

**TO:** Hearings Officer

**FROM:** Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

**STAFF:** Pamela Cole, Planner II

**HEARING DATE:** June 26, 2019

**APPLICATION:** Quasi-Judicial Zone Change / Class 2 Adjustment Case No. 19-01

**LOCATION:** 2425 Lancaster Drive SE – 97317 – see Attachment A

**SIZE:** Approximately 62 acres

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

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

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

**APPLICANT/OWNER:** T&S Properties LLC (Walling Properties LLC – Michael Walling)

**REPRESENTATIVE:** Jeff Tross, Tross Consulting, Inc.

**APPROVAL CRITERIA:** Quasi-Judicial Zone Change: Salem Revised Code, Ch. 265  
Class 2 Adjustments: Salem Revised Code, Ch. 250

**RECOMMENDATION:**

Based on the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a zone change from RA (Residential Agriculture) to IG (General Industrial) and adjustments for a property 62 acres in size and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W06 / 00500 and 00600) subject to the following conditions of approval:

- Condition 1:** Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (**Attachment B** of the staff report), as modified by conditions of approval.
- Condition 2:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.
- Condition 3:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.
- Condition 4:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.
- Condition 5:** Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that tax lot 082W0600400 is developed.
- Condition 6:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (**Attachment B** of the staff report), planted with at least one

plant unit per 20 square feet and meeting Public Works Design Standards.

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

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

## **BACKGROUND**

On March 27, 2019, a zone change application was filed for the subject property by Jeff Tross, Tross Consulting, Inc. on behalf of the applicant and property owners, T&S Properties LLC (Walling Properties LLC – Michael Walling). The application was deemed complete for processing on May 20, 2019.

The public hearing before the City of Salem Hearings Officer is scheduled for June 26, 2019, at 5:30 p.m. in the Community Development Department, Civic Center, Room 305, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on June 6, 2019. Public hearing notice was also posted on the property by the applicant on June 6, 2019 pursuant to SRC requirements.

The state-mandated 120-day deadline to issue a final local decision for this case is September 17, 2019.

## **PROPOSAL**

The applicant has submitted a zone change application requesting to change the zoning designation of a 62-acre property from RA (Residential Agriculture) to IG (General Industrial) to accommodate an unpaved outdoor storage area for trucks and trailers. This use is classified as Heavy vehicle and trailer service and storage and is a permitted use in the IG zone pursuant to SRC 554.005, Table 554-1.

The application also includes four adjustments to landscaping requirements: (1) a 75 percent reduction in a required setback of 40 feet to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600; (2) substitution of a 6-foot-tall sight-obscuring fence for the required 6-foot-tall wall along the north line of tax lots 082W06 / 00500 and 00600; (3) deferral of landscaping in a 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed; and (4) substitution of a 20-foot-wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 for a 5-foot-

wide landscaped setback inside the southern property line of tax lots 082W06 / 00500 and 00600.

The applicant's site plan is included as **Attachment B**. Because no building permit is required for the proposed use, no site plan review application is required at this time. The site plan indicates that the storage area will be located within tax lot 00500, except for the access drive crossing through tax lot 00600 to the existing driveway on Lancaster Drive SE. According to the applicant's statement,

The storage area will consist of a series of designated storage bays around a wide central access drive to allow for maneuvering by large vehicles. Eight defined storage bays are shown, with an indicated capacity for 245 trailers. The storage facility is entirely open-air and no buildings or structures are planned. The use of parcel 600 for access requires that it be zoned the same as the site of the storage lot, which is the reason it is included in this application.

A major factor affecting the redevelopment and future use of the site is the allocation of right of way for a planned future City collector street, Carson Drive. The street is planned to run along the east side of Tax Lot 00500 along the boundary with Tax Lot 00600 along the south line of Tax Lot 00500, and south into adjacent parcel 00800. The proposed truck and trailer storage area is located outside of the route of this planned future street. Another feature that is planned is a storm water treatment bioswale, located within the south line of TL 00500. The water treatment facility is required by the City as part of planned Lancaster Drive improvements.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **APPLICANT'S STATEMENT**

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement, which is included in its entirety as **Attachment C** in this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) Designation**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Industrial." The Industrial designation on the SACP is used to indicate the location of industrial uses. Location of industrial land required consideration of potentially heavier

demands on public facilities significant impacts on the environment, and vehicular traffic. The intent is to provide a variety of industrial sites for all types of industrial uses throughout the Salem urban area.

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

The Comprehensive Plan designations of surrounding properties include:

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

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

## 2. Zoning of Surrounding Properties

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

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

## 3. Site Analysis

The site consists of two tax lots approximately 62 acres in size. There are existing structures which remain on the site from the previous sand and gravel aggregate resource excavation and processing operation. There is an existing water impoundment that occupies the westerly half of the subject property.

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

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

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

Drive SE.

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

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

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

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

**Landslide Hazards:** According to the City's adopted landslide hazard susceptibility maps, there are areas of mapped landslide hazard susceptibility points located throughout the property. Based on the point value associated with the land (3 points) and the point value associated with a future commercial or industrial building permit (3 points), there is a moderate landslide hazard risk for future commercial or industrial development of the property. A geologic assessment will be required in the future if a regulated development activity is proposed in the mapped landslide hazard area.

#### **4. Neighborhood and Citizen Comments**

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

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

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

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

The Fire Department reviewed the proposal and had no concerns.

## 6. Public Agency and Private Service Provider Comments

At the time of writing this staff report, no comments were received from any public agencies or private service providers.

## 7. Prior Land Actions for Property

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

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

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

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

## 8. Criteria for Granting a Quasi-Judicial Zone Change

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

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

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (**Attachment C**).

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

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

**Finding:** In the Zone Change application, the applicant does not assert that a mistake has been made in the application of the comprehensive plan designation or zone of the subject

property.

***(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.***

**Finding:** In the Zone Change application, the applicant does not contend that there has been a change in the economic, demographic, or physical character of the vicinity.

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

**Applicant Response:** The proposed IG zone is better suited for the property than the existing RA zone because the RA zone does not recognize the long-standing industrial activity on the property, and it is in conflict with the Comp Plan designation. The IG zone resolves both of those issues. The RA zone does not represent the type of land use that has been present on the site since prior to its annexation, or that is intended for the site by the Comp Plan designation. The site has been in industrial use, and it is physically appropriate for the proposed industrial use. The proposed use, a heavy truck and trailer storage facility, is similar in character to the past use of the site which has included excavation, processing, vehicle loading and truck and equipment storage and parking. The proposed use is logical with the surrounding land uses because the property has been in industrial use for several decades, and it is an established part of the land use pattern along Lancaster Drive south of Santiam Highway. The proposed use will not change the nature or the character of the property. The proposed IG zone is identical to the zone on the adjacent land to the south, which was also part of the sand and gravel extraction and processing operation. The proposed zone will not change the pattern of land use in the area along Lancaster Drive south of Santiam Highway, as industrial use will remain to the west of Lancaster and will not intrude into the residential area to the east of Lancaster.

Because the physical characteristics of the property are appropriate for the proposed zone, and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

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



resemble the uses found in the surrounding area. Therefore, the zone change is justified based on this factor.

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

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

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

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

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

**Applicant Response:** The property is designated *Industrial* on the Plan map. This Plan designation expresses the desired and expected pattern of land use in this area, which will be fulfilled by the IG zone. The IG zone corresponds to the Plan designation.

The IG zone is consistent with the *Industrial* designation by allowing a wide range of industrial uses. The proposed zone is appropriate for the property due its long-term industrial use, its location along a major transportation route, and its location within a larger industrial corridor. These factors are consistent with the Industrial Development Goal, which is to encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

With regards to the industrial lands Policies, the zone change will maintain the land for industrial use. The zone change does not change the inventory of designated industrial land, which is based on the Comp Plan. The zone change will not impact the long-term continuity of the industrial land inventory because the site is already designated *Industrial* by the Plan. No land is being added to or removed from the Plan inventory. The public facilities, services, and utilities necessary for development of the project can be made available to the property and will be identified through a future UGA permit process. At the time of development of uses or facilities that require public services, all necessary public services, facilities and utilities will be made available at levels adequate to serve and support the use proposed at that time.

The site has access to Lancaster Drive SE, a Major Arterial. This is the appropriate Salem Transportation System Plan (TSP) functional classification to serve an industrial operation. Lancaster provides links to Santiam Highway and to Kuebler Boulevard, which are also arterial routes. There is no direct access from the property through a residential neighborhood, and traffic from the industrial activity will not traverse any local residential streets.

The IG zone is a general industrial zone that provides for a wide variety of industrial development opportunities and uses. The property will support industrial use. Applying the IG zone to the property is consistent with the intent to provide for a variety of industrial development opportunities in the urban area.

The zone change will enable industrial development opportunities on this property. It is consistent with the Comp Plan designation. The transportation system is adequate to serve industrial development, and necessary public services and facilities can be provided to support future development. For these reasons the proposal is consistent with the Industrial Development goals and policies of the Comp Plan, and this criterion is satisfied.

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

***Policy 1. Maintain a long-term (20-year) industrial land inventory which provides a full range of small, medium, and large parcel sizes and locations to sustain a competitive market for industrial sites.***

**Finding:** A zone change from RA (Residential Agriculture) to IG (General Industrial) would place the property fully into the industrial land use category, helping to increase and maintain the industrial land use supply and use of the property in line with the “Industrial” Comprehensive Plan designation.

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

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

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

**Finding:** The subject property has an “Industrial” Comprehensive Plan Designation; no land is being added or removed from the industrial land inventory. Therefore, the proposal conforms to this policy.

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

**Finding:** If the proposed zone change is affirmed, future development of the property is required to conform to the use and development standards of the IG (General Industrial) zone and will be verified at the time of Site Plan Review.

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

**Finding:** The subject property is not located near the Willamette Greenway, this policy is not applicable.

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

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

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

**Finding:** The subject property has driveway access to Lancaster Drive SE, a major arterial. Industrial traffic will not be directed through residential areas to serve the property.

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

**Finding:** If the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

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

**Finding:** A zone change from RA (Residential Agriculture) to IG (General Industrial) further supports future use of the property for industrial land uses, in line with the "Industrial" Comprehensive Plan designation for the property.

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

**Finding:** If the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

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

**Finding:** If the zone change is affirmed, future use of the property will be evaluated for conformance with the use and development standards of the IG zone and the goals and policies of the Comprehensive Plan.

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

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

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

**Finding:** The subject property is approximately 62 acres in size and would be considered a large parcel, and this policy is not applicable.

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

**Finding:** If the proposed zone change is affirmed, future development of the property is required to conform to the use and development standards of the IG (General Industrial) zone and will be verified at the time of Site Plan Review.

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

**Applicant Response:** The Salem Area Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. The proposed zone change is consistent with the Comp Plan designation, its intent and its applicable provisions. By conforming to the Comp Plan designation the zone change also conforms to the applicable Statewide Planning Goals and administrative rules.

**Finding:** The City's adopted Comprehensive Plan implements the Statewide Planning Goals and applicable administrative rules, and is acknowledged to be in compliance with the Statewide Planning Goals. Therefore, the proposal satisfies this criterion.

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

**Applicant Response:** The Comprehensive Plan designation is *Industrial*, and the proposed zone change is from RA to IG. The IG zone is an industrial zone that is consistent with the Comp Plan designation. A Comprehensive Plan Change is not required.

**Finding:** As discussed previously, the IG zone is one of the zones that implement the Industrial designation, and a concurrent comprehensive plan amendment is not required for the proposed zone change. Therefore, this criterion does not apply.

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

**Applicant Response:** The site is served by Lancaster Dr. SE, a Major Arterial. This is the appropriate functional classification for access to an industrial site. The site has been in industrial use for several decades without significant effect on the transportation system. The Applicant estimates that the average daily traffic from the use of the site as a sand and gravel operation was 320 trips per day, most of which were large trucks hauling rock and ready-mix concrete to job sites. The proposed use is a storage facility for heavy trucks and trailers, and will not generate large volumes of daily traffic. Traffic is estimated at 20-30 trips per day. Therefore, the zone change will result in less traffic than the past use. On this basis, the zone change will not significantly affect a transportation facility.

**Finding:** Staff concurs. The findings of the City Traffic Engineer's preliminary TGE indicate that a Transportation Impact Analysis is not required for the proposed Zone Change. An application for future development on the property would be required to submit a TGE for final determination under SRC 220.005(e)(1)(C) at the time of Site Plan Review. Therefore, the proposal satisfies this criterion.

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

**Applicant Response:** The Department of Public Works (DPW) provided a detailed

review of public services favorable to the T&S property, for Pre-Application PRE-APP 14-47. Those comments remain applicable to this application, and no new DPW comments were provided. According to DPW the property is capable of being served with public facilities and services. A UGA Permit will be required. The property is in the G-0 water service level. A 10-inch water line is located in Lancaster Dr. and can serve the property. There is currently limited sewer capacity in the area, and adequate capacity will have to be provided at the time of development that requires that service. The proposed use does not require sewer service at this time. Storm drainage can be provided on site.

With regards to streets, the Transportation Master Plan indicates that a future collector street is planned to run through the property, and any new development should take that future alignment into consideration. The site plan submitted with this application shows that the proposed use accommodates the future right of way for that planned street.

The requirements of this criterion are satisfied through the requirement for a future UGA permit, which will identify the methods of providing public facilities and services to the property at levels necessary to support a future use.

**Finding:** Staff concurs. As described in the December 30, 2014 pre-application comments from the Public Works Department, the property is capable of being served by public facilities. An Urban Growth Area Development (UGA) Permit may be required subject to the type of development. A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. The public facilities required to serve this property at the time of future development of the property were reviewed during the Urban Growth Area (UGA) Development Permit, UGA-SPR-ADJ-DAP16-02. Conditions of approval for that UGA were applicable to phases of the phased development to the south at 2655, 2665, and 2685 Lancaster Drive SE.

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

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

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

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

It must be noted that a zone change is not an approval of a specific development

proposal, but instead is approval of a permanent change in a property's zoning district. For this reason, an additional measure of the impact of this request is consideration of the nature of the potential future uses allowed by the IG zone when compared to the uses allowed under the existing RA zone, and the character of the existing land uses in the neighborhood. The subject property is located within an area that has historically been used for heavy industrial purposes. Staff finds that allowed uses under the proposed zone change to IG would be consistent with the existing land uses in the vicinity of the site.

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

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

### **Conclusion:**

Staff concurs with the statements submitted by the applicant, as set forth above, and concludes that each of the factors has been addressed.

The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria.

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

## **9. Criteria for Granting a Class 2 Adjustment**

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

- 1) Reduce the 40-foot setback required by SRC 554.010(b) and Tables 554-3 and 554-4 to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600;
- 2) Provide a 6-foot-tall sight-obscuring fence for screening along the north line of tax lots 082W06 / 00500 and 00600 rather than the minimum 6-foot-tall wall required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1;
- 3) Defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot

- 082W0600400 until such time as tax lot 082W0600400 is developed;
- 4) Provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600.

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

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

**(i) Clearly inapplicable to the proposed development; or**

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

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

**Applicant's Statement:** The development standards for the north interior side lot line IG-to-RA zone setback, landscaping and screening standards, as specified in SRC Table 554-4, are proposed for adjustment. For vehicle use areas the setback is 40' from a residential zone, with Type E landscaping and screening. Type E screening requires a minimum 6' high wall. The purpose underlying the setback and landscaping standards that are proposed to be adjusted is to screen and buffer residential uses from vehicle use areas on adjacent industrial property.

This request addresses (ii) because the purpose underlying the development standard is equally or better met by the proposal. There are two parcels adjacent to the north of Tax Lots 500 and 600, the subject properties. Tax Lot 400 is north of subject parcel 500, and Tax Lot 11000 is north of subject parcel 600. Both TLs 400 and 11000 are zoned RA but designated *Industrial* on the Comp Plan map. As a result of the Comp Plan designation future residential use of those parcels is not indicated.

With regards to parcel 500; adjacent parcel 400 is vacant land that was part of the former sand and gravel operation. There is no residential use on that parcel that needs to be screened from the proposed use of parcel 500. From its Comp Plan designation, it can be expected that parcel 400 will be rezoned to an industrial zone in the future, negating the purpose of the current zone-to-zone setback and landscaping requirement. An Adjustment is requested to allow a 6' high view-obscuring fence along the north line of parcel 500, with a 10' setback, but defer landscaping until such time as development of



parcel 400 occurs, at which time the appropriate landscaping category can be determined and required. A Development Agreement can be provided for this purpose.

Tax Lot 600 will only provide the access from Lancaster Drive to the proposed truck and trailer storage area on Tax Lot 500. The access drive will be located several hundred feet south of parcel 11000, to the north. The intervening area on parcel 600 is a vacant field, and no other change to the existing use or condition of the parcel is proposed.

The adjacent parcel to the north, Tax Lot 11000, is zoned RA but designated *Industrial* on the Plan map. It contains one single-family dwelling, which faces Lancaster Dr. The south side of the structure, closest to Tax Lot 600, is the attached garage and there are no windows that face the common property line. Because the attached garage is on the south side of the house there is no living space in proximity to the common property line.

No development or change of use is proposed in the north half of Tax Lot 600. There will be several hundred feet between the common property line and the access drive to parcel 500. A 40' setback is not necessary to achieve the purpose of the standard. A 6' high view obscuring fence and a landscaped setback of 10' is proposed. A fence will be more in character with the residential nature of Tax Lot 11000 than a wall, and together with the 10' wide landscaped setback, provide effective screening and buffering of the view into Tax Lot 600.

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

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

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

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

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

The eastern section between future Carson Drive SE and Lancaster Drive SE abuts a property that is designated Industrial in the SACP, zoned RA, and in residential use (1985

Lancaster Drive SE, tax lot 082W06AB11000). Staff is unaware of any plans to change the zoning of this property from RA or the use from residential; based on the RA zoning, the property owner could potentially expand the existing residential use toward the common property line or add an accessory dwelling unit in the rear yard.

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

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

In comparison, the proposal for a 10 x 290 landscaped area with one plant unit per 16 square feet would provide 181 plant units (2,900 square feet / 16 square feet = 181.25), 25 percent of the required total; and 72 of those plant units would be trees, 25 percent of the required tree plant units. Because 1985 Lancaster Drive SE (tax lot 082W06AB11000) is likely to remain in residential zoning and use and the proposed zone change would allow intensification of industrial uses on the subject property, staff finds that the proposed 10-foot-wide landscaped area and 6-foot-tall sight-obscuring fence do not provide adequate screening for the proposed use or future uses.

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

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

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

purpose of the landscaping and screening standards:

- Condition 1:** Develop the proposed unpaved outdoor vehicle storage area for trucks and trailers in substantial conformance with the site plan (**Attachment B** of the staff report), as modified by conditions of approval.
- Condition 2:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.

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

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

With the recommended conditions, the proposal meets the criterion.

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

**Applicant's Statement:** With regards to parcel 500; adjacent parcel 400 is vacant land that was part of the former sand and gravel operation. There is no residential use on that parcel that needs to be screened from the proposed use of parcel 500. From its Comp Plan designation, it can be expected that parcel 400 will be rezoned to an industrial zone in the future, negating the purpose of the current zone-to-zone setback and landscaping requirement. An Adjustment is requested to allow a 6' high view-obscuring fence along the north line of parcel 500, with a 10' setback, but defer landscaping until such time as development of parcel 400 occurs, at which time the appropriate landscaping category can be determined and required. A Development Agreement can be provided for this purpose.

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

The RA zoning of the property to the north is likely to be changed. Two likely alternatives would be a zone change to Industrial to conform to the Industrial SACP designation or a change to Multifamily in the SACP and rezoning to RM2 (Multiple Family Residential 2) to be consistent with properties in the 1800 block of Lancaster Drive SE that are designated Multifamily in the SACP. If the properties north of the property line were currently zoned IG or II (Intensive Industrial), no setback would be required between the property line and proposed buildings or accessory structures, and a 5-foot landscaped setback with Type A landscaping of one plant unit per 20 square feet, but with no required fence, would be required between the property line and vehicle use areas. If the property north of the property line (tax lot 082W0600400) were currently zoned in any district other than IG, II, or Residential, a 10-foot setback with Type C landscaping (one plant unit per 20 square feet and a minimum 6-foot-tall sight-obscuring fence or wall) would be required for buildings, accessory structures, and vehicle use areas.

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

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

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

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

With the recommended conditions, the proposal meets the criterion.

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

**Applicant's Statement:** An Adjustment to delay or defer the 5' landscape requirement along the south line of TL 500 in favor of the planned water quality bioswale is requested. This request addresses (ii) because the purpose underlying the development standard is equally or better met by the proposal. The bioswale planned as part of improvements to Lancaster Drive. The bioswale is being designed at this time, and will then be submitted for City approval. The bioswale will be approximately 20' wide, which exceeds the conventional 5' wide landscape requirement. The purpose of providing landscape screening between adjacent uses in the IG zone will be equally or better met by the bioswale, since it will be wider and also serve the important purpose of treating stormwater runoff. The short-term delay in providing a landscaped buffer at this location will be compensated by the long-term benefit of the storm water treatment facility.

**Finding:** Because the subject property for the proposed development is proposed to be zoned IG as part of this consolidated application for a change of use to a vehicle storage area for trucks and trailers, and the abutting property to the south is zoned IG, a 5-foot setback with Type A landscaping is required between the vehicle use area and south property line. Type A landscaping requires a minimum of 1 plant unit per 20 square feet of landscaped area.

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

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

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

Staff finds that the proposed bioswale equally or better meets the intent of the 5-foot landscaped setback, provided that the bioswale is planted with at least one plant unit per 20 square feet of landscaped area. The following conditions are recommended to ensure that the appropriate landscaping is provided:

- Condition 6:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (**Attachment B** of the staff report), planted with at least one plant unit per 20 square feet and meeting and meeting Public Works Design Standards.
- Condition 7:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.

With the recommended conditions of approval, the proposal meets the criterion.

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

**Finding:** With approval of the zone change requested consolidated with this application, the subject property will not be located within a residential zone.

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

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

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

## **RECOMMENDATION**

Based on the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a zone change from RA (Residential Agriculture) to IG (General Industrial) and adjustments for a property 62 acres in size and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor's Map and Tax Lot number: 082W06 / 00500 and 00600) subject to the following conditions of approval:

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

- Condition 2:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line east of future Carson Drive SE and abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), provide a 6-foot-tall sight-obscuring fence along the property line; provide a 10-foot-wide landscaped area inside the property line with one plant unit per 10 square feet of landscaped area and a minimum of 40 percent of the required plant units as a combination of deciduous and evergreen trees; and maintain the existing grassy area between the property line and future Sylvia Street SE.
- Condition 3:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 1985 Lancaster Drive SE (tax lot 082W06AB11000), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.
- Condition 4:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, along the north property line west of future Carson Drive SE and abutting tax lot 082W0600400, provide a 6-foot-tall sight-obscuring fence along the property line, provide a 10-foot-wide setback area for future landscape planting installation, and retain a 30-foot-wide separation to the unpaved vehicle storage area.
- Condition 5:** Record restrictive covenants on 2425 Lancaster Drive SE (tax lot 082W0600500) stipulating that zone-to-zone setbacks and landscaping meeting the requirements of the UDC shall be provided inside the north property line west of future Carson Drive SE and abutting tax lot 082W0600400 at such time that tax lot 082W0600400 is developed.
- Condition 6:** In conjunction with the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide a 20-foot-wide bioswale in the location indicated on the site plan (**Attachment B** of the staff report), planted with at least one plant unit per 20 square feet and meeting Public Works Design Standards.
- Condition 7:** Upon development of any use in the area of the subject property east of future Carson Drive SE and adjacent to the property line abutting 2685 Lancaster Drive SE (tax lot 082W0600700), including any expansion of the proposed unpaved outdoor vehicle storage area for trucks and trailers, provide setbacks, landscaping, and screening as required in the UDC at the time of development.
- Condition 8:** The adjusted landscaping and setback requirements, as approved in these zoning adjustments, shall only apply to the specific development proposal shown in the attached site plan (Attachment B of the staff report). Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

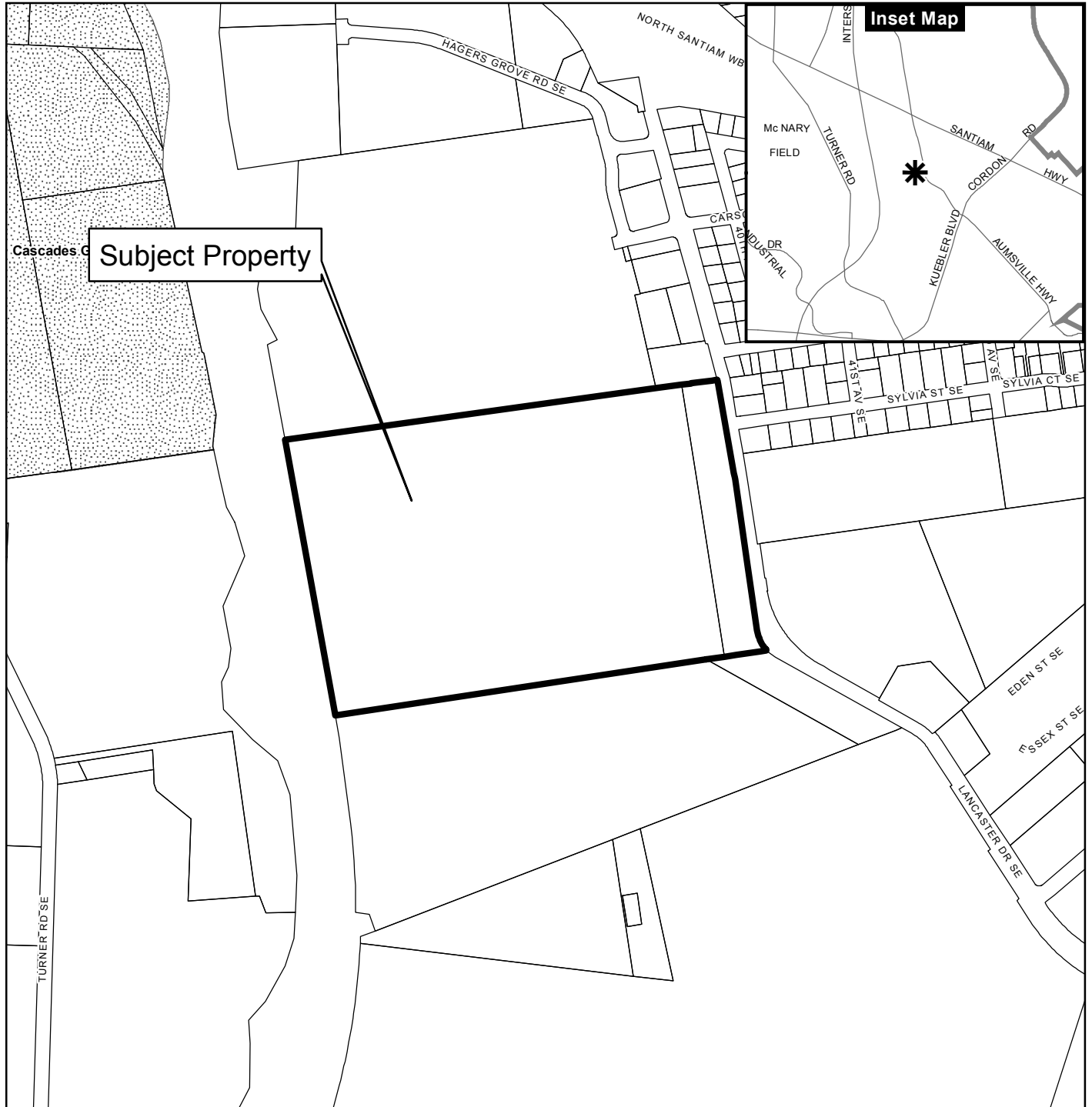
Application Deemed Complete Date: May 20, 2019  
State Mandated Decision Date: September 17, 2019

Attachments: A. Vicinity Map  
B. Applicant's Site Plan  
C. Applicant's Written Findings

Prepared by Pamela Cole, Planner II



# Vicinity Map 2425 Lancaster Drive SE



**Subject Property**

**Inset Map**

**Legend**

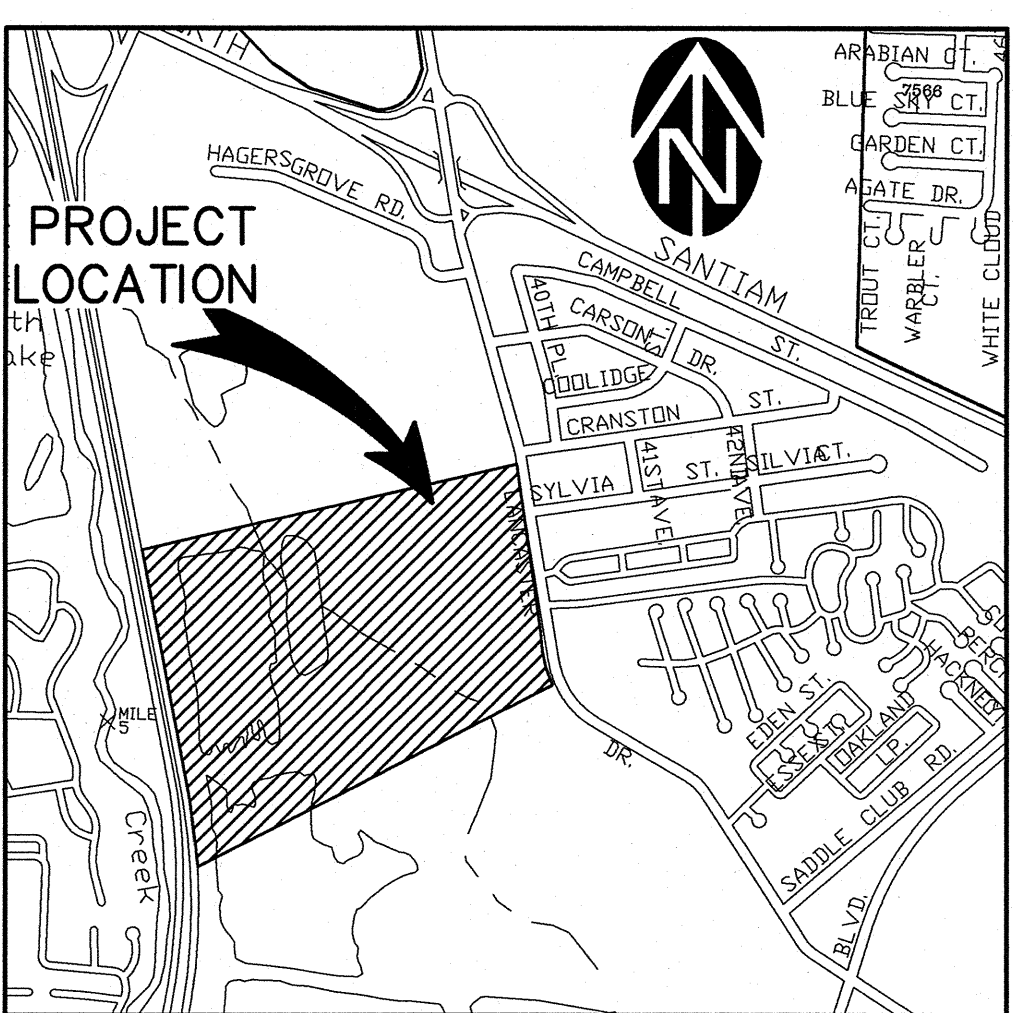
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- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

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

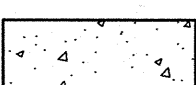
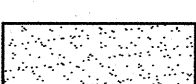
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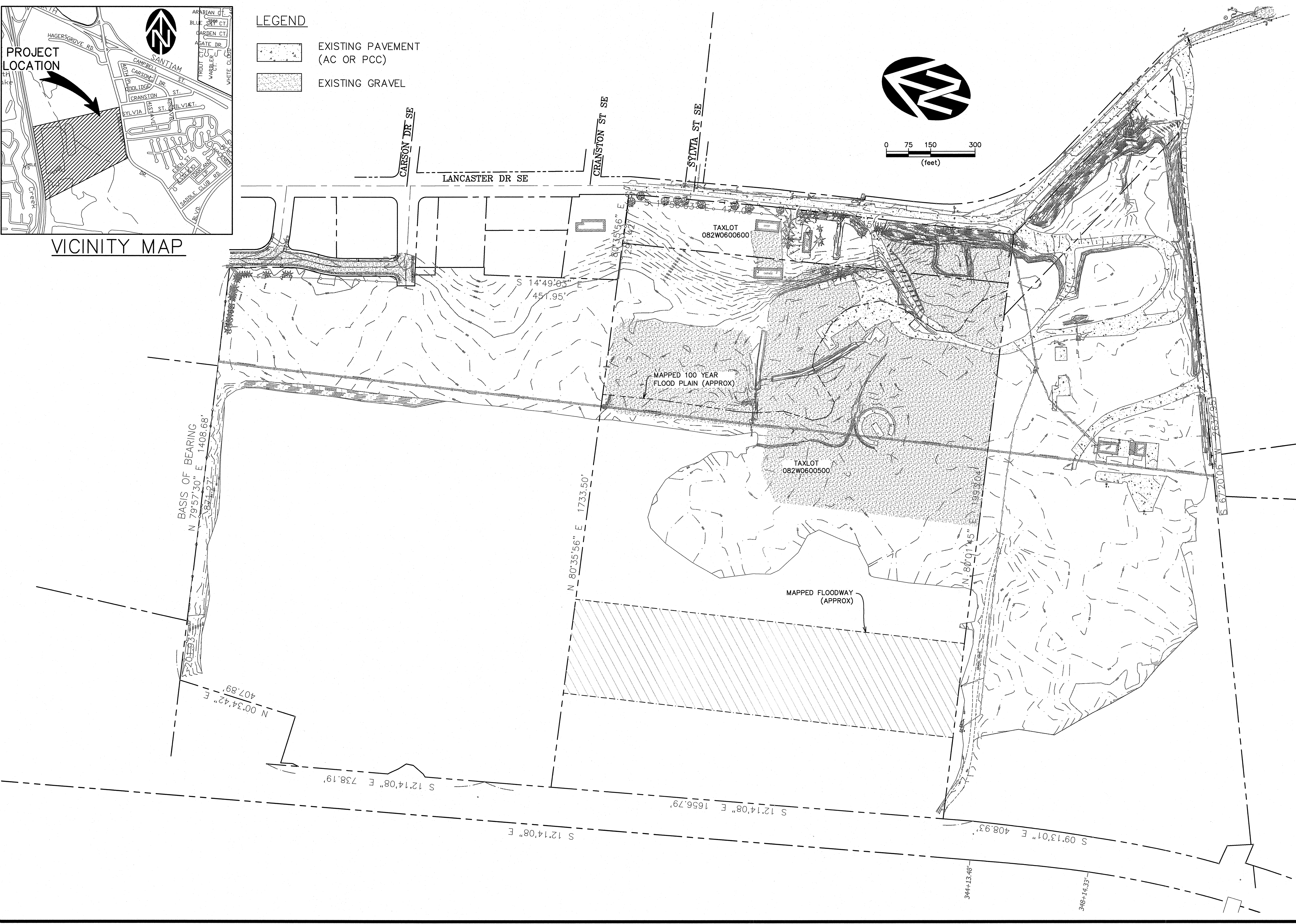
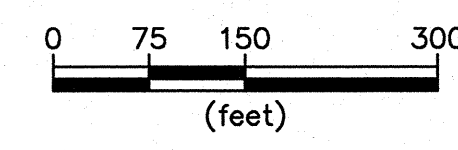
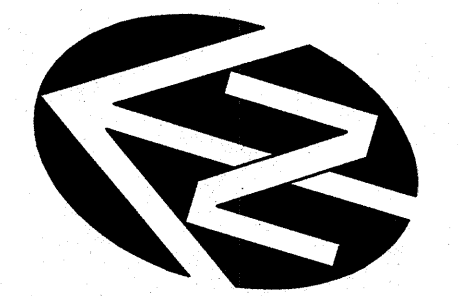


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VICINITY MAP

- LEGEND**
-  EXISTING PAVEMENT (AC OR PCC)
  -  EXISTING GRAVEL



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 SCALES ACCORDINGLY

DATE: NOV 2018

**REVIEW**

REGISTERED PROFESSIONAL ENGINEER  
 J. STEVEN A. GILMAN  
 LICENSE NO. 16381  
 REBORN: 6/29/2020

**WESTTECH ENGINEERING, INC.**  
 CONSULTING ENGINEERS AND PLANNERS

3841 Fairview Industrial Dr., S.E., Suite 100, Salem, OR 97302  
 Phone: (503) 585-2474 Fax: (503) 585-3986  
 E-mail: westtech@westtech-eng.com

WALLING PROPERTIES  
 WALLING TRUCK PARKING


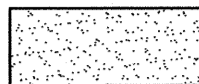
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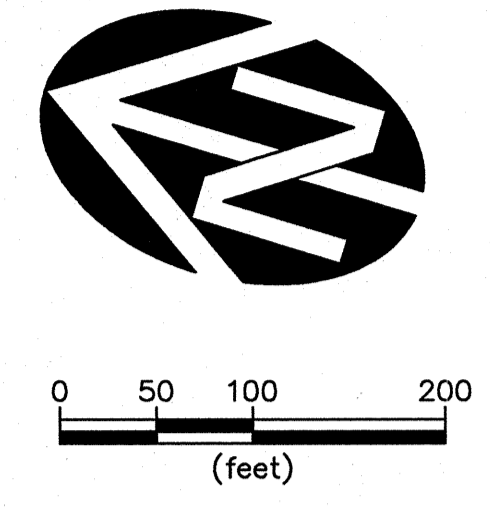
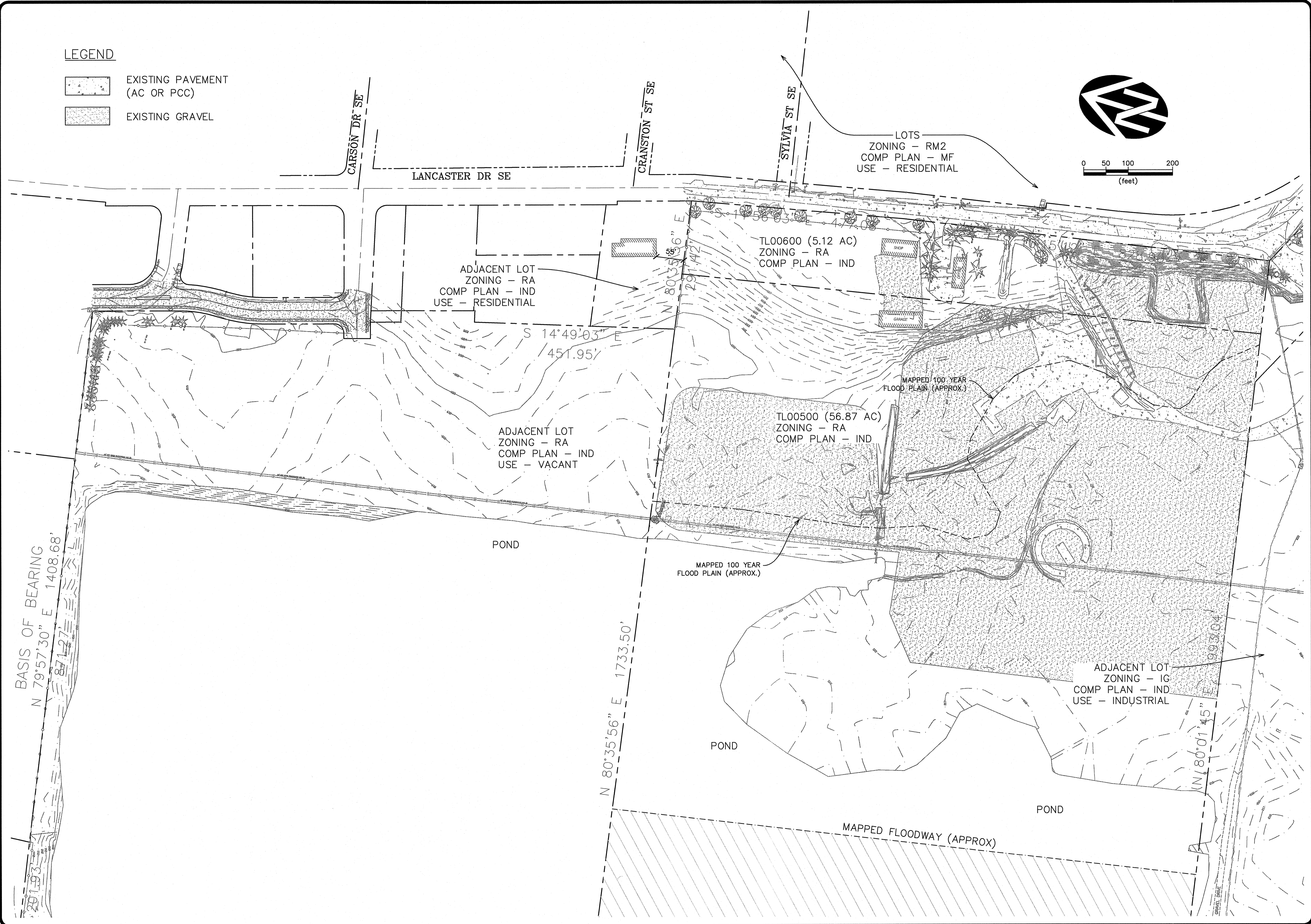
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**LEGEND**

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(AC OR PCC)
-  EXISTING GRAVEL

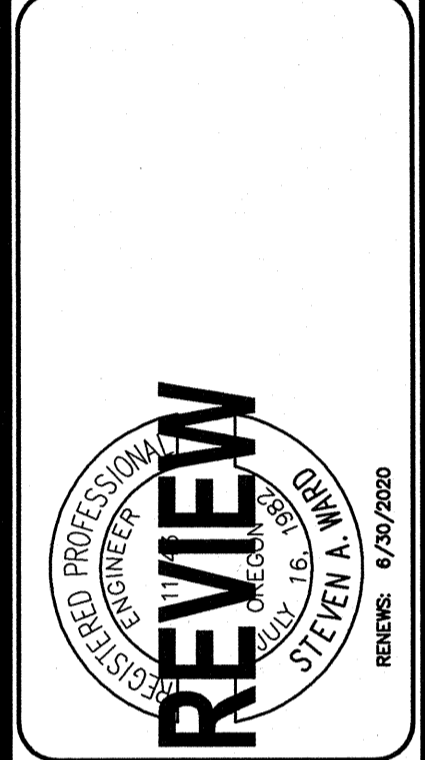


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DSN. SAW  
 DRN. AR  
 CKD. SAW

DATE: NOV 2018



**WESTECH ENGINEERING, INC.**  
 CONSULTING ENGINEERS AND PLANNERS

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

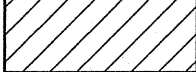

WALLING PROPERTIES  
 WALLING TRUCK PARKING

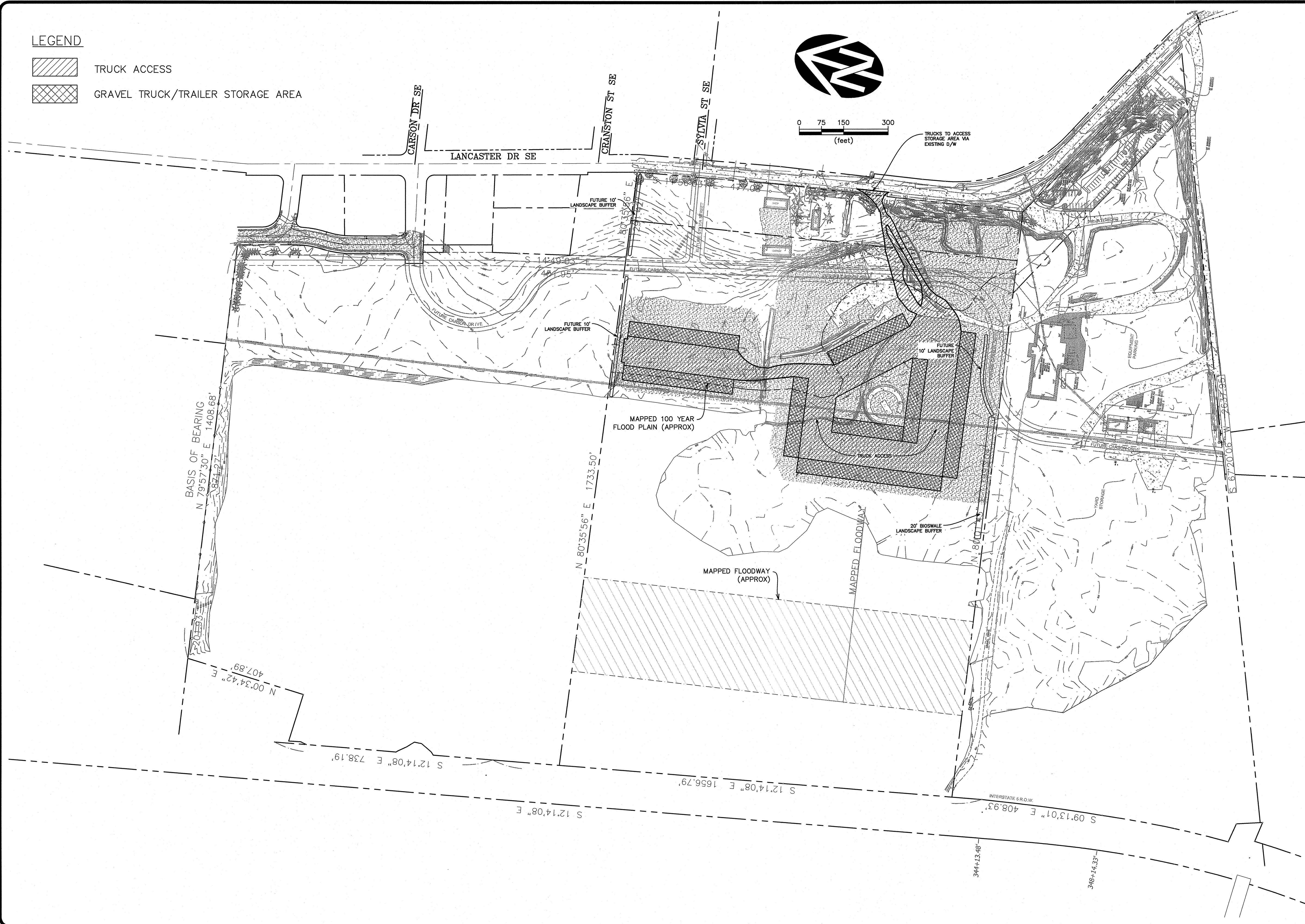
**EXISTING CONDITIONS PLAN**

DRAWING  
**C1.1**

JOB NUMBER  
**2889.1000.0**

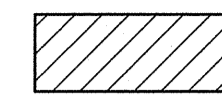
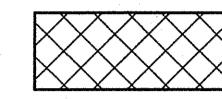
**LEGEND**

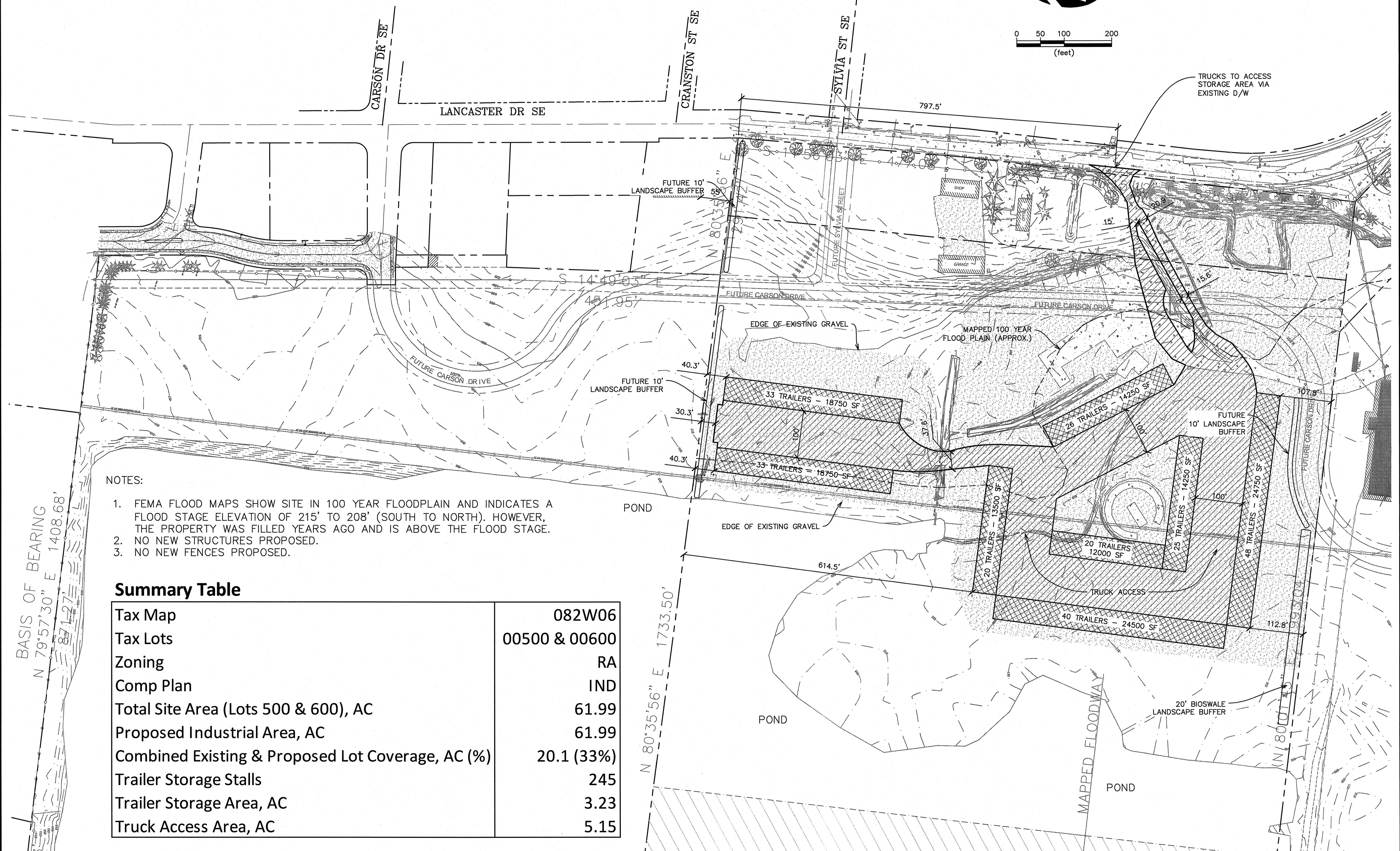
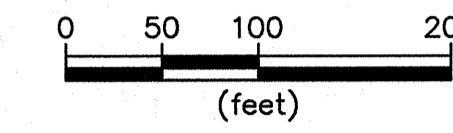
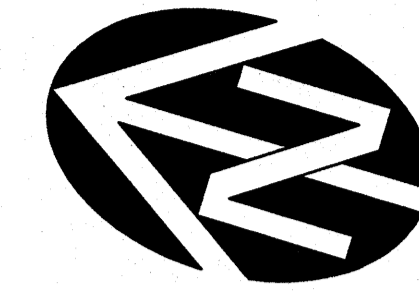
-  TRUCK ACCESS
-  GRAVEL TRUCK/TRAILER STORAGE AREA



<p><b>WALLING PROPERTIES</b></p> <p>WALLING TRUCK PARKING</p> <p><b>OVERALL SITE PLAN</b></p>	<p><b>DRAWING</b></p> <p><b>C2.0</b></p> <p><b>JOB NUMBER</b></p> <p><b>2889.1000.0</b></p>								
 <p><b>WESTECH ENGINEERING, INC.</b>        CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302        Phone: (503) 585-2474 Fax: (503) 585-3986        E-mail: westech@westech-eng.com</p>	 <p><b>REVIEW</b></p> <p>STEVEN A. GWYN        LICENSE NO. 16389        REGISTERED PROFESSIONAL ENGINEER</p>								
<p>VERIFY SCALE        BAR IS ONE INCH ON        ORIGINAL DRAWING        0        IF NOT ONE INCH ON        THIS SHEET, ADJUST        SCALES ACCORDINGLY</p>	<p>DATE: NOV 2018</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1			
NO.	DATE	DESCRIPTION	BY						
1									

LEGEND

-  TRUCK ACCESS
-  GRAVEL TRUCK/TRAILER STORAGE AREA



NOTES:

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

Summary Table

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

BASIS OF BEARING  
N 79°57'30" E 1408.68'

5/15/2018 7:45:24 PM  
R:\DWG\WALLING\Truck Parking\_2889.2000\DWG\Plots\C2.1\_Site Plan.dwg (Layout1.tbd)

VERIFY SCALE  
BASED ON WORK ON  
THIS SHEET. ADJUST  
SCALES ACCORDINGLY.

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DRN. SAW  
CKD. SAW  
DATE: NOV 2018

REVIEW

REGISTERED PROFESSIONAL ENGINEER  
STEPHEN A. GUNN, P.E.  
REMARKS: 6/29/2020

WE

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SITE PLAN

WALLING PROPERTIES  
WALLING TRUCK PARKING

DRAWING  
C2.1

JOB NUMBER  
2889.1000.0

**BACKGROUND**

T&S Properties LLC (T&S) owns the site of a former sand and gravel aggregate resource excavation and processing operation, formerly operated by Walling Sand and Gravel, located south of Santiam Highway west of Lancaster Dr. SE. T&S Properties is the successor in ownership to Walling Properties LLC. The T&S property is composed of five contiguous parcels that total approximately 154.6 acres, which are identified as Tax Lots 400, 500, 600, 700 and 800 on Assessor's map T8S R2W Section 06. The property was part of the extensive aggregate resource area located in south-east Salem. This area, which is bounded by south Lancaster Dr., I-5, Kuebler Blvd, and Turner Road, is recognizable by the series of large water impoundments that remain from the subsurface excavation of sand and gravel materials.

The Walling Sand and Gravel operation received approval for a Conditional Use Permit from Marion County in 1973 (CU73-29), when the property was still outside of the City limits, and was in active use for several decades. The Walling resource operation was one of two local aggregate resource companies that operated in this area (the other being the former Riverbend Sand and Gravel operation, which continues under new ownership). The aggregate resources and products from these locations provided an essential, long-term supply of processed sand and rock, and concrete and asphalt products, for local and regional construction projects.

When the Walling property was annexed to the City it was designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map, which is consistent with nature of its former resource extraction and processing uses. However, the property was zoned RA, which typically applies to lands that are vacant or in low-density residential use and intended for future urban residential development. The RA zone does not provide for aggregate extraction and processing, and it did not reflect the use of the property as an aggregate resource site. Most importantly, it does not implement the Comprehensive

Plan Map designation. By contrast, the aggregate resource operation adjacent to the south is also designated *Industrial*, and it is zoned IG, which is consistent with its use.

### **The Proposal**

Since the conclusion of active excavation and processing at the Walling operation the ownership has pursued new productive uses for the site. In 2015, the company received approval for zone change to IG for parcels 700 and 800, for use by a general construction contractor, Emery & Sons, for its equipment and materials storage yards, parking, service and maintenance facilities, and office; ZC 15-02. At this time T&S Properties LLC similarly proposes to convert adjacent Tax Lots 500, 56.87 acres; and 600, 5.12 acres; to IG for use as a semi-truck and trailer storage area (the storage area would be entirely on TL 500, and TL 600 would only be the access to Lancaster Dr.). These two parcels are located in the middle of the overall ownership. Approximately the western half of parcel 500 was excavated and is now a water impoundment, which reduces the remaining, usable eastern part of the parcel. The eastern part was used for material processing, stockpiling, haul truck loading, and various operations related to the aggregate operation.

The proposed use for truck and trailer storage is similar to that former usage in term of its use by heavy trucks. However, this use is not included in the RA zone. Therefore, T&S Properties requests a Zone Change to IG. The IG zone is consistent with the *Industrial* SACP map designation. The proposed use, truck and trailer storage, is included in the IG zone in UDC Chapter 554, Table 554-1, and as classified in UDC 400.055(g)(1). In addition, Adjustments to the development standards for screening, setbacks, and landscaping are requested, due to the unique conditions affecting this site.

A Pre-Application Conference to discuss this proposal was held on October 25, 2018,

Pre-App 18-102.

### **Surrounding Land Uses and Zoning**

The T&S property occupies a distinct and unique area within the city that has been actively used for decades for sand and gravel excavation and processing. The use of this area is a product of its geologic composition as a former river channel and outwash that deposited thick subsurface layers of rock and sand. The proximity of this feature to the developing urban area made its use as a source of essential construction materials efficient and economically advantageous.

While the presence of the natural resource in this area resulted in its usage by the aggregate extraction and processing industry, the surrounding area developed with more typical urban uses. A residential neighborhood including single family homes and multifamily apartments developed to in the area east of Lancaster Dr. and west of Kuebler. The single-family residential neighborhood is zoned RS, and the multi-family residential area is zoned RM2. Several small residential parcels are also located along the west side of Lancaster, between Tax Lot 600 and Carson Dr. These parcels are zoned RA, but Tax Lot 11000, which borders Tax Lot 600 on the north, is designated *Industrial* on the Comp Plan map like the T&S lands to the south.

Major commercial development has located immediately north of the T&S property, west of Lancaster and south of Santiam Highway, off of Hagers Grove Rd. This area, which is zoned CR, now features major retailers including Home Depot, Kelly's Appliances, and Ashley Furniture, as well as some office uses.

More recently, major industrial development has occurred in the Mill Creek Corporate Center, a 500-acre industrial reserve located east of Kuebler Blvd. Development in this area includes a Home Depot distribution center, Fed Ex Ground, Henningsen Cold Storage, and an Amazon "fulfillment" center. These uses depend upon high volumes



of heavy truck transportation for receipt and shipment of goods. South Lancaster Dr. provides a major access to Santiam Highway and I-5 for this industrial area.

T&S parcels 500 and 600 are adjacent on the north to the Emery & Sons construction equipment yard to the south, which is already zoned IG; and south of T&S's Tax Lot 400, which remains vacant land zoned RA and designated *Industrial* on the Comp Plan map. Parcel 600 fronts on Lancaster Dr. SE, which is classified a Major Arterial by the Salem Transportation System Plan (STSP). The proposed truck and trailer storage area will utilize an existing driveway on parcel 600 and no new driveways will be required. This will maintain the access pattern that has existed in this area for many years.

The proposal will not significantly change the land use pattern that has existed in this area for decades. Although it was zoned RA, the former sand and gravel operation was a heavy industrial use that excavated materials, processed the rock by crushing, sorting and stockpiling, produced concrete and asphalt, and transported the various materials to construction sites throughout the region. The nearby residential and commercial areas developed during the time the sand and gravel operation was active and ongoing. The proposed truck and trailer storage use will make similar use of the site with regards to vehicle activity, but will be a lower intensity of use because it will not involve the excavation and processing of sand and gravel materials. The size of the subject site, and its location within the large adjoining industrial area that was used by the sand and gravel industry, makes the proposed re-use appropriate and compatible with the existing land use pattern.

### **Site Plan**

A site plan for the truck and trailer storage area, prepared by Westech Engineering, is provided as a part of this application. As shown on the site plan the storage area will be located entirely within parcel 500, with only the access drive crossing through parcel 600 to the existing driveway on Lancaster Dr. The storage area will consist of a

series of designated storage bays around a wide central access drive to allow for maneuvering by large vehicles. Eight defined storage bays are shown, with an indicated capacity for 245 trailers. The storage facility is entirely open-air and no buildings or structures are planned. The use of parcel 600 for access requires that it be zoned the same as the site of the storage lot, which is the reason it is included in this application.

A major factor affecting the redevelopment and future use of the site is the allocation of right of way for a planned future City collector street, Carson Drive. The street is planned to run along the east side of Tax Lot 500 along the boundary with Tax Lot 600, along the south line of Tax Lot 500, and south into adjacent parcel 800. The proposed truck and trailer storage area is located outside of the route of this planned future street. Another feature that is planned is a storm water treatment bioswale, located within the south line of TL 500. The water treatment facility is required by the City as part of planned Lancaster Drive improvements.

### **Setback, Landscaping and Screening Requirements, and Adjustments**

A variety of conditions and circumstances warrant consideration for adjusting the type and timing of setbacks, landscaping and screening that will apply to this proposal.

On the north, the subject property borders two parcels that are zoned RA but which are designated *Industrial* on the Plan map. The large parcel to the north of Tax Lot 500, TL 400, is vacant and also owned by T&S Properties, and was part of the former sand and gravel operation. The zone-to-zone setback for a vehicle use area, which in this case will be IG-to-RA, is specified in SRC Table 554-4 as 40', with Type E landscaping and a 6' tall wall. However, until that adjacent property is developed, the requirement for a 6' tall wall and an extensive setback and landscaping would not serve the purpose for which it is intended, which is to provide screening and buffering for residential development. Residential use of this property is not indicated by the

*Industrial* Comp Plan designation. Therefore, an Adjustment to these standards is requested, to allow a 6' tall view-obscuring fence and a 10' setback, with the requirement for landscaping deferred until development on parcel 400 occurs. The deferral of landscaping is requested because there is no water service on this property, and landscape irrigation is not possible. The Applicant will agree to recording a Development Agreement to provide future screening, setbacks and landscaping in keeping with the Code standards that are appropriate to the future use of that property at the time it develops.

The property north of T&S Tax Lot 600, which is Tax Lot 11000 as shown on map 8-2W-6AB, is 1.26 acres and the site of a single-family house. Like parcel 400, it is zoned RA but *Industrial* on the Plan. An attached garage is on the south side of the house, nearest the property line, and there are no living spaces or windows on the side of the garage that face the property line. The only use of Tax Lot 600 will be for the access drive from TL500 to Lancaster Dr., and the driveway is approximately 800 feet south of the north line, as measured along the street frontage. An open field lies between the driveway and TL11000. There will be no vehicle storage on this parcel. In consideration of these factors, instead of the 6' high wall and 40' zone-to-zone setback, a 6' tall view-obscuring fence with a 10' wide Type C landscaped buffer is proposed along the north property line. A fence would be more characteristic of a residential environment than a wall, and the 10' landscaped setback will border the open field to the south. Adjustments are requested to reduce the IG-to-RA zone requirements from 40' and Type E, to 10' and Type C; Table 554-4.

On the south TL 500 borders TL 800, which is zoned IG and the site of the Emery & Sons construction yard. A storm water bioswale (water quality) facility is planned to be within TL 500, along its south line. The bioswale will be approximately 20' wide and will occupy the same area as the required 5' zone-to-zone landscape area. The bioswale is currently being designed for City approval and is to be built next year. A

water quality bioswale qualifies as required landscaping. Any landscaping that is installed before the bioswale would have to be removed and replaced by the bioswale. Therefore, an Adjustment is requested to delay or defer the requirement for 5' of landscaping along the south line of TL 500 in favor of the bioswale installation. A Development Agreement

can be provided to require the 5' landscaping if the bioswale is not installed within an agreed upon period of time.

## **CRITERIA**

### **Zone Change, SRC Chapter 265**

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

The current RA zone does not conform to the *Industrial* Plan Map designation. The proposed zone change to IG is consistent with that Plan Map designation. The IG zone will recognize the former use of the property as a sand and gravel excavation and processing site, which is recognized by its the Comp Plan designation but not by the RA zone. RA zoning was typically applied to undeveloped and low-density residential lands outside of developed areas as a means of identifying them for future urban residential use. This property was already a sand and gravel extraction and processing operation at the time it was annexed and zoned RA. It was not available for urban residential development at that time. The RA zone conflicts with the Plan. The proposed zone change to IG will align the zone with the Plan, as is required, and recognize and identify the industrial character of the site. The zone change will resolve

the conflict between the zone and the Plan. Consideration of the proposed zone change is warranted by these factors.

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

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

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

(iii) A demonstration that the proposed zone change is equally or better suited for

the property than the existing one. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate

for the proposed zone and the uses allowed by the proposed zone are logical with

the surrounding land uses.

This proposal is justified based on (iii). The proposed IG zone is better suited for the property than the existing RA zone because the RA zone does not recognize the long-standing industrial activity on the property, and it is in conflict with the Comp Plan designation. The IG zone resolves both of those issues. The RA zone does not represent the type of land use that has been present on the site since prior to its annexation, or that is intended for the site by the Comp Plan designation. The site has been in industrial use, and it is physically appropriate for the proposed industrial use. The proposed use, a heavy truck and trailer storage facility, is similar in character to the past use of the site which has included excavation, processing, vehicle loading and truck and equipment storage and parking. The proposed use is logical with the surrounding land uses because the property has been in industrial use for several decades, and it is an established part of the land use pattern along Lancaster Dr. south of Santiam Highway. The proposed use will not change the nature or the character of

the property. The proposed IG zone is identical to the zone on the adjacent land to the south, which was also part of the sand and gravel extraction and processing operation. The proposed zone will not change the pattern of land use in the area along Lancaster Dr. south of Santiam Highway, as industrial use will remain to the west of Lancaster and will not intrude into the residential area to the east of Lancaster.

Because the physical characteristics of the property are appropriate for the proposed zone, and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

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

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

The property is designated *Industrial* on the Plan map. This Plan designation expresses the desired and expected pattern of land use in this area, which will be fulfilled by the IG zone. The IG zone corresponds to the Plan designation.

The IG zone is consistent with the *Industrial* designation by allowing a wide range of industrial uses. The proposed zone is appropriate for the property due its long-term industrial use, its location along a major transportation route, and its location within a larger industrial corridor. These factors are consistent with the Industrial Development Goal, which is to encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

With regards to the industrial lands Policies, the zone change will maintain the land

for industrial use. The zone change does not change the inventory of designated industrial land, which is based on the Comp Plan. The zone change will not impact the long-term continuity of the industrial land inventory because the site is already designated *Industrial* by the Plan. No land is being added to or removed from the Plan inventory. The public facilities, services, and utilities necessary for development of the project can be made available to the property and will be identified through a future UGA permit process. At the time of development of uses or facilities that require public services, all necessary public services, facilities and utilities will be made available at levels adequate to serve and support the use proposed at that time. The site has access to Lancaster Dr. SE, a Major Arterial. This is the appropriate Salem Transportation System Plan (TSP) functional classification to serve an industrial operation. Lancaster provides links to Santiam Highway and to Kuebler Blvd, which are also arterial routes. There is no direct access from the property through a residential neighborhood, and traffic from the industrial activity will not traverse any local residential streets.

The IG zone is a general industrial zone that provides for a wide variety of industrial development opportunities and uses. The property will support industrial use. Applying the IG zone to the property is consistent with the intent to provide for a variety of industrial development opportunities in the urban area.

The zone change will enable industrial development opportunities on this property. It is consistent with the Comp Plan designation. The transportation system is adequate to serve industrial development, and necessary public services and facilities can be provided to support future development. For these reasons the proposal is consistent with the Industrial Development goals and policies of the Comp Plan, and this criterion is satisfied.

(D) The zone change complies with applicable Statewide Planning Goals and

applicable administrative rules adopted by the Department of Land Conservation and Development.

The Salem Area Comprehensive Plan is Acknowledged to be in compliance with the Statewide Planning Goals. The proposed zone change is consistent with the Comp Plan designation, its intent and its applicable provisions. By conforming to the Comp Plan designation the zone change also conforms to the applicable Statewide Planning Goals and administrative rules.

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

The Comprehensive Plan designation is *Industrial*, and the proposed zone change is from RA to IG. The IG zone is an industrial zone that is consistent with the Comp Plan designation. A Comprehensive Plan Change is not required.

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

The site is served by Lancaster Dr. SE, a Major Arterial. This is the appropriate functional classification for access to an industrial site. The site has been in industrial use for several decades without significant affect on the transportation system. The



Applicant estimates that the average daily traffic from the use of the site as a sand and gravel operation was 320 trips per day, most of which were large trucks hauling rock and ready-mix concrete to job sites. The proposed use is a storage facility for heavy trucks and trailers, and will not generate large volumes of daily traffic. Traffic is estimated at 20-30 trips per day. Therefore, the zone change will result in less traffic than the past use. On this basis, the zone change will not significantly affect a transportation facility.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone. The Department of Public Works (DPW) provided a detailed review of public services favorable to the T&S property, for Pre-Application PRE-APP 14-47. Those comments remain applicable to this application, and no new DPW comments were provided. According to DPW the property is capable of being served with public facilities and services. A UGA Permit will be required. The property is in the G-0 water service level. A 10-inch water line is located in Lancaster Dr. and can serve the property. There is currently limited sewer capacity in the area, and adequate capacity will have to be provided at the time of development that requires that service. The proposed use does not require sewer service at this time. Storm drainage can be provided on site.

With regards to streets, the Transportation Master Plan indicates that a future collector street is planned to run through the property, and any new development should take that future alignment into consideration. The site plan submitted with this application shows that the proposed use accommodates the future right of way for that planned street.

The requirements of this criterion are satisfied through the requirement for a future UGA permit, which will identify the methods of providing public facilities and services to the property at levels necessary to support a future use.

### **Zone Change Summary**

The RA zone conflicts with the Plan map designation. The IG zone corresponds to the Plan designation. The proposed zone change to IG is appropriate for the Comp Plan designation, the past use of the property, and its relationship to the land use pattern of the surrounding area. Public services can be made available to support future development, and the existing transportation system is adequate and appropriate for the proposed use. The zone change will allow for the use of the property as intended by the Plan, and the proposal is consistent with the Plan's policies for industrial development. For the reasons presented, the Zone Change criteria are satisfied.

### **Adjustments**

Adjustments for the setback, screening and landscaping requirements along the north lines of Tax Lots 500 and 600 are requested, and an Adjustment to delay or defer the landscaping requirement along the south line of Tax Lot 500 is requested. These are Class 2 Adjustments. The criteria for Class 2 Adjustments are found in SRC 250.005(d) and addressed as follows:

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

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

(i)Clearly inapplicable to the proposed development; or

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

The development standards for the north interior side lot line IG-to-RA zone setback, landscaping and screening standards, as specified in SRC Table 554-4, are proposed for adjustment. For vehicle use areas the setback is 40' from a residential zone, with Type E landscaping and screening. Type E screening requires a minimum 6' high wall.

The purpose underlying the setback and landscaping standards that are proposed to be Adjusted is to screen and buffer residential uses from vehicle use areas on adjacent industrial property.

This request addresses (ii) because the purpose underlying the development standard is equally or better met by the proposal. There are two parcels adjacent to the north of Tax Lots 500 and 600, the subject properties. Tax Lot 400 is north of subject parcel 500, and Tax Lot 11000 is north of subject parcel 600. Both TLs 400 and 11000 are zoned RA but designated *Industrial* on the Comp Plan map. As a result of the Comp Plan designation future residential use of those parcels is not indicated.

With regards to parcel 500; adjacent parcel 400 is vacant land that was part of the former sand and gravel operation. There is no residential use on that parcel that needs to be screened from the proposed use of parcel 500. From its Comp Plan designation, it can be expected that parcel 400 will be rezoned to an industrial zone in the future, negating the purpose of the current zone-to-zone setback and landscaping requirement. An Adjustment is requested to allow a 6' high view-obscuring fence along the north line of parcel 500, with a 10' setback, but defer landscaping until such time as development of parcel 400 occurs, at which time the appropriate landscaping category can be determined and required. A Development Agreement can be provided for this purpose.

Tax Lot 600 will only provide the access from Lancaster Drive to the proposed truck and trailer storage area on Tax Lot 500. The access drive will be located several hundred feet south of parcel 11000, to the north. The intervening area on parcel 600 is a vacant field, and no other change to the existing use or condition of the parcel is proposed.

The adjacent parcel to the north, Tax Lot 11000, is zoned RA but designated

*Industrial* on the Plan map. It contains one single-family dwelling, which faces Lancaster Dr. The south side of the structure, closest to Tax Lot 600, is the attached garage and there are no windows that face the common property line. Because the attached garage is on the south side of the house there is no living space in proximity to the common property line.

No development or change of use is proposed in the north half of Tax Lot 600. There will be several hundred feet between the common property line and the access drive to parcel 500. A 40' setback is not necessary to achieve the purpose of the standard. A 6' high view obscuring fence and a landscaped setback of 10' is proposed. A fence will be more in character with the residential nature of Tax Lot 11000 than a wall, and together with the 10' wide landscaped setback, provide effective screening and buffering of the view into Tax Lot 600.

An Adjustment to delay or defer the 5' landscape requirement along the south line of TL 500 in favor of the planned water quality bioswale is requested. This request addresses (ii) because the purpose underlying the development standard is equally or better met by the proposal. The bioswale planned as part of improvements to Lancaster Drive. The bioswale is being designed at this time, and will then be submitted for City approval. The bioswale will be approximately 20' wide, which exceeds the conventional 5' wide landscape requirement. The purpose of providing landscape screening between adjacent uses in the IG zone will be equally or better met by the bioswale, since it will be wider and also serve the important purpose of treating stormwater runoff. The short-term delay in providing a landscaped buffer at this location will be compensated by the long-term benefit of the storm water treatment facility.

(B) If located within a residential zone, the proposed development will not detract

from the livability or appearance of the residential area.

The proposed development is proposed to be zoned IG, in keeping with its Comp Plan designation. The property is part of the contiguous area designated *Industrial* on the Comp Plan map. The proposed development will not be located within a residential zone. The proposed Adjustments will have minimal effect on the livability or appearance of the residential use on TL 600 to the north, and will serve the purpose of screening and buffering required by the standards. Due to the separation of the property from the residential areas east of Lancaster Drive there will be no effect on those areas.

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

The proposed adjustments for setbacks, screening and landscaping, taken together, will still provide an effective buffer for the one home north of the subject property. A 6' high fence is proposed to extend across the north line of parcels 500 and 600, which will screen the view of the storage area from the home on parcel 11000. A 10' wide landscaped setback will be provided within parcel 600. Future residential development on parcel 400 is not indicated by the Comp Plan designation. These proposed Adjustments maintain the overall purpose of the zone by providing a level of screening that is appropriate for the identified conditions of the adjacent properties. The proposed adjustment to defer or delay the 5' landscape buffer along the south line of TL 500, in favor of the bioswale stormwater treatment facility, will remain consistent with the overall purpose of the zone because the water treatment facility will serve the dual purpose of stormwater treatment and landscape screening. The dual purpose of the bioswale will compensate for the short-term delay in providing the property line landscaping.

For these reasons the cumulative effect of the adjustments result in a project that is still consistent with the overall purpose of the zone.

## **Summary**

The site plan shows that the proposed truck and trailer storage area will make use of "dry" land left in the former sand and gravel extraction site. The storage area is designed so that it does not interfere with the land needed for the future collector street or the stormwater treatment bioswale. The proposed setbacks and screening are appropriate for the existing conditions on the adjacent parcels, with consideration for their existing and future uses. The proposed IG zone is appropriate considering the Industrial Comp Plan designation, the former use of the property, and its location. Based on the facts, conditions and circumstances that apply to the site the requirements for a zone change and for the adjustments are satisfied.