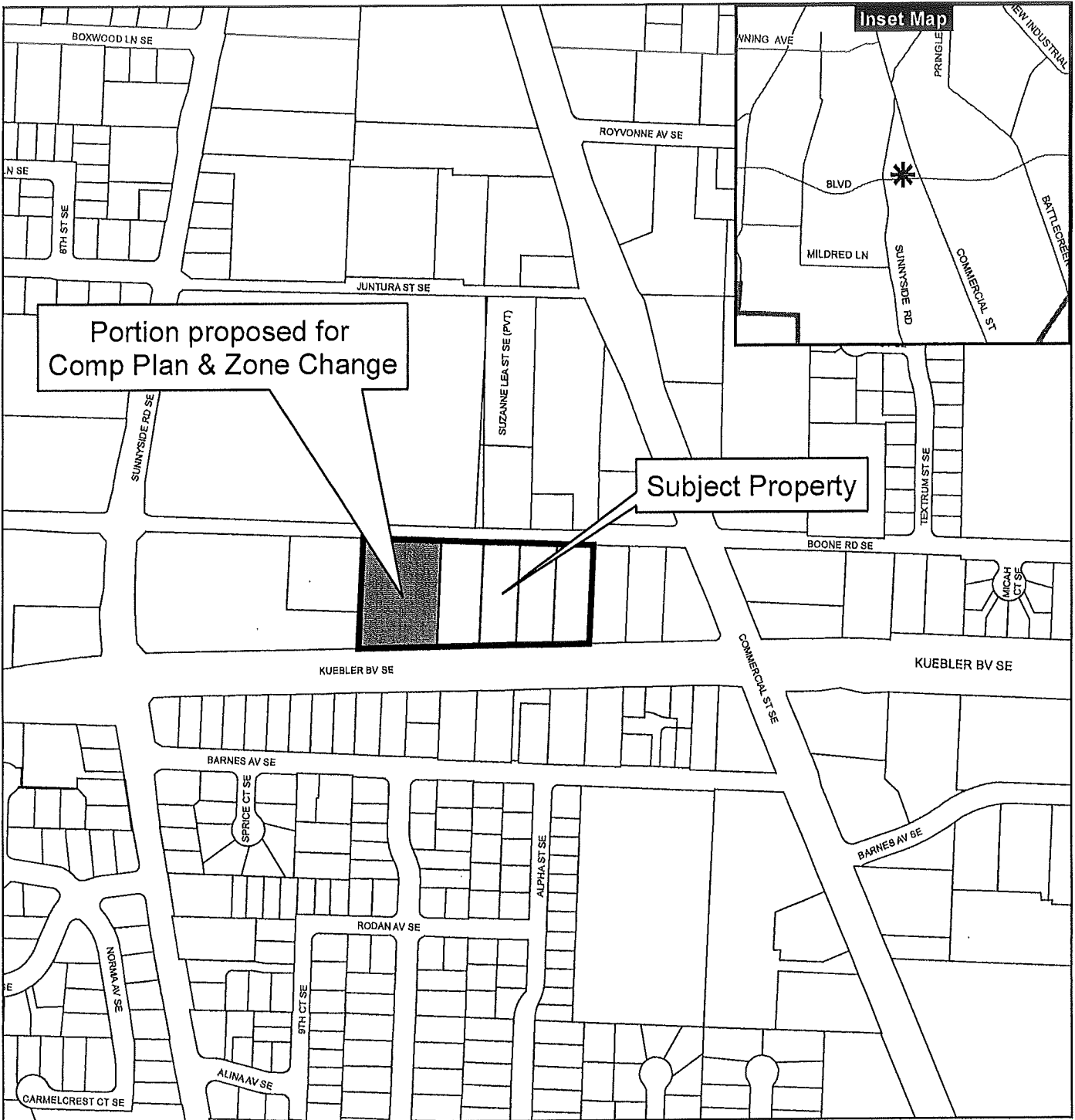
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m.,**

SRC Chapters 64, 220, 240, 250, 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

Vicinity Map 1000 Block of Boone Road SE



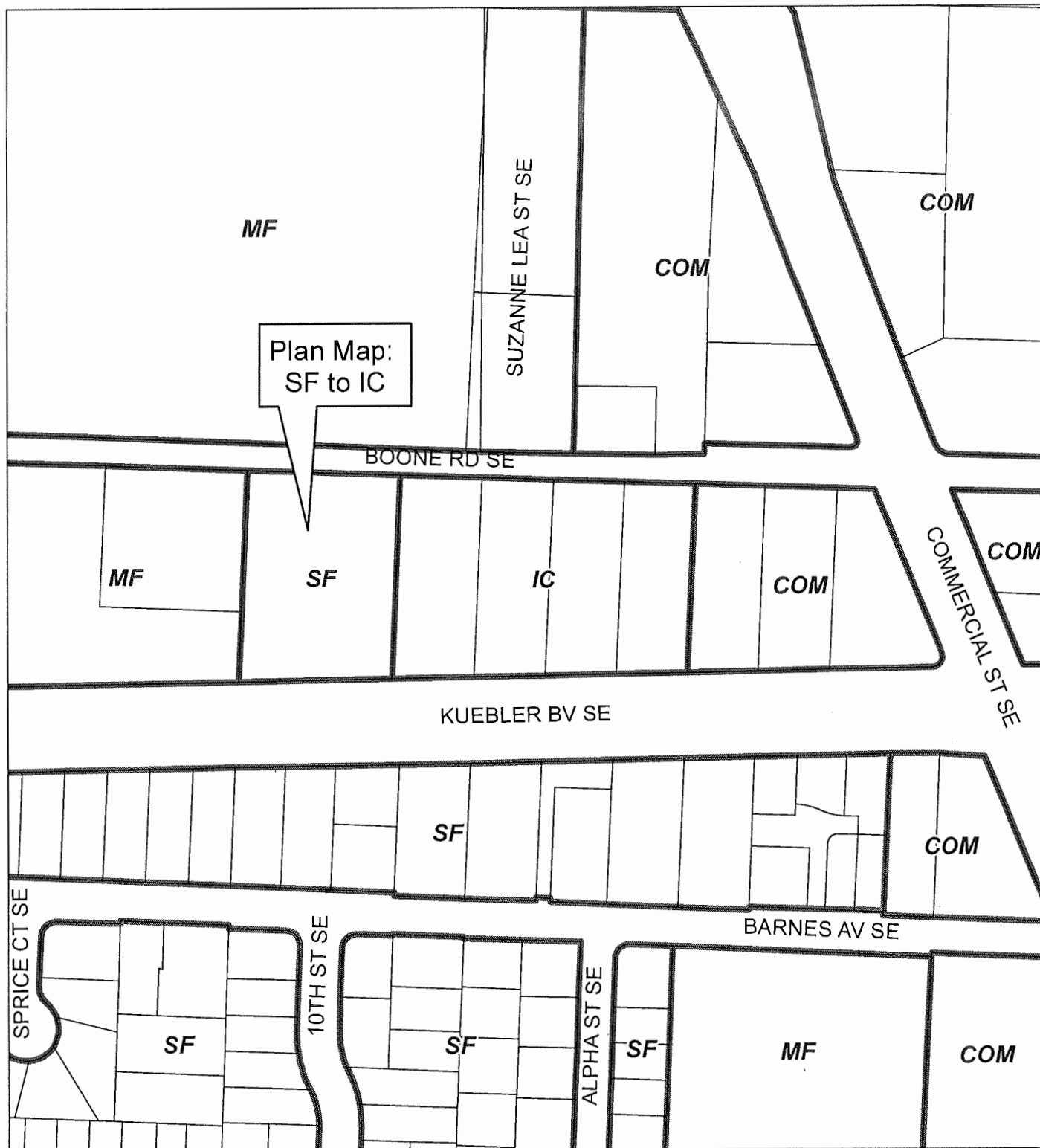
Legend

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









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CPC-NPC-ZC-CU-ADJ-SPR15-02 - Comp Plan Map



Legend

-  Comprehensive Plan
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

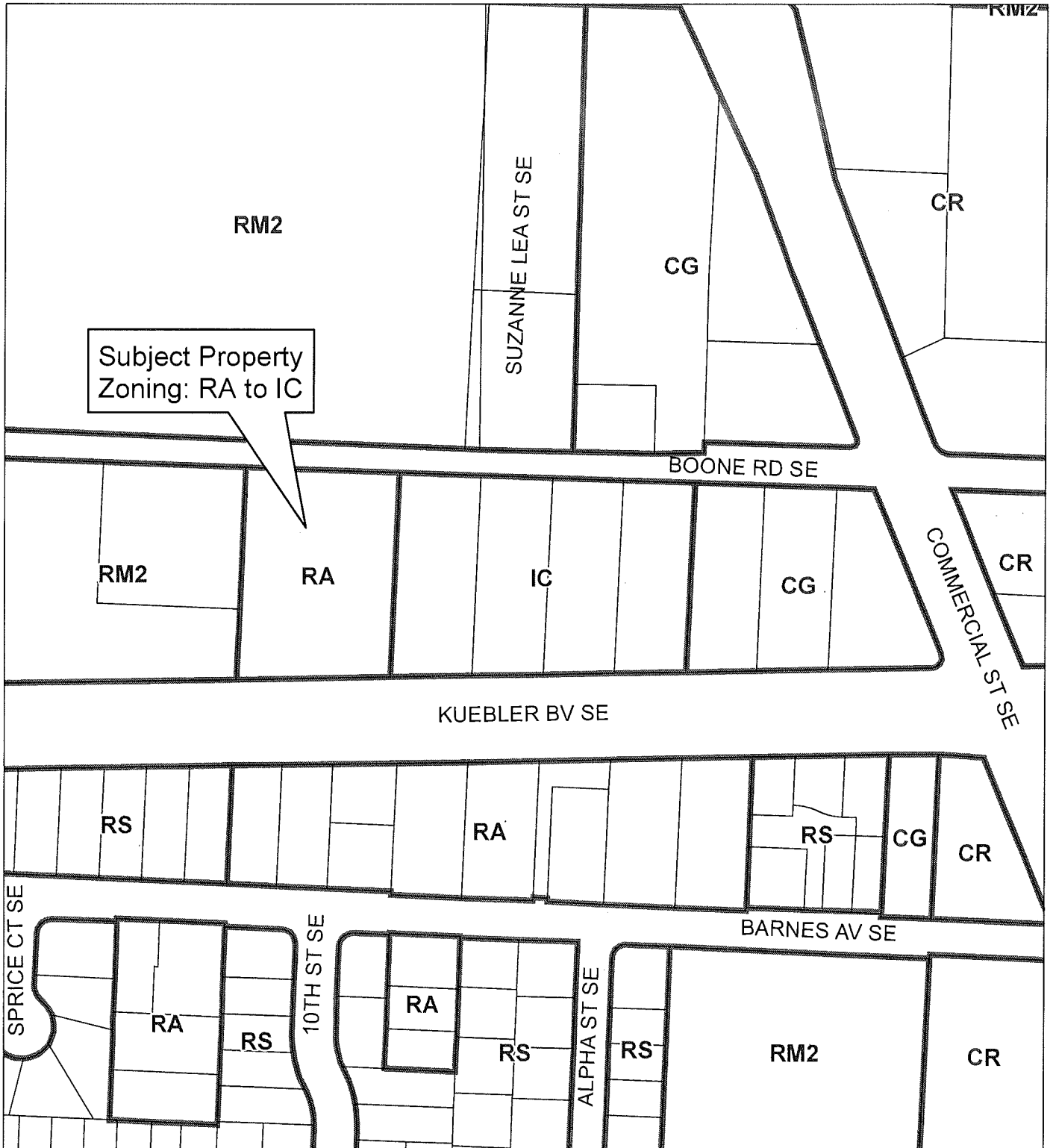
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CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

CPC-NPC-ZC-CU-ADJ-SPR15-02 - Vicinity Zoning



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.

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, PLANNING ADMINISTRATOR

DATE: OCTOBER 20, 2015

SUBJECT: SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE PLAN CHANGE-NEIGHBORHOOD PLAN CHANGE-ZONE CHANGE-CONDITIONAL USE-CLASS 2 ADJUSTMENT-CLASS 3 SITE PLAN REVIEW FOR PROPERTY LOCATED AT THE 1000 BLOCK OF BOONE ROAD SE

BACKGROUND

On October 13, 2015, staff made a report available recommending that the Planning Commission approve consolidated Comprehensive Plan Change, Neighborhood Plan Change, Zone Change, Conditional Use, Class 2 Adjustment, and Class 3 Site Plan Review Case No. 15-02, subject to recommended conditions of approval. On October 20, 2015, staff received additional information from Jeffrey Tross, the applicant's consultant, clarifying existing operations at the D & O Garbage facility that would be impacted by certain conditions of approval recommended by staff.

Specifically, Mr. Tross's comments indicate that the existing storage facility at the site uses a separate driveway for freight uses entering the development site on Tax Lot 801. This driveway would be prohibited by Conditional Use permit Condition 2 as recommended in the staff report. In addition, Mr. Tross states that an existing stormwater detention pond is less than 10 feet from the south property line of Tax Lot 801. Condition 1 of the Class 2 Adjustment as recommended in the staff report would in effect force the relocation of the stormwater detention facility in order to accommodate a 10-foot-wide landscaped buffer. The additional testimony submitted by Mr. Tross is attached hereto as **Attachment A**.

In order to carry out the findings presented in the October 13, 2015 staff report, and avoid the impacts to existing operations as described by Mr. Tross, staff has prepared the following proposed revisions to conditions of approval:

CONDITIONAL USE PERMIT

Condition 2: ~~No Vehicular driveway~~ access to graveled vehicle use areas on Tax Lots 700, 800, and 801 shall be limited to the existing driveway provided directly from Boone Road SE to Tax Lot 400 800.

ZONING ADJUSTMENT

Condition 1: Provide a 6-foot sight-obscuring fence and 10-foot wide Type D perimeter landscaping along the south boundary of Tax Lots 800. Provide a 6-foot sight-obscuring fence and Type D perimeter landscaping within the area between the south property boundary and existing stormwater detention pond on Tax Lot 801.

CONCLUSION

Staff recommends that the Planning Commission approve the subject application for subject to the conditions of approval recommended in the October 13, 2015 staff report, as revised in this supplemental staff report.

Attachments: A. Additional testimony submitted by consultant Jeffrey Tross on behalf of applicant Neliton Investments, LLC

Prepared by Christopher Green, Planner II 

Christopher Green - D&O Boone Road - Conditions

From: JEFFREY R TROSS <jefftross@msn.com>
To: "cgreen@cityofsalem.net" <cgreen@cityofsalem.net>
Date: 10/19/2015 5:41 PM
Subject: D&O Boone Road - Conditions
CC: "wes@dogarbage.com" <wes@dogarbage.com>

Hi Chris - I have reviewed the staff report with D&O; it looks good, and we just have a couple of comments/questions re the conditions:

Cond Use condition 2 - as written limits access to the driveway on TL 400. However, that is the driveway that also serves the office and is used by customers. There is an existing driveway on TL 801 that is the primary driveway for the waste collection trucks and other large service vehicles including drop boxes. The driveway on that parcel should be added to that condition.

Adjustment condition 1 - requires 10' wide landscaping on the south boundary of TL 800 (the new parcel) and 801. However, the south boundary of TL 801 is occupied by an existing detention pond (see site plan). A storm water pipe and manhole are located within 10' of the south line. It might be possible to put some landscaping in there but not 10'.

Let me know if you have questions or want to discuss this. Thanks, see you tomorrow.

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator *LAO*

STAFF: Christopher Green, Planner II *CG*

HEARING DATE: October 20, 2015

APPLICATION Consolidated Comprehensive Plan Map Change, Neighborhood Plan Change, Zone Change, Conditional Use, Class 2 Zoning Adjustment, & Class 3 Site Plan Review Case No. CPC-NPC-ZC-CU-ADJ-SPR15-02

LOCATION: 1000 Block of Boone Road SE; 1080-1140 Boone Road SE

SIZE: Approximately 1.44 acres – Attachment A

REQUEST: A consolidated application to allow expansion of the existing D & O Garbage office and storage facility onto a vacant bordering property ("Tax Lot 800"), including the following:

- 1) A proposed Salem Area Comprehensive Plan (SACP) Map Amendment and Neighborhood Plan Amendment to change the SACP Map designation of Tax Lot 800 from "Single Family Residential" to "Industrial Commercial"; and
- 2) A proposed Zone Change to change the zoning of Tax Lot 800 from RA (Residential Agriculture) to IC (Industrial Commercial); and
- 3) A Conditional Use to allow gravel surfacing of vehicle storage areas on the new and existing portions of the facility; and
- 4) A Class 2 Adjustment to reduce the minimum landscaping of the new and existing portions of the facility from 15% to ~~9.7%~~ 7.5%; and
- 5) A Class 3 Site Plan Review for the proposed expansion of the existing facility onto Tax Lot 800.

Tax Lot 800, the subject property for the Comprehensive Plan Map, Neighborhood Plan Change, and Zone Change is approximately 1.44 acres in size, zoned RA (Residential Agriculture) and is located at the 1000 Block of Boone Road SE (Marion County Assessor Map and Tax Lot number: 083W15AA00800). The existing facility consists of 4 lots totaling 1.85 acres in size, zoned IC (Industrial Commercial), and located at 1060-1140 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: 083W15AA00400;

0600; 0700; and 0801).

APPLICANT: Wes Helmer, Neliton Investments, LLC

OWNER: Neliton Investments, LLC; Dale W. Neliton Oregon Qtip Trust 42

APPROVAL CRITERIA:

- Comprehensive Plan Map Change: SRC 64.025(e)(2)
- Zone Change: SRC 265.005(e)(1)
- Conditional Use: SRC 240.005(d)
- Class 3 Site Plan Review: SRC 220.005(f)(3)
- Class 2 Adjustment: SRC 250.005(d)(2)

RECOMMENDATION: APPROVE Comprehensive Plan Map Change, Neighborhood Plan Change, Zone Change, Conditional Use, Class 2 Adjustment, & Class 3 Site Plan Review Case No. 15-02 subject to the following conditions:

ZONE CHANGE

Condition 1: At the time of development review for any proposed use on the combination of the subject property and the existing facility, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the combined properties shall be limited to a maximum of 4,468 average daily trips generated by the proposed use or uses.

CONDITIONAL USE

Condition 1: Provide a 6-foot sight-obscuring fence and Type C perimeter landscaping along the north boundary of the subject property, between the existing fence line and Boone Road SE right-of-way, as shown in the site plan. In the event that Boone Road is expanded into the Special Setback, a 6-foot sight-obscuring fence and 20 feet of Type C landscaping shall be provided along the new north boundary of Tax Lot 800, within the "landscape replacement area" shown on the site plan.

Condition 2: Vehicular access to graveled vehicle use areas on Tax Lots 700, 800, and 801 shall be limited to the existing driveway from Boone Road SE to Tax Lot 400.

CLASS 2 ZONING ADJUSTMENT

Condition 1: Provide a 6-foot sight-obscuring fence and 10-foot wide Type D perimeter landscaping along the south boundary of Tax Lots 800 and 801.

CLASS 3 SITE PLAN REVIEW

Condition 1: Design and construct storm drainage system according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

PROCEDURAL FINDINGS

On June 29, 2015, Jeffrey Tross, on behalf of the applicant, Neliton Investments, LLC, filed an application for a Comprehensive Plan Map Amendment/Neighborhood Plan Change/Zone Change/Conditional Use permit/Class 2 Adjustment/Class 3 Site Plan Review in order to allow for the expansion of the existing D & O Garbage office and storage facility onto a vacant bordering property.

Because multiple land use applications are required in connection with the proposed development, the applicant, pursuant to SRC 300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the application shall follow the highest numbered procedure type required for any of the land use applications, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type for any of the land use applications.

Based upon these requirements, the proposed consolidated application is processed as a Type III procedure and reviewed by the Planning Commission.

After additional requested information was provided by the applicant, the application was deemed complete for processing on September 14, 2015.

Notice to surrounding property owners was mailed pursuant to SRC requirements on September 30, 2015. Notice was also posted on the subject property by the applicant pursuant to SRC requirements on October 7, 2015.

The public hearing on the proposed Comprehensive Plan Map Amendment, Zone Change, Conditional Use, Class 2 Adjustment, and Class 3 Site Plan Review application is scheduled for October 20, 2015.

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The other requests included in this consolidated application are subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is January 12, 2016, unless an extension is granted by the applicant.

BACKGROUND/PROPOSAL

The subject SRC property was annexed into the City of Salem on June 29, 1964. D&O Garbage has operated from its current location since 1974. The site of the existing facility is

composed of four contiguous tax lots totaling approximately 2.6 acres (Marion County Map and Tax Lot numbers 083W15AA00400, 0600, 0700, and 0801), bordering the south side of Boone Road, just west of Commercial Street SE. In 2011, the Planning Commission approved Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CPC-NPC-ZC11-06, which changed the Comprehensive Plan Map designation and zoning of the existing D & O Garbage site to Industrial Commercial.

The applicant has subsequently acquired Tax Lot 800, a vacant, 1.44 acre property abutting the east boundary of the existing D & O Garbage facility. Tax Lot 800 is currently designated on the Plan Map as Single Family Residential and zoned RA (Residential Agriculture). The activities that occur at the Boone Road site include the company business office, vehicle parking and maintenance, garbage drop-box storage, equipment cleaning and repair, residential waste roller cart storage, and the recycling depot. This combination of activities is classified in SRC Chapter 400 as "Heavy Vehicle and Trailer Service and Storage," which is not a permitted use in the RA zone.

The activities that occur at the Boone Road site include the company business office, vehicle parking and maintenance, garbage drop-box storage, equipment cleaning and repair, residential waste roller cart storage, and the recycling depot. The applicant is requesting a change in the comprehensive plan map designation and zoning of Tax Lot 800 to Industrial Commercial in order to allow D & O Garbage to expand the waste collection drop-box storage onto that property. Heavy Vehicle and Trailer Service and Storage uses are permitted outright in the IC zone. The consolidated application also includes a conditional use, adjustment, and site plan review related to compliance of the proposed storage area expansion with applicable development standards in the IC zone.

D&O Garbage Service is one of eight refuse collection services that operate in the city and surrounding area. The service area of each of the collectors is set by Marion County, and referred to as Solid Waste Districts. D&O operates in two Solid Waste Districts, the most significant district is in southwest Salem and the other, smaller district is in northeast Salem. The subject property is located near the center of the company's most significant southwest Solid Waste District.

The proposal requires the following land use approvals:

- 1) A Salem Area Comprehensive Plan (SACP) Map Amendment and Neighborhood Plan Amendment to change the SACP Map designation of Tax Lot 800 from "Single Family Residential" to "Industrial Commercial.
- 2) A proposed Zone Change to change the zoning of Tax Lot 800 from RA (Residential Agriculture) to IC (Industrial Commercial).
- 3) A Conditional Use permit to allow gravel surfacing of vehicle storage areas on the new and existing portions of the facility.
- 4) A Class 2 Adjustment to reduce the minimum landscaping of the new and existing portions of the facility from 15% to ~~9.7%~~ 7.5%.
- 5) A Class 3 Site Plan Review for the proposed expansion of the existing facility onto Tax Lot 800.

Each of the lots within the development site have double frontage on Boone Road SE and Kuebler Boulevard SE. Boone Road is designated as a local street under the City's Transportation System Plan (TSP) and Kuebler Boulevard is designated as a parkway. Access to the development is proposed to be taken from an existing driveway onto Boone Road SE. The consolidated proposal incorporates the subject property for Comprehensive Plan Map and Zone Change applications (Tax Lot 800) into the existing D & O Garbage facility, including shared driveways, circulation, and other operations. Therefore, Tax Lot 800 and the four lots making up the existing D & O Garbage site make up a single development site for the purposes of Site Plan Review.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

Comprehensive Plan Map: The Salem Area Comprehensive Plan designates the site of the existing facility (Tax Lots 400, 600, 700, and 801) as "Industrial Commercial." Tax Lot 800 is currently designated as "Single Family Residential."

Relationship to Urban Service Area: The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within the City where all required public facilities (streets, water, sewer, stormwater, and parks) necessary to serve development are already in place or fully committed to be extended.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located within the Urban Service Area are not required to obtain an Urban Growth Preliminary Declaration. Because the subject property is located within the Urban Service Area an Urban Growth Preliminary Declaration is not needed for the proposed development of the subject property.

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property has two street frontages; primary access is taken from Boone Road SE along the north property line and Kuebler Boulevard SE runs along the south property line. The TSP designates Boone Road SE as a local street and Kuebler Boulevard SE as a parkway.

Liberty-Boone Neighborhood Plan: The property is located within the boundaries of the Faye Wright Neighborhood Association and adjacent to the South Gateway Neighborhood Association. Neither the Faye Wright nor South Gateway Neighborhood Associations have adopted neighborhood plans. The subject property is also located within the boundaries of the former Liberty-Boone Neighborhood Association. The Liberty-Boone Neighborhood Plan was adopted under SRC 64.220, and is still in effect.

The applicant requests a change to the Liberty-Boone Neighborhood Plan Land Use Map to ensure the designation of the subject property on the neighborhood plan map is consistent with the requested IC zoning. Findings addressing this requested neighborhood plan change are detailed later in this report. The subject property is within the area covered by the *Liberty-Boone Neighborhood Plan*, adopted in 1983. The Liberty-Boone Neighborhood Association no longer exists, but the adopted neighborhood plan remains in effect.

2. Zoning

The site of the existing facility (Tax Lots 400, 600, 700, and 801) is zoned IC (Industrial Commercial). Tax Lot 800 is currently zoned RA (Residential Agriculture). Zoning of surrounding properties includes:

- North: Across Boone Road SE from Tax Lots 800 and 801 – RM-2 (Multiple Family Residential); across Boone Road from Tax Lots 400 and 600 – CG (General Commercial)
- South: Across Kuebler Boulevard SE – RA (Residential Agriculture)
- East: CG (General Commercial)
- West: RM-2 (Multiple Family Residential)

3. Natural Features

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Pursuant to SRC 808.035(a), a tree conservation plan is not required in conjunction with the proposed development because the proposal does not involve the creation of lots or parcels to be used for the construction of single family or duplex dwelling units. The removal of trees from the property cannot occur without first obtaining the necessary approvals established under SRC Chapter 808. Removal of trees from within the right-of-way of public streets is subject to the requirements and separate approval process of SRC Chapter 86.

Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property.

Landslide Susceptibility: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. The City's adopted landslide hazard susceptibility maps do not show any areas of landslide hazard susceptibility points

mapped on the subject property. Therefore, a geologic assessment is not required in conjunction with the proposed development.

4. Neighborhood Association Comments

The subject property is located within the Faye Wright Neighborhood Association. The South Gateway Neighborhood Association (SGNA) is located across Kuebler Boulevard SE from the subject property. As of the date of this staff report, no comments have been received from the neighborhood association.

5. Public Comments

Notice of the proposal was mailed to property owners within 250 feet of the subject property on September 30, 2015. As of the date of this staff report, no comments have been received from adjacent property owners.

6. City Department Comments

- A. The Salem Fire Department reviewed the proposal indicated no apparent issues associated with the proposed development.
- B. The Public Works Department reviewed the proposal and provided comments regarding street and City utility improvements required to serve the development and recommended conditions of approval to ensure conformance with the applicable requirements of the SRC. Comments from the Public Works Department are included as Attachment C.

7. Public Agency and Public & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of this staff report no comments have been received from any public agencies or public and private service providers.

8. Applicant Submittal Information

Requests for Minor Comprehensive Plan Changes and zone changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment D to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on

evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

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

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

Applicant Statement: This proposal is justified based on (ii). The proposed Industrial Commercial designation is equally or better suited for the subject property than the existing Single Family Residential designation because the parcel is adjacent to the existing D&O Garbage Service operation, and it will be incorporated into that operation. The Company has been at its current location since 1974. Its location is within the larger of its two Service Districts, which has the larger area within the city of the two Districts it serves. This part of the service area has experienced substantial growth since the company located at this site, and additional growth is expected. There is no other adjacent property that is vacant and available for the Company's use. The subject parcel will help to maintain and improve the existing operation by providing additional space for outdoor storage of drop boxes and equipment. The use of the site for this purpose will not generate additional traffic or require an additional driveway access to the street.

There is no single-family housing along this section of Boone Road, and the site is not especially well suited for that purpose due its location.

Because it is the only parcel that can be incorporated into the D&O operation, and will provide for the continued operation and maintenance of a local service that is essential to the functioning of the urban area, and no existing housing will be removed or displaced, the proposal is equally or better suited for the property than the existing designation.

Finding: Staff concurs with the applicant's statement that the proposal is justified based on (ii). As indicated by the applicant, as the sole remaining parcel of Single Family Residential designated land in the vicinity, Tax Lot 800 has limited suitability for that purpose. The subject property is also located near a transition between established multi-family residential land uses to the north and west, and commercial and industrial uses concentrated near the corner of Commercial Street and Kuebler Boulevard. The property abuts a church and multi-family residential complex to the west and the existing D & O Garbage facility to the east. The existing developments on both sides are more intensive than the uses typically allowed associated with the Single Family Residential designation and RA zoning of Tax Lot 800. Because the abutting Multifamily Residential property is developed with a church rather than dwelling units, the eastern boundary of Tax Lot 800 is the best available point at which to locate the border between residential and industrial commercial land uses. The proposal meets this criterion.

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

Finding: There are two S-2 water lines located in the adjacent segment of Boone Road SE; an 18-inch line and an 8-inch line. These lines are adequately sized to handle industrial or commercial development of Tax Lot 800. An 8-inch sanitary sewer line is also located within Boone Road and available to the subject property. An existing private storm line runs along the south portion of the existing drop-box storage complex, and a public 12-inch storm line is located inside Kuebler Boulevard SE. The subject property has access to the public street network via an existing driveway onto Boone Road. Boone Road intersects with Commercial Street SE, designated as a Major Arterial in the Salem Transportation System Plan (TSP), approximately 250 feet east of the subject property. The proposal meets this criterion.

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

Applicant Statement: The property is in a fully urbanized part of the city. The existing business location is part of the commercial services corridor based on proximity to Commercial St. The Company was established at its current location prior to the creation of Kuebler Blvd. and the subsequent limitations on the Boone Rd. at Commercial intersection. The existing D&O site is highly developed with facilities that are specific to the operation and maintenance of the business. The subject parcel is the only vacant land adjacent to the existing operation, as well as along Boone Road between Commercial and Sunnyside. The existing operation is already designated IC, and the proposal will result in

a uniform designation for the operating site, which creates a logical pattern at this location. All necessary public facilities and services are or can be made available to the property. A cap on the traffic generation of the operation, applied to the 2011 Plan/Zone Change, included expansion of the business and covers this proposal. That traffic study showed that with the limitation on trips, the zone change would not create a significant impact on the transportation system. The proposal is a consistent extension of the existing use and land use pattern, and will not adversely impact public facilities, services, or streets. For these reasons the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

Finding: As described in findings above related to SRC 64.025(2)(A), Tax Lot 800 is centered between existing multifamily residential and industrial commercial uses. The south side of Boone Road between Sunnyside Road and Commercial Street is fronted by approximately 600 feet of multifamily residential development at its west end and 675 feet of Commercial and Industrial Commercial land at the east end. These contiguous areas of moderately intensive land uses are interrupted in the center by the 215-foot width of Tax Lot 800, which is designated Single Family Residential. The proposed Industrial Commercial designation provides for uses which are more compatible with abutting properties to the east, and allows for contiguous expansion of the existing D & O Garbage storage operation. Staff finds that 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

Consistency with applicable Goals and Policies of the Salem Area Comprehensive Plan:

Comprehensive Land Use 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.

Applicant Statement: The existing D&O location is a long-standing and integral part of the land use pattern in its area. It is a business that provides an essential service to the population within its designated Service District. The establishment of the business at its existing location pre-dates the adoption of the Plan. The current designation of the subject parcel as Single Family Residential does not represent the predominant pattern of land use in the area, and so is not consistent with the Plan's intent. The Plan's methodology is to rezone land over time in response to changing needs and conditions, and to recognize that land use and zoning are expected to change as conditions change. The proposed change in the Plan map designation for the subject parcel will contribute to maintaining and improving the D&O operation, and it is consistent with the directive to recognize the needs of the existing use that is at this location.

Response: Staff concurs with the applicant's statement. By providing a Comprehensive Plan Map designation consistent with the existing use on adjacent properties within the holding, the change would respond to increased demand for a specific existing land use that has developed on adjacent Industrial Commercial designated properties. For these reasons the proposal is consistent with the intent and methodology of the plan.

Salem Urban Area 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 Comprehensive Plan Map Amendment would provide a uniform Industrial Commercial designation for the D & O Garbage/Neliton Investments holding, and allow the currently vacant subject property to be developed consistent with the remainder of the development site. The consistent Plan Map designation would facilitate development of an infill site without the need to clear and grade other more environmentally sensitive land within the urban area.

Salem Urban Area 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.

Applicant Statement: D&O Garbage Service is a waste collection and transporting business, which is a service that is essential to the urban population. The proposed addition to their operating facility will help to maintain and promote the urban area as a commercial center by maintaining the operation of this essential service. The D&O site is

part of a mix of retail and service businesses on Boone Road west of Commercial Street. The location has nearby links to the major elements of the transportation system, including Commercial St., Sunnyside Road, and Kuebler Blvd., that provide access to the Company's service areas. For these reasons, the proposal will help to maintain an essential service within the urban area, which supports the city as a commercial center for the Marion-Polk County metropolitan area, in keeping with this Goal.

Response: Staff concurs with the applicant's statement. The proposal will allow contiguous expansion of the existing use, which provides an important support service from a centrally-located site. Staff finds that the proposal is consistent with this goal.

Salem Urban Area 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 subject property is not an existing industrial site, so no land will be removed from the existing industrial lands inventory. The proposed Industrial Commercial Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for expansion of an existing venture onto an adjacent property. The proposal would facilitate redevelopment of a currently vacant lot. The consolidated application includes a Class 3 Site Plan Review for expansion of the existing waste collection drop-box storage area, consistent with the proposed zone change to IC (Industrial Commercial). The expanded storage facility on the site would provide additional service capacity to customers in South Salem.

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

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

Applicant Statement: The proposal is made to improve the operation and function of D&O Garbage Service, which is a long established existing use. The use is refuse collection and removal, and its service includes industrial customers within its two Service Areas. Refuse collection and removal is essential to industrial activity. An efficient and economical system of refuse collection and removal from industrial operations to approved and regulated disposal sites helps to minimize air and water pollution that could otherwise occur as a result of unregulated transport or disposal. By improving the operation of a service that supports industrial activity the proposed change to I-C serves to strengthen the economic base of the community, in keeping with this Goal.

Response: The proposal would provide a uniform Industrial Commercial designation and IC (Industrial Commercial) zoning across the subject property and the existing waste collection drop-box storage facility to the east. As a result, the proposal would allow contiguous expansion on an infill site within the Urban Service Area. The lot is within a triangle of land between Commercial Street, Sunnyside Road, and Kuebler Boulevard that

has been mostly developed with commercial, industrial, and multifamily residential uses. By allowing expansion of an existing operation that is consistent with the adjacent facility and accessible within the D & O Garbage Service Area, the proposal is consistent with this goal.

Consistency with the Applicable Statewide Planning Goals:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property, to the Faye Wright Neighborhood Association and to the adjacent South Gateway Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

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

Finding: There are no known scenic, historic, or cultural resources on the subject property. According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property. The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5. No resources have been identified or designated on the subject property under Goal 5.

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.*

Finding: The surrounding area is already developed with a mix of multifamily residential, commercial, and industrial land uses. The applicant's proposal is consistent with the mixed industrial and commercial development on the properties immediately to the east of the site. The property lies just west and north of two major transportation corridors (Commercial Street and Kuebler Boulevard), where commercial and industrial uses are expected to continue. The applicant does not propose to construct any new buildings as part of the expanded storage area. Because uses on adjacent properties will continue to be commercial and industrial activities, the proposed Industrial Commercial designation will not significantly increase the potential effects on air, water and land resource quality at this location. Staff finds that the proposal is consistent with Goal 6.

Statewide Planning Goal 9 – Economic Development: *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 Statement: The proposal will change the site from Single Family Residential to Industrial-Commercial. The I-C Plan designation provides for the IC zone, which allows the proposed use. The site will be used by the D&O operation, which provides an essential service in the urban area. Efficient waste collection is a necessary component of the economic development of the city.

Finding: Staff concurs with the applicant's statement. The subject property is part of a contiguous ownership that includes adjacent Industrial Commercial properties developed as a waste collection drop-box storage facility. The proposed change to Industrial Commercial will allow expansion of an existing service provider and better takes into account the existing uses adjacent to the subject property, opening up additional opportunities for economic development, consistent with the intent of Goal 9.

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

Finding: The proposal will remove 1.44 acres from the existing inventory of land that is designated for single family housing. However, the subject property is the only single family residential property within a triangle formed by Commercial Street, Sunnyside Road, and Kuebler Boulevard. The subject property is located between multifamily residential land to the west and the existing D & O Garbage facility to the west, which is designated Industrial Commercial. Due to the relatively small size of the site and relatively intensive non-residential land uses in the immediate vicinity, the property is unlikely to provide housing opportunities under its current Single Family Residential designation. Therefore, the proposal to change that designation to Industrial Commercial would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

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.*

Applicant Statement: Public facilities and services are available to serve future development on the site, as described in the pre-application summary report. No public utilities and services are necessary for the proposed outdoor storage use. The service needs of any future uses will be determined by the City during the development review process. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, are available to serve the property.

Finding: Staff concurs with the applicant's statement and finds that the proposal meets the requirements of Goal 11.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe,*

convenient and economic transportation system.

Applicant Statement: Access to the site will be through the driveways on the existing D&O site to Boone Road. No new driveways to the subject property are planned or required at this time. Boone Road connects with Commercial Street to the east, and with Sunnyside Road to the west. Commercial Street is a Major Arterial, and Sunnyside is a Minor Arterial. Kuebler Blvd., a Parkway, is to the south and is accessed from Commercial and Sunnyside. The street system serving this location provides efficient links to the company's service area, and to the surrounding region. The existing street network is adequate to serve the site, and no new streets are required.

The traffic impact of the D&O operation was evaluated in a TPR analysis submitted in support of CPC-ZC 11-06. That TPR analysis estimated the potential traffic impacts of that Plan/Zone Change on the transportation system, and recommended an appropriate measure to mitigate potential impacts. The TPR analysis recommended a trip cap of 4,468 average daily trips (ADT), and that trip generation limit was adopted in the Decision as a condition of approval. The condition of approval applied the trip cap to the existing use, an expansion of the existing use, and/or a change in use. The use proposed in this application is an expansion of the existing use, and is covered under the previous TPR as stated in the condition of approval. The trip cap from the prior Plan/Zone Change can be applied to this case, as no additional trips will be generated by the addition of this property to the operation. The TPR analysis demonstrated that with the trip cap, the estimated traffic impact from possible future uses of the site will not exceed the impact under the prior land use designations. The analysis showed that the proposal complies with Goal 12.

Transit service is available in proximity to the subject property along Salem-Keizer Transit Routes 1 South Commercial, and Route 21 Rees Hill Loop. South Commercial and Sunnyside are also provided with bike lanes. These facilities provide transportation options in proximity to the site.

Because the transportation system provides adequate access to the property, the existing trip cap mitigates potential impacts and no significant adverse impacts to the transportation system are identified, and alternative means of transportation are available, the requirements of this Goal and the TPR are satisfied.

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

planned facility below the minimum acceptable level identified in the TSP.”

In 2011, as a condition of CPC-ZC11-06, a trip cap of 4,468 ADT was established for the existing facility. The applicant has recommended extending that trip cap to include the subject parcel (Tax Lot 800). The TPR analysis is required to demonstrate that the proposed CPC / ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the original analysis and concurs with the applicant's current recommendation to extend the trip cap adopted in CPC-ZC11-06 to include the 1.44 additional acres subject to this Comprehensive Plan Map Amendment. 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 4,468 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: *To conserve energy.*

Applicant Statement: The proposal helps this waste collection and transport operation to conserve energy. The company's location allows it to provide efficient service within its service territory. The proposal will facilitate the continued operation of the company at this location. The transportation system at this location provides for efficient access for employees and for the company's waste collection routes. These factors are consistent with the goal of conserving energy.

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

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Finding: This application does not affect urban growth areas, as the property has been within the City of Salem for many decades. The change in land use designation from Single Family Residential to Industrial Commercial is consistent with the designation of adjacent properties to the east, and will facilitate expansion of an existing permitted use (Heavy Vehicle and Trailer Service and Storage) across a contiguous land holding. Therefore, staff finds that the proposal is consistent with Goal 14.

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

Applicant Statement: The proposed change in the land use designation is appropriate for the subject site and the location considering its relationship to the adjacent, long-term D&O operation, the service that D&O provides to the area, and the defined boundaries of the southwest Solid Waste District. The business is the local refuse collection service, and serves residential, commercial, and industrial customers within the service area. The business maintains a recycling depot that is a convenience to the residents of the area.

The proposed change will have minimal effect on the land use pattern and the activities in the area. Improving the existing operating site promotes efficient service to the customers within the service area. For these reasons the proposed change benefits the public.

Finding: Staff concurs with the applicant's statement. The proposed Comprehensive Plan change to Industrial Commercial will allow for future improvement of the site and continued investment in the property, thereby making productive use of a property already served by existing utilities and infrastructure. The proposed amendment provides a general benefit by providing additional land for expansion of the adjacent Industrial Commercial use, thereby improving the economic development potential of the property. The proposal will facilitate improved provision of a widely used service within the local area. The proposal satisfies this criterion.

FINDINGS APPLYING TO THE NEIGHBORHOOD PLAN AMENDMENT

Applicant Statement: The D&O site is proposed to be designated Industrial Commercial. The Liberty-Boone Neighborhood Plan does not include that designation. The intent of the L-B Plan General Commercial designation is to provide for a wide variety of compatible commercial uses that will not interfere with the safe movements of pedestrian and vehicular traffic along major streets. The types of uses under this designation are all of those provided by the SACP. The intent of the L-B Plan Industrial designation is to provide sufficient land to maintain and improve the existing industrial use.

The existing D&O location pre-dates the L-B Plan. The current proposal is consistent with the combination of General Commercial and Industrial designations. The General Commercial designation provides for all of the commercial categories included in the SACP, which would include those of the I-C designation. The D&O location does not interfere with the movement of pedestrian or vehicular traffic along major streets. The intent of the Industrial designation was to recognize the existing industrial use, and the D&O operation existed at the time the L-B Plan was adopted. The combination of General Commercial and Industrial categories in the L-B Plan provide for the types of activities included in the SACP Industrial Commercial designation.

Goals and Policies: Land Use Goal 1 is to provide for future development of the neighborhood through a compatible balance of residential, commercial, industrial and open space uses. The D&O operation has been a part of the neighborhood since 1974 and is proven to be a compatible element of the neighborhood. The company provides an essential service to the neighborhood, which contributes to a compatible environment. The operation has not interfered with or restricted development on any nearby lands in the neighborhood. For these reasons the proposal is consistent with this goal.

The General Commercial policies provide for a wide range of commercial activities that will be compatible with surrounding properties and not interfere with the safe movement of pedestrian and vehicle traffic along major streets. The D&O operation has proven to be compatible with the surrounding properties. Commercial uses are to the east and north, and residential use is to the west and south. There has been no interference with any of these surrounding uses. The subject site fronts on Boone Road, now classified as a local street, and is close to Commercial Street, a Major Arterial. There is no evidence of traffic conflicts on Boone or Commercial as a result of the operation. To the contrary, due to the

hours of operation and the routes taken by the service vehicles, conflicts with traffic on the adjacent and nearby streets is avoided

The operation is not a pedestrian or bicycle-oriented business, and pedestrians or bicyclists do not typically access the site. There is no evidence of conflicts between the operation and pedestrian or bicycle traffic. Access points for the operation are regulated by the City. The subject site will access Boone Road through the adjacent D&O property and no new driveways are proposed for the subject site.

Industrial policy 27 requires sufficient land to be provided for existing industrial uses, to maintain the existing type of industrial activity. The proposal is consistent with this policy, and the IC zone fulfills the purpose of this policy. Although a zone change is requested it is to recognize the relationship of the subject property to the adjacent existing use. A new industrial use is not proposed, and policy 28 does not apply. Policy 29 also does not apply to this proposal.

The proposal is consistent with the intent of the L-B Plan to maintain compatible industrial and commercial uses within the neighborhood. The Plan does not provide a single designation that provides for the D&O use, but the intent of the Plan's policies is fulfilled by the proposed IC zone. For these reasons, the proposal is consistent with the L-B Plan.

Finding: The property is located within the boundaries of the Faye Wright Neighborhood Association and adjacent to the South Gateway Neighborhood Association. Neither the Faye Wright nor South Gateway Neighborhood Associations have adopted neighborhood plans. The subject property is also located within the boundaries of the former Liberty-Boone Neighborhood Association. The Liberty-Boone Neighborhood Plan was adopted under SRC 64.220, and is still in effect.

The Liberty-Boone Plan Map designates the subject property as Single Family Residential. The intent of the Liberty-Boone Single Family designation is to "provide for the single family residential character of the neighborhood while striving for innovative housing and site design." The Liberty-Boone Plan Map does not include an Industrial Commercial designation. The Industrial designation of the Liberty-Boone Plan Map best accommodates the proposed waste collection drop-box storage use. The intent of the Industrial designation is to "provide sufficient land to maintain and improve the existing industrial use." In addition, the neighborhood plan acknowledges the potential need to designate new industrial land, and establishes criteria to do so, under the Industrial Policies 27, 28, and 29. The applicant's statement sufficiently addresses these criteria. Staff finds that the proposal meets the applicable Industrial criteria in the Neighborhood Plan such that the proposed Industrial Commercial Comprehensive Plan Map designation of the subject property is consistent with the neighborhood plan policies.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR ZONE CHANGE

Salem Revised Code (SRC) 265.005(e)(1) sets forth the following criteria that must be met before approval can be granted to a quasi-judicial zone change. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings evaluating the tentative partition plan for conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change or for the issuance of certain

conditions to ensure the criteria are met. Pursuant to SRC 265.005(e)(2), the greater the impact of a proposed zone change on an area, the greater the burden on the applicant to demonstrate the criteria are satisfied.

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

Applicant Statement: The property is currently zoned RA. This zone does not allow the use of the site in conjunction with the waste collection service. The proposed IC zone is equally or better suited for the subject property because the parcel is adjacent to the existing D&O operation, and it can be incorporated into that operation. The Company has been at its current location since 1974, and its service area has experienced substantial growth and development since the time the Company located at this site. There is no other adjacent property that is available for the Company's use. The site is vacant so no existing development will be removed or displaced. The site is flat and there are no physical obstacles to its use for outdoor storage. The subject parcel will help to maintain and improve the existing operation by providing additional outdoor space for equipment and drop-box storage. The use of the site for this purpose will not generate additional traffic or require an additional driveway access to the street.

Because it is the only parcel that can be incorporated into the D&O operation, and will provide for the continued operation and maintenance of a local service that is essential to the functioning of the urban area, and no existing housing will be removed or displaced, the proposal is equally or better suited for the property than the existing designation.

Finding: As indicated by the applicant's statement, the request satisfies SRC 265.005(e)(1)(A)(iii). The development pattern of the surrounding area and constraints to residential development on Tax Lot 800 affect development of the subject property under its current zoning designations. Staff concurs that the proposed IC zone is equally or better suited for Tax Lot 800 than the existing RA zone. The proposal meets this criterion.

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

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

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

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 for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

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

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

Finding: The subject property is currently designated "Single Family Residential" on the Salem Area Comprehensive Plan Map. Because the subject property is designated "Single Family Residential," the proposed zone change from RA to IC does not require a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation. Therefore, this criterion is not applicable to the proposed zone change.

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

Applicant Statement: The zone change will add property to the existing D&O operation but will not increase the traffic generated by that operation. A limit on trips generated by the D&O operation was a condition of approval in CPC-ZC11-06. That limit can also be applied to this case, as the subject property will be used as a part of that operation. No change of use will result from the zone change. The transportation system was analyzed in the TPR report provided with the prior Plan/Zone Change application, and it concluded that while traffic could increase it would not have a significant adverse impact on the transportation system. Because the property will be used as a part of the existing operation

and will not generate new or additional traffic the zone change will not significantly affect a transportation facility.

Finding: The applicant has submitted a Transportation Planning Rule (TPR) analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC / ZC will have a significant effect on the transportation system as defined by *Oregon Administrative Rule (OAR) 660-012-0060* and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

In 2011, as a condition of CPC-ZC 11-06, a trip cap of 4,468 ADT was established for the existing facility. The applicant has recommended extending that trip cap to include the subject parcel. The TPR analysis is required to demonstrate that the proposed CPC / ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the original analysis and concurs with the recommendation to extend the trip cap of 4,468 ADT to include the 1.44 acres subject property. In order to assure that future uses of the property do not negatively affect the adjacent transportation system, the following condition is recommended:

Condition 1: At the time of development review for any proposed use on the combination of the subject property and the existing facility, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the combined properties shall be limited to a maximum of 4,468 average daily trips generated by the proposed use or uses.

The zone change, as proposed to be conditioned, satisfies this approval criterion.

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

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITIONAL USE

Salem Revised Code (SRC) 240.005(d) sets forth the criteria that must be met before approval can be granted to an application for a Conditional Use permit. Pursuant to SRC 225.005(e)(2) an application for a Conditional Use permit shall be approved if all of the applicable design review guidelines are met. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The requested conditional use is a series of gravel vehicle use areas to be used for waste collection drop-box storage and loading areas. SRC 806.080(e)(2) provides that paving is not required for gravel loading areas approved through a conditional use permit. The proposed use of the site as outdoor storage for waste collection drop-boxes is classified as Heavy Vehicle Trailer Service and Storage, an allowed use under the IC (Industrial Commercial) zoning proposed as part of this consolidated application.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: Potential adverse impacts of the proposal on the immediate neighborhood include increased traffic, increased noise, and the visual affect of large graveled areas on site. Staff finds that these impacts will be moderate, and that the proposed waste collection drop box storage with graveled vehicle use areas is generally consistent with the established character of the industrial and commercial uses to the east of the subject property. The applicant's statement indicates that no collected waste will be stored or brought to the site. Vehicle movements on the site will mainly be to pick up and return the drop boxes, and the surface will not be under constant vehicular activity. The site plan indicates that new landscaping is proposed along the perimeter of the property to minimize the visual impact and potential noise generated by the graveled vehicle use areas.

The applicant proposes to provide a 6-foot chain link fence with privacy slats approximately 11 feet and 7 inches inside the north property line, and landscape the area between the fence and the existing shoulder of Boone Road SE. However, the proposed development is subject to a special setback equal to 30 feet from centerline of Boone Road SE. If Boone Road is expanded in the future pursuant to this special setback, the landscaping installed north of the existing fence line would be removed. The applicant has designated a "landscape replacement area" extending 20 feet south of the fence where landscape screening removed as part of a future Boone Road expansion would be replaced. In order to ensure that adequate perimeter screening remains in place along the north property line, staff recommends the following condition:

Condition 1: Provide a 6-foot sight-obscuring fence and Type C perimeter landscaping along the north boundary of the subject property, between the existing fence line and Boone Road SE right-of-way, as shown in the site plan. In the event that Boone Road is expanded into the Special Setback, a 6-foot sight-obscuring fence and 20 feet of Type C landscaping shall be provided along the new north boundary of Tax Lot 800, within the "landscape replacement area" shown on the site plan.

The development, as proposed and conditioned, minimizes reasonably likely adverse impacts of the use on the immediate neighborhood.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of the surrounding property.

Finding: The site plan for the proposed development shows no anticipated change in the

use of the existing facility. Tax Lot 800 would be developed with a gravel outdoor storage area extending to landscaped perimeter areas and stormwater facilities on the north, south, and west boundaries. The applicant's written statement indicates that the proposal would not involve more traffic to the facility or more intensive use, but rather more area to carry out existing operations. Therefore, the effects of the subject development proposal on the neighborhood are anticipated to be less than would be associated with a more typical Industrial Commercial development.

Although not anticipated, there is a possibility that the site will be redeveloped in the future for an IC permitted use not currently allowed under Tax Lot 800's existing RA zoning. If that happens, one likely effect to the neighborhood could be increased traffic generated by the new IC use on Tax Lot 800, which abuts a residentially-zoned property to the west and is directly across from an existing manufactured dwelling park.

A recommended condition of the associated zone change of Tax Lot 800 is to extend the trip cap established under CPC-NPC-ZC11-06 for the existing development site to include Tax Lot 800. In addition, the applicant has proposed a condition limiting access to the development site to the existing driveway to Boone Road at the northeast corner of the facility. Consistent with the site plan included in the consolidated application, vehicles using the graveled waste collection drop-box area at the eastern portion of the property would use existing vehicle circulation areas to access that portion of the site. In order to ensure that impact on the livability of and appropriate development of adjacent residential properties is minimized, staff recommends the following condition:

Condition 2: Vehicular access to graveled vehicle use areas on Tax Lots 700, 800, and 801 shall be limited to the existing driveway from Boone Road SE to Tax Lot 400.

The proposal also includes new landscaping areas along the perimeter of the property. The proposed landscaping will move the property towards greater conformance with the minimum landscaping requirements of the zoning code and will help to minimize the impact of the use on residential properties in the vicinity.

As proposed and conditioned, staff finds that the proposal will have a minimal impact on the livability of the surrounding property.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

Finding: SRC 551.010(d)(3) requires that a minimum of 15 percent of the development site be landscaped. The proposal would incorporate the subject property for zoning applications (Tax Lot 800) into the existing D & O Garbage facility, including shared driveways, circulation, and other operations. Therefore, the 15 percent landscaping requirement pertains to the entire development site, including Tax Lots 400, 600, 700, and 801. The applicant's request describes the adjustment as reducing the landscaped total to 9.7 percent. However, areas inside a special setback cannot be counted toward total landscaped area. At the same time, areas within the special setback are not counted towards the overall development site in calculating this percentage. Therefore, staff has determined that the applicant's proposal would adjust the overall requirement for landscaped area to 7.5 percent.¹

The purpose of the specific development standard at issue, a minimum percentage of landscaped area within the overall development site, is consistent with the overall purpose statement for SRC Chapter 807 as follows: "improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City."

To equally or better meet the purpose of this standard, the overall development site must provide sufficient landscaping to fulfill these needs as they relate to the overall development site. The existing facility was primarily developed prior to the 15 percent landscaping requirement went into effect. Other than small areas of landscaped screening near the northwest corner of the facility, there is little remaining vegetation on the overall site and none on the interior portion of the site. Space constraints have necessitated the expansion of the facility onto Tax Lot 800, and the applicant does not propose to vacate any already occupied portions of the existing facility that could otherwise be used for interior landscaping. Instead, the applicant proposes to focus on the provision of enhanced landscaping along the north, south, and west perimeters of the site to ensure compatibility between the subject property and residential land uses in the vicinity.

The applicant's written statement contends that effectively screening the site with landscaped perimeter buffers will equally or better meet the underlying purpose of the requirement than interior landscaping which may not be visible from surrounding properties. Staff concurs and recommends the following condition to ensure perimeter landscaping is sufficient to offset the reduced interior landscaping on the development site:

Condition 1: Provide a 6-foot sight-obscuring fence and 10-foot wide Type D perimeter landscaping along the south boundary of Tax Lots 800 and 801.

¹ Overall site area minus landscaped area within the Special Setback equals 172,390 square feet. Landscaped area outside of the special setback (12,940 square feet) divided by the adjusted site area of 172,390 square feet equals 7.5 percent.

As proposed and conditioned, the proposal meets this criterion.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Applicant Statement: The subject property is proposed to be redesignated to IC, a non-residential zone. The properties to the west and north are in a residential zone. The property to the west is developed with a church and a residential care home. The property to the north, across Boone Road, is a manufactured home park. The distances between the subject property and the residential uses on the adjacent properties exceed what is typically found in residential areas. View-obscuring fencing encloses the subject property along its north, west, and south lines. The property will be used in conjunction with the existing D&O operation on the adjacent property to the east. The setbacks will be provided as required, which will provide the appropriate buffering between land uses. For these reasons, reducing the landscaped area of the parcel as proposed will not detract from the livability or appearance of the residential area.

Finding: Staff concurs with the findings included within the applicant's written statement. The applicant enhanced screening proposed by the applicant and required by recommended conditions of approval will provide a buffer between the development site and residential properties in the vicinity, to ensure the proposed development will not detract from the livability or appearance of the residential area. The proposal meets this criterion.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: The applicant is not requesting more than one adjustment. Therefore, this criterion is not applicable.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW

Salem Revised Code (SRC) 265.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 265.005(d)(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: The proposal would expand the existing waste collection drop-box storage area on Tax Lots 400, 600, 700, and 801 onto Tax Lot 800. New landscaped areas would be provided on the north, south, and west perimeters of Tax Lot 800; on the north and south perimeters of Tax Lot 801; and on the north frontage of Tax Lot 700. A 5,490 square foot rain garden stormwater infiltration facility would be provided along the full extent of the west property line as part of the landscaped perimeter.

The subject property is currently designated "Single Family Residential" and "Industrial Commercial" on the Salem Area Comprehensive Plan Map and zoned IC (Industrial Commercial) and RA (Residential Agriculture). The concurrent Plan Map and zone changed included in this proposal requests the zoning of the RA-zoned portion of the subject property to be changed IC (Industrial Commercial). The allowed uses and applicable development standards for developments within the IC zone are set forth under SRC Chapter 551.

The proposed development conforms to all applicable developments standard of the Unified Development Code (UDC) as described below:

SRC CHAPTER 551 (IC ZONE)

SRC 551.005 - Allowed Uses:

Allowed uses within the IC zone are identified under SRC 551.005, Table 551-1. The applicant proposes to expand the site of an existing waste collection drop box storage facility to include additional outdoor storage/vehicle use areas. The existing storage facility is classified as a Heavy Vehicle and Trailer Service and Storage use and permitted within the IC zone. The proposed development is therefore allowed on the subject property.

SRC 551.010(a) - Lot Standards:

Lot standards within the IC zone are established under SRC 551.010(a), Table 551-2. The IC zone requires a minimum street frontage of 40 feet. The IC zone does not include minimum standards for lot area, lot width, or lot depth. Each lot within the development site has greater than 40 feet of frontage on both Boone Road and Kuebler Boulevard, thereby meeting the minimum frontage standard for the IC zone.

SRC 551.010(b) - Setbacks:

Setbacks for buildings, accessory structures, and parking and vehicle uses areas within the IC zone are generally established under SRC 551.010(b), Tables 551-3 and 551-4. The applicant does not propose any additional buildings. As shown on the site plan for the proposed development, the new vehicle use areas on Tax Lot 800 meet all applicable setbacks.

As shown on the site plan, the proposed new storage area conforms to the minimum required setbacks for vehicle use areas within the IC zone.

SRC 551.010(d) - Landscaping:

Landscaping requirements with the IC zone are established under SRC 551.010(d). Required setbacks shall be landscaped in accordance with the SRC Chapter 807 (Landscaping). Parking and vehicle use areas shall be landscaped in accordance with SRC Chapter 806 (Off-Street Parking, Loading, & Driveways) and SRC Chapter 807 (Landscaping).

As shown on the site plan for the proposed development, required setbacks and

parking and vehicle use areas are landscaped in conformance with the requirements of SRC Chapters 806 and 807.

SRC 551.010(d)(3) requires that a minimum of 15 percent of the development site be landscaped. The applicant has requested an adjustment to reduce this amount to 7.5 percent, as described in findings above addressing the applicable criteria for a Class 2 Adjustment.

SRC CHAPTER 806 (OFF-STREET PARKING, LOADING, & DRIVEWAYS)

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

Off-Street Parking: Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. The minimum off-street parking requirement for Heavy Vehicle and Trailer Service and Storage is 1 space per 900 square feet of gross floor area. The development site includes 3 buildings totaling approximately 7,620 square feet of gross floor area. The applicant does not propose any additional buildings or increase in floor space.

Maximum off-street parking requirements are established under SRC Chapter 806, Table 806-2. The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. If the minimum number of spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum allowed parking is 1.75 times the minimum number of spaces required.

The 7,620 square feet of gross floor area within the development site result in the following off-street parking requirement:

- **Minimum Required Off-Street Parking:** 9 spaces
- **Maximum Required Off-Street Parking:** 23 spaces

As shown on the site plan for the proposed development, a total of 14 parking spaces are provided within the development site, all adjacent to existing buildings on the northeast portion of the facility. The 14 parking spaces proposed meet off-street parking requirements.

Bicycle Parking: Minimum bicycle parking requirements are established under SRC Chapter 806, Table 806-8. The minimum bicycle parking requirement for Heavy Vehicle and Trailer Service and Storage is one space per 9,000 square feet of gross floor area. The 7,620 square feet of gross floor area within the development do not reach the minimum threshold for a minimum bicycle parking requirement for the proposed use. Therefore, no bicycle parking is required with the proposed development.

Loading: Minimum loading requirements are established under SRC Chapter 806, Table 806-9. The minimum loading requirement for Heavy Vehicle and Trailer Service and Storage uses with less than 5,000 square feet of gross floor area is to

provide one loading space a minimum of 12 feet in width, 40 feet in length, and 14 feet in height. The existing development site consists of extensive areas dedicated to loading and unloading of waste disposal drop boxes. The subject application proposes to add more than one acre of loading space. The proposal meets this standard.

SRC CHAPTER 808 (PRESERVATION OF TREES & VEGETATION)

The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater*), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Pursuant to SRC 808.035(a), a tree conservation plan is not required in conjunction with the proposed development because the proposal does not involve the creation of lots or parcels to be used for the construction of single family or duplex dwelling units. The removal of trees from the property cannot occur without first obtaining the necessary approvals established under SRC Chapter 808. Removal of trees from within the right-of-way of public streets is subject to the requirements and separate approval process of SRC Chapter 86.

SRC 265.005(d)(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

Applicant Statement: The D&O property is served by Boone Road. Access to the subject site will be from the driveways serving the existing D&O facilities. No new driveways are planned. The proposal is an expansion of the existing site, and the proposed use itself will not generate new traffic, as the storage area is accessory to the existing D&O operation. A TPR report was prepared for CPC-ZC 11-06, which redesignated the existing D&O operating site to IC. A condition of approval based on the recommendation of that TPR report applied a trip cap of 4,468 ADT to the existing use, an expansion of that use, and a change of use. The trip cap represents the average daily volume of traffic that could be generated without significant adverse impact to the transportation system. This proposal is an expansion of the existing use, which is addressed by the condition of approval on the prior Plan/Zone change. Boone Road is a direct link to Commercial Street and to Sunnyview Road, which are both Arterials, and no improvements to the street system are required for the proposed use. Because no additional traffic will be generated, and because the expansion is addressed and mitigated by the existing trip cap, there will be no adverse impacts on the transportation system, and the existing transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development.

Finding: Staff concurs with the applicant's statement and finds that the proposal, as conditioned, conforms to this criterion.

SRC 265.005(d)(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Applicant Statement: The proposed use is an outdoor storage area for equipment used in the waste collection and transporting operation. The proposal itself is not specifically for a parking area, and no new driveways to the street are proposed. Parking is already provided on the adjacent D&O site, and access to the subject parcel will be provided through that adjacent property. The nature of the operation is not conducive or appropriate for pedestrians or bicycles, but the existing customer parking area and driveway provide for safe and efficient movements of vehicles within the property, and the driveways provide convenient and proximate access to the business office for vehicles, bicycles and pedestrians. The proposed use will not change the existing pattern of access to or from the property. For these reasons the safe and efficient movement of vehicles, bicycles and pedestrians to and from the property will be maintained.

Finding: Vehicular access to the development site is provided via an existing driveway approach onto Boone Road SE and in internal system of driveways running throughout the interior of the development. The applicant has not proposed any changes to the existing access or circulation patterns.

The development, as proposed to be conditioned, ensures safe and efficient movement of vehicles, bicycles, and pedestrians. This criterion is met.

SRC 265.005(d)(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's proposal for this site. The water, sewer, and storm infrastructure are available within surrounding streets and areas and are adequate to serve the proposed use in the existing buildings. The Public Works Department has reviewed the applicant's proposal for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed expansion of the existing use. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a)-or-(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. In order to ensure required stormwater facilities are installed concurrent with the development, the following condition of approval shall apply:

Condition 4: Design and construct storm drainage system according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment, Zone Change, Conditional Use, Class 2 Adjustment, and Class 3 Site Plan Review, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2), SRC 265.005(e)(1), SRC 240.005(d), SRC 250.005(d)(2), and SRC 220.005(f)(3) for approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property located in the 1000 Block of Boone Road SE (Marion County Assessor Map and Tax Lot number: 083W15AA00800):

- A. The Comprehensive Plan Map Amendment, to change the designation of the subject property from "Single Family Residential" to "Industrial Commercial" be **APPROVED**.
- B. The Zone Change, to change the zoning of the subject property from RA (Residential Agriculture) to IC (Industrial Commercial) be **APPROVED**, subject to the following condition:

Condition 1: At the time of development review for any proposed use on the combination of the subject property and the existing facility, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the combined properties shall be limited to a maximum of 4,468 average daily trips generated by the proposed use or uses.

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following action for the subject property located in the 1000 Block of Boone Road SE and 1060-1140 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: **083W15AA00400; 0600; 0700; 0800; and 0801**):

- C. The Conditional Use permit, to allow gravel surfacing of vehicle storage areas on the new and existing portions of the development site, be **APPROVED**, subject to the following conditions:

Condition 1: Provide a 6-foot sight-obscuring fence and Type C perimeter landscaping along the north boundary of the subject property, between the existing fence line and Boone Road SE right-of-way, as shown in the site plan. In the event that Boone Road is expanded into the Special Setback, a 6-foot sight-obscuring fence and 20 feet of Type C landscaping shall be provided along the new north boundary of Tax Lot 800, within the "landscape replacement area" shown on the site plan.

Condition 2: Vehicular access to graveled vehicle use areas on Tax Lots 700, 800,

and 801 shall be limited to the existing driveway from Boone Road SE to Tax Lot 400.

- D. The proposed Class 2 Adjustment, to reduce the minimum landscaped percentage of development site from 15 percent to ~~9.7~~7.5 percent be **APPROVED**, subject to the following conditions:

Condition 1: Provide a 6-foot sight-obscuring fence and 10-foot wide Type D perimeter landscaping along the south boundary of Tax Lots 800 and 801.

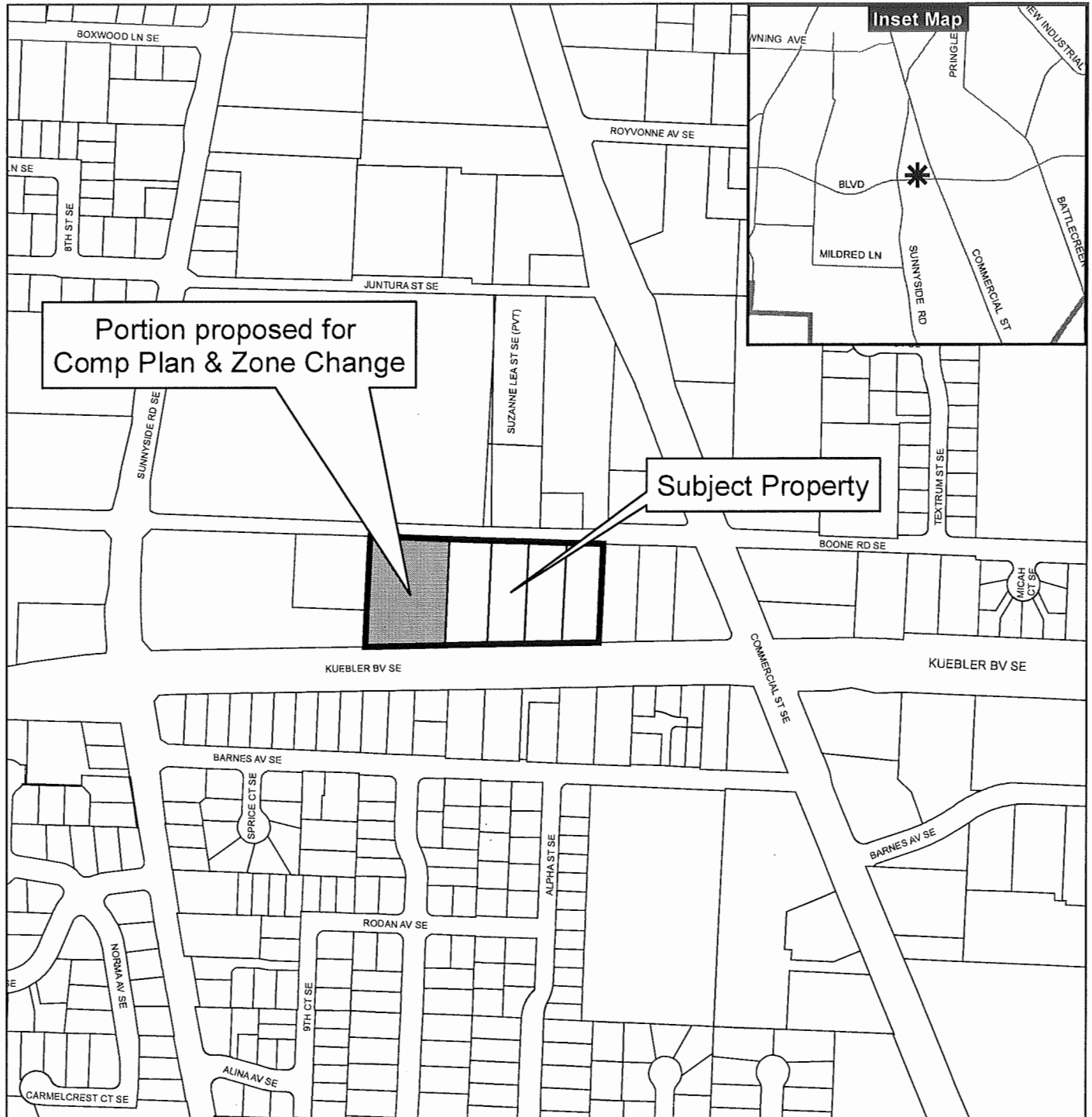
- E. The proposed Class 3 Site Plan Review for the proposed expansion of the existing facility onto Tax Lot 800 be **APPROVED**, subject to the following condition:

Condition 1: Design and construct storm drainage system according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.








- Attachments:** A. Vicinity Map
B. Applicant's Proposed Site Plan
C. Public Works Department Comments
D. Applicant's Written Statement for Consolidated Application
E. TPR Analysis for CPC-NPC-ZC11-06

Prepared by Christopher Green, Planner II *CSG*

Vicinity Map 1000 Block of Boone Road SE



Legend

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

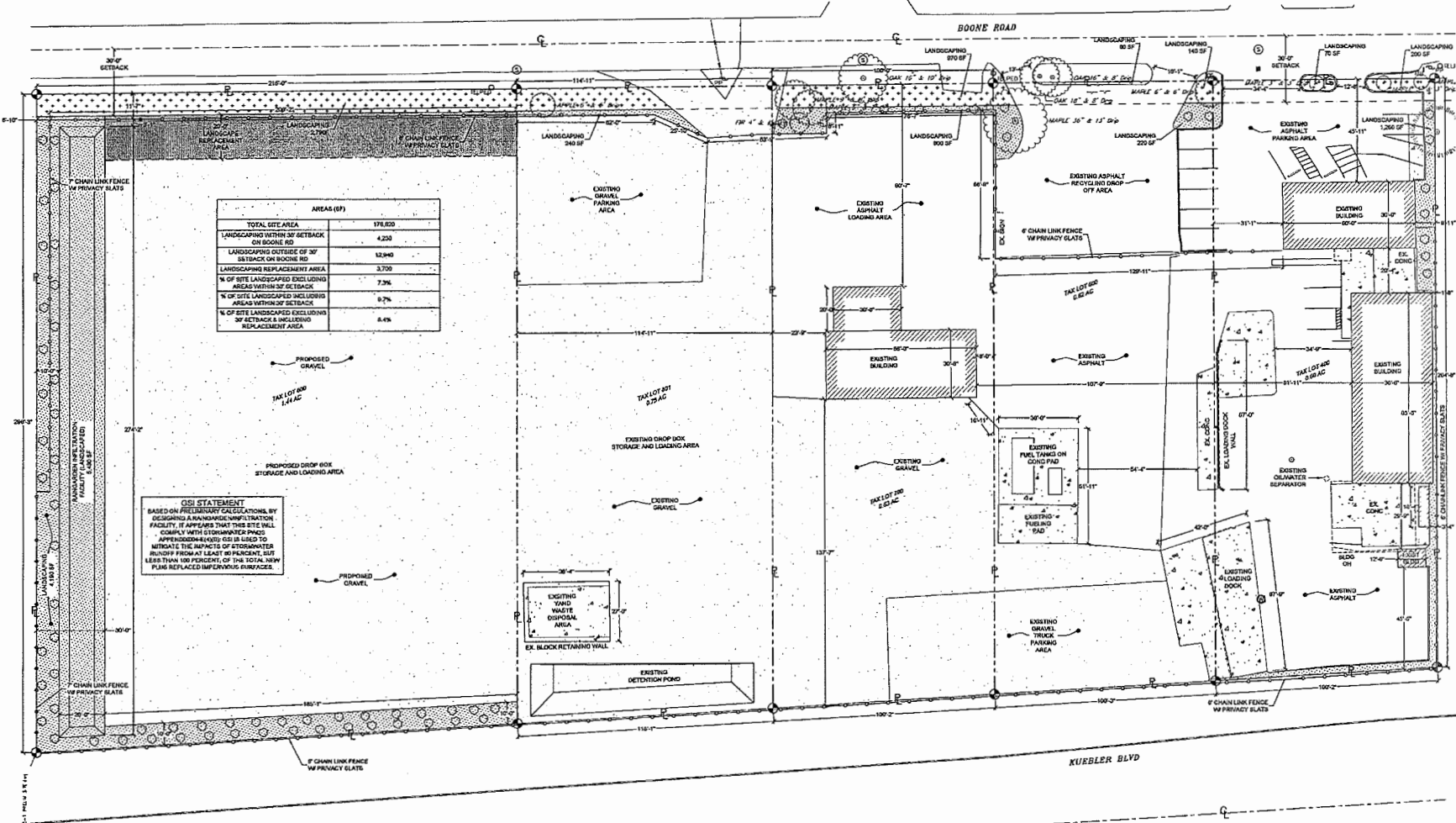


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ATTACHMENT B

REV.	DATE	DESCRIPTION



AREAS (SF)	
TOTAL SITE AREA	178,820
LANDSCAPING WITHIN 30' SETBACK ON BOONE RD	4,200
LANDSCAPING OUTSIDE OF 30' SETBACK ON BOONE RD	12,940
LANDSCAPING REPLACEMENT AREA	3,700
% OF SITE LANDSCAPED EXCLUDING AREAS WITHIN 30' SETBACK	7.3%
% OF SITE LANDSCAPED INCLUDING AREAS WITHIN 30' SETBACK	9.7%
% OF SITE LANDSCAPED EXCLUDING 30' SETBACK & INCLUDING REPLACEMENT AREA	6.6%

OSI STATEMENT
 BASED ON PRELIMINARY CALCULATIONS BY DESIGNING A MANAGED WASTE TREATMENT FACILITY, IT APPEARS THAT THIS SITE WILL COMPLETELY OFFSET THE IMPACTS OF FRESHWATER RUNOFF FROM AT LEAST 90 PERCENT, BUT LESS THAN 100 PERCENT OF THE TOTAL NEW PAVING REPLACED IMPERVIOUS SURFACES.

SITE PLAN
 1" = 20'-0"

PRELIMINARY
 NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION
 PLOT DATE: 09/20/15
 LSCB DRAWING

Locke CIVIL & STRUCTURAL ENGINEERS
 1376 LOCKE ST. SE. SALEM, OREGON 97302
 Voice: 503.366.8207 Fax: 503.366.4735
 www.LockeEngineers.com

D & O GARBAGE SERVICE
 DROP BOX STORAGE AREA
 1140 BOONE ROAD SE
 SALEM, OREGON 97302
SITE PLAN

JOB NO.	15055-1
DATE	3 SEP 2015
DESIGN BY	CF
CHECKED BY	CF
SHEET	1

RECEIVED
 SEP 11 2015
 COMMUNITY DEVELOPMENT

RECEIVED

ATTACHMENT C

OCT 12 2015



COMMUNITY DEVELOPMENT

MEMO

TO: Christopher Green, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department *Zodd K*

DATE: October 12, 2015

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-NPC-ZC-CU-ADJ-SPR15-02 (15-111933-RP)
1000 BLOCK OF BOONE ROAD SE
PROPOSED EXPANSION OF EXISTING D & O GARBAGE STORAGE
FACILITY ONTO VACANT LOT**

PROPOSAL

A consolidated application to allow expansion of the existing D & O Garbage office and storage facility onto a vacant bordering property (Tax Lot 800), including the following:

1. A proposed Salem Area Comprehensive Plan (SACP) Map Amendment and Neighborhood Plan Amendment to change the SACP Map designation of Tax Lot 800 from Single Family Residential to Industrial Commercial; and
2. A proposed Zone Change of Tax Lot 800 from RA (Residential Agriculture) to IC (Industrial Commercial); and
3. A Conditional Use to allow gravel surfacing of vehicle storage areas on the new and existing portions of the facility; and
4. A Class 2 Adjustment to reduce the minimum landscaping of the new and existing portions of the facility from 15 percent to 9.7 percent; and
5. A Class 3 Site Plan Review for the proposed expansion of the existing facility onto Tax Lot 800.

Tax Lot 800, the subject property for the Comprehensive Plan Map, Neighborhood Plan Change, and Zone Change is approximately 1.44 acres in size, zoned RA (Residential Agriculture) and is located in the 1000 block of Boone Road SE (Marion County Assessor Map and Tax Lot number: 083W15AA00800). The existing facility consists of four lots totaling 1.85 acres in size, zoned IC (Industrial Commercial), and located at 1060-1140 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: 083W15AA00400; 0600; 0700; and 0801).

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

RECOMMENDED CONDITIONS OF SITE PLAN REVIEW APPROVAL

Design and construct storm drainage system according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

RECOMMENDED CONDITIONS OF COMPREHENSIVE PLAN CHANGE APPROVAL

At the time of development review for any proposed use on the combination of the subject property and the existing facility, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the combined properties shall be limited to a maximum of 4,468 average daily trips generated by the proposed use or uses.

FACTS

Streets

1. Boone Road SE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—There is an approximate 24- to 27-foot improvement within a 37- to 40-foot-wide right-of-way adjacent to the subject property.
2. Kuebler Boulevard SE
 - a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Existing Conditions—There is an approximate 70-foot improvement within a 120-foot-wide right-of-way adjacent to the subject property.

Storm Drainage

Existing Conditions—A 12-inch storm line is located in Kuebler Boulevard SE. There is a 12-inch private storm line running along the south side of the subject property.

Water

Existing Conditions

- a. An 18-inch S-2 water line is located in Boone Road SE.
- b. An 8-inch S-2 water line is located in Boone Road SE.

Sanitary Sewer

Existing Conditions—An 8-inch sewer line is located in Boone Road SE.

CRITERIA AND FINDINGS

COMPREHENSIVE PLAN CHANGE CRITERIA:

Criteria: 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 Transportation Planning Rule (TPR) analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC / ZC will have a significant effect on the transportation system as defined by *Oregon Administrative Rule* (OAR) 660-012-0060 and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

In 2011, as a condition of CPC-ZC 11-06, a trip cap of 4,468 ADT was established for the existing facility. The applicant has recommended extending that trip cap to include the subject parcel. The TPR analysis is required to demonstrate that the proposed CPC / ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the original analysis and concurs with the recommendation to extend the trip cap of 4,468 ADT to include the 1.44 acres subject property.

SITE PLAN REVIEW CRITERIA

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria—The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding—The existing street system is adequate to serve the proposed development and the development is not proposing a building addition pursuant to SRC 803.040(a); therefore, no right-of-way dedication or street improvements are required.

The proposed development is subject to a special setback equal to 30 feet from centerline of Boone Road SE. No structures, paving, or required landscaping may be placed within these special setbacks.

Criteria—**Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.**

Finding—The applicant proposed to provide vehicular access to the property by using the existing driveways on neighboring property to the east. The existing driveways are adequate and do not warrant modification to serve the proposed development.

Criteria—**The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.**

Finding—The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant shall design and construct a storm drainage system according to the PWDS and to the satisfaction of the Public Works Director.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)-(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

Prepared by: Todd Klocke, Project Coordinator
cc: File

BACKGROUND

D&O Garbage Service provides solid waste collection and transporting services within the city of Salem, and adjacent areas of rural Marion County. The company had its beginnings in Salem in 1956, when a refuse collection service was begun by Dave Neliton and a partner. Dave Neliton assumed sole ownership in 1979. The company has operated from its location on Boone Road, just west of Commercial St. SE, since 1974. This location is composed of four contiguous tax lots totaling approximately 2.8 acres, bordering the south side of Boone Road and the north side of Kuebler Blvd. The parcels are owned by the Dale and Mildred Neliton Trust, Dale and Mildred Neliton Trustees, and Neliton Investments LLC. The Company's business office address is 1140 Boone Road SE, and the property is identified on Assessor's map T8S R3W Section 15AA as Tax Lots 400, 600, 700, and 801. The property is designated Industrial-Commercial the Comprehensive Plan map, and it is zoned IC (CPC-ZC-NPC 11-06).

The company is one of eight refuse collection services that operate in the city and surrounding area. The service area of each of the collectors is set by Marion County, and referred to as Solid Waste Districts. D&O operates in two Solid Waste Districts, one in southwest Salem and another in the northeast area. Both of D&O's Districts include urban and rural areas. The southwest District includes a larger part of the city than the northeast area, which encompasses primarily rural land outside of the UGB. The part of the southwest District that is in the city is bounded, generally, by Commercial Street SE on east, Cinnamon Hill Drive and Davis Road on the south, Croisan Creek Road on the west, and River Road on the north. The company has approximately 10,000 customers in this area. The small part of the northeast District that is in the city is bounded, generally, by Sunnyview Road (east of 45th) on the south, Ward Dr. on the north, and Cordon Road on the east. The company has approximately 3,500 customers in that area. The operating districts are shown on the attached map, "Marion County Solid Waste Districts Salem Area".

The Company's business consists of collecting solid waste at the homes and businesses where it is generated within its Service Districts, and transporting the collected waste material to a specified disposal site under County directives. The disposal sites currently consist primarily of the Marion County (Covanta) Burn Plant located at Brooks, and occasionally the Coffin Butte Landfill in Benton County, located off of Highway 99W north of Corvallis. The

activities at the Company's Boone Road site include the business office, vehicle parking and maintenance; drop-box storage, equipment cleaning and repair, residential waste roller cart storage, and the recycling depot. No waste disposal takes place at this location. A small recycling depot is maintained at the site as a convenience to the neighborhood. The depot accepts materials including newspaper, cardboard, glass, plastics, metals, and batteries. Of note, the proceeds from the bottle recycling activity are donated to local nonprofit groups, such as school activity organizations.

As the developed urban area and its population have grown over the years the company has expanded to meet the requirements of serving the area, by adding equipment and employees. The vehicles and equipment used in the operation have also changed during this period, including the introduction of larger, articulated trucks with automated lifts and compaction mechanisms. The addition of vehicles and equipment to serve the expanded population has required new and larger maintenance facilities, and additional space for parking and for outdoor storage of equipment such as drop boxes and roller carts. Due to the recent addition of an expanded maintenance shop and a new vehicle wash facility, the use of the existing property is nearing its practical capacity.

The Proposal

To provide additional outdoor storage space for drop boxes and other equipment Neliton Investments LLC proposes to add the adjacent parcel to the west (the "subject parcel") to the existing D&O operating site. This parcel is 1.44 acres of vacant land, identified as Tax Lot 800. The parcel was formerly owned by the church which is located immediately west on Tax Lot 900.

The subject parcel is designated Single Family Residential on the Salem Area Comprehensive Plan (SACP) land use map and it is zoned RA. These classifications do not provide for its use as part of the waste collection service. The D&O use is described in UDC 400.055(g) Heavy Vehicle and Trailer Service and Storage, which includes "storage and maintenance facilities for establishments that collect solid waste". This use is included as Permitted in the IC zone, UDC Chapter 551, Table 551-1. (Recycling depots are described in UDC 400.110 (g) Waste-Related Facilities, and are also a Permitted use in the IC zone.)

Therefore, in order to incorporate the additional property into the operation, Neliton Investments LLC requests a Comprehensive Plan Map Amendment to the Industrial Commercial designation, and a corresponding Zone Change to IC. The proposed change will result in a uniform classification for the overall D&O operating site.

A Pre-Application Conference on this proposal was held on May 28, 2015, Pre-App 15-31.

Relationship to the Neighborhood

The D&O operation is part of a cluster of commercial activities located along Boone Road west of Commercial St. SE. Boone Road was formerly the main east-west connection between Commercial Street and Sunnyside Road, but its function was reduced to providing local access after the opening of Kuebler Blvd. Kuebler Blvd. now borders the south side of the properties located south of Boone Road. Boone Road is now classified as a local street in the Salem Transportation System Plan (STSP), and Kuebler is classified as a Parkway. There is no direct access from the properties south of Boone Road to Kuebler.

The southwest corner of Boone at Commercial is occupied by Shari's restaurant, which occupies Tax Lots 100 and 200. The next property to the west, Tax Lot 300 which borders D&O, is used as a cabinet shop. Both of those sites are zoned CG. The northwest corner of Boone and Commercial, Tax Lot 2701, is a retail building occupied by a convenience market, pizza store, and check cashing businesses. To the west along the north side of Boone is an auto repair shop, and watercraft sales and service (Allen Marine). These activities are also zoned CG. A single-family house located along the north side of the Boone Rd. frontage on Tax Lot 2600 is also zoned CG.

To the west of the commercial area, the north side of Boone Road is occupied by residential use, including a Suzanne Lea complex of duplexes, then the large Sunnyside Mobile Home Park, which extends to Sunnyside Road. The duplexes and the mobile home park are zoned RM2. The south side of Boone, west of the subject parcel, includes the church and the Farmington Square residential care home, which are also zoned RM2.

The use of the subject parcel will be integrated into the existing D&O operation through the use of view-obscuring fencing on its north, west and south boundaries, and by limiting its

street access to the use of the existing D&O driveways. There will be no new driveways onto Boone Road. With these measures, redesignating the parcel to I-C will have little effect on the neighborhood. The business is an integral part of the neighborhood and has been there longer than most of the residential activities. Traffic from the business is generated primarily in the early morning and mid-afternoon hours, as corresponds to the cycle of waste collection activity. There is relatively little traffic at other times, and that consists of area residents using the recycling facility or coming to the business office. The business is involved in and participates in the life of its neighborhood. The proposal will maintain the existing business and will not introduce a new activity into the neighborhood.

CRITERIA

Salem Area Comprehensive Plan

The proposal is classified as a Minor Plan Map Amendment. A Minor Plan Map Amendment is reviewed according to the criteria in UDC 64.025(e)(2). The criteria are addressed as follows:

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

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

This proposal is justified based on **(ii)**. The proposed Industrial Commercial designation is equally or better suited for the subject property than the existing Single Family Residential designation because the parcel is adjacent to the existing D&O Garbage Service operation, and it will be incorporated into that operation. The Company has been at its current location since 1974. Its location is within the larger of its two Service Districts, which has the larger area within the city of the two Districts it serves. This part of the service area has experienced substantial growth since the company located at this site, and additional growth is expected. There is no other adjacent property that is vacant and available for the Company's use. The subject parcel will help to maintain and improve the existing operation by providing additional space for outdoor storage of drop boxes and equipment. The use of the site for this purpose will not generate additional traffic or require an additional driveway access to the street.

There is no single-family housing along this section of Boone Road, and the site is not especially well suited for that purpose due its location Kuebler and...??

Because it is the only parcel that can be incorporated into the D&O operation, and will provide for the continued operation and maintenance of a local service that is essential to the functioning of the urban area, and no existing housing will be removed or displaced, the proposal is equally or better suited for the property than the existing designation.

(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.

All public facilities and services necessary and required to for the proposed use are available to the property. The use of the parcel for outdoor storage will not require additional public services. The property is in a highly developed part of the city which is currently served by public facilities. The Company's existing location is fully served, as are the surrounding commercial and residential properties. In its Findings attached to the Pre-Application Summary report, the Public Works Dept. found that the water, sewer, and stormwater facilities are available to this location and are adequate to serve the proposed use. Site-specific requirements will be addressed in the Site Plan Review. Based on the existing conditions and the findings of the Public Works Dept., this criterion is satisfied.

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

The property is in a fully urbanized part of the city. The existing business location is part of the commercial services corridor based on proximity to Commercial St. The Company was established at its current location prior to the creation of Kuebler Blvd. and the subsequent limitations on the Boone Rd. at Commercial intersection. The existing D&O site is highly developed with facilities that are specific to the operation and maintenance of the business. The subject parcel is the only vacant land adjacent to the existing operation, as well as along Boone Road between Commercial and Sunnyside. The existing operation is already designated IC, and the proposal will result in a uniform designation for the operating site, which creates a logical pattern at this location. All necessary public facilities and services are or can be made available to the property. A cap on the traffic generation of the operation, applied to the 2011 Plan/Zone Change, included expansion of the business and covers this proposal. That traffic study showed that with the limitation on trips, the zone change would not create a significant

impact on the transportation system. The proposal is a consistent extension of the existing use and land use pattern, and will not adversely impact public facilities, services, or streets. For these reasons the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

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

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

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

The existing D&O location is a long-standing and integral part of the land use pattern in its area. It is a business that provides an essential service to the population within its designated Service District. The establishment of the business at its existing location pre-dates the adoption of the Plan. The current designation of the subject parcel as Single Family Residential does not represent the predominant pattern of land use in the area, and so is not consistent with the Plan's intent. The Plan's methodology is to rezone land over time in response to changing needs and conditions, and to recognize that land use and zoning are expected to change as conditions change. The proposed change in the Plan map designation for the subject parcel will contribute to maintaining and improving the D&O operation, and it is consistent with the directive to recognize the needs of the existing use that is at this location.

Part IV. Salem Urban Area Goals and Policies

The Industrial-Commercial designation provides for both commercial and industrial uses, therefore the policies for both commercial and industrial development are addressed.

G. Commercial Development

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

D&O Garbage Service is a waste collection and transporting business, which is a service that is essential to the urban population. The proposed addition to their operating facility will help to maintain and promote the urban area as a commercial center by maintaining the operation of this essential service. The D&O site is part of a mix of retail and service businesses on Boone Road west of Commercial Street. The location has nearby links to the major elements of the transportation system, including Commercial St., Sunnyside Road, and Kuebler Blvd., that provide access to the Company's service areas. For these reasons, the proposal will help to maintain an essential service within the urban area, which supports the city as a commercial center for the Marion-Polk County metropolitan area, in keeping with this Goal.

The following Commercial Development Policies apply to this proposal:

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

The existing use is a service business that serves a defined area. It is already established at this location and the subject parcel is adjacent to the existing operation. The subject parcel will be used for outdoor storage and no new development is planned at this time. If new development is proposed in the future, the development plans will be submitted for review and will address the applicable Code requirements. Public facilities are in place or can be made available to accommodate future development on the site.

3. Redevelopment: *Redevelopment of existing shopping and service facilities should be encouraged where appropriate.*

The subject parcel is vacant. The proposed use, outdoor storage, is accessory to the existing waste collection and transporting operation on the adjacent property. The proposal does not involve redevelopment of an existing shopping or service facility.

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

The existing use provides waste collection services in the south-west Solid Waste District, as shown on the Marion County Service District map. The business is situated approximately 250' west of Commercial St., which is a Major Arterial. Kuebler Blvd, a Parkway (a type of Major Arterial), is adjacent on the south. Prior to the construction of Kuebler, Boone Road was a major east-west route in south Salem. Following the opening of Kuebler Blvd. Boone Road, between Sunnyview and Commercial, was reclassified as a local street.

There is adequate parking on the site for employees and customers. Service areas are provided for the Company's vehicles and equipment, and for the public recycling depot. The business is specific to a designated Service District and not attract customer traffic from outside its District. The recycling depot is the main public attractant and provides an important service to the neighborhood by allowing recyclable materials to be dropped off at a convenient location. Boone Road is the only local street affected, and it is accessed from Sunnyside Road and Commercial Street, both of which are arterials. Because of the close spacing between Boone Road and Kuebler there is only right-in/right-out driveway access onto Commercial south of Boone, for the Shari's restaurant. Because the operation has access to the arterials, has adequate on-site parking for employees and customers, and does not attract traffic from outside of its Service District, the proposal is consistent with this policy.

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

The existing facility is not a new development, and the subject parcel will not create a new use or development. The use is part of an existing development pattern, which consists of a variety of commercial uses clustered just west of Commercial Street along Boone Road. Prior to the opening of Kuebler Blvd. Boone Road functioned as a collector. The use provides an

essential service to an area composed of several neighborhoods that are within the designated Solid Waste District. Based on these factors the proposal conforms to this policy.

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

The land to the west of the subject parcel is designated for residential use. A 30' wide buffer is required inside the west line of the subject property. However, the northern two-thirds of the west line borders property occupied by a church. The church parking lot is adjacent to the property line, and the building is a minimum of 75' from the property line. A unit of the residential care home is west of the southern third of the west line. That buildings is 125' from the property line. Considering these uses and their location relative to the common property line, the Applicant is requesting an Adjustment to reduce the required setback to 15'. The Adjustment is addressed separately in a following section of this report.

I. Industrial Development

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

The proposal is made to improve the operation and function of D&O Garbage Service, which is a long established existing use. The use is refuse collection and removal, and its service includes industrial customers within its two Service Areas. Refuse collection and removal is essential to industrial activity. An efficient and economical system of refuse collection and removal from industrial operations to approved and regulated disposal sites helps to minimize air and water pollution that could otherwise occur as a result of unregulated transport or disposal. By improving the operation of a service that supports industrial activity the proposed change to I-C serves to strengthen the economic base of the community, in keeping with this Goal.

Industrial Lands Policies

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

The proposal will help to improve the operation of an existing waste collection and transporting service at its long-term location within its service area. The proposal will not alter

the industrial land inventory. By maintaining the site of an existing use the proposal is consistent with this policy.

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

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

Redesignating the site to I-C serves the community's interests by improving the facilities of the refuse collection service for the southwest part of the urban area. This will contribute to its efficient and economical operation. Since the use is existing at this location the long-term continuity of the industrial inventory will not be affected. The proposal satisfies *a.*

and

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

The proposal is consistent with this guideline because it is a boundary adjustment that allows expansion of the existing, adjacent use;

And

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

In this case there is a need to expand the existing use to provide more space to its operating site. D&O has operated from this location since 1974, which predates the adoption of the Plan. Since that time there has been substantial growth in the geographical extent and the population in the southwest part of the urban area. Serving the expanding area and population has required the addition of collection vehicles, equipment, and employees to the business. This has also created the need for larger maintenance facilities and additional outdoor storage. Improvements to the operating facilities have been made over time, and additional space is now needed for outdoor storage of equipment and drop boxes. The business has continually operated compatibly with the surrounding neighborhood. The proposed I-C designation will be consistent with the long-term existing location of the business, and it does not constitute an actual expansion of the industrial inventory. For these reasons the proposal is satisfies this policy.

Or

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

D&O Garbage Service is an existing use and will incorporate the subject parcel into its operation, which makes the proposal a specific, verifiable development project.

and

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

The subject parcel will be used for outdoor storage of equipment as part of the daily operation of the adjacent waste collection operation. This activity cannot be accommodated at a location that is not adjacent to the existing operation.

and

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

All necessary public facilities and services are available or can be provided to serve the continued use and development of this site. Any additional service requirements will be identified at the time additional development permits are requested.

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

The subject site is already served by public facilities, services and utilities. No system expansions are needed at this time.

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

The proposed redesignation of the subject property will recognize the existing adjacent use. This will provide the business with the opportunity to improve and maintain the facilities at this location. The IC zone specifically provides for this type of industrial-service activity.

Because the proposed change will help to maintain the existing use, and changing the designation will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Industrial Development Goals and Policies are satisfied.

For the reasons, factors, and conditions that have been described, the proposal conforms to the requirements and guidelines of the Goals and Policies for Commercial Development and those for Industrial Development.

(6) The proposed change benefits the public:

The proposed change in the land use designation is appropriate for the subject site and the location considering its relationship to the adjacent, long-term D&O operation, the service that D&O provides to the area, and the defined boundaries of the southwest Solid Waste District. The business is the local refuse collection service, and serves residential, commercial, and industrial customers within the service area. The business maintains a recycling depot that is a convenience to the residents of the area. The proposed change will have minimal effect on the land use pattern and the activities in the area. Improving the existing operating site promotes efficient service to the customers within the service area. For these reasons the proposed change benefits the public.

Based on the reasons and factors that have been presented, the proposal satisfies the criteria for a Comprehensive Plan Map Amendment.

Statewide Planning Goals

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

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

The City's Comprehensive Plan 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 and its applicable goals and policies, and under its implementing ordinances. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

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

This Goal does not apply. The property has not been identified in the Comp Plan as open space, as a scenic, historic, cultural, or natural resource, or as a recreation site. The property has no qualities or characteristics that would make it suitable for any of these purposes.

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

The subject site is vacant but is surrounded by developed properties. The D&O operation is adjacent on the east, and Kuebler Blvd. is adjacent on the south. The site will be used for outdoor storage. The proposed change in site's designation will have little effect or impact on air, water and land resource quality. The major impacts to air quality at this location are from traffic on the nearby major arterial streets, which include South Commercial and Kuebler. The site is not in a watershed and does not include a surface water resource. Any future development will be provided with City utility services, which are maintained and managed according to approved regulatory standards. There have been no identified adverse impacts from the use of the existing D&O operation, which has been in at its present site since 1974.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site and which would prevent or interfere with its proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposal will change the site from Single Family Residential to Industrial-Commercial. The I-C Plan designation provides for the IC zone, which allows the proposed use. The site will be used by the D&O operation, which provides an essential service in the urban area. Efficient waste collection is a necessary component of the economic development of the city.

GOAL 10 - HOUSING

The site is 1.44 acres and is currently designated for single-family housing, but it is vacant and provides no existing housing. There are a variety of housing opportunities available in south Salem, and in the immediate neighborhood housing opportunities include duplexes, manufactured homes, and attended residential care. According to the City's recent Buildable Land Inventory (BLI) there is a surplus of 1,975 acres of land designated for single family housing in the city. The proposal to reduce that inventory by 1.44 acres will not have a significant impact on the housing supply, or on the inventory of buildable land for single family housing in the city or the neighborhood. The proposal will not affect the City's ability to maintain conformance with this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services are available to serve future development on the site, as described in the pre-application summary report. No public utilities and services are necessary for the proposed outdoor storage use. The service needs of any future uses will be determined by the City during the development review process. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, are available to serve the property.

GOAL 12 - TRANSPORTATION

Access to the site will be through the driveways on the existing D&O site to Boone Road. No new driveways to the subject property are planned or required at this time. Boone Road connects with Commercial Street to the east, and with Sunnyside Road to the west. Commercial Street is a Major Arterial, and Sunnyside is a Minor Arterial. Kuebler Blvd., a Parkway, is to the south and is accessed from Commercial and Sunnyside. The street system serving this location provides efficient links to the company's service area, and to the surrounding region. The existing street network is adequate to serve the site, and no new streets are required.

The traffic impact of the D&O operation was evaluated in a TPR analysis submitted in support of CPC-ZC 11-06. That TPR analysis estimated the potential traffic impacts of that Plan/Zone Change on the transportation system, and recommended an appropriate measure to mitigate potential impacts. The TPR analysis recommended a trip cap of 4,468 average daily trips

(ADT), and that trip generation limit was adopted in the Decision as a condition of approval. The condition of approval applied the trip cap to the existing use, an expansion of the existing use, and/or a change in use. The use proposed in this application is an expansion of the existing use, and is covered under the previous TPR as stated in the condition of approval. The trip cap from the prior Plan/Zone Change can be applied to this case, as no additional trips will be generated by the addition of this property to the operation. The TPR analysis demonstrated that with the trip cap, the estimated traffic impact from possible future uses of the site will not exceed the impact under the prior land use designations. The analysis showed that the proposal complies with Goal 12. (A copy of that TPR report is enclosed.)

Transit service is available in proximity to the subject property along Salem-Keizer Transit Routes 1 South Commercial, and Route 21 Rees Hill Loop. South Commercial and Sunnyside are also provided with bike lanes. These facilities provide transportation options in proximity to the site.

Because the transportation system provides adequate access to the property, the existing trip cap mitigates potential impacts and no significant adverse impacts to the transportation system are identified, and alternative means of transportation are available, the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The proposal helps this waste collection and transport operation to conserve energy. The company's location allows it to provide efficient service within its service territory. The proposal will facilitate the continued operation of the company at this location. The transportation system at this location provides for efficient access for employees and for the company's waste collection routes. These factors are consistent with the goal of conserving energy.

GOAL 14 - URBANIZATION

The site is within a fully urbanized part of the city. The proposed redesignation of the site will assist the continued operation of a long standing use at this location. All necessary public services are available to the site. The proposal does not affect the Urban Growth Boundary.

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

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

D&O Garbage Service is the refuse collection provider for the area of southwest Salem shown on the Solid Waste Districts map. The company has been at its existing location since 1974. From that time to the present the extent of the service area, and its population, has increased. The proposed change is logical with the land use pattern of the greater area because it will help to maintain the company at its long term location, and enhance its ability to continue to provide this essential service within its designated service area.

The proposed change is harmonious with the land use pattern of the greater area because it will contribute to the existing use, maintain the existing land use pattern, and will not add a new land use designation to the area. The company is a service business that is part of the mix of retail and service activities along Boone Road, west of Commercial. The site is bordered by the existing D&O operation on the east, a church and residential care on the west, and Kuebler Blvd. on the south. The business is an established part of the neighborhood, and provides the neighborhood with a convenient location for recycling. There are no identified conflicts between the operation and the surrounding land uses. The location is well served by the surrounding arterial street system. Because it is a long established part of the neighborhood, because there are no conflicts created by the use at this location, and because the transportation system is appropriate, the proposed change is logical and harmonious with the land use pattern for the greater area.

Zone Change Criteria, UDC Chapter 265

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

As has been described, the existing use has been at this location since 1974. Since that time the developed area of the Service District and its population has increased significantly. The proposed zone change is due to this normal and anticipated growth, as well as the changes in the development pattern of the area. The proposed Zone Change is requested to help the Company maintain service to its customers. It is recognized in this Section that the zoning pattern cannot remain static, and the proposal is consistent with the intent to recognize a variety of factors when considering zone changes.

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

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

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

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

The property is currently zoned RA. This zone does not allow the use of the site in conjunction with the waste collection service. The proposed IC zone is equally or better suited for the subject property because the parcel is adjacent to the existing D&O operation, and it can be incorporated into that operation. The Company has been at its current location since 1974, and its service area has experienced substantial growth and development since the time the Company located at this site. There is no other adjacent property that is available for the Company's use. The site is vacant so no existing development will be removed or displaced. The site is flat and there are no physical obstacles to its use for outdoor storage. The subject parcel will help to maintain and improve the existing operation by providing additional outdoor space for equipment and drop-box storage. The use of the site for this purpose will not generate additional traffic or require an additional driveway access to the street.

Because it is the only parcel that can be incorporated into the D&O operation, and will provide for the continued operation and maintenance of a local service that is essential to the functioning of the urban area, and no existing housing will be removed or displaced, the proposal is equally or better suited for the property than the existing designation.

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

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

The applicable provisions of the Plan have been examined in this report and the zone change conforms to those provisions.

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

The applicable Statewide Planning Goals have been examined in this report, and the proposed zone change complies with the applicable Goals.

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

The zone change is from a residential zone, RA, to IC. The proposal does not involve a comprehensive plan change from an industrial use designation to a non-industrial use designation, or a comprehensive plan change from a commercial or employment designation to any other designation.

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

The zone change will add property to the existing D&O operation but will not increase the traffic generated by that operation. A limit on trips generated by the D&O operation was a condition of approval in CPC-ZC 11-08. That limit can also be applied to this case, as the

subject property will be used as a part of that operation. No change of use will result from the zone change. The transportation system was analyzed in the TPR report provided with the prior Plan/Zone Change application, and it concluded that while traffic could increase it would not have a significant adverse impact on the transportation system. Because the property will be used as a part of the existing operation and will not generate new or additional traffic the zone change will not significantly affect a transportation facility.

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

The proposed zone change will maintain and enhance the existing use. The proposed IC land use designation will be consistent with the existing operation and the other uses in the area. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comp Plan. The proposal conforms to the Plan policies for commercial development. For these reasons, the proposal is appropriate for the property and the location, and it satisfies the applicable review criteria.

Liberty-Boone Neighborhood Plan

The D&O property is located in the area covered by the Liberty-Boone Neighborhood Plan. This Neighborhood Plan was originally adopted by the Neighborhood Association in January, 1980, and revised in October, 1983. The Plan was adopted by the City Council in December, 1983, with the exception of certain policies and map designations.

The Liberty-Boone Neighborhood Association no longer exists, but the adopted Neighborhood Plan is considered to remain in effect. A review of the relationship of the D&O proposal to the Liberty-Boone Neighborhood Plan as adopted by the City Council is as follows:

Land Use Map: The Plan map and designations adopted by the City Council are consistent with the SACP. Therefore, the site's land use designations of Single Family *is* the same as the SACP designations.

At the time the L-B Plan was adopted Kuebler Blvd was proposed but not yet constructed. Land Use Plan Map Intent Statements: The D&O site is proposed to be designated *Industrial Commercial*. The Liberty-Boone Neighborhood Plan does not include that designation. The intent of the L-B Plan General Commercial designation is to provide for a wide variety of compatible commercial uses that will not interfere with the safe movements of pedestrian and vehicular traffic along major streets. The types of uses under this designation are all of those provided by the SACP. The intent of the L-B Plan Industrial designation is to provide sufficient land to maintain and improve the existing industrial use.

The existing D&O location pre-dates the L-B Plan. The current proposal is consistent with the combination of General Commercial and Industrial designations. The General Commercial designation provides for all of the commercial categories included in the SACP, which would include those of the I-C designation. The D&O location does not interfere with the movement of pedestrian or vehicular traffic along major streets. The intent of the Industrial designation was to recognize the existing industrial use, and the D&O operation existed at the time the L-B Plan was adopted. The combination of General Commercial and Industrial categories in the L-B Plan provide for the types of activities included in the SACP *Industrial Commercial* designation.

Goals and Policies: Land Use Goal 1. is to provide for future development of the neighborhood through a compatible balance of residential, commercial, industrial and open space uses. The D&O operation has been a part of the neighborhood since 1974 and is proven to be a compatible element of the neighborhood. The company provides an essential service to the neighborhood, which contributes to a compatible environment. The operation has not interfered with or restricted development on any nearby lands in the neighborhood. For these reasons the proposal is consistent with this goal.

The General Commercial policies provide for a wide range of commercial activities that will be compatible with surrounding properties and not interfere with the safe movement of pedestrian and vehicle traffic along major streets. The D&O operation has proven to be compatible with the surrounding properties. Commercial uses are to the east and north, and residential use is to the west and south. There has been no interference with any of these surrounding uses. The subject site fronts on Boone Road, now classified as a local street, and

is close to Commercial Street, a Major Arterial. There is no evidence of traffic conflicts on Boone or Commercial as a result of the operation. To the contrary, due to the hours of operation and the routes taken by the service vehicles, conflicts with traffic on the adjacent and nearby streets is avoided

The operation is not a pedestrian or bicycle-oriented business, and pedestrians or bicyclists do not typically access the site. There is no evidence of conflicts between the operation and pedestrian or bicycle traffic. Access points for the operation are regulated by the City. The subject site will access Boone Road through the adjacent D&O property and no new driveways are proposed for the subject site.

Industrial policy 27. requires sufficient land to be provided for existing industrial uses, to maintain the existing type of industrial activity. The proposal is consistent with this policy, and the IC zone fulfills the purpose of this policy. Although a zone change is requested it is to recognize the relationship of the subject property to the adjacent existing use. A new industrial use is not proposed, and policy 28. does not apply. Policy 29. also does not apply to this proposal.

The proposal is consistent with the intent of the L-B Plan to maintain compatible industrial and commercial uses within the neighborhood. The Plan does not provide a single designation that provides for the D&O use, but the intent of the Plan's policies is fulfilled by the proposed IC zone. For these reasons, the proposal is consistent with the L-B Plan.

Adjustment, UDC Chapter 250

An Adjustment is requested to allow a reduction in the total landscaped area of the subject parcel (Tax Lot 800) from 15% to 9.7%. 15% of the subject property totals 9,409 squ. ft., and 9.7% totals 6,084 squ. ft. The Adjustment is requested because meeting the 15% standard will require landscaping of additional area outside of the required landscaped setbacks, which in this case will provide no greater buffering or screening than will be accomplished by the landscaping in the required setbacks.

A 30' landscaped buffer is required along the west line, which adjoins land zoned for residential use (IC zone table 551-3and -4). The required 30' landscaped buffer will be

provided. (Although zoned for residential use the property adjoining the northern two-thirds of the west line is occupied by a church. The church parking lot is adjacent to the property line, and the building is a minimum of 75' from the property line. The southern third of the west line adjoins the residential care home, and a unit of the care home is approximately 125' from the property line.)

The south line of the parcel adjoins Kuebler Blvd. A 10' landscape buffer is required and will be provided. There is substantial landscaping within the Kuebler right of way which already screens the subject property from traffic on that street.

The north line of the parcel adjoins Boone Road. At present Boone Road is not improved to City standards, and the street frontage is subject to a Special Setback (SRC 800.040) in order to allow for its future improvement. The Applicant will landscape within the Special Setback as required. Landscaping within a Special Setback is typically not counted towards meeting the landscaping requirement. However, the Applicant agrees to replace the landscaped buffer that will initially be within the Special Setback, with a permanent 20' wide landscaped setback, at such time as Boone Road is widened and improved, thereby maintaining the required landscaped buffer along the street frontage. This "landscaped setback replacement area" can be a condition of approval.

The east line of the parcel adjoins the existing D&O operating site and will be the "working face" of the parcel. This will be the vehicle and equipment access and no landscaping will be in this area.

The required landscape buffers on the west, south and north boundaries total less than 15% of the site, but meeting the 15% standard would require placing additional landscaping outside of these setback buffers. Since the setback buffers will be provided to Code requirements, there is no specific purpose or benefit to the adjoining properties achieved by requiring additional landscaping in the interior of the parcel.

As stated in section 250.001, the purpose of an Adjustment is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those

standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

The proposed Adjustment in the landscaped area from 15% to 9.7% is classified as a Class 2 Adjustment because it changes the development standard by more than 20 percent (250.005(a)(B)). The criteria for a Class 2 Adjustment are presented in 250.005(d)(2), and are addressed as follows:

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

In this case the purpose underlying the development standard is met equally well by the proposed development. All setback buffers will be provided as required. The required setbacks are those determined to be adequate to screen and buffer adjacent properties. Placing additional landscaping in the interior of the parcel will provide no additional benefit to the adjoining properties. On the west, the property borders residential land but two thirds of that border abuts the church parking lot. One third adjoins a residential care facility where the nearest residential building is 125' to the west. There are no residential structures within a typical residential setback from the lot line. On the south the property adjoins Kuebler Blvd., which includes substantial landscaping within its right of way. The proposed use will have no impact on traffic using Kuebler. The parcel borders Boone Road on the north, and residential use is north of Boone Road. The landscaping that will be in the Special Setback will be replaced if Boone Road is widened. Providing the landscaped setbacks to the required standards will satisfy the purpose of separating and buffering the different types of adjoining land uses, and additional landscaping will not contribute further to this purpose. This fulfills the underlying purpose of the specific development standard that is proposed for adjustment.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

The subject property is proposed to be redesignated to IC, a non-residential zone. The

properties to the west and north are in a residential zone. The property to the west is developed with a church and a residential care home. The property to the north, across Boone Road, is a manufactured home park. The distances between the subject property and the residential uses on the adjacent properties exceed what is typically found in residential areas. View-obscuring fencing encloses the subject property along its north, west, and south lines. The property will be used in conjunction with the existing D&O operation on the adjacent property to the east. The setbacks will be provided as required, which will provide the appropriate buffering between land uses. For these reasons, reducing the landscaped area of the parcel as proposed will not detract from the livability or appearance of the residential area.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Just one Adjustment is requested and this criterion does not apply.

Because the purpose underlying the development standard is equally met by the proposed reduction, because it will not detract from the livability and appearance of the residential area, and only one Adjustment is requested, the criteria for a Class 2 Adjustment are satisfied.

Conditional Use Permit for Storage Area Gravel Surface

The subject parcel will be used for outdoor storage of drop boxes and equipment used in the waste collection and transporting operation. The parcel is considered a "vehicle use area", UDC 111.110(c), because vehicles will access the parcel to load and unload the drop boxes and other equipment. As a vehicle use area the parcel is to be "paved with a hard surface material meeting the Public Works Design Standards", UDC 806.035(g). It is not practical to pave the site for the type of use that is proposed, and the Applicant requests approval for a gravel surface. UDC 806.035(g)(3) allows "Gravel off-street parking areas, approved through a conditional use permit", and 806.080(e)(2) allows "Gravel loading areas, approved through a conditional use permit".

The Applicant requests approval for a gravel surface parking and loading area through a conditional use permit. The criteria for a conditional use permit are provided in UDC 240.005(d) and are addressed as follows:

(d) Criteria. *An application for conditional use permit shall be granted if all of the following criteria are met:*

(1) *The proposed use is allowed as a conditional use in the zone;*

The conditional use permit for a gravel surface is not specific to any particular zone. It is provided in the Code section for off-street parking areas, Chapter 801; and in the section for off-street loading development standards, 806.080. These provisions apply to off-street parking and loading in any zone. Therefore, the proposed use is allowed as a conditional use in the IC zone, in keeping with this criterion.

(2) *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions;*

There are few if any reasonably likely adverse impacts of the use on the immediate neighborhood. The site will be used for outdoor storage of drop boxes and other equipment used in the waste collection and transporting operation. No collected waste will be stored or brought to the site. Vehicle movements on the site will mainly be to pick up and return the drop boxes, and the surface will not be under constant vehicular activity. The site will be landscaped and screened on all three sides that do not adjoin the existing D&O operation. The business operates during daytime hours and does not operate at night. There is little or no activity on weekends. Any impacts of the use can be minimized by a condition that requires access to the site through the existing D&O operation, and use of the existing driveways for access to Boone Road.

(3) *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

The D&O operation has been at its current location since 1974. During this period the neighborhood has developed to its current pattern and the D&O operation has maintained compatibility with the surrounding uses. The operation has created no identified adverse impacts on surrounding properties, which include commercial, residential, and semi-public uses. The proposed gravel surface for the outdoor storage area will not change the relationship of the operation to the surrounding area, or introduce a new type of activity into the neighborhood. The subject site will be screened and landscaped on the three sides that do not adjoin the operation. For these reasons the proposed use with a gravel surface will be

reasonably compatible with, and have minimal impact on the livability and development of surrounding property.

Because the proposed use is allowable as a conditional use, because there will be few if any reasonably likely adverse impacts on the immediate neighborhood and any found to exist can be minimized through the imposition of conditions, and because the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, the criteria for a conditional use permit are satisfied.

Site Plan Review, UDC Chapter 220

Use of the subject property for outdoor storage requires Site Plan Review (SPR) (Type 3) because the site will be a "vehicle use area", and the proposal includes an Adjustment.

A site plan prepared by Locke Engineers is provided to show the subject parcel and its relationship to the existing, adjacent D&O operation.

The subject property totals 1.44 acres. It is currently a vacant grass field. The parcel is situated between the existing D&O operating site on the east, and a church and a residential care facility on the west. The parcel borders Boone Road on the north and Kuebler Blvd. on the south. Access to the parcel will be provided through the existing D&O operating site. No new driveways to Boone Road are proposed.

As shown on the site plan landscaped setbacks will be provided according to requirements. The area in these setbacks totals approximately 6,084 s.f., or 9.7% of the site area.

The criteria for a Class 3 site plan review are provided in UDC 220.005(f)(3), and are addressed as follows:

(1) The application has met all applicable standards of the Salem Revised Code...

The site is currently zoned RA, which does not allow the proposed use. The site is proposed for rezoning to IC in this application. The use is permitted in the IC zone. The proposed storage area will be used by D&O for its equipment. No facilities are planned for the site. The site plan demonstrates conformance of the site design with the requirements of the Code,

with the requested Adjustment for the total landscaped area. These features are displayed on the site plan. The site design provides for approximately---13% of the site to be landscaped.

(2) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

The D&O property is served by Boone Road. Access to the subject site will be from the driveways serving the existing D&O facilities. No new driveways are planned. The proposal is an expansion of the existing site, and the proposed use itself will not generate new traffic, as the storage area is accessory to the existing D&O operation. A TPR report was prepared for CPC-ZC 11-06, which redesignated the existing D&O operating site to IC. A condition of approval based on the recommendation of that TPR report applied a trip cap of 4,468 ADT to the existing use, an expansion of that use, and a change of use. The trip cap represents the average daily volume of traffic that could be generated without significant adverse impact to the transportation system. This proposal is an expansion of the existing use, which is addressed by the condition of approval on the prior Plan/Zone change. Boone Road is a direct link to Commercial Street and to Sunnyview Road, which are both Arterials, and no improvements to the street system are required for the proposed use. Because no additional traffic will be generated, and because the expansion is addressed and mitigated by the existing trip cap, there will be no adverse impacts on the transportation system, and the existing transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development.

(3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

The proposed use is an outdoor storage area for equipment used in the waste collection and transporting operation. The proposal itself is not specifically for a parking area, and no new driveways to the street are proposed. Parking is already provided on the adjacent D&O site, and access to the subject parcel will be provided through that adjacent property. The nature of the operation is not conducive or appropriate for pedestrians or bicycles, but the existing customer parking area and driveway provide for safe and efficient movements of vehicles within the property, and the driveways provide convenient and proximate access to the business office for vehicles, bicycles and pedestrians. The proposed use will not change the

existing pattern of access to or from the property. For these reasons the safe and efficient movement of vehicles, bicycles and pedestrians to and from the property will be maintained.

(4) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

The site is within a fully urbanized area and all required City services and utilities are available at adequate levels to serve the proposed development. The proposed use, an outdoor equipment storage area, will not require City water or sewer service. An on-site system of detaining and filtering storm water in the landscaped setbacks will be provided. This is the only new facility that will be required, and the property owner will design and install the required system as specified by the City. The availability of public facilities and services at this location is further described in the Public Works memo attached to Pre-App 16-31.

Because the site design conforms to the Code standards that apply to the type of development that is planned, because the site is an expansion of an existing use and not a new use at this location, because the design provides for the safe, orderly and efficient movement of vehicles, bicycles and pedestrians and avoids negative impacts to the transportation system, and because the development will be adequately served by City utilities and facilities, the criteria for a Class 3 site plan review are satisfied.

Associated Transportation Engineering & Planning, Inc.

D&O Garbage TPR

Transportation Planning Rule Analysis

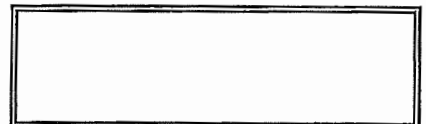


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JUN 29 2011

COMMUNITY DEVELOPMENT

R. Woelk P.E.
6/21/2011







June 27, 2011

**Comprehensive Plan Change
Transportation Planning Rule Analysis
D & O Garbage Site**

Mr. Jeff Tross, Planning Consultant
1720 Liberty Street SE
Salem, OR 97302

Dear Mr. Tross:

You have asked that ATEP to provide information concerning traffic impacts of changing the comprehensive plan map designation of four contiguous parcels totaling three (3) acres, identified as Tax Lots 400, 600, 700, and 801, on map on Assessor's map 8-3W-15AA in Salem, Oregon. All of the parcels have frontage on Boone Road.

Lots 400 and 600 are currently designated Commercial on the Comprehensive Plan map and it is zoned CG. Lots 700 and 801 are currently designated Single Family Residential on the Comprehensive Plan map, and are zoned RA. This analysis is part of the work you are doing to change the comprehensive plan map designation from "CG and RA" to Industrial with a zone designation of "Industrial Commercial. (IC)"

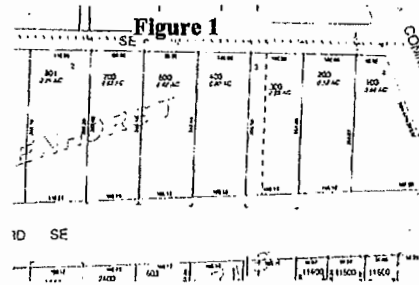
D & O Garbage has been at this location for over 30 years and needs to expand their existing buildings to accommodate the length of newer equipment. Neither zone includes their operation as a permitted or conditional use, which is classified as SIC 4212. They current operate as a legal non-conforming use. Since D&O need to make some improvements to their facilities they require either a Conditional Use for the specific facilities, or a Plan/Zone Change to put the property in the zone that allows the use. The Plan/Zone change is the best long-term solution. The zone that allows the use is IC.

Tax lots 400 and 600 are currently zoned CG (Commercial General) (Salem Revised Code (SRC) Chapter 153) and designated "Commercial" on the comprehensive plan map. Tax lots 700 and 801 are currently zoned RA (Residential Agriculture) (Salem Revised Code (SRC) Chapter 145) and designated "Residential" on the comprehensive plan map (See Figure 1)

In consultation with City of Salem staff, the decision has been made to request a zone change from CG and RA to IC (Industrial Commercial) (SRC Chapter 155). The zone change will require a comprehensive plan map amendment changing the designation from "Residential Agriculture and Commercial General" to "Industrial Commercial." The requested change will keep approximately 29 employees working at productive jobs. The distinctions between the two comprehensive plan map designations (CG and IC) seem, (and perhaps are) minor but they may be of significance. Some of the uses allowed in the CG one are not allowed in the IC zone and the reverse is also true. These different uses may generate different volumes of traffic. Many uses are common to both and so would have no traffic impact.

Oregon land use law requires that the TPR be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action, not "significantly affect an existing or planned transportation facility" without specific steps being taken. The intent of this analysis is to establish restrictions so that the proposed comprehensive plan map amendment and concurrent zone changes do not significantly affect a transportation facility.

There are two methods to assure that there is minimal "significant affect" as a result of a comprehensive land use plan map change. The first method is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation, in this case, "CG and RA." The second method is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in possible traffic. It has been determined that in this instance the best way to make the assurance is to use the first method. This analysis will determine the number of trips that could be generated from the site in the existing comprehensive plan map designation ("CG and RA"). The analysis will recommend that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal or less than currently could be generated by allowed uses. The trip



generation will be measured as Average Daily Traffic (ADT) and as determined by the current ITE Trip Generation Manual for the existing and new uses.

The parcels total about 3 acres in area and are zoned CG (1.62 acres) and RA (1.38 acres). Traffic generated on this site in the existing comprehensive plan map designation (“Commercial General”) is intended to be traffic from Retail and Service oriented businesses uses. The “Salem Revised Code limits development of CG sites to specific uses in each zoning designation. Using the Institute of Transportation Engineer’s, Trip Generation Manual (8th Edition), it is estimated the site could reasonably generate 4,468 Average Daily Trips (ADT) under the existing “Industrial” comprehensive plan map designation. This is based on 3 acres developed at 25% lot coverage which would allow 18,000 square feet of development.

A significant portion of the site is presently vacant. This study will assume that 25% of the site could be covered with uses allowed in the existing comprehensive plan map designation.

Table 1 –Reasonable land uses & anticipated trip generation estimates in existing CG and RA designation

ITE #	Land Use	# of Units	ADT/Unit	Zoning	Estimated Trips
ITE 210	Residential	1	9.57	RA	9 trips/day
ITE 912	Drive In Bank	4 ksf	148.15	CG	593 trips/day
ITE 932	High Turnover Restaurant	7 ksf	127.15	CG	890 trips/day
ITE 934	Fast Food W/Drive Thru	6 ksf	33.84	CG	2,977 trips/day
	Total	18 ksf			4,468 trips/day

This establishes a reasonable limit to the number of trips (ADT) that can be generated by development under the proposed CG/RA zones under the “Commercial General/Residential Agriculture” comprehensive plan designation. The “Industrial Commercial” plan map designation only allows IC zoning. In discussion with the City, the site owners have agreed to limit the number of trips to 4,500 trips per day.

The intent will be to develop the site with uses that generate less traffic than the 4,468 trips per day (ADT) that could be generated under the existing allowed CG, zones in the "Commercial" plan map designation.

Table 2 outlines some reasonable uses that could be developed on the site using the proposed "Industrial Commercial" plan map designation and IC zone. Actual uses may vary. The intent of this analysis is to outline a way to limit the number of trips generated to less than 4,468 ADT. It is noted that the trip generation uses in the ITE Trip Generation Manual do not conform exactly to the Standard Industrial Classification Manual (SIC) number identified in the SRC. Reasonable judgment must be used in estimating trip generation information from the list of allowed uses.

Table 2 –Reasonable land uses & anticipated trip generation estimates in proposed IC zone			
ITE #	Land Use	Number of Units	Estimated Trips
ITE 814	Specialty Retail	20 ksf	1,063 trips/day
ITE 912	Drive in Bank	4 ksf	593 trips/day
ITE 932	Sit Down Restaurant	7 ksf	890 trips/day
ITE 934	Fast Food w/ Drive Thru	3 ksf	1,488 trips/day
	Total	34 ksf	4,034

The number of units in the above Table 2 is an estimated building size (area) of the specified uses. Under the IC comprehensive plan map designation and zoning, the entire site can be used for a variety of office or retail uses without exceeding the trip limit established in this analysis. It is true one can imagine a combination of uses that would generate too much traffic and not fill the site.


It is reasonable, as a condition of approval for the requested zone change and comprehensive plan map amendment, to limit the trip generation of future uses. The total trips generated from the site should be limited to the estimated 4,468 ADT using the ITE Manual. Such a restriction will allow future development to the maximum limits of the CG/RA zone. Limiting total trip generation estimates from future uses in the proposed IC zoning to the trip generation estimates of the existing

Commercial/Residential designation zones (CG) leads logically to the conclusion that development of the site under the proposed zoning will have no adverse traffic impacts as defined by Goal 12, or the TPR section of the OARs.

It is the recommendation of this report that the City of Salem Planning Commission:

1. Limit the combined trip generation from the four parcels to equal or less than the trip potential under the CG/RA zone. (4,468 trips ADT).

Sincerely,



Richard L. Woelk P.E., T.E

