NOTICE OF DECISION

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

CITY OF Salem AT YOUR SERVICE

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

DECISION OF THE PLANNING ADMINISTRATOR

QUASI-JUDICIAL ZONE CHANGE / CLASS 2 ADJUSTMENT CASE NO.: ZC-ADJ19-01

APPLICATION NO. : 19-108003-ZO / 19-108005-ZO

NOTICE OF DECISION DATE: JULY 31, 2019

SUMMARY: A Zone Change from Residential Agriculture to General Industrial and adjustments to reduce setbacks, landscaping, and screening requirements along the north and south property lines.

REQUEST: A Zone Change from RA (Residential Agriculture) to IG (General Industrial) and Class 2 Adjustment requests to:

1) Reduce the 40-foot setback required by SRC 554.010(b) and Tables 554-3 and 554-4 to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600;
2) Provide a 6-foot-tall sight-obscuring fence for screening along the north line of tax lots 082W06 / 00500 and 00600 rather than the minimum 6-foot-tall wall required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1;
3) Defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed;
4) Provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600.

For property approximately 62 acres in size, zoned RA (Residential Agriculture), and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W06 / 00500 and 00600).

APPLICANT: Jeff Tross of Tross Consulting, Inc. on behalf of T and S Properties, LLC (Michael Walling)

LOCATION: 2425 Lancaster Dr SE / 97317

CRITERIA: Salem Revised Code (SRC) Chapter 265.005(e) and 250.005(d)(2)

FINDINGS: The findings are in the attached Decision dated July 31, 2019.

DECISION: The **Hearings Officer APPROVED** Quasi-Judicial Zone Change / Class 2 Adjustment Case No. ZC-ADJ19-01 subject to the following conditions of approval:

Condition 1: Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (Attachment B of the staff report), as modified by conditions of approval.

Condition 2: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.

Condition 3: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

Condition 4: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.

Condition 5: Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that tax lot 082W0600400 is developed.

Condition 6: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (Attachment B of the staff report), planted with at least one plant unit per 20 square feet and meeting Public Works Design Standards.

Condition 7: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

Condition 8: The adjusted landscaping and setback requirements, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan (Attachment B of the staff report). Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

The rights granted by the attached Adjustment decision must be exercised, or an extension granted, by August 16, 2021 or this approval shall be null and void.

Application Deemed Complete:	May 20, 2019
Public Hearing Date:	June 26, 2019
Notice of Decision Mailing Date:	July 31, 2019
Decision Effective Date:	August 16, 2019
State Mandate Date:	September 17, 2019

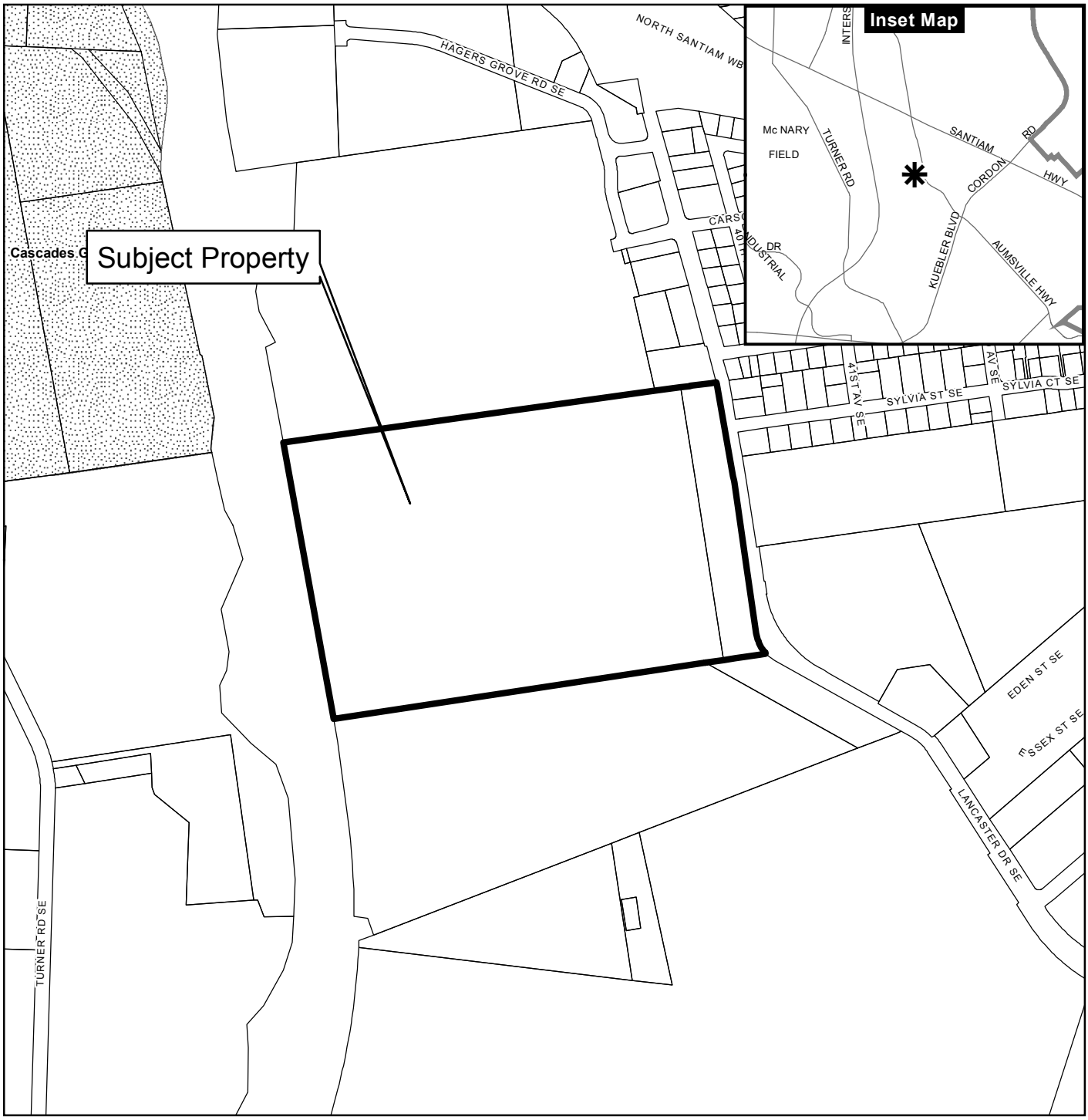
Case Manager: Pamela Cole, pcole@cityofsalem.net, 503-540-2309

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., Thursday, August 15, 2019. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 265 and 250. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

http://www.cityofsalem.net/planning

Vicinity Map
2425 Lancaster Drive SE



Legend

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

0 100 200 400 Feet

CITY OF Salem AT YOUR SERVICE
Community Development Dept.

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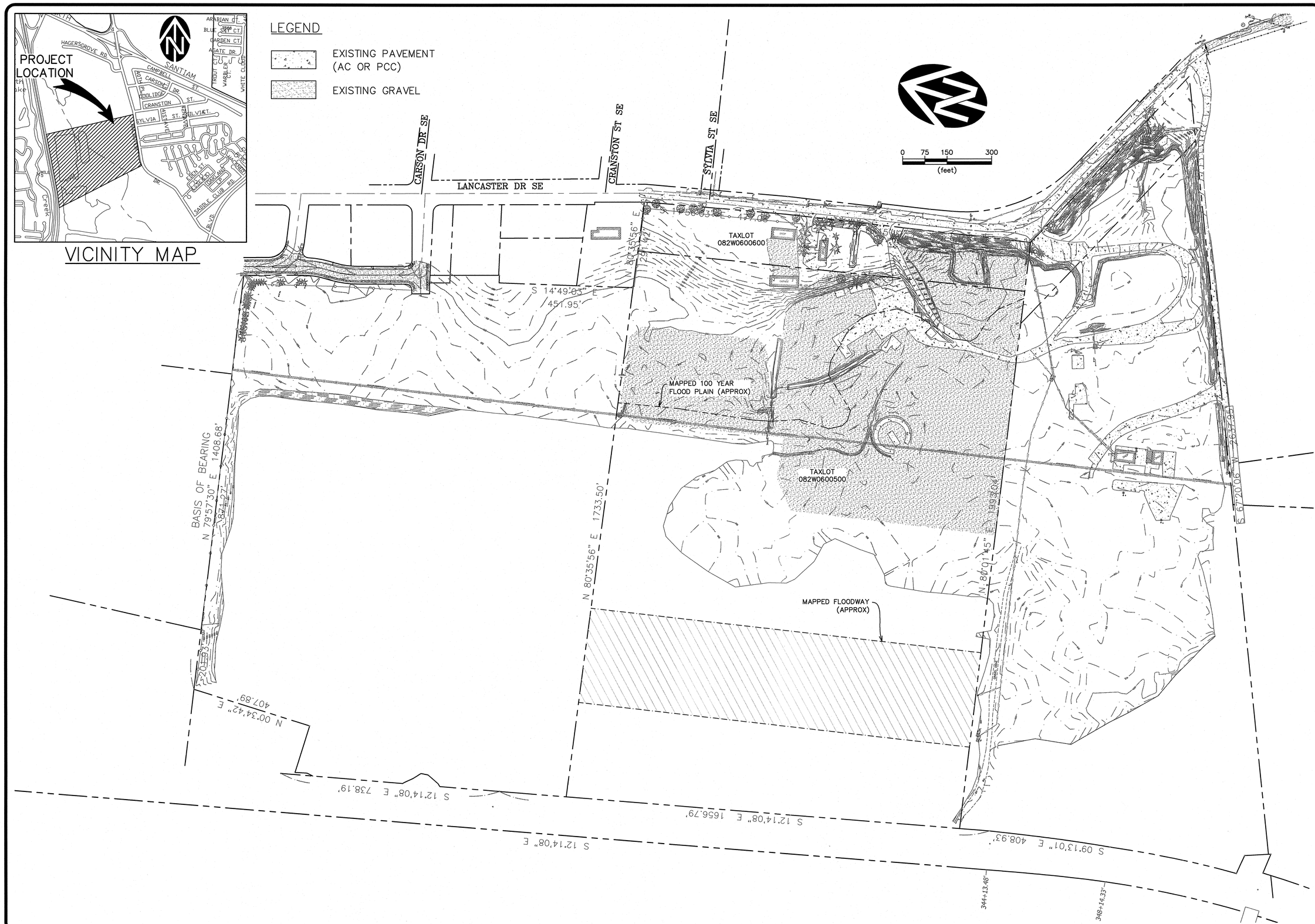

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DRN. AR
CKD. SAW
DATE: NOV 2018

REGISTERED PROFESSIONAL ENGINEER
OREGON JULY 16, 1985
STEVEN A. WANG

REVIEW

RENEWS: 6/30/2020

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

WALLING PROPERTIES

WALLING TRUCK PARKING

OVERALL EXISTING CONDITIONS PLAN

DRAWING
C1.0

JOB NUMBER
2889.1000.0

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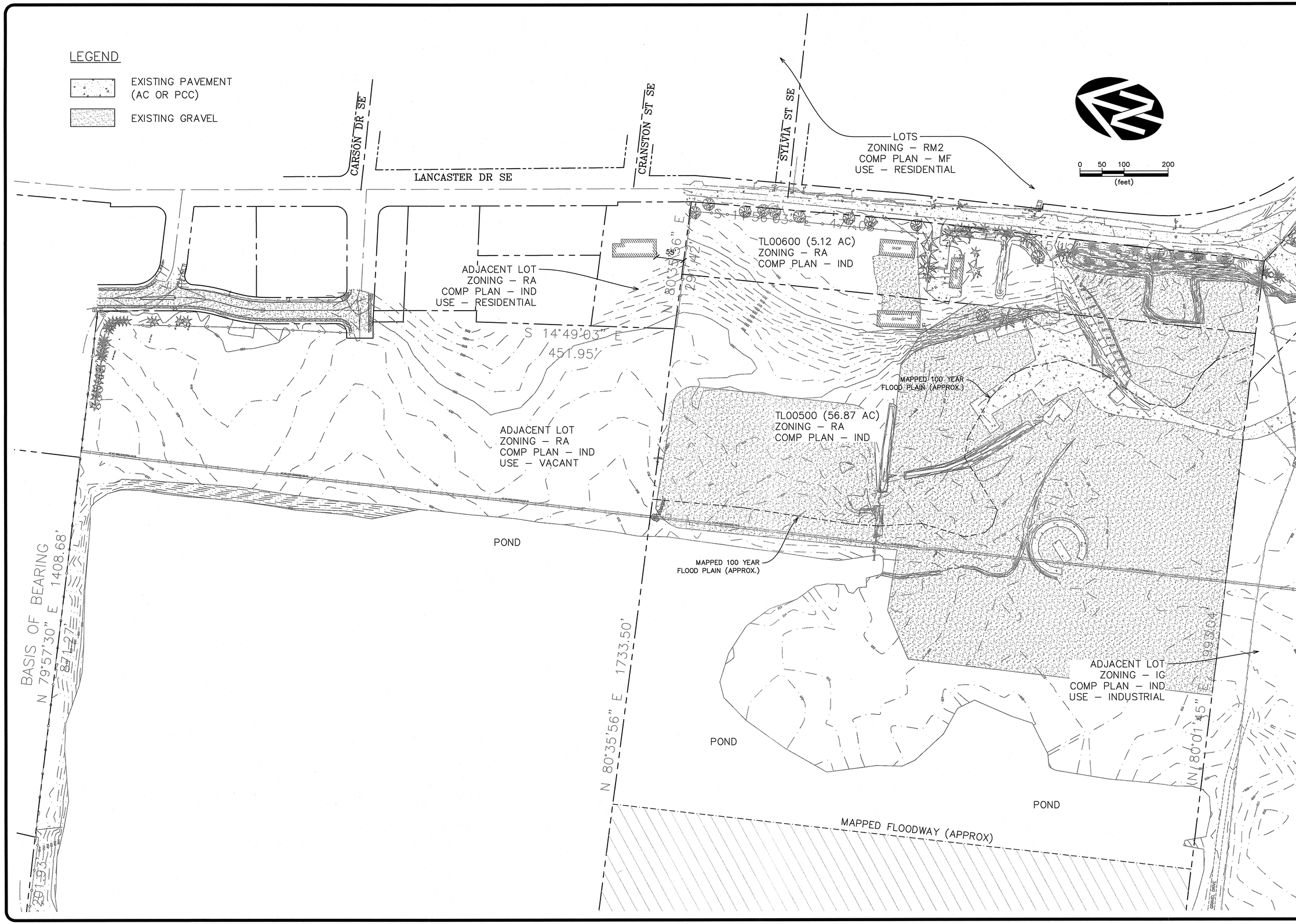

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OREGON JUL 16, 1987
STEVEN A. WARD
REVIEW
REVIEWS: 6/20/2020

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EXISTING CONDITIONS PLAN

DRAWING
C1.1

JOB NUMBER
2889.1000.0

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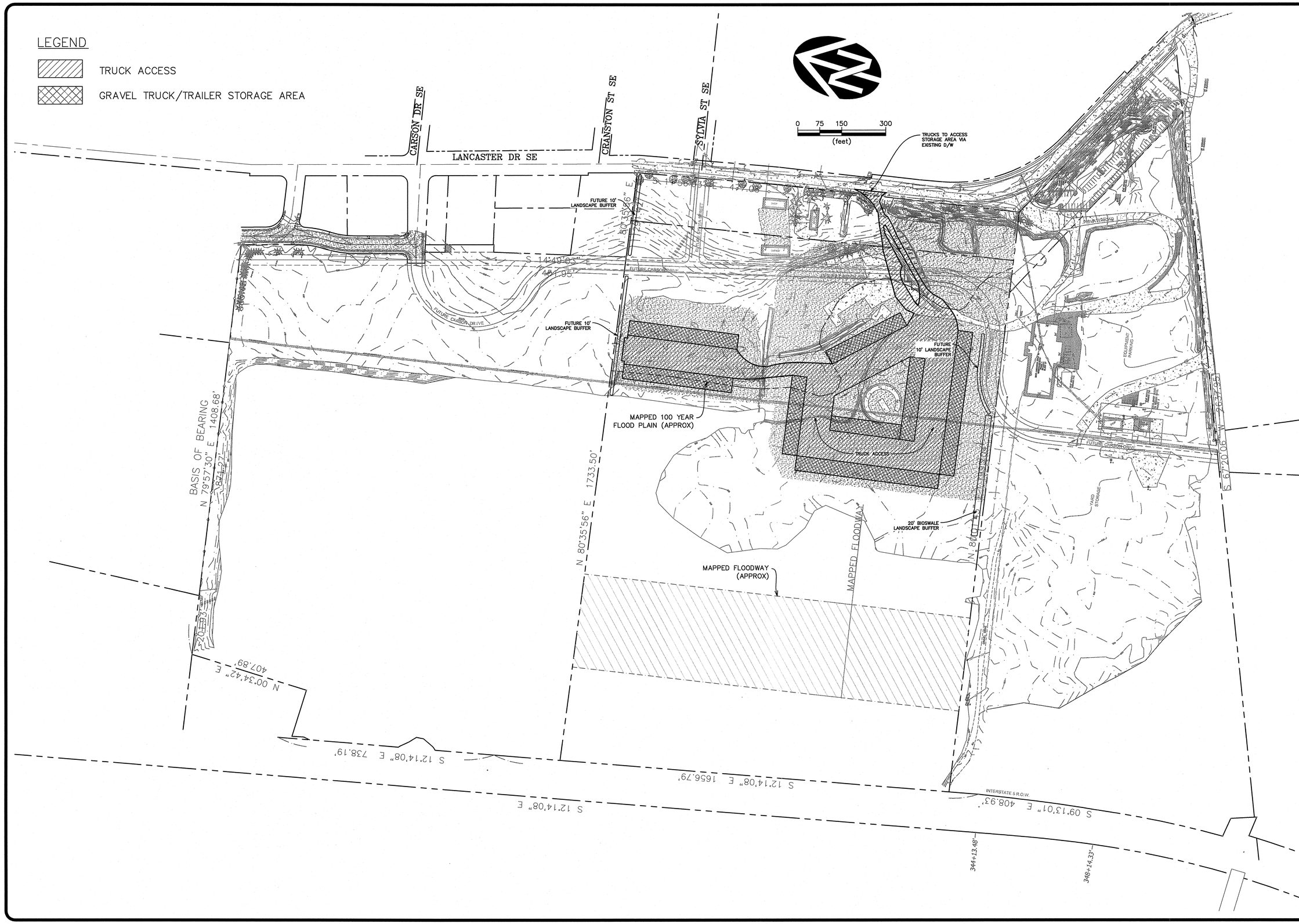

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WALLING PROPERTIES

WALLING TRUCK PARKING

OVERALL SITE PLAN

DRAWING
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JOB NUMBER
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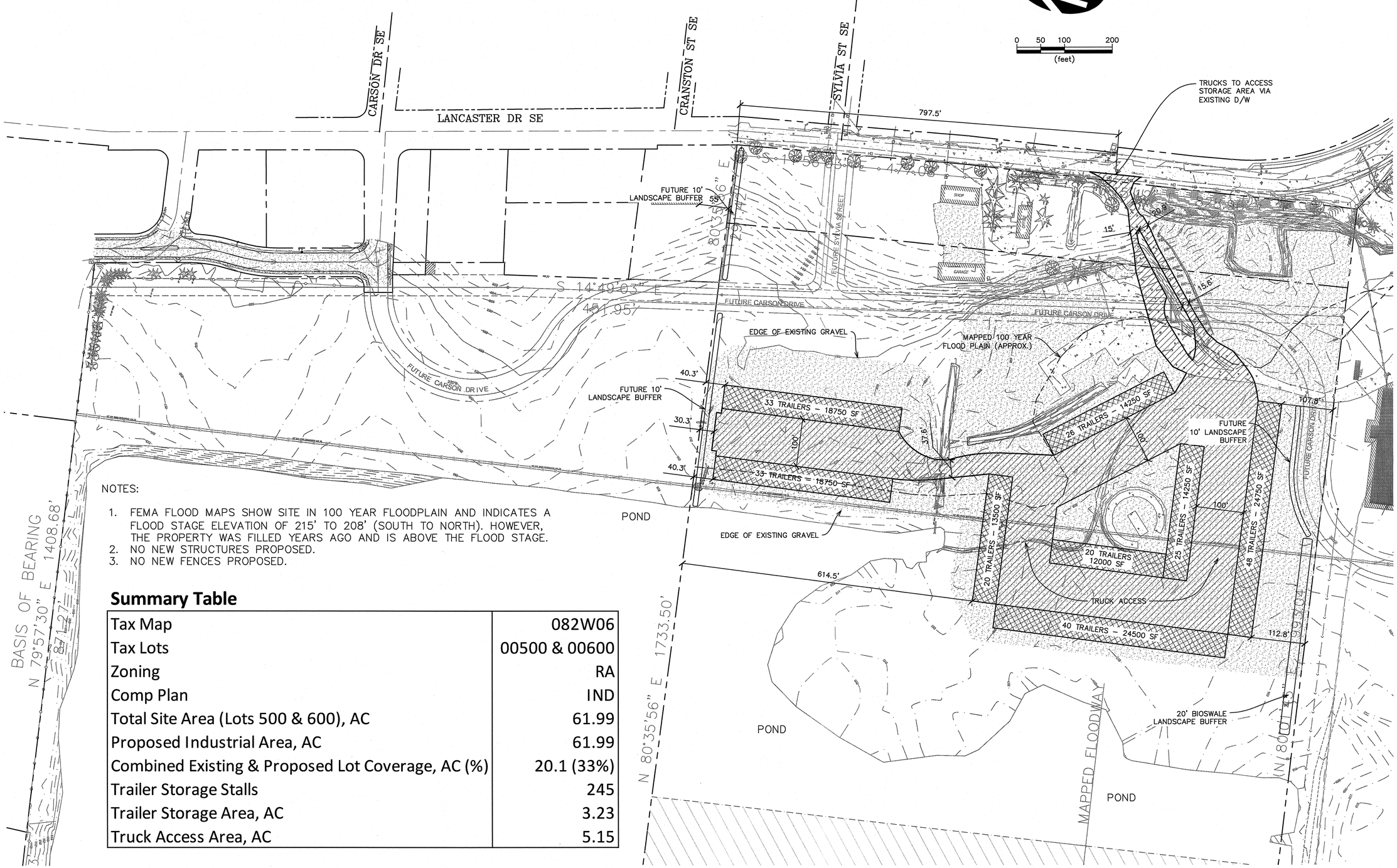
LEGEND

TRUCK ACCESS

GRAVEL TRUCK/TRAILER STORAGE AREA



NOTES:

1. FEMA FLOOD MAPS SHOW SITE IN 100 YEAR FLOODPLAIN AND INDICATES A FLOOD STAGE ELEVATION OF 215' TO 208' (SOUTH TO NORTH). HOWEVER, THE PROPERTY WAS FILLED YEARS AGO AND IS ABOVE THE FLOOD STAGE.
2. NO NEW STRUCTURES PROPOSED.
3. NO NEW FENCES PROPOSED.

Summary Table

Tax Map	082W06
Tax Lots	00500 & 00600
Zoning	RA
Comp Plan	IND
Total Site Area (Lots 500 & 600), AC	61.99
Proposed Industrial Area, AC	61.99
Combined Existing & Proposed Lot Coverage, AC (%)	20.1 (33%)
Trailer Storage Stalls	245
Trailer Storage Area, AC	3.23
Truck Access Area, AC	5.15

NO.	DATE	DESCRIPTION	BY
1		REVISIONS	

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WALLING PROPERTIES

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SITE PLAN

DRAWING
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CITY OF SALEM
BEFORE THE HEARINGS OFFICER

A REQUEST FOR A ZONE CHANGE FROM RA (RESIDENTIAL AGRICULTURE) TO IG (GENERAL INDUSTRIAL) AND CLASS 2 ADJUSTMENT FOR PROPERTY APPROXIMATELY 62 ACRES IN SIZE, ZONED RA (RESIDENTIAL AGRICULTURE), AND LOCATED AT 2425 LANCASTER DRIVE SE - 97317 (MARION COUNTY ASSESSOR'S MAP AND TAX LOT NUMBER: 082W06 / 00500 AND 00600).	ZC-ADJ19-01 FINDINGS OF FACT, CONCLUSIONS, AND DECISION

DATE AND PLACE OF HEARING:

June 26, 2019, Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff:	Pamela Cole, Planner II
Neighborhood Association:	None
Proponents:	Jeff Tross, Agent for Applicant, T and S Properties, LLC
Opponents:	Ken Graves, Neighbor

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on June 26, 2019, regarding a request for a zone change from RA (Residential Agriculture) to IG (General Industrial) and Class 2 Adjustment for a property 62 acres in size and located at 2425 Lancaster Drive SE.

During the hearing, Pamela Cole requested the Staff Report be entered into the Record, and the Hearings Officer granted the request. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

The Staff Report, and Staff presentation stated, observed, noted and alleged the following:

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Industrial." The Industrial designation on the SACP is used to indicate the location of industrial uses. Location of industrial land required consideration of potentially heavier demands on public facilities significant impacts on the environment, and vehicular traffic. The intent is to provide a variety of industrial sites for all types of industrial uses throughout the Salem urban area.

Because the subject property is designated Industrial on the Comprehensive Plan map, a zone change to IG would not require a concurrent comprehensive plan change because the Industrial designation can be implemented by several zones, including the IG zone.

The Comprehensive Plan designations of surrounding properties include:

North: "Industrial"
South: "Industrial"
East: (Across Lancaster Drive SE) "Multi-Family Residential"
West: (Across Interstate 5) "Industrial"

The subject property is located outside the Urban Service Area (USA). An Urban Growth Area Development Permit was required for future development of the property and was approved under UGA-SPR-ADJ-DAP16-02.

2. Zoning of Surrounding Properties

The subject property is currently zoned RA (Residential Agriculture). The zoning of surrounding properties is described as follows:

North: RA (Residential Agriculture);
South: IG (General Industrial);
East: Across Lancaster Drive SE, RM-II (Multi-Family Residential);
West: Across Interstate 5, RM-II (Multi-Family Residential).

3. Site Analysis

The site consists of two tax lots approximately 62 acres in size. There are existing structures which remain on the site from the previous sand and

gravel aggregate resource excavation and processing operation. There is an existing water impoundment that occupies the westerly half of the subject property.

Circulation and Access: The property has frontage on Lancaster Drive SE and Interstate 5. The adjacent portion of Lancaster Drive SE is designated as a Major Arterial in the Salem Transportation System Plan (TSP). The standard for this street is a 68-foot-wide improvement within a 96-foot-wide right-of-way. The existing conditions of Lancaster Drive SE adjacent to the subject property do not appear to meet minimum standards for its classification.

The proposed use, an unpaved vehicle storage area for trucks and trailers, does not require a building permit or site plan. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that future development is proposed on the site through the Site Plan Review Process.

Primary access to the subject property is provided by an existing driveway to Lancaster Drive SE.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (including Oregon White Oaks with a diameter-at-breast-height of 24 inches or greater), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet.

Any future development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetland Inventory (LWI) identifies mapped wetland areas on the subject property. Any development of the subject property must conform to the requirements of the City's wetland ordinance and any necessary State or Federal permits must be obtained before a project begins.

Landslide Hazards: According to the City's adopted landslide hazard susceptibility maps, there are areas of mapped landslide hazard susceptibility points located throughout the property. Based on the point value associated with the land (3 points) and the point value associated with a future commercial or industrial building permit (3 points), there is a moderate

landslide hazard risk for future commercial or industrial development of the property. A geologic assessment will be required in the future if a regulated development activity is proposed in the mapped landslide hazard area.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association. Notification was sent on June 6, 2019 to the neighborhood association and surrounding property owners and tenants within 250 feet of the property. At the time of the hearing, no comments were received from the neighborhood association or from adjoining property owners or tenants.

At the hearing on June 26, 2019, Ken Graves testified about his concern that approval of this application would cause an increase in traffic on Lancaster Drive. He expressed concern about the road only being two lanes, and the need for additional turn lanes.

The Hearings Officer agrees with City Staff and adopts the findings in paragraphs 1-4, above.

5. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and had no concerns with the proposed change to truck and trailer storage on an existing compacted gravel lot. No fill, grading or structures are proposed. The Traffic Division had no concerns with continued use of the existing driveway.

The Building and Safety Division reviewed the proposal and had no concerns.

The Fire Department reviewed the proposal and had no concerns.

6. Public Agency and Private Service Provider Comments

At the time of the hearing, no comments were received from any public agencies or private service providers.

7. Prior Land Actions for Property

Marion County CU 73-29: To establish a sand, gravel, and rock quarry; stockpiling; rock crushing; processing and washing; residence for care taker, concrete batching and hot mix batching plants; and other related structures and activities related to these uses in an RA zone as a conditional use.

CU 07-02: To allow the modification of an existing, non-conforming sand and gravel operation for the purpose of replacing a previously existing landscaped berm adjacent to the west property line with a vegetative buffer.

CU 08-05: To modify the previous non-conforming conditional use permit granted for the property (CU 07-02) by allowing the residential landscaping buffer to be provided entirely within the ODOT right-of-way of Interstate-5 and by allowing modifications to the previously established conditions of approval.

UGA-SPR-ADJ-DAP16-02: To determine the public facilities required for development of 155 acres and a Site Plan Review, Driveway Approach Permit, and Class 2 Adjustment for a phased office and warehouse development on 43 acres of those 155 acres.

8. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed change in base zone of the subject property from RA (Residential Agriculture) to IG (General Industrial).

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 are the finding relative to the amendment requested. The applicant provided justification for all applicable criteria which was included as Attachment C to the staff report.

(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.

The Hearings Officer notes that in the Zone Change application, the applicant does not assert that a mistake has been made in the application of the comprehensive plan designation or zone of the subject 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.

The Hearings Officer notes that in the Zone Change application, the applicant does not contend that there has been a change in the economic, demographic, or physical character of the vicinity.

(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 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.

The Hearings Officer finds that the subject property is surrounded by Interstate 5 to the west and a major arterial street to the east; the property is also abutting industrial land uses to the north and the south. The existing RA (Residential Agriculture) zoning does not reflect the historical land use for the property or for the surrounding area, nor does it align with the intended long term land use pattern for the area anticipated by the Comprehensive Plan designation. Future agricultural or residential use of the property is unlikely. An industrial zoning designation is better suited for the subject property than the current residential zoning designation because of the abutting land uses and the surrounding physical features of the property. The permitted land uses in the IG zone more closely resemble the uses found in the surrounding area.

Therefore, the Hearings Officer finds that this zone change is justified based on this factor.

(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.

The Hearings Officer finds that this proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

The Hearings Officer notes that the goals and policies for Industrial Development are contained in section IV.I of the Salem Area Comprehensive Plan (SACP). The applicable goal and related policies are addressed below.

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

The Hearings Officer finds that the proposed IG (General Industrial) zone is consistent with the Industrial comprehensive plan designation on the property. The proposed zone is consistent with the historic industrial use for the property and neighboring land uses in the area. The property is located along a major arterial street and is suitable for a variety of industrial uses. The proposed zone change is consistent with the Industrial policies identified below.

Policy 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.

The Hearings Officer finds that the zone change from RA (Residential Agriculture) to IG (General Industrial) would place the property fully into the industrial land use category, helping to increase and maintain the industrial land use supply and use of the property in line with the "Industrial" Comprehensive Plan designation.

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

The Hearings Officer finds that the public facilities required to serve the property at the time of future development of the property were reviewed during the Urban Growth Area (UGA) Development Permit, UGA-SPR-ADJ-DAP16-02. The TSP calls for a future collector street to be developed on the subject property which will provide additional connectivity to the larger existing transportation network.

Therefore, the Hearings Officer concurs that proposal conforms to this policy.

Policy 3. Coordination of the industrial land inventories, industrial and growth policies, and economic development activities of the cities within Marion and Polk Counties are necessary to maintain a viable regional economy.

The Hearings Officer finds that the subject property has an "Industrial" Comprehensive Plan Designation; no land is being added or removed from the industrial land inventory.

The Hearings Officer finds that this proposal conforms to this policy.

Policy 4. Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.

The Hearings Officer finds that if the proposed zone change is affirmed, future development of the property is required to conform to the use and development standards of the IG (General Industrial) zone and will be verified at the time of Site Plan Review.

Policy 5. New industrial development shall not be located in the Willamette River Greenway setback unless it is water related or dependent upon a waterway location.

The Hearings Officer finds that the subject property is not located near the Willamette Greenway, this policy is not applicable.

Policy 6. The zone districts shall allow appropriate on-site employee services and facilities in industrial parks.

The Hearings Officer finds that due to size and physical limitations of the property, the subject property and surrounding area will not likely be developed into an industrial park to the extent that on-site employee services are warranted. The IG zone does allow eating and drinking uses and other limited personal services uses.

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

The Hearings Officer finds that the subject property has driveway access to Lancaster Drive SE, a major arterial. Industrial traffic will not be directed through residential areas to serve the property.

Policy 8. Efficient use or resources and energy, and the utilization of renewable energy sources serve the interests of the community and shall be encouraged during the development and operation of all industrial activities.

The Hearings Officer notes that if the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

Policy 9. Non-industrial land uses should be discouraged from districts that have been designated for industrial use, except when a non-industrial use is primarily in support of industry or industrial employees.

The Hearings Officer notes that a zone change from RA (Residential Agriculture) to IG (General Industrial) further supports future use of the property for industrial land uses, in line with the "Industrial" Comprehensive Plan designation for the property.

Policy 10. New industries that utilize energy most efficiently or that manufacture products that contribute to efficient use of energy, including renewable sources should be encouraged.

The Hearings Officer notes that if the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

Policy 11. Industries shall be responsible for the adequate and proper transportation, storage, use, and disposal of all hazardous materials and wastes (as defined by ORS 459.410) utilized or generated by that industry.

The Hearings Officer notes that if the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

Policy 12. Division of large parcels (40 acres and larger in size) of industrial land shall be subject to a special review and approval process.

The Hearings Officer notes that subject property is approximately 62 acres in size and consist of two existing tax lots. A land division is not proposed at this time. If the property was to be divided in the future, the future land division would be reviewed for conformity with this policy.

Policy 13. Development of a distinct industrial district that provides for a continuity of design and uses on preferably medium sized parcels (10 to 40 acres in size) is necessary to provide a variety of parcel sizes within the industrial inventory and to assist in attracting industrial development.

The Hearings Officer notes that the subject property is approximately 62 acres in size and would be considered a large parcel, and this policy is not applicable.

Policy 14. Land development regulations should provide for a variety of industrial development opportunities.

The Hearings Officer finds that if the proposed zone change is affirmed, future development of the property is required to conform to the use and development standards of the IG (General Industrial) zone and will be verified at the time of Site Plan Review.

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

The Hearings Officer finds that the City's adopted Comprehensive Plan implements the Statewide Planning Goals and applicable administrative rules, and is acknowledged to be in compliance with the Statewide Planning Goals.

Therefore, the Hearings Officer finds that 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 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.

The Hearings Officer notes that the IG zone is one of the zones that implement the Industrial designation, and a concurrent comprehensive plan amendment is not required for the proposed zone change.

The Hearings Officer finds that the criterion does not apply.

(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.

The Hearings Officer notes that the City Traffic Engineer's preliminary TGE indicate that a Transportation Impact Analysis is not required for the proposed Zone Change. An application for future development on the property would be required to submit a TGE for final determination under SRC 220.005(e)(1)(C) at the time of Site Plan Review.

The Hearings Officer finds that this proposal satisfies 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 by the proposed zone.

The Hearings Officer notes that in the October 25, 2018 pre-application comments from the Public Works Department, the property is capable of being served by public facilities. An Urban Growth Area Development (UGA) Permit may be required subject to the type of development. A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. The public facilities required to serve this property at the time of future development of the property were reviewed during the Urban Growth Area (UGA) Development Permit, UGA-SPR-ADJ-DAP16-02. Conditions of approval for that UGA were applicable to phases of the phased development to the south at 2655, 2665, and 2685 Lancaster Drive SE.

The TSP calls for a future collector street to be developed on the subject property which will provide additional connectivity to the larger existing transportation network.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

The Hearings Officer finds that the applicant has provided a written justification for the zone change request and indicates that the purpose of the request is to change the zoning so that it is consistent with the Comprehensive Plan Designation and to allow a new industrial use on the property that is not a permitted use in the current RA zoning designation.

In order to measure the impact of this request, the Hearings Officer affirms the size of the land to be rezoned, the neighborhood compatibility of the uses allowed under the proposed IG zoning as compared to the current RA zoning, and the character of the existing land uses immediately surrounding the property. The existing RA zoning primarily allows residential and agricultural uses. The proposed IG zone allows a wider range of industrial type land uses, including the proposed truck and trailer storage use.

The Hearings Officer notes that a zone change is not an approval of a specific development proposal, but instead is approval of a permanent change in a property's zoning district. For this reason, an additional measure of the impact of this request is consideration of the nature of the potential future uses allowed by the IG zone when compared to the uses allowed under the existing RA zone, and the character of the existing land uses in the neighborhood. The subject property is located within an area that has historically been used for heavy industrial purposes. The Hearings Officer finds that allowed uses under the proposed zone change to IG would be consistent with the existing land uses in the vicinity of the site.

Considering the previous sand and gravel aggregate natural resource excavation and processing use located on the site existed for many years, and the surrounding industrial land uses, the Hearings Officer notes that the general effect of the proposed zone change will be minimal. The proposed zone change is also consistent with long-range policy goals in the Salem Area Comprehensive Plan, which envision the subject property and the surrounding area as industrial use.

Based on these considerations, the Hearings Officer finds that the level of information provided in applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

Based upon the facts and findings presented in the staff report and by the applicant, the Hearings Officer concludes that the proposed zone change from RA (Residential Agriculture) to IG (General Industrial) satisfies the criteria for approval and that the applicant has met the required burden of proof in demonstrating compliance with those criteria. The applicant met the burden of proof in satisfying the Statewide Planning Goals through compliance with the Salem Area Comprehensive Plan, and the evaluation of factors for zone change defined under SRC 265.005(e), thereby meeting the approval criteria for a zone change.

9. Criteria for Granting a Class 2 Adjustment

The applicant's complete written statement addressing the Class 2 Adjustment criteria is included as part of Attachment C to the staff report. The applicant has requested adjustments to:

1) Reduce the 40-foot setback required by SRC 554.010(b) and Tables 554-3 and 554-4 to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600;

2) Provide a 6-foot-tall sight-obscuring fence for screening along the north line of tax lots 082W06 / 00500 and 00600 rather than the

minimum 6-foot-tall wall required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1;

3) Defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed;

4) Provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600.

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

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

(i) Clearly inapplicable to the proposed development; or

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

a) Request to reduce setback from 40 feet to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600 and b) Request to provide a 6-foot-tall sight-obscuring fence in place of a 6-foot-tall wall along the north line of tax lots 082W06 / 00500 and 00600.

The Hearings Officer notes that because the subject property for the proposed development is proposed to be zoned IG as part of this consolidated application, and the abutting property to the north is zoned RA, a 40-foot setback is required with Type E landscaping. Type E landscaping requires a minimum of 1 plant unit per 16 square feet of landscaped area and a minimum 6-foot-tall wall.

This requirement applies along the sections of the proposed IG / existing RA zone boundary from Lancaster Drive SE to Interstate 5 that do not run through the pond or the future right-of-way of Carson Drive SE.

The applicant has requested adjustments to reduce the width of the required landscaped area inside the north property line from 40 feet to 10 feet and to substitute a 6-foot-tall sight-obscuring fence for the required 6-foot-tall wall along the north property line.

The purpose of the required 40-foot setback planted with one plant unit per 16 square feet is to provide a wide and dense landscaped area as a buffer between uses allowed in the IG zone and lower-intensity uses allowed in the Residential zone.

The applicant proposes to provide 10 feet of landscaping inside the north property line of the subject property. The applicant's site plan indicates an eastern section of proposed 10-foot-wide landscape strip between proposed Carson Drive SE right-of-way and Lancaster Drive SE and a western section of proposed 10-foot-wide landscape strip between proposed Carson Drive SE right-of-way and the top of bank of the pond.

The eastern section between future Carson Drive SE and Lancaster Drive SE abuts a property that is designated Industrial in the SACP, zoned RA, and in residential use (1985 Lancaster Drive SE, tax lot 082W06AB11000). The Hearings Officer notes that, based on the RA zoning, the neighboring property owner could potentially expand the existing residential use toward the common property line or add an accessory dwelling unit in the rear yard.

The site plan indicates a future extension of Sylvia Street SE from Lancaster Drive SE to future Carson Drive SE. This future street would be located approximately 190 feet south of the property line abutting the RA zone. The area between future Sylvia Street SE and the north property line is currently planted with grass. No vehicular activity associated with the proposed change of use affects this area. However, the proposed IG zoning would allow future development of this area with industrial uses.

Abutting 1985 Lancaster Drive SE, the required 40-foot-wide setback east of future Carson Drive SE would be approximately 290 feet in length (40 feet x 290 feet = 11,600 square feet), the Type E landscape requirement would be 725 plant units (11,600 square feet / 16 square feet = 725), and the number of plant units that must be trees would be 290 (725 x 0.4 = 290).

In comparison, the proposal for a 10 x 290 landscaped area with one plant unit per 16 square feet would provide 181 plant units (2,900 square feet / 16 square feet = 181.25), 25 percent of the required total; and 72 of those plant units would be trees, 25 percent of the required tree plant units. Because 1985 Lancaster Drive SE (tax lot 082W06AB11000) is likely to remain in residential zoning and use and the proposed zone change would allow intensification of industrial uses on the subject property, the Hearings Officer finds that the proposed 10-foot-wide landscaped area and 6-foot-tall

sight-obscuring fence do not provide adequate screening for the proposed use or future uses.

The Hearings Officer notes that the existing grassy area within the required setback area (from 10 to 40 feet from the property line) provides no screening, but it does provide additional plant units: 30 feet x 290 feet = 8,700 square feet; 8,700 square feet / 50 square feet of groundcover = 174 groundcover plant units. The total proposed plant units within the required setback area of 40 feet from the property line, including those in the proposed 10-foot landscaped area as well as those in the grassy area, would be 355 (49 percent of the required 725), and the total number of tree plant units would be 72 (25 percent of the required 290).

The Hearings Officer notes that the grassy area from 40 feet south of the property line to future Sylvia Street SE is approximately 43,500 square feet (150 feet by 290 feet = 43,500 square feet) and provides an additional 870 plant units (43,500 square feet / 50 square feet of groundcover = 870 plant units). The width of this area and the groundcover plant units provide a wide buffer between the proposed use and the residentially zoned property.

For the proposed use and development, a combination of a 6-foot-tall sight-obscuring fence, a 10-foot-wide landscaped area with additional plant units, and retention of the existing grassy area can equally or better meet the purpose of the screening requirements and be compatible with the existing residential use. Staff recommends and the Hearings Officer imposes the following conditions to ensure that the current development proposal equally or better meets the purpose of the landscaping and screening standards:

Condition 1: Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (Attachment B of the staff report), as modified by conditions of approval.

Condition 2: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.

The Hearings Officer notes that the zoning and use of 1985 Lancaster Drive SE (tax lot 082W06AB11000) may change in the future. If that property

changes to IG zoning, the applicable building setback inside the north line of the subject property would be 0 feet, and the applicable vehicle use area setback would be 5 feet. If the subject property at 2225 and 2425 Lancaster Drive SE is developed with any use other than the proposed unpaved vehicle storage area in the future, the setback abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000) shall be landscaped according to the requirements applicable at the time of development. The Hearings Officer imposes the following condition:

Condition 3: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

With the imposed conditions, the Hearings Officer finds that the proposal meets the criterion.

c) Request to defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed;

The Hearings Officer notes that the western section of the proposed 10-foot-wide landscaped area abuts a property designated Industrial in the SACP, zoned RA, and previously in industrial use (tax lot 082W0600400). The proposal includes a 10-foot setback with a 6-foot-tall sight-obscuring fence, but requests deferral of the landscaping plantings until the abutting property is developed. In this area, the proposed unpaved vehicle storage area is approximately 30 feet from the property line.

The RA zoning of the property to the north is likely to be changed. Two likely alternatives would be a zone change to Industrial to conform to the Industrial SACP designation or a change to Multifamily in the SACP and rezoning to RM2 (Multiple Family Residential 2) to be consistent with properties in the 1800 block of Lancaster Drive SE that are designated Multifamily in the SACP. If the properties north of the property line were currently zoned IG or II (Intensive Industrial), no setback would be required between the property line and proposed buildings or accessory structures, and a 5-foot landscaped setback with Type A landscaping of one plant unit per 20 square feet, but with no required fence, would be required between the property line and vehicle use areas. If the property north of the property line (tax lot 082W0600400) were currently zoned in any district other than IG, II, or Residential, a 10-foot setback with Type C landscaping (one plant unit per

20 square feet and a minimum 6-foot-tall sight-obscuring fence or wall) would be required for buildings, accessory structures, and vehicle use areas.

Because the area north of the subject property (tax lot 082W0600400) is not currently developed with a residential use and is unlikely to be developed in that manner, a 6-foot-tall sight-obscuring fence, a 10-foot setback, and the distance of 30 feet to the unpaved vehicle storage area equally or better meets the purpose of the screening requirement at this time; the proposed Development Agreement will ensure that appropriate landscaping is installed at the time of future development of the tax lot 082W0600400.

To ensure that the proposal meets the purpose of providing screening between abutting uses of different intensities, and recognizing that the property to the north (tax lot 082W0600400) could be developed with residential uses, the Hearings Officer imposes the following conditions:

Condition 4: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.

Condition 5: Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that taxlot 082W0600400 is developed.

With the imposed conditions, the Hearings Officer finds that the proposal meets the criterion.

d) Request to provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600.

The Hearings Officer notes that because the subject property for the proposed development is proposed to be zoned IG as part of this consolidated application for a change of use to a vehicle storage area for trucks and trailers, and the abutting property to the south is zoned IG, a 5-foot setback with Type A landscaping is required between the vehicle use area and south property

line. Type A landscaping requires a minimum of 1 plant unit per 20 square feet of landscaped area.

The 5-foot landscaped setback requirement applies along the sections of the southern property line of the subject property from Lancaster Drive SE to Interstate 5 that do not run through the pond or the future right-of-way of Carson Drive SE.

East of future Carson Drive SE, in the area between an existing paved interior driveway and Lancaster Drive SE, the required landscape area would be approximately 270 feet long by 5 feet wide (270 x 5 = 1,350 square feet), requiring one plant unit per 20 square feet (1,350 square feet / 20 plant units per square foot = 67.5 plant units). In this area, no changes are proposed to the physical characteristics of the subject property at this time. This area abuts a property occupied by a Building and Grounds Services and Construction Contracting use approved for a phased development, including an existing building near the common property line and a future parking and vehicle use area and building near Lancaster Drive SE. The use on the adjacent property is similar in character to the proposed vehicle storage area.

Between Carson Drive SE and the pond, the applicant is proposing a 20-foot-wide bioswale approximately 430 feet in length (20 x 430 = 8,600 square feet). This area of the property abuts the storage yard for the Building and Grounds Services and Construction Contracting use, which is similar in character to the proposed vehicle storage area.

The Hearings Officer finds that the proposed bioswale equally or better meets the intent of the 5-foot landscaped setback, provided that the bioswale is planted with at least one plant unit per 20 square feet of landscaped area.

The Hearings Officer imposes the following conditions to ensure that the appropriate landscaping is provided:

Condition 6: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (Attachment B of the staff report), planted with at least one plant unit per 20 square feet and meeting and meeting Public Works Design Standards.

Condition 7: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks,

landscaping, and screening as required in the UDC at the time of development.

With the recommended conditions of approval, the Hearings Officer finds that the proposal meets the criterion.

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

The Hearings Officer notes that with approval of the zone change requested consolidated with this application, the subject property will not be located within a residential zone.

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

The Hearings Officer notes that four adjustments have been requested for the development. The four adjustments have been separately evaluated for conformance with the Adjustment criteria. To ensure that the cumulative effect of granting the four adjustments for this case result in a project which is still consistent with the overall purpose of the proposed IG (General Industrial) zone, staff recommends, and the Hearings Officer imposes the following condition:

Condition 8: The adjusted landscaping and setback requirements, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan (Attachment B of the staff report). Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

DECISION

The Hearings Officer **APPROVES** the request for a zone change from RA (Residential Agriculture) to IG (General Industrial) and adjustments for a property 62 acres in size and located at 2425 Lancaster Drive SE, subject to the following conditions of approval:

Condition 1: Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (Attachment B of the staff report), as modified by conditions of approval.

Condition 2: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.

Condition 3: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

Condition 4: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.

Condition 5: Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that tax lot 082W0600400 is developed.

Condition 6: In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (Attachment B of the staff report), planted with at least one plant unit per 20 square feet and meeting Public Works Design Standards.

Condition 7: Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

Condition 8: The adjusted landscaping and setback requirements, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan (Attachment B of the staff report). Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

DATED: July 31, 2019

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Amy L. Cook, Hearings Officer