

# NOTICE OF DECISION

PLANNING DIVISION  
planning@cityofsalem.net



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**503-588-6173**

## **REVISED DECISION OF THE PLANNING COMMISSION**

**MINOR COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD  
PLAN MAP AMENDMENT / ZONE CHANGE CASE NO.: CPC-NPC-ZC25-01**

**APPLICATION NO.: 25-106784-PLN**

**NOTICE OF DECISION DATE:** July 18, 2025

**REQUEST:** A consolidated Minor Comprehensive Plan Map Amendment and Neighborhood Plan Map Amendment from Industrialin to Industrial Commercial, and Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) for subject property approximately 3.34 acres in size and located 3787 and 3767 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot Numbers: 083W02 / 1200).

**APPLICANT:** Lift Architecture

**LOCATION:** 3767 and 3787 Fairview Industrial Dr SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 64.025(e)(2) – Neighborhood Plan Map Amendment; 265.005(e)(1) – Zone Change

**FINDINGS:** The findings are in the attached Decision dated July 18, 2025.

**DECISION:** The **Planning Commission Approved** Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change Case No. CPC-NPC-ZC25-01 subject to the following conditions of approval:

**Condition 1:** Future development on the subject property shall be required to adhere to the development standards of IBC (Industrial Business Campus), as amended.

**Condition 2:** The transportation impacts from the 3.34-acre site shall be limited to a maximum cumulative total of 133 AM peak hour trips, 111 PM peak hour trips, and 761 daily trips.

**VOTE:**

**Yes 7      No 0      Absent 0      Abstain 1 (Commissioner Heller)**

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President Michael Slater, Planning Commission

The rights granted by the attached decision have no expiration date.

Application Deemed Complete:	<u>May 21, 2025</u>
Public Hearing Date:	<u>July 15, 2025</u>
Notice of Decision Mailing Date:	<u>July 18, 2025</u>
Decision Effective Date:	<u>August 3, 5, 2025</u>
State Mandate Date:	<u>September 18, 2025</u>

Case Manager: Jacob Brown, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), (503) 540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Monday, August 4, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 265. 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

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

## **FACTS & FINDINGS**

### **MINOR COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC25-01 July 18, 2025**

#### **PROCEDURAL FINDINGS**

1. On March 25, 2025, Matt Johnson, LIFT Architecture, filed an application for a Comprehensive Plan Change, and Zone Change for a property at 3787 and 3767 Salem Industrial Drive SE (Marion County Assessor's Map and Tax Lot 083W02 / 1200) on behalf of the applicant and property owner, Angel Share LLC. The application request is to change the Comprehensive Plan designation and Neighborhood Plan Map from "Industrial" to "Industrial Commercial" and change the zoning from IBC (Industrial Business Campus) to IC (Commercial).
2. After additional requested information was provided by the applicant, the applications were deemed complete for processing on May 20, 2025.
3. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on June 9, 2025. At the time of staff report, the applicant's representative has yet to return the notice of posting affidavit to staff. Public notice was required to be posted on the property by the applicant's representative on June 21, 2025. The applicant's provided affidavit of posting stated that the public notice was posted on June 24, 2025.
4. DLCD Notice: State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. Required notice of the proposed Comprehensive Plan Change and Zone Change application was provided to DLCD on May 22, 2025.
5. On July 1, 2025, a public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. No public testimony was received. Per Staff recommendation, the Planning Commission made a motion to continue the public hearing to July 15, 2025, to allow the full 10-day public notice.
6. On July 15, 2025, a continued public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. No public testimony was received. The Commission closed the hearing, conducted deliberations, and voted to approve the applications with recommended conditions of approval.
7. 120-Day Rule: Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the additional applications included with the proposal are similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), they have been filed concurrently, and are being considered jointly, with the proposed comprehensive plan amendment.

## **SUBSTANTIVE FINDINGS**

### **1. Proposal**

The applicant is requesting a Comprehensive Plan Map Amendment and to change the zoning for the property located at 3787 and 3767 Fairview Industrial Drive SE site. The property was initially created as part of the Fairview Industrial Park Subdivision in 1987 under Subdivision Case No. SUB87-1S. At the time of the subdivision, the Salem Area Comprehensive Plan Designation was "Industrial", and zoning of the property was IBC (Industrial Business Campus). In 1999, the property was developed with office and warehousing building and associated parking area. As indicated by the applicant, the purpose and intention of completing this Comprehensive Plan Amendment and Zone Change application is to expand the allowed uses to allow a path to compliance for the future tenants of the site. Site development is not proposed at this time.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Industrial Commercial."
- 2) A Neighborhood Plan Change to the Morningside Neighborhood Plan from "Industrial" to "Industrial Commercial."
- 3) A Quasi-Judicial Zone Change to change the zoning of the subject property from IBC (Industrial Business Campus) to IC (Industrial Commercial).

### **2. Background**

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code (SRC) and must be supported by proof that they conform to such standards and approval criteria. The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included in the record.

### **3. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 25 106784.

#### **4. Neighborhood Association and Public Comments**

The subject property is located abutting the boundary of the Morningside Neighborhood Association (MNA).

##### Required Open House/Neighborhood Meeting

SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On February 13, 2025, the applicant's team held an open house.

##### Neighborhood Association Comments

Notice of the application was provided to the Morningside Neighborhood Association (MNA) pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. MNA did not submit comments.

##### Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (viii), & (ix), to all property owners and tenants within 250 feet of the subject property and posted on the subject property. No comments were received.

##### Homeowners' Association

SRC 300.620(b)(2)(B)(vi) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

#### **5. City Department Comments and Public Agency Comments**

- A. **Building and Safety Division** – Reviewed the proposal and indicated that they have no comments.
- B. **Fire Department** – Reviewed the proposal and indicated that they have no comments.
- C. **Development Services Division** – Reviewed the proposal and provided comments pertaining to City infrastructure able to serve the property. Comments are in the record.

### **FACTS AND FINDINGS**

#### **6. Salem Area Comprehensive Plan (SACP)**

Comprehensive Plan Map: The Salem Area Comprehensive Plan (SACP) map designates the subject properties as "Multiple-Family Residential."

The proposal includes changing the Comprehensive Plan designation of the subject properties to their previous designation of “Industrial.”

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	Across Fairview Industrial Drive SE, “Industrial Commercial”
South	“Parks, Open Space, and Outdoor Recreation”
East	“Industrial Commercial”
West:	“Industrial Commercial”

Relationship to Urban Service Area: The subject properties are located inside the Urban Service Area and adequate facilities are available. No UGA permit is required.

## 7. Zoning

The subject property is zoned IBC (Industrial Business Campus). The existing established uses of the site include *Offices* and *Warehousing and Distribution*. The proposal includes changing the property’s zoning from IBC to IC (Industrial Commercial).

Zoning of surrounding properties includes the following:

Zoning of Surrounding Properties	
North	Across Fairview Industrial Drive SE, IC (Industrial Commercial)
South	PA (Public Amusement)
East	IC (Industrial Commercial)
West	IC (Industrial Commercial)

## 8. Analysis of Minor Comprehensive Plan Map Amendment Approval Criteria

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a minor comprehensive plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal’s conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map amendment.

***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.***

**Finding:** The Planning Commission found that the applicant's written statement addressing that the Comprehensive Plan Map Amendment change is equally or better suited for the property and that the Zone Change is justified because a mistake in the application of a land use designation to the property was made. The Planning Commission does not concur there is a mistake in the Comprehensive Plan Map or Zoning Map.

The Planning Commission found that the proposal is consistent with the uses and land use pattern of the area. At the time of the Fairview Industrial Park Phase II subdivision in 1987, the subject property and surrounding were all similarly zoned as IBC (Industrial Business Campus). Starting in 2007 with a Comprehensive Plan Map and Zone Change land use case (CPC-ZC07-01) properties to the east and across Fairview Industrial Drive SE changed from the "Industrial" designation to the "Industrial Commercial" designation; six similar cases (CPC-ZC08-07; CPC-ZC11-05; CPC-ZC11-07; CPC-ZC11-08; CPC-ZC13-02, and CPC-NPC-ZC17-05.) created similar changes for properties within the vicinity. These changes have led the area to develop as more of a commercial business park with light manufacturing/industrial uses. Two properties directly abutting the subject development site include a wide range of industrial services, manufacturing, warehousing and distribution, offices, personal services and recreation/entertainment uses.

The Planning Commission found that the intent of the Industrial Commercial comprehensive plan designation is to provide areas for a mixture of heavy commercial and light manufacturing and warehouse activities. The proposed change in designation is equally or better suited for the property by helping to promote a wider range of uses for an existing industrial property while creating additional consistency to the surrounding uses to better complement commercial and light-industrial uses already within the vicinity of the subject property.

The Planning Commission found recent and consistent site-specific plan map amendments have been approved along Fairview Industrial Drive SE in the immediate vicinity of the subject property which have contributed to the changing character of the Fairview Industrial Drive area from an industrial manufacturing park to an area that supports a wider variety of industrial and commercial uses. The proposal meets this criterion.

The Planning Commission found that the application meets this criterion.

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

**Finding:** The subject property is inside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation. Site-specific infrastructure requirements will be addressed at the time of proposed development. The applicant has received approval for a five-lot subdivision, which include infrastructure requirements to ensure the property will be served at development. This criterion is met.

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

**Finding:** The land use pattern for property in the surrounding area is comprised mostly of Industrial and Industrial Commercial designations and is located within the City's urban service area, consistent with this approval criterion.

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

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed as follows; the Statewide Planning Goals are addressed after the policies:

The Planning Commission found that the request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed.

#### *Section 6: Community Engagement and Equity Goals and Policies*

CE1 Community Engagement Goal: Engage the public in planning, investment, and policy decisions and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.

**Finding:** The applicant participated in a publicly noticed and held an open house on February 13, 2025. The proposal meets this goal.



*Section 8: Economic Development and Employment*

E 1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency. (SUA)

E 1.1 Diversity: A diverse range of businesses and industries should be encouraged in the Salem Urban Area to provide jobs and services to the diverse, growing population and to strengthen economic resiliency.

**Finding:** The subject property currently is developed with two structures and additional land available for development. The Industrial Commercial zone allows a wide array of commercial and industrial uses including light manufacturing. The applicant's request, if approved, will open up the subject property for a diverse range of businesses and industries that occupy the existing structures or future development can expand upon, which is in line with the Comprehensive Plan policy.

E 1.10 Regional center: The Salem Urban Area shall be retained, developed, and promoted as a commercial, cultural, and economic center for the Mid-Willamette Valley region.

**Finding:** The subject property will add more land for development of commercial and industrial uses. The proposal for "Industrial" designation to "Industrial Commercial" designation – and then the subsequent zone change – will allow for a larger host of uses that will further promote the Salem urban area as a commercial center in the Marion-Polk county region.

E 2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs. E 2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs.

E 2.4 Infill and redevelopment: Industrial development should be encouraged in infill and redevelopment locations that are currently served or adjacent to developed properties to maximize returns on public infrastructure investments.

**Finding:** The subject property is within the Urban Service Area with future development of the proposed site not requiring the extension or development of new public services at this time. Services within the vicinity of the site are adequate to serve future development. City services, including water, sewer, and storm infrastructure are available within surrounding streets. The subject property is also within a half-mile of Madrona Avenue SE which is designated as a Major Arterial. Development of this site, which is located within a commercial and industrial area of the city, will maximize existing public infrastructure and complies with this policy.

E 2.1 Employment land: The City shall provide a supply of employment land that accommodates the amounts, size, types, locations, and service levels needed to meet the short-term and long-term employment growth forecasts for the Salem Urban Area.

**Finding:** Amending the Comprehensive Plan Map to designate the subject property as Industrial Commercial would maintain the overall acreage available within the Urban Growth Boundary for industrial uses, while allowing a relatively small parcel to be developed with a

wider range of uses consistent with the industrial development pattern in the vicinity.

E 2.9 Industrial land conversion: Industrial land that may be appropriate for conversions to commercial or other non-industrial uses should include some or all of the following:

1. located outside of industrial areas or isolated from other industrial uses,
2. surrounded by incompatible uses (such as housing),
3. located adjacent to properties that have converted to commercial uses,
4. have limited or no access to major roads (such as arterial streets, collector streets, or highways) or,
5. lack of rail access.

**Finding:** Following the direction of this policy, the site would be appropriate for conversion from an “Industrial” designation to an “Industrial Commercial” designation but may not be appropriate for conversion to an entirely non-industrial designation. As identified in the Economic Opportunities Analysis (EOA) for areas within the Salem Urban Growth Boundary for the years 2015 to 2035, the City has surplus of industrial land at approximately 907 acres more than projected to be needed while commercial land is projected to have a shortage of 271 acres. The conversion of approximately three acres does not substantially change such a surplus and will contribute to alleviating commercial land shortage.

Although the IC (Industrial Commercial) zoning proposed by the applicant allows many of the same wholesaling and manufacturing activities as the properties current IBC (Industrial Park) zoning, the proposal would replace the properties current “Industrial” designation with an “Industrial Commercial” designation. Accordingly, this proposal could be interpreted as converting industrial land to partially commercial or other non-industrial land. Under this interpretation, the subject property is still an appropriate area for limited commercial use because of the future land needs projected in the EOA and the industrial commercial zoning designation placed on adjacent properties.

Directly to the west of the site is property zoned exclusively zoned for Public Amusement and Fairview Mixed Use, which contain residential and open space related uses that would be sensitive to a industrial use permitted within “Industrial” designation.

Lastly, the subject property does have abundant access to major roads through Fairview Industrial Drive SE, a Minor Arterial street, that leads to a Madrona Avenue SE, Major Arterial, which further connects into other arterial and collector streets that lead throughout the City of Salem. This connectivity could indicate that the site may be appropriate for both industrial and commercial uses but the surrounding development which has shift to mixture of both commercial and industrial uses providing for a logical change to the “Industrial Commercial” Comprehensive Plan Map designation.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

#### *Section 9: Land Use and Urbanization*

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other

jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

**Findings:** The subject property is located within the limits of the City of Salem and within the Urban Growth Boundary, which contain urban development subject to the City's zoning code and development standards. The proposal meets this goal.

L 3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

**Findings:** No development is proposed with the application. The setback, landscaping and screening requirements of the zoning code help to buffer incompatible land uses. In this case, staff is recommending a condition of approval with the zone change application to require future development of the property to comply with the IBC zone development standards, which requires greater setbacks adjacent to a street and a greater percentage of landscaping to be provided on a development site. This goal will be met and implemented through the application of the IBC development standards during future development of the property. The proposal meets this goal.

L 4 Plan Administration Goal: Ensure the Salem Area Comprehensive Plan and its implementation tools advance the community's vision for the future and are consistent with state and federal regulations.

**Findings:** The applicant has provided responses to applicable statewide planning goals which demonstrates this comprehensive plan goal is met.

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

**Findings:** The applicant has provided a Transportation Planning Rule Analysis which provides the proposal will not have an impact on the transportation system. The proposal meets this goal.

### *Section 11: Natural Resources and the Environment*

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem's natural resources, ecosystems, and environment.

**Findings:** The subject property contains natural resources such as riparian areas along western portion of site and the Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property and the West Middle Fork of Pringle Creek flows along the southern boundary of the property. No development is proposed with the application. However, upon development, the properties will be subject to all applicable development standards of the Salem Revised Code. The proposal meets this goal.

N2 Urban Forest Goal: Preserve, increase, and enhance Salem's urban forest.

**Findings:** No development is proposed with the application. However, upon development, the properties will be subject to all applicable development standards of the Salem Revised Code and by adhering to the DEQ deed restriction, the properties will not be developed in a way that decreases the City's urban forest. The proposal meets this goal.

*Section 14: Transportation*

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike.

**Findings:** No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

**Findings:** No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

**Findings:** No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

**Findings:** No development is proposed with the application that will affect the public mass transit system; therefore, this goal is not applicable.

*Section 16: Community Services and Historic Resources*

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

**Findings:** No development is proposed with the application; therefore, this goal is not applicable.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive

use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

**Findings:** No development is proposed with the application; therefore, this goal is not applicable

### **Statewide Planning Goals**

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

**Finding:** In addition to holding a required open house, notice of the proposal was provided to the Morningside Neighborhood Association neighborhood association, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission held a public hearing to consider the request. The required open house, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

**Statewide Planning Goal 2 – Land Use Planning:** *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 has 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:** The subject property is developed industrial land, there are no known scenic, historic, natural, or cultural resources on the subject property. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code.

**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:** No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code.

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

**Finding:** The subject property is not located within a floodplain or floodway. Mapped landslide hazards are not identified on the subject property. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code. Staff finds that the proposal is consistent with Goal 7.

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

**Finding:** The subject property is not within an identified recreation area, and no destination resort is planned for this property. The subject property is a natural area protected under Goal 5, which is addressed above. Therefore, Goal 8 is not applicable to this proposal.

**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.*

**Finding:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035, and concluded that Salem has a projected commercial land shortage of 271 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The proposed change to Industrial Commercial will maintain the industrial designation for the property and will increase the number of permitted uses on the subject property, thereby 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 the citizens of the state.*

**Finding:** In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. The deficit was addressed through City-initiated zone changes with the *Our Salem* project in 2022. The properties current industrial designation does not allow residential uses. Residential uses are permitted in the Industrial Commercial zone when located in a mixed-use building. The proposed comprehensive plan change and zone change will not reduce the City's supply of land for housing.

**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.*

**Finding:** The subject properties are located within the Urban Service Area and are served by existing public facilities. No development is proposed with the application; any future

development will be subject to the applicable standards of the Salem Revised Code. The proposal meets this Goal.

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

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

The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated October 15, 2024, and prepared by DKS Associates, demonstrates that the proposed CPC/NPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on reasonable worst-case trip generation of the current IBC zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 3.34-acre site is 133 AM peak hour trips, 111 PM peak hour trips, and 761 daily trips. With this trip cap in place, the comprehensive plan map amendment and zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 3.34-acre site to 761 average daily vehicle trips, which is conditioned in the Zone Change criteria in section 7 of this report.

**Statewide Planning Goal 13 – Energy Conservation:** *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

**Finding:** Any future development of the property will be required to be built to comply with current energy standards. The proposal conforms to this statewide planning goal.

**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:** The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are located nearby. Existing transportation and

utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed comprehensive plan map amendment will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

**Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources**

**Finding:** The Salem Area Comprehensive Plan is consistent with Statewide Planning Goals. The Comprehensive Plan policies have been addressed above, therefore consistent with Statewide Planning Goals.

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

**Finding:** The proposed change will help to encourage and promote the wider use of an existing property. The wider range of uses allowed by the Comprehensive Plan Change and Zone Change will allow for commercial development of the property benefiting the public.

The Planning Commission found the application meets this criterion.

## **MORNINGSIDE NEIGHBORHOOD PLAN**

**Finding:** The property is located within the boundaries of the Morningside Neighborhood Association. The Morningside Neighborhood Plan was adopted in 2014 and is in effect pursuant to SRC Chapter 64. The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, the Planning Commission found that the findings above adequately address the proposed Neighborhood Plan change.

## **9. Analysis of Quasi-Judicial Zone Change Approval Criteria**

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's 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.

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

***(i) A mistake in the application of a land use designation to the property***



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

**Finding:** The Planning Commission concurs with the applicant's written statement that the applicant does not identify a mistake in the application of a land use designation to the property and does not identify a change in the economic, demographic, or physical character of the vicinity. The proposal is justified based on (iii), that the proposed zone change is equally or better suited for the property than the existing zone.

The Planning Commission found that the proposal is consistent with the uses and land use pattern of the area. Recent site-specific zone changes have been approved along Fairview Industrial Drive SE and surrounding the immediate vicinity of the subject property which have contributed to the changing character of the Fairview Industrial Drive area from an industrial manufacturing park to an area that supports a wider variety of industrial and commercial uses.

The Planning Commission found that the IC zone generally allows a wide variety of retail, office, heavy commercial, light manufacture, and warehouse activities. Currently, uses found along Fairview Industrial drive include a wide range of industrial services, manufacturing, food production, office, government office, services and recreation/entertainment uses. The proposed IC zoning designation will allow a greater variety of uses for the subject property.

The Planning Commission concurs with staff that to maintain a greater degree of development compatibility with the surrounding land uses, the recommended that the development standards of the IBC zone, which requires a greater percentage of landscaping and greater required setbacks than the proposed IC zone, apply to future development of the subject property shall be conditioned.

**Condition 1:** Future development on the subject property shall be required to adhere to the development standards of IBC (Industrial Business Campus), as amended.

The Planning Commission found the proposal meets this criterion.

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

**Finding:** The proposal is not a City-initiated zone change. This criterion does not apply.

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

**Finding:** Findings addressing minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. As provided in the findings and conditions, the proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

The Planning Commission found the proposal meets this approval criterion.

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

**Finding:** Findings addressing minor comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. As provided in the findings included, the proposed zone change, as recommended to be conditioned, complies with applicable statewide planning goals.

The Planning Commission found the application meets this approval criterion.

***SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezoning; or include both the demonstration and an amendment to the Comprehensive Plan.***

**Finding:** The property currently has an “Industrial” comprehensive plan map designation, the request would change the map designation to “Industrial Commercial”, which is also an industrial designation. The proposal does not include a change from an industrial designation to a non-industrial designation, therefore this criterion is not applicable.

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

**Finding:** The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated October 15, 2024, and prepared by DKS Associates, demonstrates that the proposed CPC/NPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on

reasonable worst-case trip generation of the current IBC zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 3.34-acre site is 133 AM peak hour trips, 111 PM peak hour trips, and 761 daily trips. With this trip cap in place, the comprehensive plan map amendment and zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 3.34-acre site to 761 average daily vehicle trips. In order to ensure compliance with the Transportation Planning Rule (OAR 660-012-0060) and this criterion, the following condition is recommended:

**Condition 2:** The transportation impacts from the 3.34-acre site shall be limited to a maximum cumulative total of 133 AM peak hour trips, 111 PM peak hour trips, and 761 daily trips.

As conditioned, the Planning Commission found that the criterion is met.

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

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

The Planning Commission found the proposal satisfies this criterion.

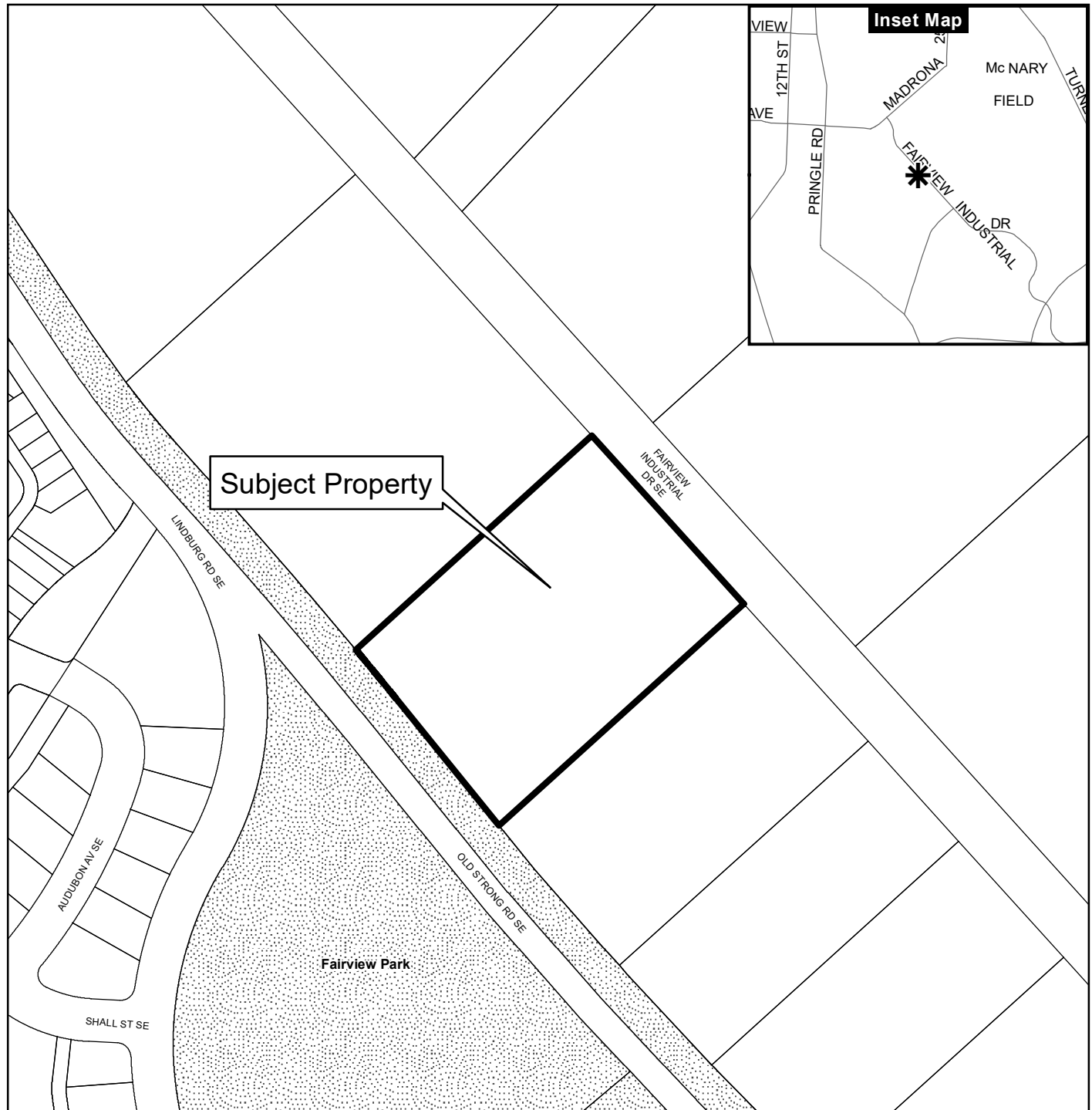
**Attachments:**

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map

Prepared by Jacob Brown, Planner II

# Vicinity Map

## 3767 & 3787 Fairview Industrial Drive SE



### Legend

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

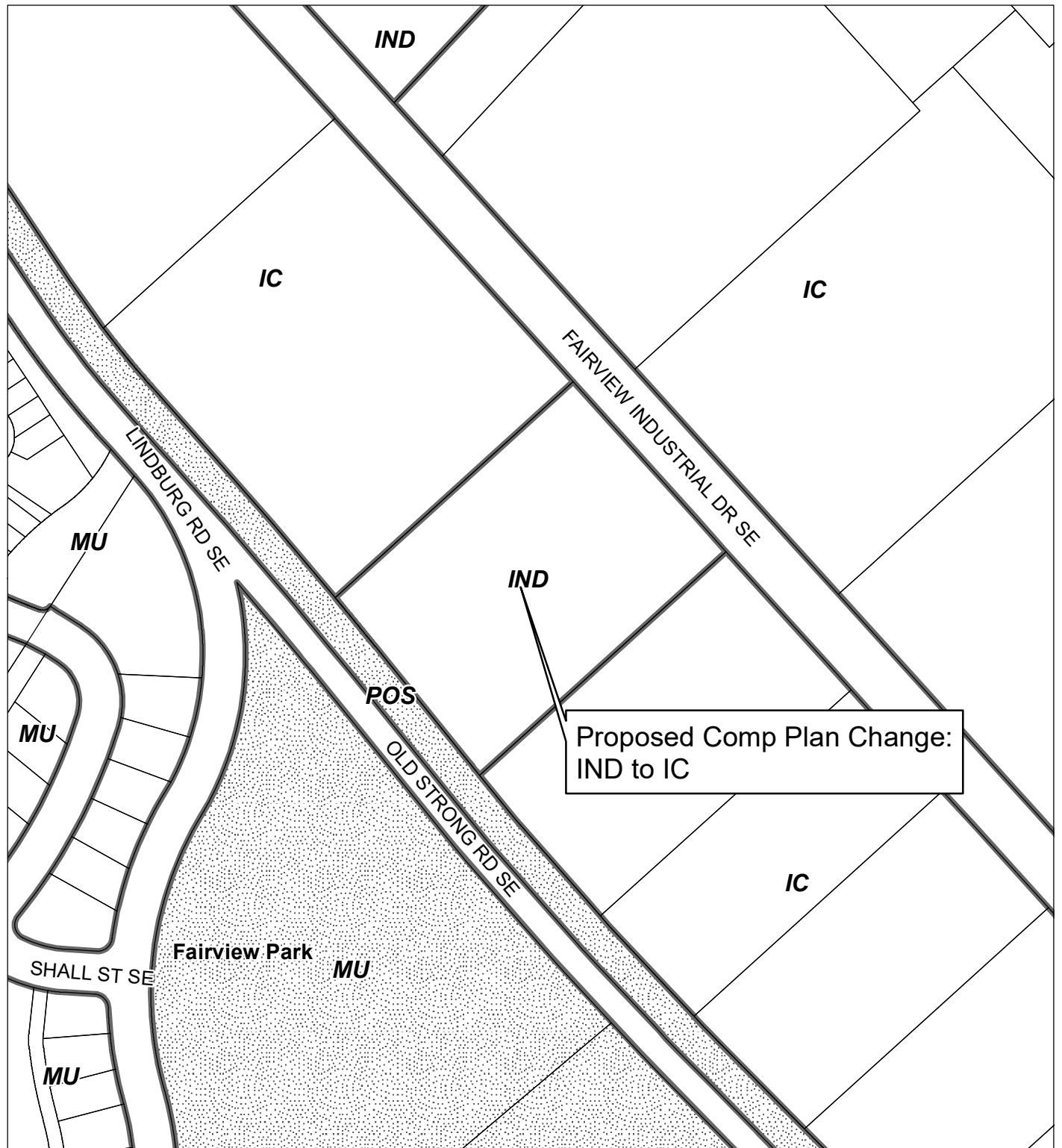
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# Proposed Comprehensive Plan Change 3767 & 3787 Fairview Industrial Drive SE



## Legend

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

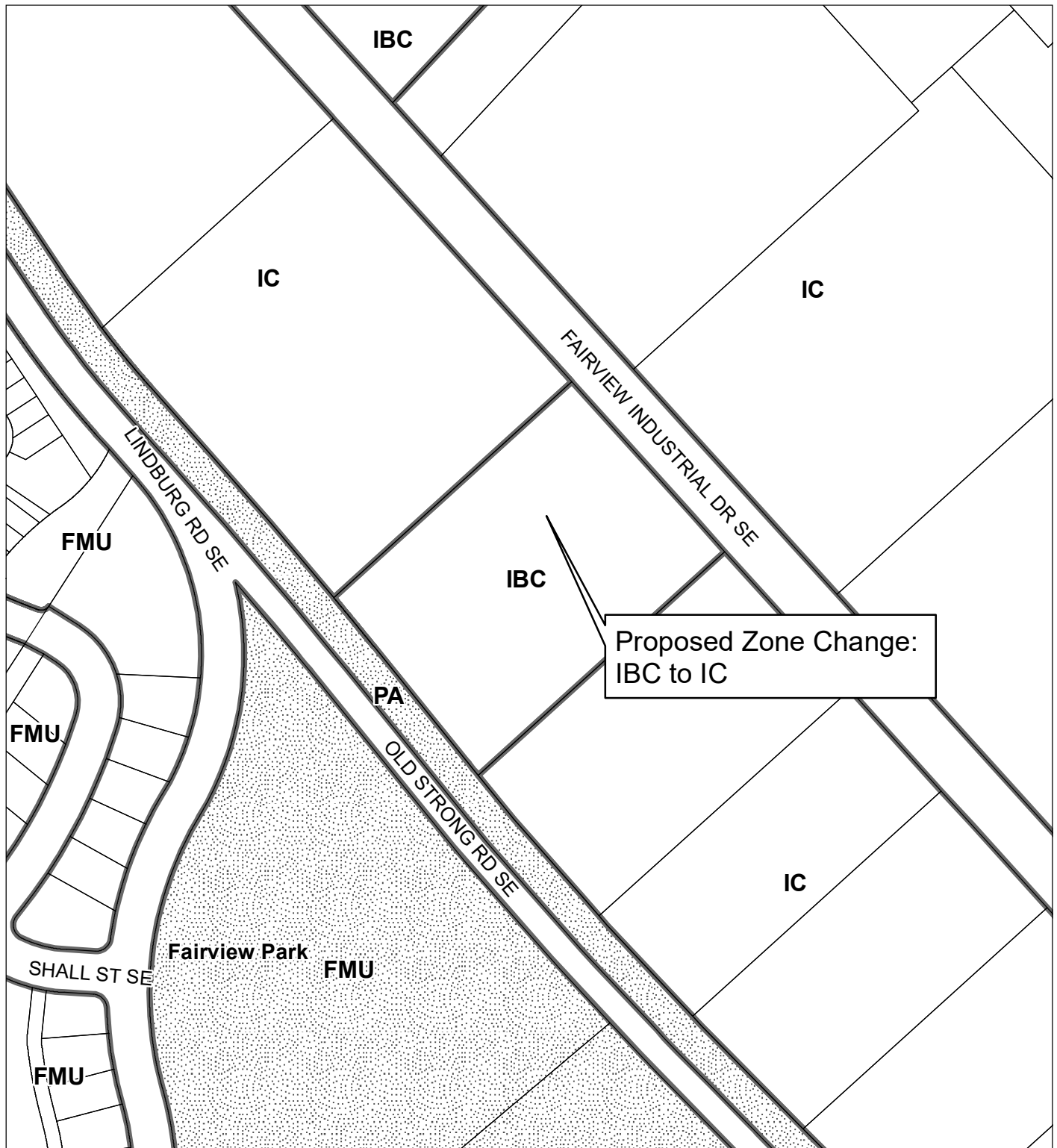
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# Proposed Zone Change 3767 & 3787 Fairview Industrial Drive SE



## Legend

- |                           |         |
|---------------------------|---------|
| <b>RS</b> Base Zoning     | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

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