

NOTICE OF DECISION

PLANNING DIVISION
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SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING COMMISSION

Comprehensive Plan Change / Zone Change Case No. CPC-ZC18-05

APPLICATION NO. : 18-106974-ZO & 18-106975-ZO

NOTICE OF DECISION DATE: June 26, 2018

SUMMARY: A consolidated application to change the Comprehensive Plan Map designation and zoning from “Commercial” with CG (General Commercial) zoning to “Industrial Commercial” with IC (Industrial Commercial) zoning for a proposed self-storage facility.

REQUEST: A consolidated application including a Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from “Commercial” to “Industrial Commercial” and a Quasi-Judicial Zone Change to change the zoning of the subject property from CG (General Commercial) to IC (Industrial Commercial). The subject property is approximately 2.83 acres in size, zoned CG (General Commercial), and within the South Gateway Overlay zone. The property is located at the northeast corner of the intersection of Commercial Street SE and Robins Lane SE at 2015 Robins Lane SE (Marion County Assessor Map and Tax Lot Number: 083W23A00800).

APPLICANT: DAV II Investment Groups, LLC (Adam Huskey & David A Montagne)

LOCATION: 2015 Robins Lane SE / 97306

CRITERIA: Comprehensive Plan Change SRC Chapter 64.025(e)(2)
Quasi-Judicial Zone Change SRC Chapter 265.005(e)

FINDINGS: The Facts and Findings are in the attached document dated June 20, 2018.

DECISION: The Planning Commission **APPROVED** Comprehensive Plan Map Change, Zone Change Case No. 18-05, subject to the following conditions:

Condition 1: Uses that are prohibited in the CG zone are also prohibited on this property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property except that self-service storage is a permitted use.

Condition 2: Any development, other than commercial uses, shall have all façades facing Commercial Streets SE and Robins Lane SE designed so as to appear commercial in nature. The design shall include the following features: backlight windows, awnings, vertical and horizontal articulation, façade with stone work or bricks, and parapets that shall be in substantial conformance with the elevation drawing submitted into the record by the applicant.

Condition 3: The western 30-feet, abutting Commercial Street SE, shall be landscaped with a Type A landscaping standard pursuant to SRC 807.

Condition 4: The southern 20-feet, abutting Robins Lane SE, Shall be landscaped with a Type A landscaping standard pursuant to SRC 807.

Condition 5: As part of any development, buildings shall be located at the 35-foot setback line (outside of the existing easement) abutting Commercial Street and at the 20-foot setback line abutting Robins Lane SE.

Condition 6: There shall be no signs or advertising within any window located on the façade of the buildings.

Condition 7: There shall be no outdoor display or storage located on the subject property, including recreational vehicles, trailers and boats

Condition 8: Future development from the 2.83 acre site shall be limited to a maximum cumulative total of 2,898 daily trips.

VOTE:

Yes 7 No 0 Absent 1 (Pollock) Abstained 1 (Fry)



Rich Fry, President
Salem Planning Commission

Application Deemed Complete:	<u>April 6, 2018</u>
Public Hearing Dates:	<u>May 15, 2018 & June 19, 2018</u>
Notice of Decision Mailing Date:	<u>June 26, 2018</u>
Decision Effective Date:	<u>July 11, 2018</u>
State Mandate Date:	<u>August 4, 2018</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., July 10, 2018.** 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 Chapter(s) 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely

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>

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**Criteria and Findings for proposed Comprehensive Plan Map Amendment from
“Commercial” to “Industrial Commercial”, and Zone Change from CG (General
Commercial) to IC (Industrial Commercial) for self-storage facility for an
approximately 2.83-acre site located at 2015 Robins Lane SE**

Procedural Findings

On March 23, 2018, Brandie Dalton, Land Use Planner, on behalf of applicant DAV II Investment Group, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from “Commercial” to “Industrial Commercial” and to change the zoning from CG (General Commercial) to IC (Industrial Commercial).

The application was deemed complete for processing on April 6, 2018. Notice of the consolidated application was distributed to City Departments and public and private service providers on April 18, 2018 and was mailed to the owners of all property within 250 feet of the subject property on April 25, 2018. The property was posted in accordance with the posting provision outlined in SRC 300.620.

State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on April 5, 2018.

On May 15, 2018, the Planning Commission held a public hearing on the consolidated applications, received testimony, and continued the hearing to June 19, 2018. On June 19, 2018, additional testimony was received and the Planning Commission voted to approve Comprehensive Plan Change, and Zone Change application subject to conditions of approval in alternative 1 of the supplemental staff report and an additional condition restricting outdoor storage recommended by the Neighborhood Association.

**FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR
A COMPREHENSIVE PLAN MAP 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.

Finding: The proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. Both commercial and industrial uses are permitted in the IC zone.

The Comprehensive Plan describes the intent of the “Industrial Commercial” designation as “to provide areas for a mixture of heavy commercial and light manufacturing and warehousing activities.” The Regional Economic Opportunities Analysis report of May 2011, as cited by the applicant, was not adopted by the City of Salem and is superseded by the Salem EOA dated, December 2014 and adopted into the Salem Area Comprehensive Plan. The City’s adopted Economic Opportunities Analysis (EOA) found a surplus of 907 acres of industrial land within the Salem UGB and a shortage of 271 acres for commercial uses. The EOA did account for 16% of the IC zoned land to be used for commercial uses.

The Planning Commission finds that the EOA accounted for 16% of the land zoned IC to be used for commercial uses, and as conditioned below that uses prohibited in the CG zone are also prohibited on the property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property, except that self-service storage is a permitted use.

The Planning Commission finds that based off evidence submitted into the record that the subject property has been marketed for commercial development, for over 10 years

and has not been engaged for any commercial developments on the site. The applicant has received many inquiries regarding self-storage developments and the site is highly desirable due to the surrounding residential uses.

In addition, the subject property is located within the South Gateway Overlay which intends to enhance the area's role as the southern gateway into the City. There are several uses within the IC zone, which are currently not allowed in the CG that could be detrimental to the purpose of the overlay district. Restricting those uses, providing increased landscaping, and design elements to appear commercial, as conditioned below, provides consistency with the overlay. The South Gateway Neighborhood Association commented, raising concerns about the appearance of the property if developed as self-storage. The neighborhood association voted to recommend alternative 1 in the supplemental staff report, with an additional condition to restrict all outdoor storage on the subject property.

Therefore, the Planning Commission finds that the Industrial Commercial designation and IC zoning, as conditioned below, is equally suited to the subject property as the existing designations.

As conditioned below, the Planning Commission finds 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: A 12-inch water line is located in the adjacent segment of both Commercial Street SE and Robins Lane SE. These lines are adequately sized to handle industrial or commercial development on the subject property. An 8-inch sanitary sewer line is also located along the north property line and 8-inch line within a 35-foot wide easement that runs along Commercial Street SE and available to the subject property. A 12-inch storm main in Robins and 18-inch storm main located in commercial are available to the subject property. The subject property has access to the public street network via approximately 125-feet of frontage onto Robins Lane SE, designated as a Collector in the Salem Transportation System Plan (TSP). There is currently an existing reserve strip, approximately 170-feet from the intersection with Commercial Street SE, abutting a portion of the southern property line. Access to Commercial Street SE is available via an existing access easement across the property to the north.

The Planning Commission finds proposal meets this criterion.

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

Finding: The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. The surrounding area is intermittently developed with a mix of multifamily, and commercial uses and designations. Along Commercial Street SE, lots to the north of the subject property are zoned and designated Commercial. The properties to the south (across Robins Lane), west (across Commercial Street) and east of the subject property are

zone and designated multifamily. The subject property sits along Commercial Street which has more than a mile stretch of mostly commercial uses and designations extending north from Robins Lane to Kuebler Boulevard.

Six self-storage facilities abutting residentially zoned properties within the City Limits were evaluated for compatibility between the two uses. Based off City records, over the last ten years, there have been 12 complaints filed on these facilities. There are several complaints which are not development related, such as abandoned vehicles. Other complaints are concerning lack of landscaping maintenance, sound nuisance and lack of property maintenance. None of the complaints indicate a problem with compatibility between self-storage facilities and abutting residential properties.

As conditioned below, the proposal would be a logical pattern of urbanization along the existing corridor that is best suited for the wide range of existing and future retail and commercial uses that within the proposed Commercial designation.

The Planning Commission finds that the proposal meets this criterion.

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

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows: Considering the facts, evidence and reasons presented the proposed Comprehensive Plan Map change conforms to all applicable local and Statewide Planning Goals.

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.

Finding: The necessary public facilities, services and utilities are already in place and available to provide service to the subject property. Expansions of these services and systems may be needed as a result of the development of the site proposed in the application for site plan review and made possible by the proposed Comprehensive Plan Map amendment and zone change. The existence and availability of public services, facilities and utilities to the property fulfills this goal.

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

Policy C.4 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 that

discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclists from residential neighborhoods.

Finding: The subject property is adjacent to a major arterial to the west and a collector to the south. Prior to any construction of the subject property will be required to apply for site plan review to review the development for constancy with development standards in the Salem Revised Code.

Policy C.5 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. New commercial development will generally be within a range of sizes of commercial centers, such as convenience shopping centers, neighborhood shopping centers, and community shopping centers. The size of the commercial center should be scaled and consistent with the character of surrounding and nearby residential development.

Finding: The Planning Commission finds that the EOA accounted for 16% of the land zoned IC to be used for commercial uses and, as conditioned below, that uses prohibited in the CG zone are also prohibited on the property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property, except that self-service storage is a permitted use. This would allow the property to be developed for commercial uses and self-storage. The majority of the uses allowed on the subject property would remain commercial in nature.

Policy C.6 Commercial office uses shall have direct access to collector and arterial streets or be located within one-quarter mile of a collector or arterial street.

Finding: The subject property abuts Commercial Street, a major arterial in the *Salem Transportation System Plan*.

Salem Urban Area Goals and Policies, Industrial Development Goal (Page 37, Salem Comprehensive Policies Plan):

Policy I.1. Maintain a long-term (20 year) industrial land inventory which provides a full range of small, medium, and large parcel sizes and locations to sustain a competitive market for industrial sites. Maintaining a long-term supply of industrial land will require identifying and preserving key high value industrial land, especially where the City has made substantial investments in infrastructure. High value industrial land has the following characteristics: it is designated for industrial uses, in flat parcels, most frequently

in large parcels at least 10 acres in size, located within an industrial district, has direct access to a state highway or I-5, and is serviced or planned to be serviced with water and wastewater infrastructure.

Finding: Based on the criteria provided in Policy I.1, the subject property has some characteristics of high value industrial land, including flat parcels, highway access, and available utilities. However, the property is just 2.83 acres in size, well under the 10-acre minimum described in the policy, and is within an area zoned for General Commercial, rather than industrial development. “Industrial district” is defined in Policy I.16 as having a “continuity of design and uses on preferably medium-sized parcels (10 to 40 acres in size).” Immediately adjacent properties include a fitness facility (commercial entertainment – Indoors) and multifamily residential. The parcel sizes and mix of uses found in the vicinity of the subject property clearly do not meet the ideal location of high value properties within a cohesive “industrial district.”

Policy I.2. Identify areas that may be appropriate for converting from industrial to commercial or other non-industrial uses over the long-term. The characteristics of industrial land that may be appropriate for commercial or other non-industrial uses 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) lacks rail access.

Finding: As described above, the City’s recently adopted Economic Opportunities Analysis (EOA) found a surplus of 907 acres of industrial land within the Salem UGB and a shortage of 271 acres for commercial uses. In response to these findings, the EOA included a recommendation to identify industrial land most suitable for conversion to commercial designations. This recommendation was implemented through Industrial Policy I.2. The subject property has most of the characteristics in Policy I.2 to be zoned commercial.

The property is located outside of an industrial “district” as defined in Policy I.16, and is not in close proximity to any existing industrial uses. The subject property abuts both a multi-family development and a fitness center, two uses that are incompatible with the heavier industrial uses allowed in zones implementing the “Industrial” designation. The Courthouse Fitness, classified as a Commercial Entertainment - Indoors use, is located on the abutting property to the north. Commercial Entertainment - Indoors use is allowed in all commercial zones and as conditioned below would be allowed on the subject property. The subject property does have excellent access to major roads, both an arterial, collector and Interstate 5. This could indicate that the site may be appropriate for both industrial and commercial uses. There nearest rail access is more than two miles east of the property, near Kuebler Blvd and Turner Road.

Planning Commission finds that the subject property is more suitable for commercial uses than industrial uses based on the analysis of Policy I.2. As conditioned below, that

uses prohibited in the CG zone are also prohibited on the property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property except that self-service storage is a permitted use would allow the property to be developed for commercial uses and self-storage. The majority of the uses allowed on the subject property will remain commercial in nature. Although, the EOA accounted that 16% of the land zoned IC would be used for commercial uses. As conditioned, the IC zoning which would allow a wider range of wholesaling and manufacturing activities than the existing CG zoning, is restricted by the condition below that uses prohibited in the CG zone are also prohibited on the property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property except that self-service storage is a permitted use. This would allow the property to be developed for commercial uses and self-storage.

Planning Commission finds that the proposal as modified below is consistent with the applicable Goals and Policies of the Comprehensive Plan.

Finding: The applicant and staff findings applicable Statewide Planning Goals are addressed as follows:

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 and to the Southeast 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, natural, or cultural resources on the affected parcels. Through the consolidated application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards.

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.

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 EOA accounted that 16% of the land zoned IC would be used for commercial uses. As conditioned below, restricting most of the industrial type uses on the subject property would ensure commercial uses could be present on site.

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 record contains a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 2.83 acre site to 2,898 vehicles per day. The proposal complies with Goal 12.

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 was platted in 1998 as part of partition and adjusted with a property line adjustment in 2003. The subject property was annexed into the City of Salem in 1967, and is located within the Urban Service Areas (USA). 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 proposal complies with Goal 14.

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

The following analysis addresses the proposed zone change for the subject property from CG (General Commercial) to IC (Industrial Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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 economic, demographic, and social nature of this area is in the process of changing. The County and City zone maps show that changes have occurred in bringing this vicinity more to industrial, commercial, and residential. The proposed zone change fits the development pattern of the vicinity.

The Planning Commission finds that the proposal as conditioned below, will allow the development of the site with commercial, and self-storage. All of the uses are consistent with the surrounding neighborhood along Commercial Street. Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood, while providing a needed commercial/industrial development in the area.

The proposal is justified based on (iii); the proposed designation is equally or better suited for the property than the existing designation. The applicant does not assert that a mistake has been made in the application of the General Commercial zoning district to the subject property. Instead, the applicant statement addresses the change both the Plan Map designation and zoning to Industrial Commercial on the justification that they are better suited for the property.

The Comprehensive Plan describes the intent of the “Industrial Commercial” designation as “to provide areas for a mixture of heavy commercial and light manufacturing and warehousing activities.” The Regional Economic Opportunities Analysis report of May 2011, as cited by the applicant, was not adopted by the City of Salem and is superseded by the Salem EOA dated, December 2014 and adopted into the Salem Area Comprehensive Plan. The City’s adopted Economic Opportunities Analysis (EOA) found a surplus of 907 acres of industrial land within the Salem UGB and a shortage of 271 acres for commercial uses. The EOA did account for 16% of the IC zoned land to be used for commercial uses.

Since the IC (Industrial Commercial) zoning allows a wider range of wholesaling and manufacturing activities than the existing General Commercial zoning, the proposal would replace the exclusively “Commercial” designation of the property on the current Plan Map with the more flexible “Industrial Commercial” designation. The Planning Commission finds that the EOA accounted for 16% of the land zoned IC to be used for commercial uses, and as conditioned below only uses allowed in the CG zone will be allowed on the subject property and restricting most industrial uses, with the exception of a self-storage facility which will be a permitted use.

The Planning Commission found that evidence submitted by the applicant that the subject property has been marketed for lease or sale for commercial development for over 10 years and has not been engaged for any development on the site. The applicant has received many inquiries regarding mini-storage developments and the site is highly desirable due to the surrounding residential uses.

In addition, the subject property is located within the South Gateway Overlay which intends to enhance the area’s role as the southern gateway into the City. There are several uses within the IC zone, which are currently not allowed in the CG that could be detrimental to the purpose of the overlay district. Restricting those uses that may be detrimental to the purpose of the overlay zone is consistent with the conditions of approval below.

Six self-storage facilities abutting residentially zoned properties within the City Limits were evaluated for compatibility between the two uses. Based off City records, over the last ten years, there have been 12 complaints filed on these facilities. There are several complaints which are not development related, such as abandoned vehicles. Other complaints are concerning lack of landscaping maintenance, sound nuisance and lack of property maintenance. None of the complaints indicate a problem with compatibility between self-storage facilities and abutting residential properties.

In addition, the subject property is located within the South Gateway Overlay which intends to enhance the area’s role as the southern gateway into the City. There are several uses within the IC zone, which are currently not allowed in the CG that could be

detrimental to the purpose of the overlay district. Restricting those uses that may be detrimental to the purpose of the overlay zone is consistent with the conditions of approval below. The South Gateway Neighborhood Association commented, raising concerns about the appearance of the property if developed as self-storage. The neighborhood association voted to recommend alternative 1 in the supplemental staff report, with an additional condition to restrict all outdoor storage on the subject property.

Therefore, the Planning Commission finds that the Industrial Commercial designation and IC zoning proposed by the applicant and as conditioned below is equally suited to the subject property as the existing designations, would ensure consistency with the South Gateway Overlay and would be compatible with the surrounding properties.

Condition 1: Uses that are prohibited in the CG zone are also prohibited on this property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property except that self-service storage is a permitted use.

Condition 2: Any development, other than commercial uses, shall have all façades facing Commercial Streets SE and Robins Lane SE designed so as to appear commercial in nature. The design shall include the following features: backlight windows, awnings, vertical and horizontal articulation, façade with stone work or bricks, and parapets that shall be in substantial conformance with the elevation drawing submitted into the record by the applicant.

Condition 3: The western 30-feet, abutting Commercial Street SE, shall be landscaped with a Type A landscaping standard pursuant to SRC 807.

Condition 4: The southern 20-feet, abutting Robins Lane SE, shall be landscaped with a Type A landscaping standard pursuant to SRC 807.

Condition 5: As part of any development, buildings shall be located at the 35-foot setback line (outside of the existing easement) abutting Commercial Street and at the 20-foot setback line abutting Robins Lane SE.

Condition 6: There shall be no signs or advertising within any window located on the façade of the buildings.

Condition 7: There shall be no outdoor display or storage located on the subject property, including recreational vehicles, trailers and boats.

As conditioned, Planning Commission finds 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 conforms 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 collective application. 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 collective application. The proposal satisfies this criterion.

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

Finding: The Planning Commission finds that the EOA accounted for 16% of the land zoned IC to be used for commercial uses and, as conditioned below, that uses prohibited in the CG zone are also prohibited on the property. Uses that are allowed subject to a conditional use permit in the CG zones will have the same restriction on this property, except that self-service storage is a permitted use. This would allow the property to be developed for commercial uses and self-storage. The majority of the uses would remain commercial in nature.

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 2.83 acre site to 2,898 vehicles per day.

The subject property has access to the public street network via approximately 125-feet of frontage onto Robins Lane SE, designated as a Collector in the Salem Transportation System Plan (TSP). There is currently an existing reserve strip, approximately 170-feet

from the intersection with Commercial Street SE, abutting a portion of the southern property line. Access to Commercial Street SE is available via an existing access easement across the property to the north.

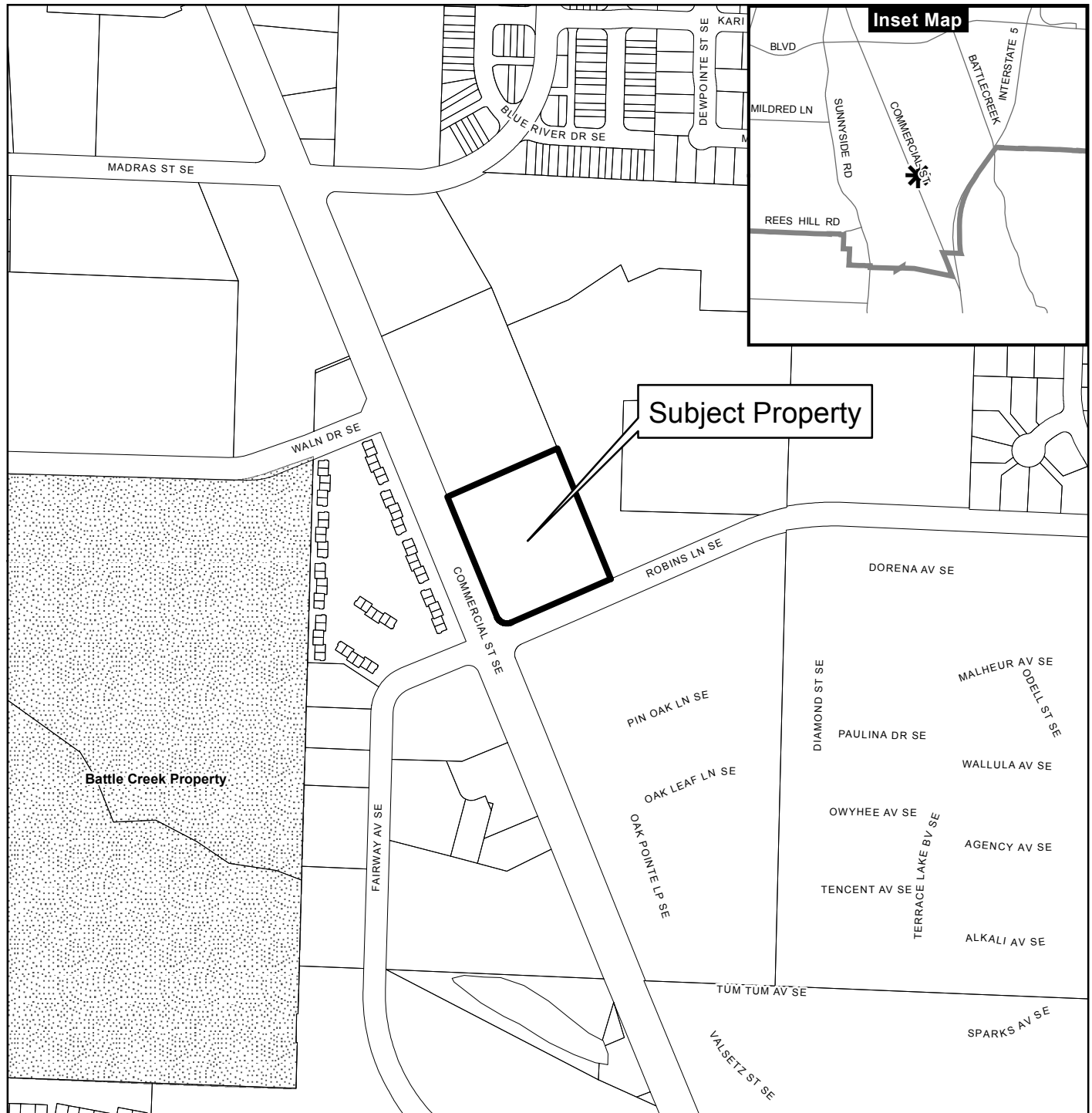
Condition 8: Future development from the 2.83 acre site shall be limited to a maximum cumulative total of 2,898 daily trips.

The proposal meets this criterion.

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

Vicinity Map 2015 Robins Lane SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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Commercial Street & Robins Lane

Comprehensive Plan Change/Zone Change

Revised-April 5, 2018

BACKGROUND/PROPOSAL

The site is located at the NE corner of the intersection of Commercial Street and Robins Lane (083W23A/Tax Lot 800). The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

The City held a pre-application conference with the applicant on June 1, 2017 for the purpose of discussing redevelopment of the subject property (Pre-application No. 17-46).

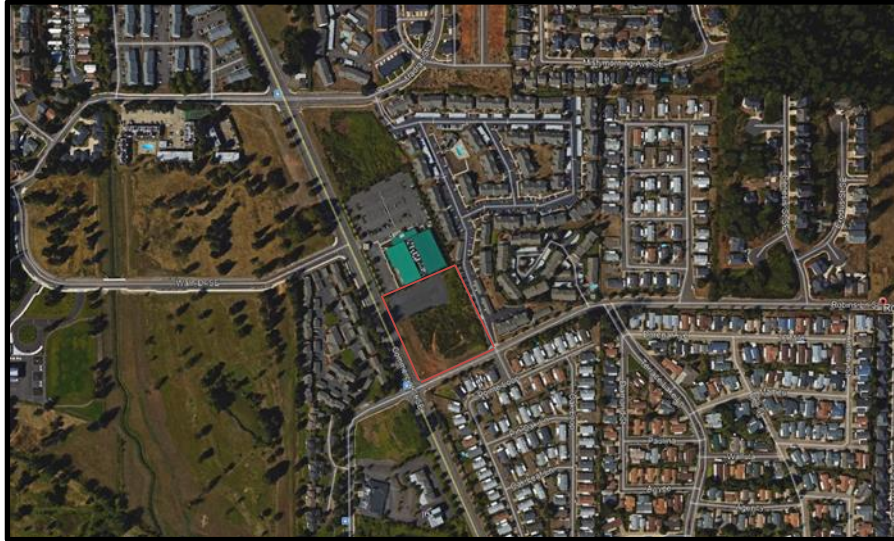
The area is located within the boundaries of the South Gateway Neighborhood Association neighborhood planning organization. SGNA does not have an adopted neighborhood plan at this time. Therefore, a neighborhood plan change is not required with the proposed Comprehensive Plan Change/Zone Change (CPC/ZC). However, the subject property is located within the South Gateway Overlay Zone.

Proposal: The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

Vicinity Information:

The site is located within the City limits and the Urban Growth Boundary. The surrounding land uses within the vicinity are zoned and used as follows:

North:	CR (Commercial Retail); Courthouse Gym
South:	Across Robins Lane, RM2 (Multiple Family Residential); existing mobile home park and existing multi-family apartments
East:	CO (Commercial Office) and RM2 (Multiple Family Residential); existing multi-family apartments
West:	Across Commercial Street, RM2 (Multiple Family Residential); existing multi-family Apartments



Applicable Detail Plans:

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

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Two streets about the subject property: Commercial Street which are designated as major arterial and Robins Lane which is designated as a collector in the STSP.

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) defines a minor plan change as a single proceeding for amending the Comprehensive Plan map affecting less than five privately and separately owned tax lots. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.025(e)(2)).

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation.

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

Findings: The site was chosen due to its size, location, existing level of development and access to major streets.

There is a lack of appropriately designated sites within this area zoned IC. There are no parcels the size of the subject property already zoned IC within the vicinity of the subject property. There are no vacant IC zoned properties within the vicinity.

The Salem-Keizer Metropolitan area Regional Economic Opportunities Analysis (EOA) report of May 2011 is the most recent updated land use study available that contains industrial and commercial land uses inventories. The EOA presents data for national, state, regional and local employment trends. The EOA reports that the national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services to increase. The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase.

The EOA reports: *"The EOA identified a deficit of general commercial land that must be addressed through local planning processes. Options for addressing the general commercial land deficit include accommodating general commercial demand within the existing UGB include through tools such as redesignation of industrial or other lands, redevelopment of sites with existing but low-density commercial development, mixed-use development, or infill of underused commercial sites. Jurisdictions are required to consider these options prior to considering an expansion of their UGB to meet these land deficiencies."*

The applicant's proposal is to rezone the subject properties to IC. The rezoning will help to meet the needs of the City of Salem and the EOA. The IC zone is a zone that allows a board range of uses. The IC zone can accommodate the needed commercial uses and the needed industrial uses within the city of Salem. The IC zone is a commercial zone as well and will help meet the Commercial Land needs. The IC zoning will allow commercial uses on the site. Which makes this zone equally suited for this site.

This site has sat vacant for years and this proposal will allow the developer/s to develop the site.

The site is located at the intersection of Commercial Street or Robins Lane. The subject property has excellent access available to major roadways in the vicinity. On-site retail, service, commercial and light industrial uses provided in this area can benefit residents. This site is at the entrance of town on the south. As you enter Salem there is a pump station on one side of Commercial and a mobile home park on the other. This site will be developed to be visual appeal and help distract from the developments already in the area. In order to help provide a visually appeal site as you come into Salem, the applicant is proposing the following Condition of Approval:

Condition of Approval: The applicant shall provide a 30-foot landscape bufferyard along the west property line, adjacent Commercial Street. No structures other than a fence shall be allowed within this 30-foot landscape bufferyard area.



The proposed landscape bufferyard along Commercial Street along with adequately designed buildings will help to create a visually appealing development within the IC zone along Commercial Street. Equally as appealing as any adequately designed building within the CG zone along Commercial Street.

The location of the site provides the ability to develop industrial/commercial services because it is at a location that is very close to and accessible to the freeway and nearby residential neighborhoods in the surrounding area. At this proposed location, industrial/commercial services will be accessible from surrounding neighborhoods by multiple, alternate modes of transportation, including pedestrian, bicycle, and public transit when it becomes available.

The subject property is currently zoned CG. The subject property has remained CG for years, without any interest in development. Therefore, the applicant is requesting a change in zoning. The applicant's request will allow the developer/owner to develop the site with a broader range of uses allowed in the IC zone. This is a proposal to create new industrial/commercial designated land, not to convert any existing industrially designated land or remove land from the commercial inventory since IC is still a zone that allows commercial uses.

Therefore, the subject property's location, size, the broader range of uses allowed in the IC zone, the fact that it has been vacant for years, and the proposed Condition of Approval make the IC zoning a better suited designation than the existing CG designation.

64.025(e)(2)(B): Services

Findings: The City provided information at the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

Findings: The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

Findings: The following Statewide Planning Goals apply to this proposal:

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, published in the newspaper, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, 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 adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, the zone change considerations is part of this review. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According the City's June 1, 2017, pre-application letter, there are no wetlands on the subject property. The City notifies the Division of State Lands of any proposed land use activities. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will apply at the time of development and will ensure compliance with Goal 5.

The City's pre-application letter indicated that there are no landslide risks on the subject property. A geological assessment is not required for this application.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions that enable him to explore potential redevelopment. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout. Supplemental photographs of the site have been included with the land use application.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water, sewer and storm drainage will be supplied to the site via their June 1, 2017, pre-application conference letter to the applicant. The City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Commercial Street. These are the major traffic routes in the area. Commercial Street is designated as a major arterial

and Robins Lane is designated as a collector in the Salem Transportation System Plan (STSP). The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposal itself will not create a significant air quality impact because no development is planned at the present time. Also, part of the traffic generated by commercial uses on the site will be in place of traffic that would otherwise have to travel to similar services located elsewhere, and at greater distance; therefore any impact to air quality is expected to be relocated and not compounded.

The site is vacant. There are no identified significant natural resources on the site. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. The land is currently zoned CG, the proposed IC zone will allow uses permitted in the CG zone, plus a wider range of other uses. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6. complies with this Goal.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to “*Strengthen the economic base of the Salem area . . .*” The proposal meets this goal because it does not change the plan designation from an industrial use to a non-industrial use. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for commercial and industrial uses along with new opportunity for the local labor force to obtain employment. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new industrial/commercial enterprises and will encourage the location of new businesses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents.

Data required by this Goal to address the proposed change, as required by OAR 660-009-0015, is available in the *Economic Opportunity Analysis* (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial land within the urban area for the 20 year planning period.

The “Industrial Commercial” designation along with the IC zoning designation offers a broad mix of employment uses permitted in the IC zone, including agriculture, manufacturing and production, industrial service, warehouse and freight movement, and wholesale sales. Other allowed uses include office uses, public utilities such as the transportation, sewer, water and storm water infrastructure. Therefore, this proposal complies with Goal 9.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan Growth Management, Commercial, Industrial, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Typically, industrial/commercial development does not add to student population.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The site is located at the intersection of Commercial Street and Robins Lane. Commercial Street is a major north-south link to Interstate Highway 5. The major streets are in place due to previous development.

The subject property is located along a major transportation corridor. It has frontage on Commercial Street and Robins Lane. New and improved access into any development on the subject property is required to address safety, convenience, visibility, grade, and other access issues.

The proposed map amendment will not significantly affect Commercial Street and Robins Lane as these facilities are planned with functional classifications and performance standards to accommodate the vehicle trip generation for a designated a "major arterial" and "collector". The applicant's Transportation Planning Rule analysis will address this goal because it addresses if a "significant affect" is identified and what the mitigation should be.

A TPR dated March 21, 2018, has been provided as part of this application packet.

Goal 13 - Energy Conservation

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Development of the vacant site continues to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The Comprehensive plan identifies

the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets. New construction provides the opportunity to provide improved construction and building techniques which improves and conserves energy uses of the new building.

Goal 14 – Urbanization

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and inside the urban service area. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of commercial/industrial land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and commercial/industrial needs, the proposed change benefits the public.

APPLICANT'S REASONS ADDRESSING THE ZONE CHANGE CRITERIA ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a commercial/industrial use on the site. The proposed IC zone will implement the requested "Industrial Commercial" SACP map designation.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:**
 - (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 Findings to (A)(i): There is no identified mistake in the compilation of the electronic or historical zoning map for this area. The issue is not whether a mistake in the map making process has been made but rather that the existing zoning does not reflect the need for IC zoning. The code allows for comprehensive plan and zoning modifications when a change of circumstance has occurred, and this more aptly describes the circumstances surrounding this particular case. A change in circumstances rather than mapping errors has occurred. The property has not developed as CG, nor has there been any interest shown in developing the site within the permitted uses of the CG zone. There is no mapping mistake identified for the subject property. Therefore, this criterion is met.

Applicant Findings to (A)(ii): The economic, demographic, and social nature of this area is in the process of changing. The County and City zone maps show that changes have occurred in bringing this vicinity more to industrial, commercial, and residential. The proposed zone change fits the development pattern of the vicinity. Therefore, this criterion is met.

Applicant Findings to (A)(iii): This area is a changing area with properties changing to multi-family and industrial/commercial. This property is an underutilized site in the City of Salem. Rezoning the subject property will allow the developer to develop the site with commercial, and industrial uses. All of the uses are consistent with the surrounding neighborhood along Commercial Street.

Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood, while providing a needed commercial/industrial development in the area.

The development will also meet code requirements that will be consistent with and enhance the character neighborhood.

(B) City-initiated zone change.

Applicant Findings (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Commercial" to 'Industrial Commercial'.

The SACP Goal for "Commercial Development" is "To maintain and promote the Salem urban area as a commercial center for the Marion-Polk".

The SACP Goal for "Industrial Development" is "To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution."

The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

Therefore, the proposal complies with these “Commercial” and “Industrial” Goals of the SACP by creating an area that promotes commercial and industrial services which strengthens the economic base by providing employment and goods and services. The proposed re-designation and concurrent re-zoning will result in a coordinated Comprehensive Plan designation and zoning district as is required by the Plan and Code Coordination Policy. The proposal is therefore, consistent with this policy and necessary to assure conformance between the SACP and the underlying zoning district.

The General Development policies are met because the land use decision is consistent with the State Land Use Goals. The EOA provides a detailed look at economic growth areas and projects that the service sector is projected to growth. The proposal for an “Industrial Commercial” SACP designation and a concurrent IC (Industrial Commercial) zone permit uses on the subject property that will accommodate the projected fastest growing employment sector. The optimal use of the land is enhanced by siting buildings, internal transportation, and landscaping is such a way as to maximize the comfort and convenience for those working and using the subject property.

The proposal meets the Economic Development Goal to strengthen the economic base of the Salem area by creating an opportunity for jobs and economic growth. This proposal will allow a development that will add to the employment opportunities of the Salem area in a sector with the highest predicted rate of growth. It is not an expansion of an existing industrial enterprise; rather it is the establishment of a commercial enterprise on a property where no industrial or commercial activity is taking place despite being within the City limits and adjacent to the freeway.

Therefore, the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan. The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant’s statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence and reasons presented the proposed Comprehensive Plan Map change conforms to all applicable local and Statewide Planning Goals.

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

Applicant Findings (D): All Planning Goals have been addressed above. See findings under 64.025(e)(2)(D).

(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.

Applicant Findings (E): The applicant is proposing to change the zone from CG to IC. The subject property is currently zoned residential.

Therefore, this criteria is not applicable.

(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 Findings (F): The current zoning of the property is CG. The applicant is proposing to change the zone to IC, so the site can be developed with commercial/industrial uses.

The proposal does not warrant a TIA. However, a TPR dated March 21, 2018 has been provided. Therefore, the proposed zone change will not affect the existing transportation facilities.

This criterion has been met.

(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.

Applicant Findings (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the IC zone.

Therefore, this criteria has been met.

CONCLUSION

We believe that requested Comprehensive Land Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the "Industrial Commercial" and "Multi-Family Residential" land use designations and corresponding IC (Industrial Commercial) and RM2 (Multi-Family Residential) zoning designations are appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Cc: file

Commercial Street & Robins Lane

Comprehensive Plan Change/Zone Change

BACKGROUND/PROPOSAL

The site is located at the NE corner of the intersection of Commercial Street and Robins Lane (083W23A/Tax Lot 800). The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

The City held a pre-application conference with the applicant on June 1, 2017 for the purpose of discussing redevelopment of the subject property (Pre-application No. 17-46).

The area is located within the boundaries of the South Gateway Neighborhood Association neighborhood planning organization. SGNA does not have an adopted neighborhood plan at this time. Therefore, a neighborhood plan change is not required with the proposed Comprehensive Plan Change/Zone Change (CPC/ZC). However, the subject property is located within the South Gateway Overlay Zone.

Proposal: The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

Vicinity Information:

The site is located within the City limits and the Urban Growth Boundary. The surrounding land uses within the vicinity are zoned and used as follows:

North:	CR (Commercial Retail); Courthouse Gym
South:	Across Robins Lane, RM2 (Multiple Family Residential); existing mobile home park and existing multi-family apartments
East:	CO (Commercial Office) and RM2 (Multiple Family Residential); existing multi-family apartments
West:	Across Commercial Street, RM2 (Multiple Family Residential); existing multi-family Apartments



Applicable Detail Plans:

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

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Two streets abut the subject property: Commercial Street which are designated as major arterial and Robins Lane which is designated as a collector in the STSP.

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) defines a minor plan change as a single proceeding for amending the Comprehensive Plan map affecting less than five privately and separately owned tax lots. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.025(e)(2)).

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation.

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

Findings: The site was chosen due to its size, location, existing level of development and access to major streets.

There is a lack of appropriately designated sites within this area zoned IC. There are no parcels the size of the subject property already zoned IC within the vicinity of the subject property. There are no vacant IC zoned properties within the vicinity.

The Salem-Keizer Metropolitan area Regional Economic Opportunities Analysis (EOA) report of May 2011 is the most recent updated land use study available that contains industrial and commercial land uses inventories. The EOA presents data for national, state, regional and local employment trends. The EOA reports that the national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services to increase. The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase.

The EOA reports: *"The EOA identified a deficit of general commercial land that must be addressed through local planning processes. Options for addressing the general commercial land deficit include accommodating general commercial demand within the existing UGB include through tools such as redesignation of industrial or other lands, redevelopment of sites with existing but low-density commercial development, mixed-use development, or infill of underused commercial sites. Jurisdictions are required to consider these options prior to considering an expansion of their UGB to meet these land deficiencies."*

The applicant's proposal is to rezone the subject properties to IC. The rezoning will help to meet the needs of the City of Salem and the EOA. The IC zone is a zone that allows a board range of uses. The IC zone can accommodate the needed commercial uses and the needed industrial uses within the city of Salem.

This site has sat vacant for years and this proposal will allow the developer/s to develop the site.

The site is located at the intersection of Commercial Street or Robins Lane. The subject property has excellent access available to major roadways in the vicinity. On-site retail, service, commercial and light industrial uses provided in this area can benefit residents.

The location of the site provides the ability to develop industrial/commercial services because it is at a location that is very close to and accessible to the freeway and nearby residential neighborhoods in the surrounding area. At this proposed location, industrial/commercial services will be accessible from surrounding neighborhoods by multiple, alternate modes of transportation, including pedestrian, bicycle, and public transit when it becomes available.

The subject property is currently zoned CG. The subject property has remained CG for years, without any interest in development. Therefore, the applicant is requesting a change in zoning. The applicant's request will allow the developer/owner to develop the site with a boarder range of uses allowed in the IC zone. This is a proposal to create new industrial/commercial designated land, not to convert any existing industrially designated land or remove land from the industrial inventory.

Therefore, the subject property's location, size, and the fact that it has been vacant for years, makes the IC zoning a better suited designation than the existing CG designation.

64.025(e)(2)(B): Services

Findings: The City provided information at the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

Findings: The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via

the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

Findings: The following Statewide Planning Goals apply to this proposal:

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, published in the newspaper, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, 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 adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, the zone change considerations is part of this review. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According the City's June 1, 2017, pre-application letter, there are no wetlands on the subject property. The City notifies the Division of State Lands of any proposed land use activities. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will apply at the time of development and will ensure compliance with Goal 5.

The City's pre-application letter indicated that there are no landslide risks on the subject property. A geological assessment is not required for this application.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions that enable him to explore potential redevelopment. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout. Supplemental photographs of the site have been included with the land use application.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water, sewer and storm drainage will be supplied to the site via their June 1, 2017, pre-application conference letter to the applicant. The City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Commercial Street. These are the major traffic routes in the area. Commercial Street is designated as a major arterial and Robins Lane is designated as a collector in the Salem Transportation System Plan (STSP). The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposal itself will not create a significant air quality impact because no development is planned at the present time. Also, part of the traffic generated by commercial uses on the site will be in place of traffic that would otherwise have to travel to similar services located elsewhere, and at greater distance; therefore any impact to air quality is expected to be relocated and not compounded.

The site is vacant. There are no identified significant natural resources on the site. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. The land is currently zoned CG, the proposed IC zone will allow uses permitted in the CG zone, plus a wider range of other uses. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6. complies with this Goal.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "*Strengthen the economic base of the Salem area . . .*" The proposal meets this goal because it does not change the plan designation from an industrial use to a non-industrial use. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for commercial and industrial uses along with new opportunity for the local labor force to obtain employment. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new industrial/commercial enterprises and will encourage the location of new businesses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents.

Data required by this Goal to address the proposed change, as required by OAR 660-009-0015, is available in the *Economic Opportunity Analysis* (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial land within the urban area for the 20 year planning period.

The "Industrial Commercial" designation along with the IC zoning designation offers a broad mix of employment uses permitted in the IC zone, including agriculture, manufacturing and production, industrial service, warehouse and freight movement, and wholesale sales. Other allowed uses include office uses, public utilities such as the transportation, sewer, water and storm water infrastructure. Therefore, this proposal complies with Goal 9.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan Growth Management, Commercial, Industrial, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Typically, industrial/commercial development does not add to student population.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The site is located at the intersection of Commercial Street and Robins Lane. Commercial Street is a major north-south link to Interstate Highway 5. The major streets are in place due to previous development.

The subject property is located along a major transportation corridor. It has frontage on Commercial Street and Robins Lane. New and improved access into any development on the subject property is required to address safety, convenience, visibility, grade, and other access issues.

The proposed map amendment will not significantly affect Commercial Street and Robins Lane as these facilities are planned with functional classifications and performance standards to accommodate the vehicle trip generation for a designated a "major arterial" and "collector". The applicant's Transportation

Planning Rule analysis will address this goal because it addresses if a "significant affect" is identified and what the mitigation should be.

A TPR dated March 21, 2018, has been provided as part of this application packet.

Goal 13 - Energy Conservation

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Development of the vacant site continues to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The Comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets. New construction provides the opportunity to provide improved construction and building techniques which improves and conserves energy uses of the new building.

Goal 14 – Urbanization

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and inside the urban service area. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of commercial/industrial land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and commercial/industrial needs, the proposed change benefits the public.

**APPLICANT'S REASONS ADDRESSING THE ZONE CHANGE CRITERIA
ZONE CHANGE CRITERIA SRC CHAPTER 265**

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a commercial/industrial use on the site. The proposed IC zone will implement the requested "Industrial Commercial" SACP map designation.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

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

(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 Findings to (A)(i): There is no identified mistake in the compilation of the electronic or historical zoning map for this area. The issue is not whether a mistake in the map making process has been made but rather that the existing zoning does not reflect the need for IC zoning. The code allows for comprehensive plan and zoning modifications when a change of circumstance has occurred, and this more aptly describes the circumstances surrounding this particular case. A change in circumstances rather than mapping errors has occurred. The property has not developed as CG, nor has there been any interest shown in developing the site within the permitted uses of the CG zone. There is no mapping mistake identified for the subject property. Therefore, this criterion is met.

Applicant Findings to (A)(ii): The economic, demographic, and social nature of this area is in the process of changing. The County and City zone maps show that changes have occurred in bringing this vicinity more to industrial, commercial, and residential. The proposed zone change fits the development pattern of the vicinity. Therefore, this criterion is met.

Applicant Findings to (A)(iii): This area is a changing area with properties changing to multi-family and industrial/commercial. This property is an underutilized site in the City of Salem. Rezoning the subject property will allow the developer to develop the site with commercial, and industrial uses. All of the uses are consistent with the surrounding neighborhood along Commercial Street.

Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood, while providing a needed commercial/industrial development in the area.

The development will also meet code requirements that will be consistent with and enhance the character neighborhood.

(B) City-initiated zone change.

Applicant Findings (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Commercial" to 'Industrial Commercial'.

The SACP Goal for "Commercial Development" is "To maintain and promote the Salem urban area as a commercial center for the Marion-Polk".

The SACP Goal for "Industrial Development" is "To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution."

The proposal is to change the zoning for approximately 2.83 acres from CG (General Commercial) to IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Commercial" to "Industrial Commercial".

Therefore, the proposal complies with these "Commercial" and "Industrial" Goals of the SACP by creating an area that promotes commercial and industrial services which strengthens the economic base by providing employment and goods and services. The proposed re-designation and concurrent re-zoning will result in a coordinated Comprehensive Plan designation and zoning district as is required by the Plan and Code Coordination Policy. The proposal is therefore, consistent with this policy and necessary to assure conformance between the SACP and the underlying zoning district.

The General Development policies are met because the land use decision is consistent with the State Land Use Goals. The EOA provides a detailed look at economic growth areas and projects that the service sector is projected to growth. The proposal for an "Industrial Commercial" SACP designation and a concurrent IC (Industrial Commercial) zone permit uses on the subject property that will accommodate the projected fastest growing employment sector. The optimal use of the land is enhanced by siting buildings, internal transportation, and landscaping is such a way as to maximize the comfort and convenience for those working and using the subject property.

The proposal meets the Economic Development Goal to strengthen the economic base of the Salem area by creating an opportunity for jobs and economic growth. This proposal will allow a development that will add to the employment opportunities of the Salem area in a sector with the highest predicted rate of growth. It is not an expansion of an existing industrial enterprise; rather it is the establishment of a commercial enterprise on a property where no industrial or commercial activity is taking place despite being within the City limits and adjacent to the freeway.

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

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

Applicant Findings (D): All Planning Goals have been addressed above. See findings under 64.025(e)(2)(D).

(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.

Applicant Findings (E): The applicant is proposing to change the zone from CG to IC. The subject property is currently zoned residential.

Therefore, this criteria is not applicable.

(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 Findings (F): The current zoning of the property is CG. The applicant is proposing to change the zone to IC, so the site can be developed with commercial/industrial uses.

The proposal does not warrant a TIA. However, a TPR dated March 21, 2018 has been provided. Therefore, the proposed zone change will not affect the existing transportation facilities.

This criterion has been met.

(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.

Applicant Findings (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the IC zone.

Therefore, this criteria has been met.

CONCLUSION

We believe that requested Comprehensive Land Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the "Industrial Commercial" and "Multi-Family Residential" land use designations and corresponding IC (Industrial Commercial) and RM2 (Multi-Family Residential) zoning designations are appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Exhibit A

Beginning at the Northwest corner of Parcel 1, Partition Plat 98-93 as recorded in the Marion County Record of Partition Plats in the Northeast Quarter of Section 23, Township 8 South, Range 3 West of the Willamette Meridian, City of Salem, Marion County, Oregon; thence along the North line of said Parcel 1 North 64°30'45" East 325.00 feet to a 5/8" iron rod on the West line of Parcel 3, Partition Plat 2003-024; thence along said West line South 24°02'00" East 380.74 feet to a 5/8" iron rod on the North Right of Way of Robins Lane; thence along said North Right of Way South 64°30'45" West 294.23 feet to a 5/8" iron rod; thence 47.88 feet along a 30 foot radius curve to the right (the chord of which bears North 69°45'37" West 42.96 feet) to a 5/8" iron rod on the East Right of Way of Commercial Street; thence along said East Right of Way North 24°02'00" West 349.97 feet to the Point of Beginning and containing 2.835 acres, more or less.

This legal description was prepared using Partition Plat 2003-024.

