

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, PLANNING ADMINISTRATOR ^{LA-D}

DATE: OCTOBER 4, 2016

SUBJECT: SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE PLAN
CHANGE-NEIGHBORHOOD PLAN CHANGE-ZONE CHANGE-
CASE NO. 16-08 FOR PROPERTY LOCATED AT 560 GLEN CREEK
ROAD NW AND 585-635 9TH STREET NW - 97304

BACKGROUND

On September 6, 2016, the Planning Commission conducted a public hearing to receive testimony for Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. 16-08 for property located at 560 Glen Creek Road NW and 585-635 9th Street NW. The hearing was continued to October 4, 2016 to allow the applicant and staff additional time to prepare supplemental findings addressing concerns raised by the West Salem Neighborhood Association (WSNA).

SUPPLEMENTAL FINDINGS

Major vs. Minor Comprehensive Plan Map Amendment:

SRC 64.025(a) states that amendments to a Plan Map shall be adopted as provided in this section. The two types of Plan Map amendments are major and minor. As used in this section, "Plan Map" means the Urban Growth Boundary, the Comprehensive Plan Map, or a general land use map in a Neighborhood Plan.

(1) A Major Plan Map Amendment is:

- a. Any amendment to the Urban Growth Boundary; or
- b. An amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.

Finding: The proposal does not amend the Urban Growth Boundary. The proposal involves a comprehensive plan map change affecting a small group of property owners who collectively are the applicant for the proposed change. The proposal does not involve the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties. The re-designation of 2.12 acres of land from Industrial to Commercial is not a broad public policy as the request affect the subject property and, less significantly, the abutting and

adjacent properties. Therefore, this proposal does not constitute a Major Plan Map Amendment.

- (2) A Minor Plan Map Amendment is an amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.

Finding: The proposal involves a change in the Comprehensive Plan Map designation for five separate abutting properties with four different property owners. The application is made up of a small number of properties and property owners, who collectively are the applicant for this request, which therefore affects only a small number of properties.

Further, the following closely circumscribed set of factual circumstances apply to this application: the subject property is 2.12 acres in size, as compared to the approximately 48 square miles within the City limits; the traffic impacts from the proposed re-designation are limited to abutting and adjacent streets and will not have a significant effect on the transportation system; utilities are available and the property can be served with all required utilities; the proposed development pattern of Commercially designated land at the corner of a Major and Minor Arterial is not a unique development pattern and, in fact, is found throughout the City; and the requested re-designation does not materially affect other Industrial or Commercially designated property throughout the City.

Staff finds that the proposed amendment affects only a small number of properties and a closely circumscribed set of factual circumstances, and is therefore a Minor Plan Map Amendment.

West Salem Neighborhood Plan Designation:

The West Salem Neighborhood Plan (WSNP) adopted Generalized Land Use Map designation for the subject property is "Employment without Residential." The notice and initial staff report identified the WSNA Plan Map change as a change from "Industrial" to "Commercial." It should have correctly identified the change from "Employment with Residential" to "Commercial." However, the findings in the report still appropriately apply to the requested neighborhood plan map change.

In order for the City Council to adopt portions of the Neighborhood Plan, including the Generalized Land Use Map (Attachment B) it had to be consistent with the Comprehensive Plan. As stated in the neighborhood plan "the land use designations are consistent with the Salem Area Comprehensive Plan¹."

The WSNP does not provide an explanation for this designation, but the designation seems to apply to lands with an Industrial comprehensive plan designation and industrial zoning within West Salem. Because "Employment without Residential" is not a designation used in the Salem Area Comprehensive Plan, and "Industrial" is not a

¹ WSNP, page 19

designation used in the WSNP, it has led to confusion for the appropriate term to use to define the designation for the property.

There is no documentation that staff could find to explain why the designation "Employment without Residential" was used on the map, but it is reasonable to assume that it is the equivalent to Industrial because: a) it was only applied to Industrial designated land; b) the Industrial zoning of those parcels did not allow residential development; and c) the City Council adopted the Plan, including that map with findings that it was consistent with the Comprehensive Plan.

Further adding to the confusion is the fact that the Generalized Land Use Map identifies the property as "Recommended for Land Use Changes." However, as the WSNP states:

Recommended land use changes are shown on the "Recommended Changes to the Generalized Land Use Map" map...The existing Salem Area Comprehensive Plan (SACP) land use designations remain in effect until the Generalized Land Use Map and SACP are amended².

Multi-Family Use Restriction:

If the zoning for the property is changed from IP (Industrial Park) to CG (General Commercial), a multi-family use could potentially be approved for the subject property through the Conditional Use Permit process. The applicant has not indicated if a multi-family use is anticipated for the property and has not requested a Conditional Use Permit with this application.

The applicant's supplemental findings provide a general overview of the Conditional Use Permit and Design Review process for multi-family development. The applicant has offered a condition of approval to be placed on the property which responds to concerns by the WSNA by prohibiting multi-family development on the subject property.

Staff notes that the subject property is not included in the properties identified for designation as multi-family designation in the WSNP. However, the WSNP encourages infill development for multi-family housing "that is compatible with the adjacent established neighborhood character." While the site does abut industrial zoning and industrial uses, the site also offers pedestrian and transit access, and close proximity to employment and services factors that should also be considered before placing a condition prohibiting multi-family development on the subject property.

The Conditional Use Permit process is used to evaluate if a proposed use is compatible with the adjacent neighborhood and conditions of approval may be placed to mitigate any negative impacts of the proposed use on the surrounding neighborhood, or in this case, mitigate possible impacts of the industrial uses on a multi-family use. Staff does not support a condition limiting multi-family uses for the property with this application, because the impacts of a specific multi-family use for this site have not been evaluated through the Conditional Use Permit process at this time.

² Language from the WSNP, Generalized Land Use Map, October 2003.

West Salem Neighborhood Association Objections:

The WSNA has provided a list of errors associated with the CPC-NPC-ZC16-08 application (Attachment B). The following is a list of the errors noted by WSNA followed by a staff response.

Error 1: The applicant's provided no response to SRC 64.025(e).

Staff Response: The applicant has provided a supplemental report addressing the approval criteria listed in SRC 64.025(e). The applicant's supplemental report is included as Attachment A.

Error 2: Since the applicant's for CPC-NPC-ZC 16-08 offered no responses to SRC 64.025(e) criteria, the staff declaration that the application was complete is incorrect.

Staff Response: SRC 300.220(b) provides that a determination of completeness shall be based upon the information required under SRC 300.210 and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application. The applicant has provided a supplemental report addressing the appropriate Comprehensive Plan Change criteria.

Error 3: The staff recommended finding regarding SRC 64.025(e)(2)(A)(i) is inadequate and non-responsive.

- a. All references are to the citywide 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) deficit of commercial and multi-family comp plan identified land.
- b. There is no reference to the nearby vicinity social, economic, or demographic patterns per SRC 64.025(e)(2)(A)(i).
- c. There is no data offered comparing West Salem industrial and commercial lands comp plan inventories or deficits.
- d. The applicant's offered no written response or testimony regarding SRC 64.025(e)(2)(A)(i).

Staff Response: Applicants are only required to address one of the three approval criteria listed above (i, ii, or iii). The original staff report addressed (i), an alteration in circumstances and (ii) equally or better suited to the proposed designation. The applicant has provided a supplemental report addressing SRC 64.025(e)(2)(A)(i) (Alteration in Circumstances) finding that the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

The applicant, in part, uses the conclusions presented in the 2015 HNA/EOA as evidence to support changing the designation for the property from industrial to commercial. The 2015 HNA/EOA represents the best available economic data available for the City of Salem. The conclusion projects a surplus of 907 acres of industrial land

over the 20-year planning horizon, while projecting a deficit of 271 acres of commercial land.

There is no definition for what constitutes “nearby vicinity,” however, the applicant argues that it is reasonable to consider the boundary of the WSNA for this case. Specific data for commercial and industrial land needs and economic needs within West Salem is not available. The applicant has provided further evidence using GIS data from the City of Salem as well as findings from the 2015 HNA/EOA to create specific land inventory findings and employment findings for West Salem, the conclusion of which is that the re-designation of the site from IP to CG will not greatly increase the developable commercial acreage within the West Salem area, but it will meaningfully increase the potential for meeting the projected demand for commercial services and commercial use employment in this portion of the community.

The supplemental findings offered by the applicant adequately address SRC 64.025(e)(2)(A)(i).

Error 4: The staff recommended finding regarding SRC 64.025(e)(2)(A)(ii) are only partially responsive to the approval criteria.

- a. All references are to the (HNA/EOA) citywide deficit in commercial comp plan identified land only.
- b. Staff references cite equal traffic generation between industrial and commercial designated land, claim limited access to the property, and declare site size and geological restrictions limit future industrial use of the land. Countering these declarations are (1) the acknowledgement that a previous comp plan change had moved one parcel from residential to industrial and (2) an absence of findings that explain why traffic access is “equal or better suited” for a commercial application per SRC 64.025(e)(2)(A)(ii).
- c. The staff findings contain no recommendation or demonstration regarding the proposed decrease in West Salem industrial land or why removal of these parcels from the industrial land inventory is “equally or better suited” for the property.
- d. The applicant's offered no written response or testimony regarding SRC 64.025(e)(2)(A)(ii).
- e. The applicant's offered no traffic impact analysis regarding the impacts associated with multi-family residential use under a comp plan commercial designation.

Staff Response: The applicant's findings in support of SRC 64.025(e)(2)(A)(i) (Alteration in Circumstances) are sufficient to justify the requested change in designation, however, the applicant has provided findings in the supplemental report addressing SRC 64.025(e)(2)(A)(ii) (Equally or Better Suited Designation) demonstrating that the proposed designation is equally or better suited for the property than the existing designation.

The applicant has provided additional findings citing the similarity between the IP and CG zones in terms of uses permitted, anticipated traffic impact, and a similarity in

development standards, as evidence that the proposed change in designation from industrial to commercial is at least equally suited for the property.

The applicant's Transportation Planning Rule (TPR) analysis, prepared by Clemow Associates LLC, dated February 25, 2016 presents a summarized list of the highest trip generating land uses in both the IP and CG zone designations, which represent reasonable worst case development (highest trip generating uses) scenarios, as required by State law. A complete analysis of each permitted use is not required for the TPR. Multi-family development generates fewer trips than the 'worst case scenario' so it was not specifically analyzed. Because multi-family is not listed among the highest trip generating land uses for the subject property, staff finds that if a multi-family use were to be approved for the property, it would generate fewer trips than the uses identified in the applicant's TPR.

The supplemental findings offered by the applicant adequately address SRC 64.025(e)(2)(A)(ii).

Error 5: CPC-NPC-ZC16-08 is not consistent with Statewide Planning Goal 1 as stipulated in SRC 64.025(2)(D).

- a. The CPC-NPC-ZC16-08 comprehensive land-use proposal was not presented to the WSNA prior to the public hearing process.
- b. The applicant's offer no written response or testimony to Statewide Goal One elements.
- c. The staff report only cites legally required notification of the public hearing, not the requisite review and recommended changes prior to the formal public hearing.
- d. The public hearing staff report document was incomplete. City of Salem failed to include all appendices attached to the applicant's submitted application document.

Staff Response: The applicant has not provided findings addressing Goal 1, however the applicant has presented evidence that they attended a meeting with the WSNA on March 7, 2016 to discuss a proposed zone change at Wallace and Glen Creek.

Staff notes that the WSNA has received notice of the requested Comprehensive Plan Change, Neighborhood Plan Change and Zone Change, and is currently engaged in this planning process. The staff report did not include all appendices as attachments, and it is not required to include them. The entire case file, as noted in the hearing notice, is available for inspection at no charge and copies are provided at a reasonable cost. Staff often does not include the entire case record as attachments to public hearing reports to limit the size and number of pages required.

All of the applicant's submittal materials are part of the case record and are available upon request.

Goal 1 provides that citizens shall have the opportunity to be involved in all phases of the planning process. Staff finds that this application is consistent with Goal 1.

Error 6: The CPC-NPC-ZC16-08 staff report fails to accurately identify the site classification from neighborhood plan general land use map and thereby falsely proposes an inaccurate Neighborhood Plan Map change. There is no industrial category in the West Salem Neighborhood Plan.

Staff Response: As identified at the beginning of this report, because there is no definition or explanation offered in the WSNP for what the "Employment without Residential" land use category is or how it should be used, staff attempted to use the equivalent designation of "Industrial" to describe the neighborhood plan designation in a way that is consistent with the Salem Area Comprehensive Plan designation for the property. As previously discussed the findings presented in the original staff report are applicable to the change from "Employment without Residential" to "Commercial."

Error 7: Notwithstanding the restrictions placed upon Comp Plan Map Amendment and Neighborhood Plan Map initiation (SRC 64.025(b)) the scope of change detailed in CPC-NPC-ZC16-08 is such that the action requested is a Major Comprehensive Plan Map change and, accordingly, needs must be initiated by the Salem City Council rather than individual property owners and/or the Salem Planning Commission.

- a. The proposed actions constitute a major comprehensive plan map amendment because "the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner" per SRC 64.025(1)(B).
 - i. The proposed commercial land designation reduces the total industrial land inventory in West Salem without offering factual evidence supporting the need for additional commercial land in West Salem at the expense of reduced industrial designated land in West Salem. Arguments offered by the staff report emphasize citywide industrial land designation surplus without addressing whether a reduction (revision) in West Salem industrial designated land is a broad policy the Salem City Council supports per SRC 64.025(e)(2)(A)(i).
 - ii. The proposed commercial land designation offers the opportunity for multi-family development in contrast to the no residential development on comp plan designated industrial land. The staff report offers no explanation as to why the potential of multi-family development is compatible with the noise or use and storage of hazardous materials and flammable liquids allowed in industrial designated land.
 - iii. The costs versus benefits of this major, public policy change to the Comprehensive Plan map has not been conducted. Instead, the staff report is peppered with statements like "assume", "presumed", etc.
- b. The West Salem Neighborhood plan includes specific direction regarding the area near the subject site.
 - i. Designations shown on the associated land use maps identify the subject site for "Employment without Residential" and "Center – Employment Only".
 - ii. Chapters 3 and 4 of the West Salem Neighborhood Plan describe the anticipated patterns of land use development for the West Salem Neighborhood area and this site. The proposed amendment to the

- West Salem Neighborhood Plan and Map from “Employment Only” to allowable residential development is a major neighborhood plan change.
- iii. The West Salem Neighborhood Plan is a component of the Salem Area Comprehensive Plan. Consequently, a change to the West Salem Neighborhood Plan is a legislative Comprehensive Plan Change.

Staff Response: As identified at the beginning of this report, pursuant to SRC 64.025(a)(2), the requested application is a Minor Plan Map Amendment.

Staff did not evaluate the subject property or surrounding area to determine if a multi-family use is an appropriate or compatible use. In the CG zone, multi-family uses are allowed with a conditional use permit, at which point the property would be evaluated to see if a multi-family use is an appropriate and compatible use for the subject property.

An applicant is not required to analyze the Industrial or Commercial designated lands within a specific neighborhood association boundary in order to use the data contained in the adopted Economic Opportunities Analysis (EOA). It is a city wide analysis that has been adopted into the Comprehensive Plan and applies across the City. Neighborhood specific data is not readily available nor required. The applicant did address the specific of the neighborhood association boundaries in response to the approval criterion related to a change in circumstances in the ‘nearby vicinity.’

As discussed above the WSNP map designates the property as “Employment without Residential” which we find to be the equivalent to Industrial. The assertion that the WSNP map also designates the property as “Center – Employment Only” is false. That designation appears on the “Recommended Changes to the Generalized Land Use Map” which is not adopted into the Comprehensive Plan because it is not consistent with the Comprehensive Plan. The WSNP states: “These changes require amendments to the Salem Area Comprehensive Plan (SACP) and the West Salem Neighborhood Plan (WSNP)³...”

A neighborhood plan map amendment is listed in SRC Chapter 300, Table 300-2 as a Type III Quasi-Judicial land use application, the review authority for a Neighborhood Plan Map Amendment is the Planning Commission, not the City Council.

Error 8: CPC-NPC-ZC16-08 is not consistent with Statewide Planning Goal 9 as stipulated in SRC 64.025(2)(D).

- a. The proposed findings offered by the staff report do not address a Statewide Goal 9 planning requirement. Absent from the staff report are statements addressing the economic impacts in West Salem associated with the proposed conversion of land from industrial to commercial.
- b. The proposed findings offered in the applicant’s submitted materials emphasize the “commercial development within the community” advantages without addressing the nearby area social or economic impact of converting

³ WSNP, page 15

industrial land to commercial land with a requested zone change that includes an opportunity to develop multi-family housing on the site.

Staff Response: Staff findings addressing Goal 9 are included on Page 9 of the September 9, 2016 staff report. The 2015 HNA/EOA represents the best available economic and land needs assessment for the City of Salem. Economic and land needs data specific to just the West Salem area is not available, however, the applicant has provided further evidence using GIS data from the City of Salem as well as findings from the 2015 HNA/EOA to create specific land inventory findings and economic impact specific to the West Salem area to address SRC 64.025(e)(2)(A)(i) (Alteration in Circumstances).

Error 9: CPC-NPC-ZC16-08 is not consistent with Statewide Planning Goal 2 as stipulated in SRC 64.025(2)(D).

- a. Goal 2 defines minor changes as “those which do not have significant effect beyond the immediate area of change.” This criterion was not addressed in the staff proposed findings.
- b. The proposed staff report findings offer neither evidence nor declarations that the requested comprehensive map change will not have a significant effect beyond the immediate area. The special studies offered in support of the change highlight the City wide 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) deficit without addressing whether there is a factual basis to support the change in the immediate area. The staff report cites the HNA/EOA report but fails to deal specifically with impacts to the West Salem community.

Staff Response: Goal 2, Land Use Planning, provides Cities shall 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. The Salem Area Comprehensive Plan and the Salem Revised Code are acknowledged to be in compliance with Statewide Planning Goals, including Goal 2.

Staff has provided findings establishing that the proposed application constitutes a “Minor Plan Map Amendment” pursuant to SRC 64.025(a)(2). The applicant’s findings addressing SRC 64.025(e)(2)(A)(i) provide an analysis of the alteration in circumstances for the City of Salem and the boundaries of the West Salem Neighborhood.

Error 10: In so far as the West Salem Neighborhood Plan “Goals and Policies” provisions and the general land use maps are “component(s) of the Comprehensive Plan,” the August 20th CPC-NPC-ZC16-08 staff report incorrectly claimed that revisions to the West Salem Neighborhood Plan General Land Use Map shall be implemented via a quasi-judicial process rather than a legislative process.

Since the West Salem Neighborhood Plan General Land Use Map was legislatively adopted by the Salem City Council as a component of the Salem Area Comprehensive Plan, the West Salem Neighborhood plan must be amended via the same legislative process. Therefore, the Salem Planning Commission may not amend but only offer

recommendations to the City Council regarding any amendments to the West Salem Neighborhood Plan without engaging the West Salem Neighborhood Association prior initiating a formal legislative amendment process in compliance with Statewide Planning Goal 1.

Staff Response: A neighborhood plan map amendment is listed in SRC Chapter 300, Table 300-2 as a Type III Quasi-Judicial land use application, the review authority for a Neighborhood Plan Map Amendment is the Planning Commission. A Neighborhood Plan Map Amendment is not a legislative amendment requiring adoption by the City Council.

CONCLUSION

Staff recommends that the Planning Commission adopt the recommendations of the September 6, 2016 staff report, the applicant's supplemental findings, and the findings in this supplemental report, and **APPROVE** Alternative 1 for the subject property approximately 2.18 acres in size, designated Industrial on the Plan Map, zoned IP (Industrial Park), and located at 560 Glen Creek Road NW and 585-635 9th Street NW - 97304 (Polk County Assessor's Map and Tax Tot numbers: 073W21AD / 06400, 06500, 06603, 06701, and 07100):

Alternative 1: Approve subject to staff recommendation.

- A. RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial"; and
- B. APPROVE Neighborhood Plan Change from "Employment without Residential" to "Commercial"; and
- C. APPROVE Zone Change from IP (Industrial Park) to CG (General Commercial) subject to the following condition of approval:

Condition 1: Approval of the neighborhood plan change and zone change shall be contingent on the City Council's decision on the Comprehensive Plan Map Change.

Alternative 2: Approve subject to condition restricting multi-family residential uses on the subject property.

- A. RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial"; and
- B. APPROVE Neighborhood Plan Change from "Employment without Residential" to "Commercial"; and
- C. APPROVE Zone Change from IP (Industrial Park) to CG (General Commercial)

subject to the following conditions of approval:

Condition 1: Approval of the neighborhood plan change and zone change shall be contingent on the City Council's decision on the Comprehensive Plan Map Change.

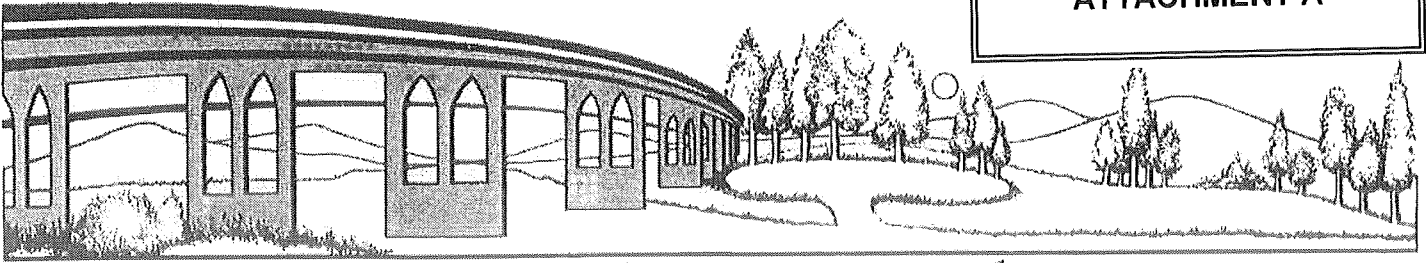
Condition 2: Multi-family uses shall be prohibited on the subject property.

Alternative 3: Deny the application.

- A. RECOMMEND that City Council not accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial"; and
- B. DENY Neighborhood Plan Change from "Employment without Residential" to "Commercial"; and
- C. DENY Zone Change from IP (Industrial Park) to CG (General Commercial) subject to the following conditions of approval

Attachments: A. Applicant's Supplemental Findings, Dated September 26, 2016
B. Generalized Land Use Map from the WSNP
C. WSNA Supplemental Testimony with Errors Associated with CPC-NPC-ZC 16-08, Dated September 26, 2016

Prepared by Aaron Panko, Planner III 



West Salem Neighborhood Association

555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207

West Salem Neighborhood Association

September 26, 2106

To: Lisa Anderson-Ogilvie, Planning Administrator
Community Development Department
555 Liberty Street SE, Room 305
City of Salem, Oregon 97301

Re: Land Use Case CPC-NPC-ZC 16-08 560 Glen Creek Road NW & 585-635 9th Street NW.

By Motion of the West Salem Neighborhood Association at its September 19th meeting, this letter together with the attached documentation of **Errors associated with the CPC-NPC-ZC 16-08 Application** is submitted to supplement testimony and submissions to the Planning Commission at its September 6, 2016 meeting.

The land use case involves a Comprehensive Plan & Map Change, Neighborhood Plan and Map Change and Zone Change to change the zone of approximately 2 acres of land from Industrial Park to Commercial General. Commercial General, in contrast to the current or other industrial zones would allow mixed use multifamily development.

The Land Use Committee of the West Salem Neighborhood Association recommends conveying the following position to the Applicants, the Planning Commission and City Council.

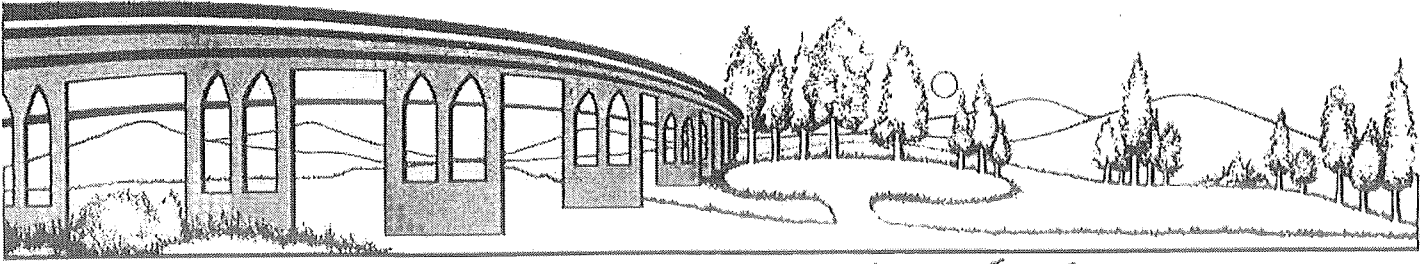
Negotiate a zone change within the general class of industrial or Center – Employment that is consistent with the West Salem Neighborhood Plan and does not require a Comprehensive Plan Map Change or Neighborhood Plan Map Change.

Corollary Request: Update the West Salem Land Use Plan. The Plan was created in 2004 with a 10-year scope of planning. West Salem, from its perspective and relative contribution, should address the land inventory issues identified in the regional Economic Opportunities Analysis 2012 and Housing Needs Analysis/Economic Opportunities Analysis 2015 reports.

Among the Goals of the West Salem Neighborhood Plan, Goal 1 (c) & (d) apply: To achieve a pattern of land use and development that: c) promotes the long-term economic health and self-sufficiency of West Salem; and d) is supportive of neighborhood businesses.

Self-Sufficient Economic Infrastructure:

1.6 Encourage non-residential uses that provide a range of jobs to support the employment needs of residents in West Salem.



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Support Neighborhood Businesses:

1.8 Encourage the short-term (0-15 years) redevelopment of the industrial Edgewater/Wallace area with compatible pedestrian oriented retail and office uses, while supporting existing industrial uses consistent with the West Salem Urban Renewal Plan, which is generally described in Chapter 8 of this document.

In general, the land use concepts adopted for the Edgewater/Wallace Road area are expressed in the Edgewater/Wallace Overlay Zone, which applies development standards and design guidelines for specific map areas. Areas 2 & 4 in the overlay zone are cited for Mixed Use, and Residential & Office Uses.

The Case:

The subject land of this case is not included in the Edgewater/Wallace Road area Overlay zone. The Generalized Land Use Map of the West Salem Neighborhood Plan classifies the land as Employment without Residential. The Recommended Changes to the Generalized Land Use Map classify the land as Center-Employment Only.

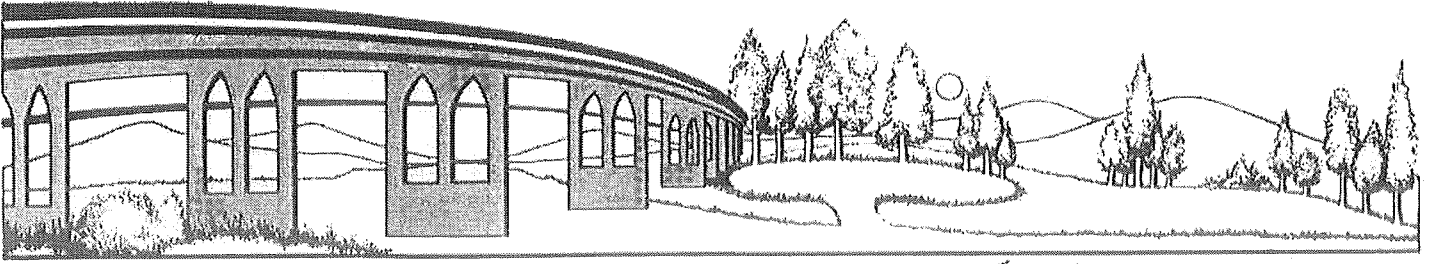
The applicants presented a concept for a zone change to the West Salem Neighborhood Association earlier this year. The application is for more than a zone change. It called for a Comprehensive Plan Change, Neighborhood Plan Change, & Zone Change.

Upon receipt of a copy of the application and City of Staff recommendations, the Land Use Committee found significant policy issues, substantive and procedural errors, and provided testimony to the Planning Commission requesting the case not be forwarded to Council. The Planning Commission voted to continue the hearing to further explore the issues and encouraged the West Salem Neighborhood Association to meet with the applicants and their representatives to see if the issues can be reconciled.

The Land Use Committee will be meeting with the applicants' attorney and the developer on Thursday September 22, 2016, in person and in conference call.

Significant Substantive and Procedural Issues and Errors include among others:

Combining Legislative Proceedings (Comprehensive Plan and Neighborhood Plan Changes) with Quasi-Judicial Proceedings (Specific Zone Changes) in one proceeding. In a Legislative proceeding, citizens may speak freely with their representatives. In a judicial or Quasi-Judicial proceeding, citizens may not speak



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freely with the adjudicators outside the public proceedings. Combining the proceedings excludes freely given community discourse on the matter.

Comprehensive Plan Change & Comprehensive Plan Map changes requested were assumed minor rather than major without supportive evidence or discussion.

Criteria for Comprehensive Plan Map Change from Industrial were not addressed in the application or City of Salem Staff Report.

Criteria for Minor Comprehensive Plan Map Change were not addressed by the applicant and assumed without supporting factual information in the City of Salem Staff Report.

West Salem Neighborhood Association Plan would be amended without the participation of the West Salem Neighborhood Association.

The Economic Opportunities Analysis of 2012 and the Housing Needs Analysis/Economic Opportunities Analysis of 2015, were cited as evidencing significant social and economic change in West Salem that justifies a Comprehensive Plan change. The cited reports are highly generalized regional reports, and do not address the specific economic goals or land inventory of West Salem.

The applicant's transportation impact analysis was in error grossly understating vehicle trip generation for 10,000 square foot building and disregarding street classification changes that would be relevant with such development.

Please find attached listing of errors identified during the West Salem Neighborhood Association review of case CPC-NPC-ZC 16-08 August 30, 2016, staff report.

Respectfully Submitted,

Kathleen Dewoina
Land Use Chair
West Salem Neighborhood Association

Errors associated with the CPC-NPC-ZC 16-08 Application

Supplementing September 6 testimony and submissions

1. The applicants provided no response to SRC 64.025(e)
2. Since the applicants of CPC-NPC-ZC 16-08 offered no responses to SRC 64.025(e) criteria, the staff declaration that the application was complete is incorrect.
3. The staff recommended finding regarding SRC 64.025(e)(2)(A)(i)¹ is inadequate and non-responsive.
 - a. All references are to the citywide 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) deficit of commercial and multi-family comp plan identified land.
 - b. There is no reference to the nearby vicinity social, economic, or demographic patterns per SRC 64.025(e)(2)(A)(i).
 - c. There is no data offered comparing West Salem industrial and commercial lands comp plan inventories or deficits.
 - d. The applicants offered no written response or testimony regarding SRC 64.025(e)(2)(A)(i).
4. The staff recommended finding regarding SRC 64.025(e)(2)(A)(ii)² are only partially responsive to the approval criteria.
 - a. References are to the (HNA/EOA) citywide deficit in commercial comp plan identified land only.
 - b. Staff references cite equal traffic generation between industrial and commercial designated land, claim limited access to the property, and declare site size and geological restrictions limit future industrial use of the land. Countering these declarations are (1) the acknowledgment that a previous comp plan change had moved one parcel from residential to industrial and (2) an absence of findings that explain why traffic access is "equal or better suited" for a commercial application per SRC 64.025(e)(2)(A)(ii) .

¹ 64.025. **Plan Map Amendments. (e) Criteria. (2) Minor Plan Map Amendment.**
(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.

² 64.025. **Plan Map Amendments. (e) Criteria. (2) Minor Plan Map Amendment.**
(ii) Equally or Better Suited Designation.
A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

- c. The staff findings contain no recommendation or demonstration regarding the proposed decrease in West Salem industrial land or why removal of these parcels from the industrial land inventory is "equally or better suited" for the property.
 - d. The applicants offered no written response or testimony regarding SRC 64.025(e)(2)(A)(ii).
 - e. The applicants offered no traffic impact analysis regarding the impacts associated with multi-family residential use under a comp plan commercial designation.
5. CPC-NPC-ZC 16-08 is not consistent with Statewide Planning Goal 1 as stipulated in SRC 64.025(2)(D).
- a. The CPC-NPC-ZC 16-08 comprehensive land-use proposal was not presented to the WSNA prior to the public hearing process.
 - b. The applicants offer no written response or testimony to Statewide Goal One elements³.
 - c. The staff report only cites legally required notification of the public hearing, not the requisite review and recommended changes prior to the formal public hearing.
 - d. The public hearing staff report document was incomplete. City of Salem failed to include all appendices attached to the applicants' submitted application document.
6. The CPC-NPC-ZC 16-08 staff report fails to accurately identify the site classification from neighborhood plan general land use map and thereby falsely proposes an inaccurate Neighborhood Plan Map change. There is no industrial category in the West Salem Neighborhood Plan.
7. Notwithstanding the restrictions placed upon Comp Plan Map Amendment and Neighborhood Plan Map initiation (SRC 64.025(b)) the scope of change detailed in CPC-NPC-ZC 16-08 is such that the action requested is a Major Comprehensive Plan Map change and, accordingly, needs must be

³ GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) C. CITIZEN INFLUENCE

3. Adoption Process -

The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

6. Revision -

The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

initiated by the Salem City Council rather than individual property owners and/or the Salem Planning Commission.

a. The proposed actions constitute a major comprehensive plan map amendment because “the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner” per SRC 64.025(1)(B).

(i) The proposed commercial land designation reduces the total industrial land inventory in West Salem without offering factual evidence supporting the need for additional commercial land in West Salem at the expense of reduced industrial designated land in West Salem. Arguments offered by the staff report emphasize citywide industrial land designation surplus without addressing whether a reduction (revision) in West Salem industrial designated land is a broad policy the Salem City Council supports per SRC 64.025(e)(2)(A)(i).

(ii) The proposed commercial land designation offers the opportunity for multi-family development in contrast to the no residential development on comp plan designated industrial land. The staff report offers no explanation as to why the potential of multi-family development is compatible with the noise or use and storage of hazardous materials and flammable liquids allowed in industrial designated land.

(iii) The costs versus benefits of this major, public policy change to the Comprehensive Plan Map has not been conducted. Instead, the staff report is peppered with statements like “assume”, “presumed”, etc.

b. The West Salem Neighborhood Plan includes specific direction regarding the area near the subject site.

(i) Designations shown on the associated land use maps identify the subject site for “Employment without Residential” and “Center —Employment Only”.

(ii) Chapters 3 and 4 of the West Salem Neighborhood Plan describe the anticipated patterns of land use development for the West Salem Neighborhood area and this site. The proposed amendment to the West Neighborhood Plan and Map from “Employment Only” to allowable residential development is a major neighborhood plan change.

(iii) The West Salem Neighborhood Plan is a component of the Salem Area Comprehensive Plan. Consequently, a change to the West

Salem Neighborhood Plan is a legislative Comprehensive Plan Change.

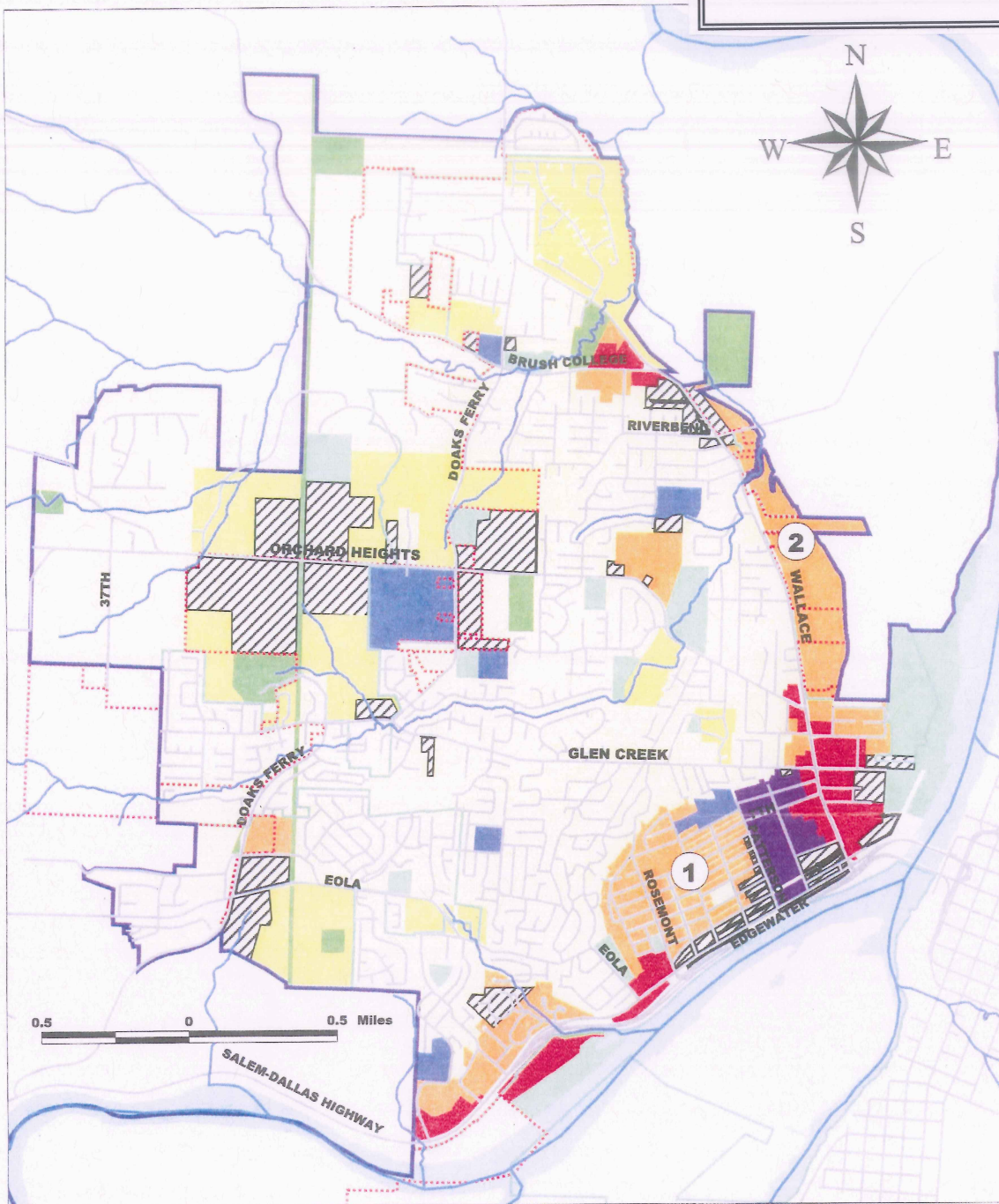
8. CPC-NPC-ZC 16-08 is not consistent with Statewide Planning Goal 9 as stipulated in SRC 64.025(2)(D).⁴
 - a. The proposed findings offered by the staff report do not address a Statewide Goal 9 planning requirement. Absent from the staff report are statements addressing the economic impacts in West Salem associated with the proposed conversion of land from industrial to commercial.
 - b. The proposed findings offered in the applicants' submitted materials emphasize the "commercial development within the community" advantages without addressing the nearby area social or economic impact of converting industrial land to commercial land with a requested zone change that includes an opportunity to develop multi-family housing on the site.
9. CPC-NPC-ZC 16-08 is not consistent with Statewide Planning Goal 2 as stipulated in SRC 64.025(2)(D).
 - a. Goal 2⁵ defines minor changes as "those which do not have significant effect beyond the immediate area of change." This criterium was not addressed in the staff proposed findings.
 - b. The proposed staff report findings offer neither evidence nor declarations that the requested comprehensive map change will not have a significant effect beyond the immediate area. The special studies offered in support of the change highlight the City wide 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) deficit without addressing whether there is a factual basis to support the change in the immediate area. The staff report cites the HNA/EOA report but fails to deal specifically with impacts to the West Salem community.
10. In so far as the West Salem Neighborhood Plan "'Goals and Policies"

⁴ GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9) GUIDELINES A. PLANNING (2) The plan should also take into account the social, environmental, energy, and economic impacts upon the resident population.

⁵ Goal 2. Land Use Planing OAR 660-015-0000(1) P PART III USE OF GUIDLINES E.MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES (2) Minor Changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support change. The public need and justification for the particular change should be established.

provisions and the general land use maps" are "component(s) of the Comprehensive Plan," the August 30th CPC-NPC-ZC 16-08 staff report incorrectly claimed that revisions to the West Salem Neighborhood Plan General Land Use Map shall be implemented via a quasi-judicial process rather than a legislative process.

Since the West Salem Neighborhood Plan General Land Use Map was legislatively adopted by the Salem City Council as a component of the Salem Area Comprehensive Plan, the West Salem Neighborhood Plan must be amended via the same legislative process. Therefore, the Salem Planning Commission may not amend but only offer recommendations to the City Council regarding any amendments to the West Salem Neighborhood Plan without engaging the West Salem Neighborhood Association prior initiating a formal legislative amendment process in compliance with Statewide Planning Goal 1.



- Urban Growth Boundary (2003)
- City Limits (2003)
- Urban Service Area
- Single Family
- Single/Multi-Family
- Multi-Family
- Existing Parks and Open Space
- Future Parks and Open Space
- School
- Commercial
- Employment without Residential
- Recommended for Land Use Changes *

- 1** The multi-family designation in this area represents single-family zoning with a Compact Development Overlay. Within this area, a maximum of 12 dwelling units per acre is permitted with additional design guidelines and standards, as stipulated by the Salem Zoning Code.
- 2** The multi-family designation in this area represents an average of 16 dwelling units per acre with limited-size commercial uses to serve the retail and service needs of the adjacent neighborhood.

Generalized Land Use Map



* Recommended land use changes are shown on the "Recommended Changes to the Generalized Land Use Map" map within the Land Use, Urban Design, and Housing Neighborhood Action Items. The existing Salem Area Comprehensive Plan (SACP) land use designations remains in effect until the Generalized Land Use Map and SACP are amended.

September 26, 2016

City of Salem
Attention: Mr. Aaron Panko
Planning Division
555 Liberty Street SE
Salem, OR 97301

Re: **West Salem Properties at Glen Creek Road and Wallace Road – Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change (Case CPC-NPC-ZDC16-08)**
Project Number 2160025.00

Dear Mr. Panko:

This letter presents revised and supplemental findings for the land use applications referenced above. In particular, the findings below replace those presented in response to Salem Revised Code (SRC) Section 64.020(f)(2) through the submitted application narrative dated July 14, 2016. Findings responding to this section of the SRC were mistakenly presented; however, this error was not brought to the applicant's attention until the September 6, 2016, Planning Commission hearing through public testimony provided during the hearing. In order to correct this error, the findings presented below correctly respond to relevant portions of SRC Section 64.025.

Additionally, revised findings are presented below in response to concerns raised by the West Salem Neighborhood Association at the September 6, 2016, Planning Commission hearing regarding the potential for residential development in the General Commercial (CG) zone, and how that potential aligns with the "Center – Employment Only" designation applied to the site through the West Salem Neighborhood Plan. As directed by the Planning Commission, the applicant and representatives of the West Salem Neighborhood Association met subsequent to the September 6, 2016, hearing to discuss options for resolving their concerns. The revised findings presented below regarding how the proposed Comprehensive Plan Amendment can be approved in a manner that remains consistent with the West Salem Neighborhood Plan are the outcome of those discussions.

COMPREHENSIVE PLAN MAP AMENDMENT FINDINGS

64.025. Plan Map Amendments.

- (a) *Applicability. Amendments to a Plan Map shall be adopted as provided in this section. The two types of Plan Map amendments are major and minor. As used in this section, "plan map" means the Urban Growth Boundary, the Comprehensive Plan Map, or a general land use map in a Neighborhood Plan.*
- (1) *A Major Plan Map Amendment is:*
- (A) *Any amendment to the Urban Growth Boundary; or*
 - (B) *An amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.*
- (2) *A Minor Plan Map Amendment is an amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.*



Response: As it pertains to the subject Comprehensive Plan Amendment and Neighborhood Plan Amendment requests, SRC 64.025(a) justifies classifying the application as a Minor Plan Map Amendment. Both requests affect a small number of properties – a total of five – and are limited to a closely circumscribed set of factual circumstances. Those factual circumstances include:

- Consideration of how re-designating the subject properties – which comprise an area of 2.12 acres of the approximately 5,200 acres located within the current West Salem Neighborhood Association boundary – from Industrial to Commercial on the Comprehensive Plan Map will remain consistent with the associated West Salem Neighborhood Plan designation of “Center – Employment Only.”
- Whether re-designating 2.12 acres from Industrial to Commercial on the Comprehensive Plan Map will help to address a deficit of 271 acres of developable commercial land that has been identified in the 2015 Salem Economic Opportunities Analysis (EOA), as well as the resultant effect on an identified surplus of 907 acres of developable industrial land.
- The extent to which re-designating the subject 2.12 acres from Industrial to Commercial on the Comprehensive Plan Map may significantly affect the transportation system, as determined through assessment of the Comprehensive Plan Amendment against the Transportation Planning Rule (Oregon Administrative Rules 660-012-0060).
- Whether existing public utilities located within the public rights-of-way for Glen Creek Road NW and 9th Street NW are available and sufficient to facilitate development of the 2.12-acre site once re-designated as Commercial on the Comprehensive Plan Map.
- Consideration of the extent to which re-designating the subject 2.12 acres from Industrial to Commercial on the Comprehensive Plan Map will enable a development pattern that is equally or better suited for the immediate area.

As demonstrated by the revised findings presented below, approval of the Comprehensive Map Amendment and Neighborhood Plan Amendment requests will: (1) maintain consistency with the West Salem Neighborhood Plan’s designation of “Center – Employment Only;” (2) help to address the identified deficit of developable commercial acreage, particularly in the West Salem area; (3) not cause a “significant effect” on the transportation system, as defined in OAR 660-012-0060; (4) not require extension of additional public utilities to facilitate development of the site; and (5) enable a development pattern that is equally or better suited for the immediate area. Lastly, as is demonstrated by findings presented in the July 14, 2016, application narrative, the subject Comprehensive Plan Amendment request is consistent with relevant Statewide Planning Goals and policies from the Salem Comprehensive Plan.

(b) Standing to Initiate Plan Map Amendments.

- (1) Notwithstanding SRC 300.1110, a Major Plan Map Amendment may only be initiated by the City Council.*
- (2) Notwithstanding SRC 300.1110, a Minor Plan Map Amendment may only be initiated by the City Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner’s agent.*

Response: The subject Minor Plan Map Amendment has been initiated by the owner(s) of each corresponding property. The associated signed application forms are included as Exhibit L of the application narrative dated July 14, 2016.

(c) *Procedure Type.*

- (1) *Major Plan Map Amendments are legislative decisions, and are processed according to the Legislative Procedures under SRC Chapter 300.*
- (2) *Minor Plan Map Amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC Chapter 300.*

Response: As noted in the staff report to the Planning Commission dated September 6, 2016, the subject Comprehensive Plan Amendment and Neighborhood Plan Amendment are being processed consistent with the Type III procedure, including issuance of a public hearing notice on August 17, 2016, to owners of all property within 250 feet of the site. Findings that substantiate classifying the application as a Minor Plan Map Amendment are presented above.

(d) *Submittal Requirements.*

(1) *Initiation.*

- (A) *A Major or Minor Plan Map Amendment may be initiated by the City Council by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment.*
- (B) *A Minor Plan Map Amendment may be initiated by the City Council or the Planning Commission by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment, or by an applicant by the submission of an application that complies with paragraph (2) of this subsection.*

Response: With the exception of the revised and supplemental findings presented herein, all of the materials and information required by SRC Section 64.025(d)(2) were included with the applicant's submitted narrative dated July 14, 2016.

(2) *In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for an applicant-initiated Minor Plan Map Amendment shall include the following:*

- (A) *An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*
 - (i) *The total site area, dimensions, and orientation relative to north;*
 - (ii) *The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;*
 - (iii) *The location of drainage patterns and drainage courses, if applicable;*

Response: Exhibits 'A' through 'G' of the application narrative dated July 14, 2016, contain all of the information listed in items (i) through (iii) above.

(B) *A traffic impact analysis, if required by the Director of Public Works.*

Response: Exhibit 'H' of the application narrative dated July 14, 2016, presents a traffic impact analysis for the subject Comprehensive Plan Amendment, including findings in response to applicable criteria from SRC Section 803.015 and OAR 660-012-0060. Based on a comparison of "reasonable worst-case development scenarios" for the existing and proposed zoning designations (i.e., the IP and CG zones), the analysis demonstrates that the proposed Zone Change and Comprehensive Plan Amendment will not significantly affect a transportation facility.

(e) *Criteria.*

(2) *Minor Plan Map Amendment. The greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:*

(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.*

Response: The applicant notes that conclusions presented in the 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) support re-designating the site as Commercial and CG for several reasons. First, the report projected a surplus of 907 acres of industrial land over the 20-year planning horizon, while the supply of developable commercial land resulted in a deficit of 271 acres. The report also noted that employment growth related to industrial uses was anticipated to be greatest with “traded-sector” employers, which prefer larger acreage sites (i.e., 10 acres or greater) that have good automotive access and are located away from residential areas. Over half of the available supply of developable industrial land within the Salem Urban Growth Boundary is comprised of parcels or sites that are 20 acres or more based on information presented in the 2015 EOA. In comparison, the total area of the site is slightly more than two acres, and access to the site is limited to an eastbound right turn from Glen Creek Road and access from NW 9th Street, the latter of which is inaccessible by northbound travel along NW Wallace Road. Additionally, an existing residential neighborhood with a mixture of single and multifamily dwellings is located immediately north across NW Glen Creek Road. Thus, the subject site does not satisfy any of the criteria identified in the 2015 EOA that are critical for encouraging development of “traded sector” jobs, which are projected to constitute the majority of employment growth expected to occur on industrially designated land during the subject planning period.

Two of the methods recommended in the EOA for balancing the identified deficit of developable commercial acreage include:

- Identification of target areas for conversion to commercial use that are impinging on industrial uses and less well-suited for future industrial uses (Implementation Measure 1.1); and
- Establishing one or more neighborhood or convenience shopping and service centers in West Salem, especially in developing residential areas (Implementation Measure 1.2).

Although the site is not in or near a “developing residential area,” it is near an established residential area. In addition, its location along two major transportation corridors that serve the majority of residential neighborhoods in West Salem provides significant potential for helping to satisfy the identified need for more commercial land. Further, as noted below in response to SRC 64.025(e)(A)(ii), many of the employment-based uses allowed in the IP zone are also permitted in the CG zone. Thus, while the site may not be ideal for redevelopment by traded sector employers, re-designating it to Commercial and CG would maintain the opportunity for development with a diverse mixture of locally-based retail, office, and manufacturing uses. As such, the Commercial and CG designations are consistent with the West Salem Neighborhood Plan’s recommended designation of “Center – Employment Only.”

The criterion cited above (SRC 64.025(e)(A)(i)) constrains to “the nearby vicinity” consideration of altered social, economic, or demographic patterns that may justify approving a Comprehensive Plan Map Amendment or Neighborhood Plan Amendment. This term (i.e., “nearby vicinity”) is not defined in the SRC or Comprehensive Plan, thus it is difficult to conclude what geographic area would provide sufficient context for such an analysis. However, given that the subject request includes a Neighborhood Plan Amendment affecting the West Salem Neighborhood Plan, the applicant concludes relying on the existing composition of land use designations within the boundaries of the West Salem Neighborhood Association is reasonable.

The West Salem Neighborhood Plan was adopted in 2004, and designates the subject site as “Center – Employment Only.” As noted in testimony presented at the September 6, 2016, Planning Commission hearing by the West Salem Neighborhood Association, this designation was applied for two reasons: (1) to express concerns about potential traffic impacts on Wallace Road that may result from residential development; and (2) to acknowledge that employment-related development should be emphasized “*whether the area remain[s] industrial or transition[s] to other employment activities*”¹. More recently, the City of Salem has adopted the 2015 EOA, which, as noted above, identifies a deficit of developable commercial land within the Urban Growth Boundary based on the existing supply and demand projected between 2015 and 2035. Employment growth projections accompanying that analysis anticipate 12,234 additional “Office and Commercial Services” jobs over that period, in comparison to 7,503 “Industrial” jobs. These projections serve as a key basis for concluding that Salem has a surplus of developable industrial acreage and a deficit of developable commercial acreage.

Based on available GIS data obtained from the City of Salem, approximately 5,225 gross acres of land are located within the boundaries of the West Salem Neighborhood Association, which is comprised, in part, of the following Comprehensive Plan designations.

Table 1: West Salem Neighborhood Association Comprehensive Plan Designation Acreage Summary

Comprehensive Plan Designation	Acres
Commercial	133.3
Community Service Education	89.1
Community Service Sewage/Solid Waste	31.3
Developing Residential	1,597.8
Farm Resource Management	155.7
Industrial Commercial	22.5
Industrial	97.4
Multifamily Residential	286.7
Single Family Residential	1,830.5
Parks – Open Space	171.0

¹ Written public testimony submitted by Mr. Evan Sorce, Co-Chair, West Salem Neighborhood Association, at September 6, 2016, Planning Commission hearing on case CPC-NPC-ZC16-08.

Map 2 of the 2015 EOA demonstrates that very little of the industrial and commercial acreage within the West Salem Neighborhood Association's boundaries is either vacant or partially vacant and available for development (Attachment A). While the report doesn't present specific data for the amount of vacant or partially vacant acreage in this portion of Salem, it is evident from Map 2 that this is the case. Regardless, the data presented above in Table 1 demonstrates that commercially designated land constitutes roughly three percent (3%) of the total acreage of all land use designations within the West Salem Neighborhood Association boundary, while industrial land constitutes approximately one percent (1%).

Although specific data for developable Commercial and Industrial acreage within the West Salem area is not presented in the 2015 EOA, land consumption patterns throughout the Salem Urban Growth Boundary are expected to be relatively comparable for industrial and commercial development based on localized, market-based demand for commercial services and employment. Data presented in the 2015 EOA demonstrates that, city-wide, approximately 15 percent (15%) of Commercial land within the Salem Urban Growth Boundary is either vacant or partially vacant, while roughly 29 percent (29%) is either vacant or partially vacant within the Industrial designation. Applying this pattern of developed and vacant acreage to the composition of Commercial and Industrial land within the West Salem Neighborhood Association boundary would result in 20 acres of vacant Commercial land and 28 acres of vacant Industrial land.

The 2015 EOA utilized employment density ratios of 36 employees per acre and 20 employees per acre for Commercial and Industrial designations, respectively. When applied to the acreage of vacant Industrial and Commercial land that may be available within the West Salem Neighborhood Association boundary, the resultant employment yield would be 560 industrial jobs and 720 commercial jobs. These totals equate to seven percent (7%) of the 7,502 new industrial jobs and five percent (5%) of the 12,234 new commercial jobs projected over the planning period. Thus, based on the assumptions presented above regarding availability of developable Commercial and Industrial land within the West Salem Neighborhood Association boundary, a smaller percentage of commercial job growth would be accommodated in comparison to the proportionate share of industrial job growth. This means that not only will fewer new commercial services be located within the West Salem Neighborhood Association boundary, but it also suggests that a greater percentage of new commercial use employees who may live within the association boundary will have to commute to other areas in Salem or elsewhere for work, placing greater demand on additional portions of the transportation system.

As noted above and discussed in greater detail below, re-designating the subject 2.18-acre site to Commercial and CG from Industrial and IP will have minimal impact on opportunities for establishing many of the "Construction Contracting, Repair, Maintenance, and Industrial Services," "Whole Sales, Storage, and Distribution," and "Manufacturing" uses that are currently allowed in the IP zone. In fact, eight of the 12 uses from those categories are also permitted outright in the CG zone (Attachment B). Additionally, the CG zone allows a substantially more diverse set of commercial services, professional office, and retail uses than are allowed in the IP zone. Hence, while re-designating the site from IP to CG will not greatly increase the developable commercial acreage

within the West Salem area, it will meaningfully increase the potential for meeting the projected demand for commercial services and commercial use employment in this portion of the community.

(ii) *Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*

Response: As noted in the application narrative dated July 14, 2016, the proposed Commercial designation of the Comprehensive Plan would be implemented through concurrent rezoning of the site to CG. The Commercial designation and CG zone are at least equally suited for the subject site as the Industrial designation and IP zone for the following reasons.

To encourage ease of access to desired retail and employment opportunities, several Comprehensive Plan policies support locating commercial uses along major transportation corridors and near higher density residential development. Policies from the Comprehensive Plan support locating mixed-use development near major neighborhood nodes, like the intersection at Glen Creek Road and Wallace Road. Lastly, reliance on infill development sites with access to required utilities and transportation services is encouraged over use of “greenfield” sites as the preferred means of meeting the community’s employment, housing, and shopping needs. The subject site is partially undeveloped and has immediate access to all required utilities and transportation services.

Adjacent properties to the east and south are currently zoned CG, as are additional properties located southeast along Wallace Road. Properties located to the north and northwest are zoned CR, which allows a similar set of commercial uses. Thus, there is little potential for compatibility conflicts between the subject site and these existing commercially zoned properties.

Re-designating the site to Commercial and CG will maintain a similar zoning relationship with properties to the west that are currently designated Industrial and zoned IP. Given that the two zones abut one another currently, no compatibility conflicts are expected as a result of increasing the area of CG zoning. Although the CG zone presents the opportunity for multifamily development, Conditional Use approval is required. Specific findings that address whether multifamily residential uses should be allowed at the site on a conditional basis are presented below.

The combined area of CG properties located immediately east of the site is 1.42 acres, which is less total area than the subject site. Re-designating these five tax lots to Commercial and CG will increase the total contiguous area of CG by 2.18 acres, hence allowing a more unified redevelopment project. The resultant 3.6 acres of CG zoning would be comparable to other individual or contiguous properties along Wallace Road that share the same zoning designation. Therefore, increasing this particular area of CG zoning would be consistent with the established pattern of commercial zones along Wallace Road.

Although developing the site consistent with uses allowed in the CG zone may increase the number of vehicle trips utilizing the affected intersections in comparison to existing conditions, as is discussed in the submitted traffic impact analysis, uses allowed in the CG zone with the highest trip generation rates are also allowed in the IP zone. As a result, re-designating the site as CG has no potential to cause a significant adverse effect on the transportation system. Additionally, it should

be noted that existing medians and turn-movement limitations will control the flow of traffic into and from the site in a manner that maintains the functional service level of the intersection at Glen Creek Road and Wallace Road.

In most respects, the development standards of the CG zone are similar to those of the IP zone. Minimum required building setbacks in the CG zone are slightly less than what's required in the IP zone, which is a reflection of the CG zone to support pedestrian-friendly design and direct access to building entrances. The CG zone also presents the potential for fewer compatibility impacts in relation to other zones. For example, nightclubs and general manufacturing are permitted outright in the IP zone, but are either limited in size or location, and may require Conditional Use approval in the CG zone. The smaller setbacks allowed in the CG are a reflection of comparatively less intensive uses allowed in that zone. For example, development in the IP zone must be set back from residential uses by a minimum of 10 feet, while the minimum setback in the CG zone is five feet. In the case of the subject site, the nearest residential use is approximately 65 feet north, across Glen Creek Road. Re-designating the site to CG will have no material effect on the distance buffering nearby residential uses from non-residential uses developed at the site. Additionally, neither zone limits building coverage, other than compliance with the minimum required setbacks.

While the CG zone allows a maximum building height of 75 feet, which is 30 feet taller than the maximum allowed in the IP zone, it is unlikely one or more buildings constructed on the site could achieve that height. Limited site area would be available to satisfy off-street parking demand. For example, a four-story 60,000 sf office building constructed consistent with the IP zone development standards would require approximately 170 parking spaces. At an average area of 325 square feet per space, roughly 56,000 square feet of the site would be required for parking and circulation area. After accounting for the corresponding building footprint (15,000 square feet), there would not be sufficient area available to satisfy the parking demand within the boundaries of the site. Thus, other development standards will likely limit maximum building height on the site to be comparable or less than what is currently allowed in the IP zone.

Both the IP and CG zones allow a mixture of uses classified as either Retail Sales and Services; Business and Professional Services; Motor Vehicle Sales and Services; Recreation, Entertainment, and Cultural Services; Educational Services; Civic Services; Public Safety; Construction Contracting, Repair, Maintenance, and Industrial Services; Whole Sales, Storage, and Distribution; or Manufacturing. While some of these uses are limited in size, the CG zone allows a more diverse mix of uses from each of these categories, particularly Retail Sales and Services; Business and Professional Services; Motor Vehicle Sales and Services; Recreation, Entertainment, and Cultural Services; and Health Services. For example, the only limitation on retail sales is that it must take place within an enclosed building or fenced area, and no limitations are placed on professional offices or Personal Services. The additional uses and comparative lack of limitations on uses allowed in CG zone would help satisfying the demand for convenience shopping and commercial services identified in the West Salem area through findings presented in the 2015 EOA. As noted above, re-designating the site as Commercial and CG will increase the area of this zone to just more than 3.6 acres when combined with the properties immediately east, and will provide greater flexibility for delivering desirable commercial services for West Salem.

(iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:*

- (aa) *Whether there was a mistake in the application of a land use designation to the property;*
- (bb) *Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;*
- (cc) *Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and*
- (dd) *Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.*

Response: The applicant is not aware of a mistake in the application of a land use designation to the property.

(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;*

Response: As shown on Exhibit G of the application narrative dated July 14, 2016, all necessary public utility lines are located within immediate proximity of the site. Per information provided by the City of Salem, public utilities within immediate proximity of the site have sufficient capacity to accommodate development of the site consistent with the Commercial designation of the Comprehensive Plan (see Exhibit I of the July 14, 2016, application narrative). If the existing facilities are not adequate, the City will have the opportunity to address such deficiencies through the review and approval of a formal development proposal for the site.

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

Response: The site has immediate access to all required urban services. Re-designating the site to Commercial will help to address an identified shortage of developable commercial land within the Salem UGB, in a manner that benefits from the immediate proximity of transportation facilities and public utilities. In comparison to annexing and extending services to a “greenfield” site, meeting the community’s need for developable land in this way is considerably more cost-effective.

Per information provided by the City of Salem, public utilities within immediate proximity of the site have sufficient capacity to accommodate development of the site consistent with the Commercial designation of the Comprehensive Plan (see Exhibit I of the July 14, 2016, application narrative). Public water, sanitary, and stormwater drainage lines are currently available within the rights-of-way for Glen Creek Road, Wallace Road, and 9th Street NW (see Exhibit G of the July 14, 2016, application narrative). The need for upgrades to these lines has not been identified by City staff. Therefore, the site can be developed/redeveloped in a cost-effective manner that minimizes the overall expense of development to the City.

The site is located at the intersection of two major transportation corridors that serve residential neighborhoods located to the north and west. The Commercial designation of the Comprehensive Plan would facilitate development/redevelopment of the site with community shopping and service facilities for which unmet demand has been identified in West Salem. Existing sidewalk and bike lanes along Glen Creek Road and Wallace Road connect the site with nearby residential neighborhoods, which will enable pedestrian and bicycle travel to the site. Vehicular travel to the site is anticipated to rely on either Glen Creek Road or Wallace Road, and may require travel along minor streets immediately west of Wallace Road. However, “cut-through” traffic in the nearby residential neighborhoods is not expected due to the site’s location and available routes of travel.

The 2015 EOA has identified the need for additional commercial land within the UGB that can be developed over the 20-year planning horizon. Demand for additional commercial services in West Salem was emphasized in particular. The subject site is ideally positioned to help satisfy a portion of that demand given its location at the intersection of two major transportation corridors serving West Salem. Complimentary commercial uses are already present within the immediate vicinity of the site, which would allow customers to conveniently complete multiple shopping errands or service appointments, rather than traveling to other portions of the community.

Given these considerations, re-designating the site to Commercial constitutes the logical urbanization of land.

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

Response: Findings in response to applicable Statewide Planning Goals and policies from the Salem Area Comprehensive Plan are presented on pages 8 through 15 of the application narrative dated July 14, 2016. Those findings are adopted here by reference as findings in response to the criterion cited above, as they address consistency with the applicable Statewide Planning Goals and policies from the Salem Area Comprehensive Plan with respect to implementation of the CG zone, which implements the Commercial designation of Comprehensive Plan.

In supplement to findings presented in response to Statewide Planning Goal 10, the applicant notes that while multifamily development is allowed in the CG zone on a conditional basis, the 2015 HNA does not rely on the CG zone in order to satisfy a portion of the housing demand projected over the 20-year planning period. Re-designating the site to Commercial and CG could help address the identified deficiency of developable multifamily land, but such development is not expected within the CG zone.

(E) The amendment is in the public interest and would be of general benefit.

Response: Based on the findings presented above, the subject Comprehensive Plan Amendment is in the public interest and is of general benefit to the public.

WEST SALEM NEIGHBORHOOD PLAN AMENDMENT FINDINGS

As noted above and through findings presented in the July 14, 2016, application narrative, multifamily development is allowed in the CG zone on a conditional basis. A proposal to develop multifamily dwellings at the subject site would be reviewed against the criteria contained in SRC Section 240.005(d) to determine whether the use will be compatible with the immediate neighborhood. For reference, the language from Section 240.005(d) is provided below.

- (d) *Criteria. An application for conditional use permit shall be granted if all of the following criteria are met:*
- (1) *The proposed use is allowed as a conditional use in the zone;*
 - (2) *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and*
 - (3) *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

Policies from West Salem Neighborhood Plan identify optimal locations for new multifamily housing in this portion of the community, as well as considerations associated with providing multifamily housing through infill development. Specifically, Policy 1.5 of the West Salem Neighborhood Plan encourages infill development “that is compatible with the adjacent established neighborhood character.” The West Salem Neighborhood Plan Generalized Land Use Map, as modified consistent with direction from the Salem City Council, notes the locations for multifamily designation in order to provide an additional 130 acres within the West Salem Neighborhood Association boundaries (see Exhibit J-1 of the July 14, 2016, application narrative).

The applicant notes that the subject site is not included among the properties identified for designation as multifamily in the West Salem Neighborhood Plan. Additionally, the applicant notes that existing Comprehensive Plan designations and uses near the site are predominately industrial. Uses allowed in these zones are capable of producing noise, odors, and vibrations that would adversely affect residents of a multifamily development. The immediate proximity of residential development could also result in complaints against established manufacturing, industrial services, and distribution uses due to marginalized livability. Eventually, such complaints could force the relocation or closure of these businesses.

While it is possible that such compatibility issues could be addressed through the criteria contained in SRC 240.005, policies contained in the Salem Area Comprehensive Plan provide minimal guidance in this regard. For example, of the 11 policies listed under the “Housing” category, only Policies 8 and 11 generally identify a desire to reduce compatibility conflicts by protecting residential areas from more intensive uses in abutting zones. Utilizing design standards is recommended as one way to accomplish this goal. However, although design guidelines and standards contained in SRC Chapter 702 thoroughly address the orientation and layout of new multifamily buildings and site improvements, they are not structured to specifically mitigate compatibility conflicts with more intensive uses that may be adjacent to a site. In the case of the subject site, new multifamily dwellings could be located within 10 feet of an abutting property developed with an intensive industrial use. Only minimal landscaping would be required in this area in order to comply with design standards contained in Chapter 702.

Based on these findings, the applicant requests – with the support of the West Salem Neighborhood Association – that approval of the proposed Comprehensive Plan Amendment and related Neighborhood Plan Amendment be subject to the following Condition of Approval:

City of Salem

West Salem Properties at Glen Creek Road and Wallace Road – Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change (Case CPC-NPC-ZDC16-08)

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Prohibition on Multifamily Residential Development – Multifamily residential development shall be prohibited on Tax Lots 6400, 6500, 6603, 6701, and 7100 of Assessors' Map 7.3.21AD in conjunction with designation of the properties as Commercial on the Salem Area Comprehensive Plan Map. Such prohibition shall remain effective regardless of the corresponding zone that implements the Commercial designation of the Salem Area Comprehensive Plan.

Imposition of the proposed Condition of Approval will have no effect on the potential for multifamily development to occur on properties that abut the site and are currently designated as Commercial and zoned CG. In the event that multifamily development were to occur on these properties, development occurring on Tax Lots 6400, 6500, 6603, 6701, and 7100 would provide a buffer and transition from more intensive industrial uses allowed on properties to the west. As noted above, approval of the proposed Comprehensive Plan Amendment in conjunction with the recommended Condition of Approval will not alter the supply of developable multifamily land identified in the 2015 HNA. With the recommended Condition of Approval, the proposed Comprehensive Plan Amendment will achieve consistency with the West Salem Neighborhood Plan and the land use pattern it anticipates for West Salem.

CONCLUSION

The findings presented in the July 14, 2016, application narrative, as supplemented and revised by the findings presented above, correctly respond to the applicable criteria from SRC 64.025 and demonstrate consistency with those criteria. As a result, the subject Comprehensive Plan Map Amendment and related Neighborhood Plan Amendment should be approved. The applicant appreciates the opportunity to present these findings for consideration by the Planning Commission at its October 4, 2016, meeting.

Sincerely,



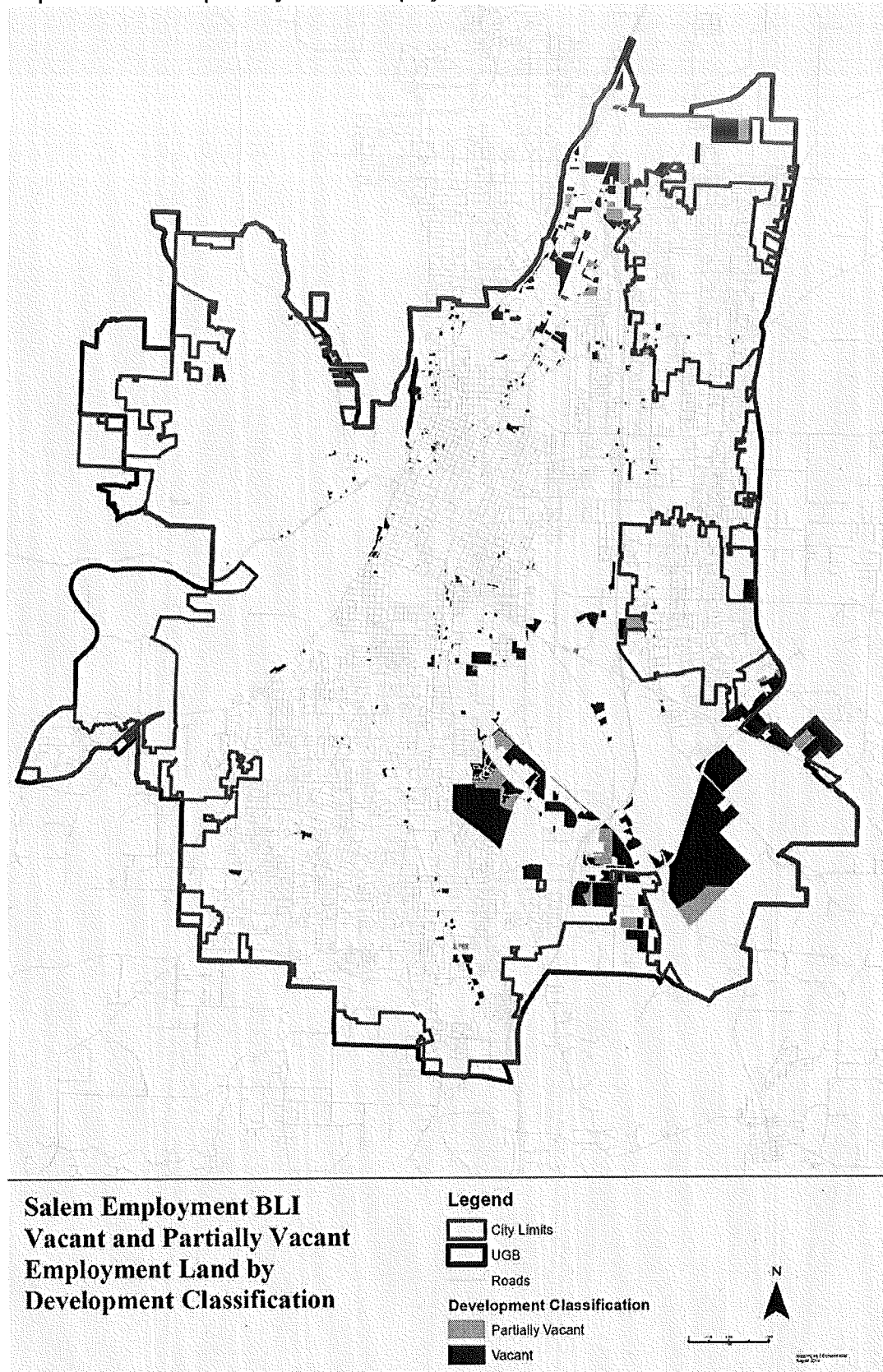
Eric Adams
Land Use Planner

Enclosure(s): Attachment A – 2015 Salem EOA, Map 2 – Vacant and Partially Vacant Employment Land
Attachment B – Comparison of IP and CG Uses and Development Standards

c: Ryan Schera – Deacon Development Group
Steven Anderson, Evan Sorce – West Salem Neighborhood Association

M.

Map 2: Vacant and partially vacant employment land



Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
Single family	P	Caretaker dwelling unit	P	Residential Home per ORS 197.660
	S	Manufactured Home caretaker dwelling unit	N	All other Single Family
Two Family	N		N	
Multifamily	N		C	
Room and Board	N		P	Serving 5 or fewer
			C	Serving 6 to 75
			N	All other Room and Board
Residential Care	N		C	
Nursing Care	N		P	
Lodging				
Short-term Commercial	P		P	
Long-term Commercial	N		P	
Non-profit Shelters	N		P	Serving 5 or fewer
			C	Serving 6 to 75
			N	All other Non-profit Shelters
Retail Sales and Services				
Eating and Drinking	P		P	
Retails Sales	P	News dealers and newsstands, tobacco stores and stands, Caterers	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge.
	N	All other retail sales	P	All other Retail Sales
Personal Services	N		P	
Postal Services	N		P	
Postal Services and Retail	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.	P	

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
Financial Services	N	All other Postal Services and Retail Financial Services	P	
Office	P	Photofinishing laboratories Headquarters of banks and other financial institutions Insurance carriers and brokers. Real estate. Communication services. Engineering, architectural, and surveying services. Accounting services. Management and public relations services. Technical services provided by independent authors and artists. Research. Music Publishing. Actuarial consulting. Environmental consultants. Call centers. Vocational trade schools.	P	
	N	All other Office.	P	
Audio/Visual Median Production	P		P	
Laboratory Research and Testing	P		P	
Motor, Vehicle, Trailer, and Manufactured Dwelling and Trailer Sales	N		P	
Motor Vehicle Services	P	Motorcycle repair Gasoline service stations	P	

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
	N	All other Motor Vehicle Services.		
Commercial Parking	P		P	
Park-and-Ride Facilities	P		P	
Taxicabs and Car Services	N		P	
Heavy Vehicle and Trailer Sales	N		P	
Heavy Vehicle and Trailer Service and Storage	P		P	
Recreation, Entertainment, and Cultural Services and Facilities				
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs.	C	Nightclubs, located within 200 feet of a residential zone.
	N	All other Commercial Entertainment – Indoor	P	All other Commercial Entertainment – Indoor
Commercial Entertainment – Outdoor	N		C	Drive-in Movie Theaters
			P	All other Commercial Entertainment – Outdoor
Major Event Entertainment	N		C	Race Tracks
			P	All other Major Event Entertainment
Recreational and Cultural Community Services	N		P	
Parks and Open Space	P		P	
Non-profit Membership Assembly	N		P	
Religious Assembly	N		P	
Health Services				
Medical Centers/Hospitals	N		N	

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
Outpatient Medical Services and Laboratories	N		P	
Educational Services				
Day Care	P	Child day care services	P	
	N	All other Day Care.		
Basic Education	N		P	
Post-secondary and Adult Education	P	Vocational trade schools	P	
	N	All other post-secondary and adult education		
Civic Services				
Governmental Services	N		P	
Social Services	N		P	
Governmental Maintenance Services and Construction	P		N	
Public Safety				
Emergency Services	P		P	
Detention Services	N		N	
Military Installations	N		P	
Funeral and Related Services				
Cemeteries	N		N	
Funeral and Cremation Services	N		P	
Construction Contracting, Repair, Maintenance, and Industrial Services				
General Repair Services	P		P	
Building and Grounds Services and Construction Contracting	P		P	
Cleaning Plants	P		P	

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
Industrial Services	P		P	
Whole Sales, Storage, and Distribution				
General Wholesaling	P		P	
Heavy Wholesaling	C	Petroleum and petroleum products wholesalers. Chemicals and allied products wholesalers. Firearms wholesalers. Wood products and timber wholesalers.	P	Nursery stock wholesalers. Tractor and farm equipment wholesalers.
	N	All other Heavy Wholesaling.	C	Firearms wholesalers. Wood products and timber wholesalers.
			N	All other Heavy Wholesalers
Warehousing and Distribution	P		P	Distribution centers for online, mail order, and catalog sales. Postal processing and distribution centers.
			N	All other Warehousing and Distribution.
Self-service Storage	P		N	
Manufacturing				
General Manufacturing	P		P	Provided gross floor area doesn't exceed 10,000sf and retail sales of products is provided on-site.

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
			C	When gross floor area exceeds 10,000sf and uses are one of the following: Industrial and institutional food service. Costume jewelry and precious metals metalsmithing. Sundries and notions. Signs.
			N	All other General Manufacturing
Heavy Manufacturing	N	Petroleum and coal products manufacturing. Primary metal manufacturing. Cement and concrete product manufacturing. Lime and gypsum product manufacturing.	N	
	C	All other Heavy Manufacturing activities		
Printing	P		P	
Transportation Facilities				
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities	N	
	N	All other Aviation Facilities		
Passenger Ground Transportation Facilities	P		P	
Marine Facilities	N		N	
Utilities				
Basic Utilities	P		C	Reservoirs, water storage facilities
			P	All other Basic Utilities

Comparison of IP and CG Uses and Development Standards

Use	IP Permitted	Comments	CG Permitted	Comments
Wireless Communication Facilities	Allowed	See SRC Chapter 703	Allowed	See SRC Chapter 703
Drinking Water Treatment Facilities	C		C	
Power Generation Facilities	C		C	
Data Center Facilities	P		N	
Fuel Dealers	N		P	
Waste-related Facilities	P	Recycling depots.	P	Recycling depots.
	C	Solid waste transfer stations	C	Solid waste transfer stations
	N	All other Waste-related Facilities	N	All other Waste-related Facilities
Mining and Natural Resource Extraction				
Petroleum and Natural Gas Production	C		N	
Surface Mining	N		N	
Farming, Forestry, and Animal Services				
Agriculture	N	Marijuana Production	N	
	P	All other Agriculture	P	
Forestry	P		P	
Agriculture and Forestry Services	N		P	
Keeping of Livestock and Other Animals	C		C	
Animal Services	C		C	
			P	All other Animal Services
Other Uses				
Home Occupations	S	Subject to SRC 700.020	S	Subject to SRC 700.020
Temporary Uses			P	Subject to SRC 701.035

Comparison of IP and CG Uses and Development Standards

Development Standards

Requirement	IP Standard	Comments	CG Standard	Comments
Lot Area				
All uses	None		None	
Lot Width				
All uses	None		None	
Lot Depth				
All uses	None		None	
Street Frontage				
Single Family	Min. 40ft./30ft.	30ft. width applies to lots on a cul-de-sac	Min. 40ft./30ft.	30ft. width applies to lots on a cul-de-sac
All other uses	Min. 16ft.		Min. 16ft.	
Setbacks – Abutting Street				
Buildings	Min. 20ft.		Min. 5ft.	
Accessory Structures	Min. 20ft.		None/Min. 5ft.	Min. 5ft. applicable to structures greater than 4ft. in height.
Vehicle Use Areas	Min. 20ft.		Per SRC Chapter 806	
Interior Front				
Buildings	Min. 10ft./30ft.	Min. 30ft. abutting Residential Zone	Single Family -- None	
			Multifamily – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU -- None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Accessory Structures			SF Accessory – Min. 5ft.	
			MF Accessory – Min. 10ft.	

Comparison of IP and CG Uses and Development Standards

Requirement	IP Standard	Comments	CG Standard	Comments
			All other Accessory – Based on abutting zone.	EFU – None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Vehicle Use Areas			MF – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU – Min. 5ft. Residential – Min. 15ft. Mixed Use – 5ft. Commercial – Min. 5ft. Public – Min. 5ft. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Interior Side				
Buildings	Min. 10ft./30ft.	Min. 30ft. abutting Residential Zone	SF -- None	
			MF – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU -- None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Accessory Structures			SF -- None	
			MF – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU -- None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.

Comparison of IP and CG Uses and Development Standards

Requirement	IP Standard	Comments	CG Standard	Comments
Vehicle Use Areas			MF – Min. 10ft.	EFU -- Min. 5ft. Residential – Min. 15ft. Mixed Use – 5ft. Commercial – Min. 5ft. Public – Min. 5ft. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
			All other uses – Based on abutting zone.	EFU – Min. 5ft.
Interior Rear				
Buildings	Min. 10ft./30ft.	Min. 30ft. abutting Residential Zone	SF -- None	
			MF – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU -- None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Accessory Structures			SF – None, or 1ft. for each foot of height over 9ft.	
			MF – Min. 10ft.	
			All other uses – Based on abutting zone.	EFU -- None. Residential – Min. 15ft. Mixed Use – None. Commercial – None. Public – None. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.
Vehicle Use Areas			MF – Min. 10ft.	EFU -- Min. 5ft. Residential – Min. 15ft. Mixed Use – 5ft. Commercial – Min. 5ft. Public – Min. 5ft. EC, IC, IBC, and IP – Min. 5ft. IG and II – Min. 10ft.

Comparison of IP and CG Uses and Development Standards

Requirement	IP Standard	Comments	CG Standard	Comments
			All other uses – Based on abutting zone.	Min. 5ft.
Lot Coverage	No Max.		No Max.	
Building Height	Max. 45ft.		Max. 70ft.	
Landscape Coverage	Min. 15% site area		Min. 15% of site area	