

RESOLUTION NO. 1217

**A RESOLUTION AUTHORIZING MEMBERSHIP WAREHOUSE CLUBS
AS A CONDITIONAL USE IN THE M-1 ZONING DISTRICT AND
AFFIRMING THE PLANNING COMMISSION'S
AUTHORIZATION OF SUCH USE**

WHEREAS, On March 10, 2009 the City of Central Point received from the Department of Land Conservation and Development ("DLCD"), a timely appeal of the Planning Commission's March 3, 2009, decision to approve Membership Warehouse Clubs as a similar use within the M-1 zoning district. A Membership Warehouse Club is defined as free-standing large retail establishment, selling a wide variety of merchandise in which customers pay annual membership fees for purchasing privileges. The clubs are able to keep prices low due to the no-frills (warehouse) format of the stores. In addition, customers are required to buy large quantities of the store's products, as a similar use within the M-1 zoning district; and,

WHEREAS, Section 17.48.020(W) of the Central Point Municipal Code ("CPMC") authorizes the Planning Commission to authorize similar uses subject to the criteria set forth in CPMC Section 17.60.140; and,

WHEREAS, On May 28, 2009, after conducting a duly noticed public hearing, the City of Central Point City Council considered the appeal and affirmed the Planning Commission's decision as set forth in Planning Commission Resolution No. 764; and

WHEREAS, Authorization of Membership Warehouse Clubs was based on the criteria set forth in CPMC Section 17.60.140(A) and written and oral testimony received by the City; and,

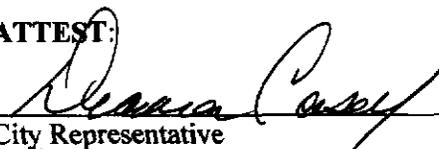
NOW THEREFORE, The City of Central Point City Council affirms the Planning Commission's decision and further determines, as set forth in Exhibit "A - City Council Findings", that Membership Warehouse Clubs are authorized as a use similar to other uses permitted within the M-1 zoning district and approves Membership Warehouse Clubs as a conditional use within the M-1 District.

PASSED by the City Council and signed by me in authentication of its passage this 11th day of June, 2009.



Mayor Hank Williams

ATTEST:



City Representative

Approved by me this 11th day of June, 2009.



Mayor Hank Williams

EXHIBIT "A – CITY COUNCIL FINDINGS"

FINDINGS OF FACT

FOR

MEMBERSHIP WAREHOUSE CLUBS SIMILARITY FINDINGS

**Before the City of Central Point Planning Commission
Consideration of Membership Warehouse Clubs as a use similar to allowed uses within the
M-1 District**

Applicant: City of Central Point)	Findings of Fact
140 S. Third Street)	and
Central Point, OR 97502)	Conclusion of Law
)	

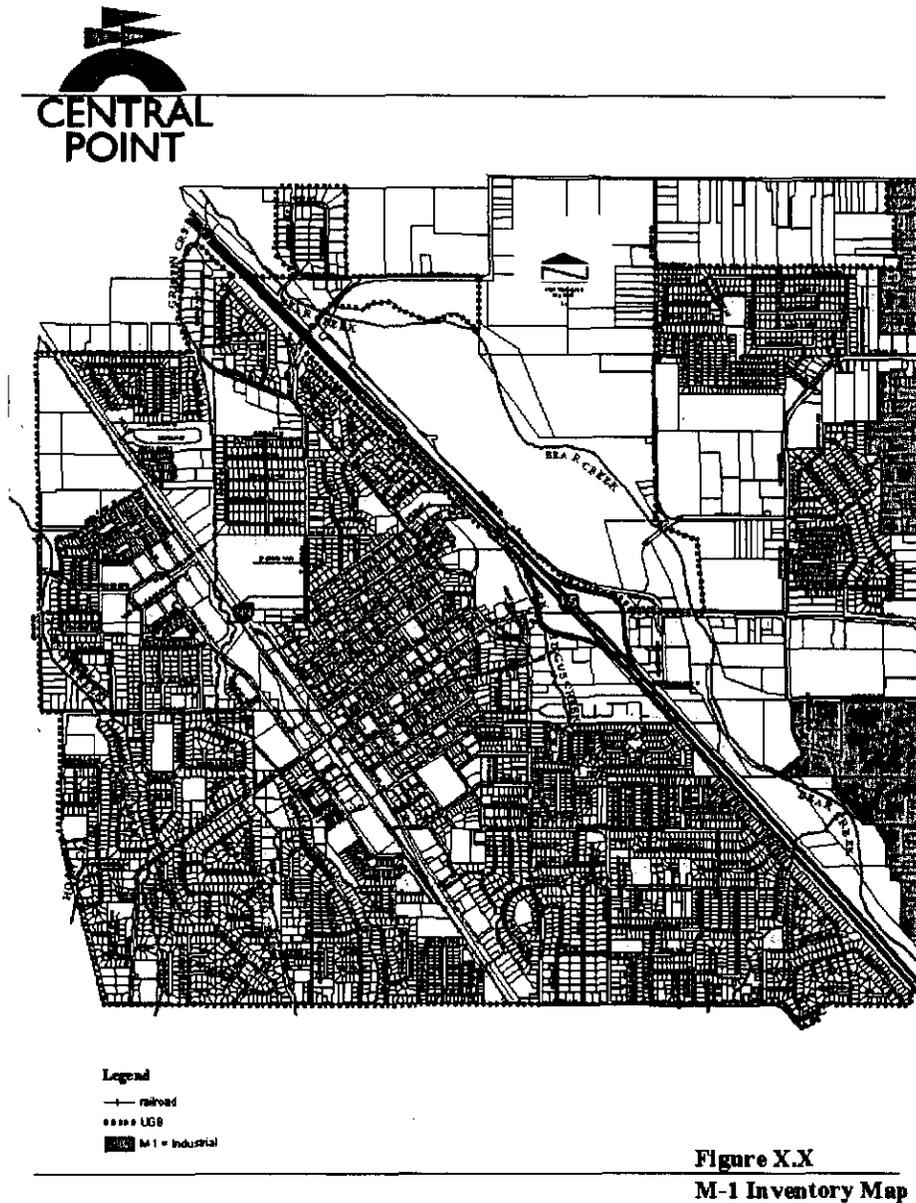
PART 1 – INTRODUCTION

These findings have been prepared as authorized by Section 17.48.020(W) and in accordance with the criteria set forth in Section 17.60.140 addressing the question of Membership Warehouse Clubs as a use "similar" to uses allowed within the M-1 district. Section 17.48.020(W) allows as a permitted use other uses not listed in Section 17.48.020, or any other zoning district, provided findings can be made that the proposed use is similar to, and compatible with other permitted uses and the intent of the M-1 district. Further, Section 17.60.140 sets forth specific criteria to be addressed by the planning commission when considering "similar use". The findings presented herein address all the criteria for determining "similar use" as required of Section 17.48.020(W) and 17.60.140(A). Consideration of "similar use" does not constitute an amendment to the City's zoning ordinance, but instead represents a criteria based compatibility determination for allowed uses (permitted and/or conditional) within the M-1 District. When the zoning ordinance was written it was realized that not all allowed uses could be reasonably, or practically, listed. In lieu of attempting to list all allowed uses the zoning ordinance, through Section 17.048.020(W) and Section 16.60.140 established provisions and criteria to judge the compatibility of future uses.

As used throughout these findings the term "Membership Warehouse Club" in the context of an allowed use within the M-1 district is to be read in the context of not an outright permitted use, but as a conditional use subject to the requirements of Section 17.76 of the CPMC.

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Presently, the City has approximately 152 acres of M-1 lands, of which 78 acres are classified as net buildable¹. Figure X.X illustrates the location of the City's M-1 lands.



¹ City of Central Point Buildable Lands Inventory

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Including this introduction these findings will be presented in ten (10) parts as follows:

1. Introduction
2. Definitions
3. Section 17.48.020(W) Permitted Use Findings
4. Section 17.60.140 Authorization for Similar Use Findings
5. Section 17.48.040(A) Conditional Uses Findings
6. Section 17.10.600 Transportation Planning Rule Compliance Findings
7. Comprehensive Plan, Land Use Element Findings
8. Comprehensive Plan, Economic Element Findings
9. Comprehensive Plan, Transportation Element Findings
10. Summary Conclusion

PART 2 – DEFINITIONS

Throughout these findings certain key terms will be used. For reference purposes the key terms used in these findings are presented in Part 2. The following definitions (*italic*) and discussion have been prepared, and are incorporated herein, as part of these findings.

1. *Economic/Industrial Sectors* – *Industries are classified based on the stage in the production chain, there are three major broad sectors in modern economies:*

- ***Primary sector:*** *Generally involves changing natural resources into primary products. Most products from this sector are considered raw materials for other industries. Major businesses in this sector include agriculture, agribusiness, fishing, forestry and all mining and quarrying industries.*
- ***Secondary sector:*** *Includes those economic sectors that create a finished, usable product, manufacturing and construction. This sector generally takes the output of the primary sector and manufactures finished goods or where they are suitable for use by other businesses, for export, or sale to domestic consumers. This sector is often divided into light industry and heavy industry.*
- ***Tertiary sector:*** *Involves the provision of services to consumers and businesses. Services are defined in conventional economic literature as "intangible goods". The tertiary sector of economy involves the provision of services to businesses as well as final consumers. Services may involve the transport, distribution and sale of goods from producer to a consumer as may happen in wholesaling and retailing, or may involve the provision of a service, such as in pest control or entertainment. Goods may be transformed in the process of providing a service, as happens in the restaurant industry or in equipment repair. However, the focus is on people interacting with people and serving the customer rather than transforming physical goods.*

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2. Industry – *the commercial production and sale of goods.*² By definition the term “industry” includes all sectors of the economy as defined above.

3. Industrial – *Of, relating to, or derived from industry.*³

4. Industrial Use – *Employment activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to: manufacturing; assembly; fabrication; processing; storage; logistics; warehousing; importation; distribution and transshipment; and research and development.*⁴

5. Light Industrial – *Light industry is usually less capital intensive than heavy industry, and is more consumer-oriented than business-oriented (i.e. most light industry products are produced for end users rather than intermediates for use by other industries).*⁵

6. Other Employment Use – *All non-industrial employment activities including the widest range of retail, wholesale, service, non-profit, business headquarters, administrative and governmental employment activities that are accommodated in retail, office and flexible building types. Other employment uses also include employment activities of an entity or organization that serves the medical, educational, social service, recreation and security needs of the community typically in large buildings or multi-building campuses.*⁶

7. Wholesale Trade – *Wholesaling, historically called jobbing, is the sale of goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services.*⁷

8. Warehousing – *A warehouse is a commercial building for storage of goods. Warehouses are used by manufacturers, importers, exporters, wholesalers, transport businesses, customs, etc. They are usually large plain buildings in industrial areas of cities and towns.*⁸

9. North American Industrial Classification System (NAICS) – *The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the*

² Webster’s II New College Dictionary

³ Webster’s II New College Dictionary

⁴ OAR 660-009-0005(3)

⁵ Wikipedia, Light Industry

⁶ OAR 660-009-0005(3),

⁷ Wikipedia

⁸ Wikipedia

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U.S. business economy. The NAICS was developed under the auspices of the Office of Management and Budget (OMB), and adopted in 1997 to replace the Standard Industrial Classification (SIC) system. It was developed jointly by the U.S. Economic Classification Policy Committee (ECPC), Statistics Canada, and Mexico's Instituto Nacional de Estadística, Geografía e Informática, to allow for a high level of comparability in business statistics among the North American countries.

10. Membership Warehouse Clubs

A free-standing large retail establishment, selling a wide variety of merchandise in which customers pay annual membership fees for purchasing privileges. The clubs are able to keep prices low due to the no-frills (warehouse) format of the stores. In addition, customers are required to buy large quantities of the store's products.⁹

As its name implies Membership Warehouse Clubs require paid membership to participate in the use of their services. Members include both businesses and individuals. Business members often purchase from Membership Warehouse Clubs and resell at retail to their customers. Membership Warehouse Clubs are a unique hybrid retail use that crosses the boundary between typical retail establishments and wholesale/warehouse uses. Unlike most large retail establishments Membership Warehouse Clubs stock a limited selection of products (4,000 – 8,000 SKUs vs. 30,000 – 60,000 SKUs) in a wide range of merchandise categories. Merchandise is typically purchased directly from manufactures or importers in full truck loads and sold in institutional sizes, bulk packaging, cases, or multiple packs. To further offer deep discounts Membership Warehouse Clubs are based on a no-frills, self-service operation where customer experience is secondary to operational efficiency. Membership Warehouse Clubs do not advertise to the general public. The exterior architecture and typical floor plan of a Membership Warehouse Club is much like that of a warehouse with no external display windows and merchandise is stacked on pallets, with extra inventory stored on overhead racks. Aisle widths are designed to accommodate fork-lifts and/or similar equipment for stocking.

11. Service Industries

Service industries involve the provision of services to businesses as well as final consumers. Service industries include accounting, tradesmanship (like mechanic or plumber services), computer services, restaurants, tourism, etc., where no goods are produced.¹⁰

⁹ Wikipedia

¹⁰ Ibid.

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PART 3 – MEMBERSHIP WAREHOUSE CLUBS SIMILAR USE AUTHORIZATION, SECTION 17.48.020(W)

Section 17.48.020(W) recognizes that the Zoning Ordinance does not list all uses permitted within the M-1 district, and that under certain conditions there may be uses appropriate to the district that have not been specifically identified, or previously not defined, as an allowed use. Section 17.48.020(W) reads:

"Other uses not listed in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the M-1 district"

To qualify per Section 17.48.020(W) it is first necessary that a finding be made that the use in question is not already listed in the M-1 district, or any other zoning district. If such a finding can be made it is then necessary that additional findings be made relative to similarity, compatibility, and compliance with the intent of the M-1 district. The purpose of Part 3 is to address the question of "similar use" as set forth in Section 17.48.020(W).

Finding Section 17.48.020(W). In applying Section 17.48.020(W) there are three basic pre-requisite tests to determine whether a use is qualified to be considered "similar" to permitted uses. Those tests and their applicable findings are:

1. ***Is the proposed use currently listed in the M-1 district, or any other district?*** Section 17.48.020 was last modified in 1993¹¹. At that time, and to this day, there are no listings for Membership Warehouse Clubs in the M-1 or any other zoning district. It wasn't until 1997 that the term Membership Warehouse Club was defined and classified in the NAICS as a specific industry (452910).

Conclusion, Section 17.48.020(W), 1: Membership Warehouse Clubs are currently not listed in the M-1 or any other zoning district as an allowed use and therefore qualify for consideration under the criteria of Section 17.48.020(W) as a "similar use".

2. ***Is the proposed use similar to the list of permitted uses?*** The term "similar" is defined as "resembling though not completely identical."¹² The question to be answered is whether or not Membership Warehouse Clubs resemble, or are similar, to other uses allowed in the M-1 district. In addressing the term "similar" it is necessary to turn to those uses currently allowed within the M-1 district. This listing of uses is presented in Table 1 and includes references to their economic characteristics.

The economic characteristics of each use are presented in Table 1, and provides an objective basis from which to make a determination of similarity. All industrial uses

¹¹ City of Central Point Ordinance 1684 §47

¹² Webster's II New College Dictionary, Third Edition

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are grouped into one of three economic sectors (primary, secondary, and tertiary) based on their role in the production cycle. As illustrated in Table 1, the list of permitted uses within the M-1 district covers a very broad spectrum, representing the secondary and tertiary economic sectors. The strongest representation is in the tertiary sector's Retail Trade, Wholesale Trade, and Warehousing. In considering similar use the M-1 district offers three use classifications, or a combination thereof, on which to base a determination of similarity. Are Membership Warehouse Clubs similar to retail trade, wholesale trade, warehousing, or a combination thereof?

As noted in Part 2, Membership Warehouse Clubs have many characteristics similar to those of Retail Trade, Wholesale Trade and Warehousing, which are allowed uses within the M-1 district (see Table 1). The following discusses in further detail the characteristics/similarities between Membership Warehouse Clubs and Retail Trade, Wholesale Trade, and the Warehousing sectors.

Retail Trade: Of all the sectors retail trade is the broadest in terms of use representation. The NAICS defines the Retail Trade sector as consisting of "... establishments engaged in retailing merchandise, generally without transformation, and rendering services incidental to the sale of merchandise." By definition, and classification, Membership Warehouse Clubs are classified in the NAICS as a Retail Trade establishment. As illustrated in Table 1 numerous retail uses are already permitted in the M-1 district. These uses range from vehicular sales (autos, motorcycles, etc.) to retail building supplies, all of which are classified by the NAICS as being in the Retail Trade sector.

OAR 660-009-0005(3) considers retail uses as Other Employment Uses, which include all non-industrial employment activities. As illustrated in Table 1, the M-1 district currently allows some retail¹³ uses (Other Employment Uses) as permitted uses. It is possible, within the M-1 district to locate a large auto mall, or a home improvement center, uses that generally consume in excess of five acres.

Wholesale: As defined in Part 2 the term "wholesale trade" means the sale of goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services. On a more specific basis the term "wholesale is defined as "The sale of goods in large quantities, as for resale by a retailer", and "Sold in large bulk or quantity, usu. at a lower cost."¹⁴ Wholesalers frequently assemble, sort and grade goods in large lots, break bulk, repack and redistribute in smaller lots. Wholesale operations are not dissimilar to the operations of a Membership Warehouse Club. A percentage of Membership Warehouse Customers are businesses buying bulk merchandize for retail sales. Most Membership Warehouse Clubs have a specific

¹³ CPMC Section 17.48.020(G,H, & M)

¹⁴ Webster's II New College Dictionary

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membership classification for businesses. In the M-1 district wholesale operations are identified as a permitted use.

Wholesale uses are defined in OAR 660-009-0005(3) as Other Employment Uses, which includes all non-industrial employment activities.

Warehousing: As defined in Part 2 warehousing is the storage of merchandise in a large building for distribution at a later date. The physical characteristics of a warehouse and a Membership Warehouse Club are very similar, i.e. large buildings for storage with loading facilities. "Recent developments in marketing have also led to the development of warehouse-style retail stores with extremely high ceilings where decorative shelving is replaced by tall heavy duty industrial racks, with the items ready for sale being placed in the bottom parts of the racks and the crated or palletized and wrapped inventory items being usually placed in the top parts. In this way the same building is used both as a retail store and a warehouse."¹⁵ In the M-1 district warehousing is identified as a permitted use.

Warehousing uses are defined in OAR 660-009-0005(3) as an Industrial Use.

Conclusion, Section 17.48.020(W), 2: The function and operations of Membership Warehouse Clubs are similar to, and resemble those of retail, wholesale, and warehousing uses already permitted within the M-1 district.

Table 1. M-1 Permitted Uses and Classification

CPMIC	Use	NAICS Code	NAICS Class	Economic Sector
17.48.020(A)	Warehousing	493	Transportation and Warehousing	Tertiary
17.48.020(E)	Ambulance & Emergency Services	621	Educational & Health Services	Tertiary
17.48.020(D)	Cold Storage Plants and Wholesaling	493	Wholesale Trade	Tertiary
17.48.020(G)	Automobile Sales	441	Retail Trade	Tertiary
17.48.020(G)	Motorcycle Sales	441	Retail Trade	Tertiary
17.48.020(G)	Truck Sales	441	Retail Trade	Tertiary
17.48.020(G)	Automotive Parts	441	Retail Trade	Tertiary
17.48.020(H)	Boat Sales	441	Retail Trade	Tertiary
17.48.020(K)	Scientific Research	541	Professional, Scientific, & Technical Services	Tertiary
17.48.020(L)	Vocational, Tech. & Trade Schools	611	Educational & Health Services	Tertiary
17.48.020(M)	Lumber & Bldg. Materials	444	Retail Trade	Tertiary
17.48.020(N)	Light Fabrication	238	Construction	Secondary
17.48.020(O)	Assembly	236, 333	Manufacturing	Secondary

¹⁵ Wikipedia, Wholesale

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		336,424, 811		
17.48.020(P)	Manufacture Bakery Goods, Candy, etc.	331-332	Manufacturing	Secondary
17.48.020(Q)	Laundries	812	Other Services	Tertiary
17.48.020(Q)	Blueprinting Services	561	Administrative and Support and Waste Management and Remediation Services	Tertiary
17.48.020(Q)	Carpet Cleaning	561	Administrative and Support and Waste Management and Remediation Services	Tertiary
17.48.020(Q)	Tire Retreading	326	Manufacturing	Secondary
17.48.020(R)	Manufacture of Electric, Electronic, Optic Equipment	334	Manufacturing	Secondary
17.48.020(S)	Manufacture of Medical Equipment	334	Manufacturing	Secondary

3. *Is the use compatible with other permitted uses?* The term "compatible" is defined as "capable of living, or performing in harmonious, agreeable, or friendly association with another or others."¹⁶ Using this definition as applied to land use a determination of compatibility is based on the physical and functional relationship between uses.

Physical Compatibility - The physical relationship between uses within the M-1 district, and abutting districts, is regulated by the development standards (architecture, setbacks, building height, parking, etc.). Section 17.48 sets forth the standards for all development within the M-1 district, regardless of use. The warehouse format for Membership Warehouse Clubs lends itself quite well to the development standards imposed on other allowed uses in the M-1 district. Those development standards impose limitations on height, area, yard, and off-street parking requirements – all of which would apply equally to Membership Warehouse Clubs as they do to the permitted uses of warehousing, storage, retail sales, and other similar uses listed in Section 17.48.020.

The development requirements typically associated with Membership Warehouse Clubs do not present any unusual needs that do not fit within the limits imposed by the development standards for the M-1 district, and as such would be physically compatible with other permitted uses within the M-1 district.

Functional Compatibility – The functional relationship between Membership Warehouse Clubs and other permitted uses within the M-1 district involves site design considerations such as vehicular ingress/egress, freight delivery, hours of operation, noise/lighting, and infrastructure requirements; such as availability of utilities, and street capacity. The City addresses functional compatibility through its site design process as set forth in Section 17.72.

¹⁶ Webster's II New College Dictionary

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Site Design: The site design process determines how well one use interfaces with adjacent uses. All uses within the M-1 district are subject to the City's Site Plan, Landscaping and Construction Plan Approval process as set forth in Section 17.72 of the Zoning Ordinance. The purpose of Section 17.72 is to provide standards and procedures to assure that proper attention is given to the orderly and harmonious development of the city, including a project's physical and functional compatibility to neighboring properties.

Freight. Considering the warehouse format and high merchandise turn-over of Membership Warehouse Clubs they are reliant on frequent freight deliveries and are designed to accommodate freight needs. As such the freight needs of a Membership Warehouse Club are very similar to such other allowed uses as warehousing, bottling plants, truck terminals, or any other allowed use within the M-1 district.

Hours of Operation: The hours of operation for a Membership Warehouse Club vs. other allowed uses are very similar and would not be cause for conflict.

Noise/Lighting: The noise and lighting for a Membership Warehouse Club are typical of other allowed uses within the M-1 district, i.e. warehouses, auto dealerships, wholesaling, etc.

Infrastructure. When considering infrastructure needs, particularly water, storm, sewer, and safety, the inclusion of Membership Warehouse Clubs will not result in infrastructure needs greater than other allowed uses. There are other uses permitted within the M-1 district that will have demands on the City's infrastructure equal to, or greater than that of Membership Warehouse Clubs. As an example, a large warehouse/cold storage, manufacturing plant, retail building materials, or assembly facility all have similar, or greater infrastructure needs. The only potential infrastructure consideration is the capacity of the local street system to accommodate Membership Warehouse Clubs.

Transportation. When considering transportation it is important to acknowledge the retail aspect of Membership Warehouse Clubs, and that all traffic considerations related to Membership Warehouse Clubs should be calculated on that basis, not warehouse or wholesale use. Membership Warehouse Clubs are specifically identified in the ITE Trip Generation manual as Discount Clubs (861).

In addressing transportation compatibility there are two basic considerations; site design and system capacity.

Site Design. Aside from setbacks and building height restrictions, which are regulated by specific City development standards, ingress/egress and traffic volume are the most significant variable to be addressed to assure

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that adjacent developments are compatible. Section 17.72 requires all commercial/industrial developments to go through the City's site plan process, the purpose of which is to assure that a project is compatible with abutting and adjacent uses. Where conflicts are identified the City has the authority¹⁷ to impose conditions on the development that will mitigate the conflict.

Transportation System Capacity. The primary consideration in determining the functional compatibility of a use on traffic is the local street system's ability to accommodate traffic at any level. Section 17.05.900 Traffic Impact Analysis gives the City the authority to require a traffic impact analysis, and to impose mitigation measures. This authority applies to all applications for development within the City. The requirement for a Traffic Impact Analysis would be a pre-condition of site plan approval, providing the basis for identification and mitigation of project generated traffic impacts during the site plan process required by Section 17.72. The need for a Traffic Impact Analysis would be imposed at time of a pre-application meeting.

Table 2 provides a comparison between the traffic generation¹⁸ of other M-1 allowed uses vs. a Membership Warehouse Club (Discount Club). The amount of traffic generated by a use can be counted in a variety of ways as illustrated in Table 2. Because of its gross floor area the average Membership Warehouse Club will generate more traffic than other allowed uses. Whether the traffic generation of a Membership Warehouse Club, or any other permitted use, is compatible with other allowed uses are a function of site design, and the local street system's capacity and the ability of the local street system to accommodate the added traffic.

Table 2 illustrates the trip generation by Average Daily Trips (ADT) per 1,000 square feet of building and the ADT based on the median size facility within each use category as provided in the ITE Trip Generation manual. Using the median facility size the three highest trip generators are Warehousing (1,999 Weekday ADT), Industrial Parks (2,610 Weekday ADT), and Home Improvement Centers (3,844 weekday ADT).

Ref.	Use	Weekday ADT/1,000 SF	Saturday ADT/1,000 SF	Sunday ADT/1,000 SF	Average Weekday ADT/Facility	Average Saturday ADT/Facility	Average Sunday ADT/Facility
1	Truck Terminal (030)	81.90	17.28	10.79	819	173	108
2	General Light Industrial (110)	6.97	1.32	0.68	1,415	268	138
3	Industrial Park	6.96	2.49	0.73	2,610	934	274

¹⁷ CPMC Section 17.72.050

¹⁸ Trip Generation, 7th Edition, Volume 3, ITE

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	(130)						
4	Manufacturing (140)	3.82	1.49	0.62	1,333	520	216
5	Warehousing (150)	4.96	1.22	0.79	1,999	492	318
6	Car/Truck Sales (841)	33.34	21.03	10.48	567	358	178
7	Home Improvement Center (862)	29.80	45.67	-	3,844	5,891	-
8	Building Materials (812)	45.16	51.60	24.5	406	464	221
9	Membership Warehouse Club (861)	41.80	53.75	33.67	4,682	6,020	3,771

As illustrated in the following table Membership Warehouse Clubs generate approximately 20% more trips compared to the next highest trip generator. The same can be said when comparing an Industrial Park against a Warehouse use, both of which are permitted uses within the M-1 district, emphasizing that such comparison are relative. The relevance of traffic generation is not the number of trips generated, but the ability of the local street system to accommodate a development, whether it's a manufacturing plant, or a Membership Warehouse Club. Trips generated by a Membership Warehouse Club are similar in character as trips to the auto dealership or the home improvement center, or the wholesaler.

Any question regarding the local transportation system's ability to accommodate traffic will be addressed in accordance with Section 17.05.900 Traffic Impact Analysis and appropriately mitigated at the time of a development proposal per Section 17.72, regardless of the use.

Conclusion, Section 17.48.020(W), 3: Membership Warehouse Clubs are both physically and functionally compatible with permitted uses in the M-1 district. On the question of transportation the traffic generation of Membership Warehouse Clubs is similar in character to trips generated by other retail uses permitted in the M-1 district. Regardless of the use, the City has in place ordinances and standards for the evaluation and conditioning all development proposals within the M-1 district.

4. *Is the proposed use consistent with the intent of the M-1 district?* The purpose of the M-1 district is set forth in Section 17.48.010 and reads as follows:

"The purpose of the M-1 district is to provide areas suitable for the location of light industrial uses involved in service, manufacturing or assembly activities and having high standards of operation of such character as to permit their location and operation in close proximity to nonindustrial areas of the community."

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There are two components to the purpose statement for the M-1 District:

1. To provide for light industrial lands involved in service, manufacturing, or assembly activities; and
2. To assure that those light industrial activities are developed and operated to standards that are compatible with adjacent non-industrial areas.

With regard to component 1 above, the purpose statement for the M-1 district does not provide a definitive definition of what constitutes light industrial uses. The term "light industrial" is not defined in the CPMC. A review of the currently allowed uses within the M-1 district is the only, and therefore primary, source of understanding of the "light industrial" intent of the M-1 district. Based on the list of permitted uses in Section 17.48.020 the applied purpose of the M-1 district combines conventional light industrial uses and heavier consumer-oriented commercial uses. This is consistent with the definition of "light industrial" as presented in Part 2 of these findings.

The hybrid nature of Membership Warehouse Clubs as a cross between retail, wholesale, and warehousing is consistent with the uses currently allowed within the M-1 district and the light industrial/heavy commercial intent of the M-1 district.

In response to the component 2 above, the compatibility question has been previously addressed under Findings, Section 17.48.020(W), 3, wherein it was demonstrated that Membership Warehouse Clubs are compatible with allowed uses within the M-1 district, which in turn have been determined to be compatible with adjacent non-industrial uses.

Conclusion, Section 17.48.020(W), 4: The "light industrial" purpose of the M-1 district, by reference and example, allows for a broad range of Secondary and Tertiary economic uses, making the M-1 district more of a mixed use district for light industrial and heavy commercial purposes. Membership Warehouse Clubs are consistent with the intent of the M-1 district and are both physically and functionally compatible with adjacent non-industrial.

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PART 4 – MEMBERSHIP WAREHOUSE CLUBS SIMILAR USE AUTHORIZATION, SECTION 17.60.140(A)

Section 17.60.140 Authorization for Similar Use. In addition to Section 17.48.020(W) any consideration of listing a use as an allowed use must comply with the provisions of Section 17.60.140. As provided in Section 17.60.140 the planning commission has the authority to determine whether a use not listed can be considered as a similar use and therefore listed as an allowed use. The term "allowed use" refers to consideration of both permitted uses (Section 167.48.020) and conditional uses (Section 17.48.040). To guide the planning commission's determination Section 17.60.140 sets forth criteria that must be favorably addressed before a use can be considered similar. Section 17.60.140, and related findings and conclusions read as follows:

"Section 17.60.140 Authorization for Similar Use: The planning commission may rule that a use, not specifically named in the examples of allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the permitted uses.

Finding, Section 17.60.140: Under Section 17.60.140 General Regulations, authority is given to the planning commission to determine whether a use shall be included among the allowed uses within a zoning district. This section is an extension of Section 17.48.020(W), and sets forth specific criteria for consideration of similar use. In making a determination on similar use the planning commission is required to prepare findings as prescribed in Section 17.60.140(A). In Part 3 it was found that Membership Warehouse Clubs qualified for consideration as a "use not listed" per Section 17.48.020(W) and therefore can be considered for a "similar use" determination subject to compliance with the criteria set forth in Section 17.60.140.

In Finding, Section 17.48.020(W), 2 the question of Membership Warehouse Clubs similarity with other uses in the M-1 district was addressed and a favorable finding of general type and similarity was presented.

Conclusion, Section 17.60.140: The criteria set forth in Section 17.60.140 are applicable to the consideration of Membership Warehouse Clubs.

Section 17.60.140(A). The planning commission in ruling upon similar uses shall find as follows:

- 1. That the use is closely related to listed uses and can be found to exist compatibly with those uses;*

Finding, Section 17.60.140(A)(1): See Finding, Section 17.48.020(W) 2 and 3.

Conclusion, Section 17.60.140(A)(1): See Conclusion, Section 17.48.020(W) 2 and 3.

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- 2. That the use was not anticipated or known to exist on the effective date of the ordinance codified in this title, either because it involves products, services or activities not available in the community at the time of the use.*

Finding, Section 17.60.140(A)(2): The City's zoning code was initially adopted in 1981. The first membership warehouse club was opened in 1976 (Price Club), and limited to the San Diego area. It was not until 1983 with the opening of Costco Wholesale and Sam's Club that membership warehouse clubs became a familiar commercial use. As a use membership warehouse clubs were not formally defined by NAICS until 1997. The Standard Industrial Classification system, which preceded the NAICS prior to 1997, did not identify membership warehouse clubs as a specific commercial use.

Conclusion, Section 17.60.140(A)(2): Membership Warehouse Clubs meet the requirements of Section 17.60.140(A)(2).

- 3. That the use is treated under local, state, or national codes or rules in the same manner as permitted uses. Except that these codes or rules shall not include land use or zoning regulations;*

Finding, Section 17.60.140(A)(3): Membership Warehouse Clubs are treated under local, state, and national codes in a manner similar to other permitted uses with regard to the environment, health, safety, and general welfare laws and regulations.

Conclusion, Section 17.60.140(A)(3): Membership Warehouse Clubs meet the requirements of Section 17.60.140(A)(3).

- 4. That the use is consistent with the purpose of the district and the comprehensive plan map and policies. "*

Finding, Section 17.60.140(A)(4): This criteria not only requires consistency with the intent of the M-1 district, but also consistency with the comprehensive plan map and policies. The findings presented in Section 17.48.020(W), 4 addresses consistency with the intent of the M-1 district. In this section consistency with the comprehensive plan and policies will be addressed. There are three elements of the City's Comprehensive Plan that apply to the consideration of Membership Warehouse Clubs as a "similar use". Those three elements are; Land Use Element, Economic Element, and the Transportation Element. The findings pertaining to each of these elements is presented in Parts 5 through 7.

Conclusion, Section 17.60.140(A)(4): See Parts 5, 6 and 7 of these Findings.

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PART 5 – MEMBERSHIP WAREHOUSE CLUBS, LAND USE ELEMENT

"The Land Use Element contains the goals and policies for the physical use of the land. It combines the land use aspects of all other elements into an overall configuration of compatible land uses that is in balance with statewide goals as well as in balance with local goals, community needs, and the environment."

The City's Land Use Plan designates two types of industrial lands; Light Industrial (M-1) and General Industrial (M-2). The question of "similarity" applies to the Light Industrial lands, which are designated on the Zoning Map as M-1, Industrial District.

The following Land Use Element goals and policies apply to the City's industrial land use designations:

Goal 1: To establish a strong and diversified industrial sector of the community.

Finding, Goal 1: As stated in Goal 1 it is the City's objective to provide an industrial land base that both strengthens and diversifies the City's industrial sector. The Land Use Element does not define what constitutes the City's industrial sector. The M-1 district and M-2 district listing of permitted uses does provide a clear understanding of the types of uses that, by reference, define the City's industrial sector. As defined in Part 2 the term "industrial use" describes a very broad, and open ("not limited to"), listing of uses that are considered industrial. Similarly, Part 2 also defines non-industrial uses, an example of which includes wholesale operations. As illustrated in Part 3, Table 1, the City's M-1 district contains a combination of both industrial uses and non-industrial uses, establishing that the intent of the M-1 district is to accommodate a diversity of industrial and non-industrial uses. The combination of industrial and non-industrial uses (heavy commercial) in the M-1 district supports the City's goal in diversifying its industrial sector.

The question is whether, or not, Membership Warehouse Clubs reinforce the City's goal to diversify uses in the M-1 district. As a use Membership Warehouse Clubs are characterized as a hybrid of retail, wholesale, and warehousing uses. As a hybrid Membership Warehouse Clubs do offer a unique opportunity to further diversify the City's industrial sector, particularly in reference to the creation of family wage jobs.

Conclusion, Goal 1: Consistent.

Goal 2: To maximize industrial expansion and new development opportunities in locations that utilize existing highways, rail facilities and other infrastructure, are in close proximity to employee housing areas, and will minimize conflicts with all non-industrial land uses.

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Finding, Goal 2: Membership Warehouse Clubs offer a new development and employment opportunity appropriate for the M-1 district. All M-1 lands within the City are served by existing infrastructure and are in close proximity to the City's residential areas.

Conclusion, Goal 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district is consistent with the intent of Goal 2.

Policy 1: Maximize the industrial development potential of the Highway 99/Southern Pacific railroad corridor through the City by providing site for industrial development along the corridor to meet the needs to the year 2000.

Finding, Policy 1: The lands along the Highway 99/railroad corridor are primarily zoned TOD/GC with an underlying zoning of M-1. The largest single parcel is less than one acre. Membership Warehouse Clubs typically require a minimum of 8-10 acres. As proposed the modifications to the M-1 district do not affect the Highway 99/Southern Pacific railroad corridor.

Conclusion, Policy 1: Not Applicable.

Policy 2: Provide locations for "General Industrial" (M-2 zone) in the northwest portion of the community where such development can take advantage of the rail, highway and freeway facilities while having a minimal impact on other non-industrial land uses within the community.

Finding, Policy 2: Inclusion of Membership Warehouse Clubs as a conditional use does affect the M-2 zoning district.

Conclusion, Policy 2: Not Applicable.

Policy 3: Work toward the development of requirements and guidelines for the establishment of industrial parks or other forms of master planning in the larger industrial districts that could be adversely affected by individual industries being developed without proper coordination with adjacent properties.

Finding, Policy 3: The majority of the City's M-1 zoned lands are currently located within a planned, or developed, industrial park. Additionally, the City's land development regulations and Transportation System Plan regulate street circulation to assure that all development contributes to improvement of the City's street connectivity. The inclusion of Membership Warehouse Clubs does not affect the City's continued ability to master plan industrial parks.

Conclusion, Policy 3: Not Applicable.

Policy 4: Require that all industrial land use proposals for lands adjacent to the urban Growth Boundary and agricultural land uses include provisions for buffering the facilities

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from agricultural land uses outside the UGB, if there is any potential for conflict between the uses.

Finding, Policy No. 4: At this time the City's planned industrial lands do not abut agricultural lands. Further, the pending Regional Problem Solving agreement requires the City to adopt and implement the agricultural buffering standards set forth in the Regional Plan.

Conclusion, Policy 4: Not Applicable.

Policy 5: Ensure through the plan review process that all industrial development proposals adequately address the importance of maintaining environmental quality, particularly air and water quality, and include a plan for the protection of the Jackson Creek and Griffin Creek corridors, as shown on the Plan map and discussed in the Environmental Management Element of the Comprehensive Plan.

Finding, Policy 5: The City's plan review process as set forth in Section 17.72 Site Plan, Landscaping and Construction Plan Approval regulates the development review process. Based on the City's current land use plan and zoning there are no industrially zoned or planned lands that abut either Jackson Creek, or Griffin Creek.

Conclusion, Policy 5: Not Applicable.

Policy 6: Consider the need to require a "Beautification" or "Frontage Landscape" plan to be included in industrial proposals to help create an industrial environment that is attractive to community residents and prospective industries.

Findings, Policy 6: Section 17.48 contains provisions for the landscaping of industrial frontage. This requirement is further enforced through the provisions set forth in Section 17.72 Site Plan, Landscaping and Construction Plan Approval. The inclusion of Membership Warehouse Clubs will not alter, or otherwise affect the application of the City's "Beautification" or "Frontage Landscape" requirements.

Conclusion, Policy 6: Not Applicable.

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PART 6 – MEMBERSHIP WAREHOUSE CLUBS, ECONOMIC ELEMENT

The City's Economic Element addresses the requirements of Goal 9 (Economy of the State). It is the ultimate goal of both the City and the state to provide for a local economy that contributes to the local and state economy. The term "industry" as used in the Economic Element refers to all sectors of the economy; however, the primary emphasis is on the provision of suitable sites for the location of the basic sector industries, but not to the disadvantage of the non-basic sector.

With regard to Statewide Planning Goal 9 (Economy of the State) it is the state's primary objective to provide an adequate land supply for economic development and employment growth. Each community is provided the opportunity to address economic development as it deems appropriate to their individual needs as specified in their comprehensive plans' goals and policies.

The framework for the City's economic development program is presented in eight (8) elements and related policies. The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district has been compared against each of these elements and their related policies as follows:

1. Information, Research and Technical Assistance

Policy 1, Information, Research and Technical Assistance. Utilize the results of the 1980 Census, when available, to provide the detailed data necessary to complete the profile of the community and region.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district does not alter or otherwise affect the source of data.

Conclusion, Policy 1: Not Applicable.

Policy 2, Information, Research and Technical Assistance. Request assistance from the Department of Economic Development in the development of the economic development program, and remain aware of the ongoing plans and activities of the County and other area communities.

Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district does not alter or otherwise affect the City's economic development programming.

Conclusion, Policy 2: Not Applicable.

Policy 3, Information, Research and Technical Assistance. Encourage the local Chamber of Commerce, Economic Development Committee and other interested persons and organizations to become involved in the City's plans and programs.

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Finding, Policy 3: Through the public involvement process the City has specifically contacted the Chamber of Commerce to discuss the inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district.

Conclusion, Policy 3: This policy is not directly applicable to Membership Warehouse Clubs other than the procedural notification, which the City has complied with per the requirements of Section 17.60.140.

2. Planning and Regulation

Policy 1, Planning and Regulation. Continue to refine City regulations pertaining to economic development to ensure that the program can be carried out and that such development will be an asset to the Community and region.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use represents the City's conscience effort to effort to refine its zoning regulations as it deems necessary to encourage the continued development of a diversified industrial base.

Conclusion, Policy 1: The inclusion of Membership Warehouse Clubs is consistent with the City's economic development policies as set forth in the Economic Element.

Policy 2, Planning and Regulation . Continue to emphasize the need to maximize the potential of major existing facilities that represent major public investments, but are presently underutilized (Emphasis on railroad, Highway 99, the I-5 Freeway and the airport related to industrial development, and Pine Street/Head Road for commercial, office-professional and tourist development).

Findings, Policy 2: A determination of "similarity" would all offer additional opportunities to maximize the use of existing infrastructure.

Conclusion, Policy 2: Consistent.

Policy 3, Planning and Regulation. Implement policies of the Housing and Land Use Elements pertaining to the orientation and buffering of non-industrial and non-commercial land uses by modifying existing codes to require these actions.

Findings, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district does not affect the City's development standards for the M-1 district.

Conclusion, Policy 3: Not Applicable.

3. Assembly and Disposal of Land

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Policy 1, Assembly and Disposal of Land. Work with developers to ensure that proposed plans are consistent with the overall development concept of the area and will not create obstacles to the future development of neighboring sites.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to manage development within the M-1 district.

Conclusion, Policy 1: Not Applicable.

Policy 2, Assembly and Disposal of Land. Study the benefits of developing "concept plans" for the coordinated development of critical areas, such as the Seven Oaks Interchange Area and other industrial sites along the railroad.

Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to study the benefits, or otherwise pursue concept plans for industrial development within the M-1 district.

Conclusion, Policy 2: Not Applicable.

Policy 3, Assembly and Disposal of Land. Consider initiating the planning for an industrial park along the railroad that would provide for a greater degree of development coordination and might qualify for state or federal financial assistance.

Finding, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to initiate plans for an industrial park within industrially zoned lands along the railroad.

Conclusion, Policy 3: Not Applicable.

4. Provision of Physical Facilities

Policy 1, Provision of Physical Facilities. Ensure that the City's plans for public facilities and utilities are phased according to the most desirable progression of development.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to plan for public facilities.

Conclusion, Policy 1: Not Applicable.

Policy 2, Provision of Physical Facilities. Strive to provide all necessary public facilities to the industrial (and commercial) sites prior to inquiries to avoid losing potential firms because of inadequate facilities.

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Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to provide necessary public facilities to industrial/commercial sites prior to inquiries.

Conclusion, Policy 2: Not Applicable.

Policy 3, Provision of Physical Facilities. Utilize the plans for public facilities and services as a guidance instrument to implement the Plan in accordance with community needs and planned growth.

Finding, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to utilize plans for public facilities and services.

Conclusion, Policy 3: Not Applicable.

Policy 4, Provision of Physical Facilities. Include the development of public facilities in a capital improvements program to ensure coordinated and adequately financed development of the facilities.

Finding, Policy 4: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's capital improvement planning.

Conclusion, Policy 4: Not Applicable.

5. Site Development

Policy 1, Site Development. Ensure that all new development is in conformance with City codes, as well as applicable state and federal requirements.

Finding, Policy 1: All development proposals within the City are subject to compliance with the land division and zoning regulations set forth in the City of Central Point Municipal Code. The proposed inclusion of Membership Warehouse clubs as an allowed use will not affect the City's land development and use standards.

Conclusion Policy, 1: Not Applicable.

Policy 2, Site Development. Seek ways to improve codes and repair deficiencies that may be identified as development occurs.

Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district is in accordance with Section 17.48 and Section

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17.60.140 relative to addressing uses not previously recognized, or otherwise identified as an allowed use in any zoning district.

Conclusion, Policy 2: Consistent.

Policy 3, Site Development. Consider the development of an "industrial park", as recommended in the Land Use Element and discussed in other elements of this Plan.

Finding, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to consider the development of industrial parks. A majority of the City's M-1 lands are currently within a developed or planned industrial park.

Conclusion, Policy 3: Not Applicable.

Policy 4, Site Development. Ensure through the plan review process that all proposed developments are consistent with the Comprehensive Plan and are of the highest possible quality.

Finding, Policy 4: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will be subject to all development requirements imposed within the M-1 district. As per these findings it has been determined that Membership Warehouse Clubs are similar to other uses allowed in the M-1 district. Further, by these findings it has also been determined that the inclusion of Membership Warehouse clubs is consistent with the City's Comprehensive Plan.

Conclusion, Policy 4: Consistent.

Policy 5, Site Development. Ensure that proposed development plans will not create obstacles to the future development of adjacent parcels.

Finding, Policy 5: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district is relegated to the status of a conditional use. The purpose of this allowed use classification is to assure that any proposed Membership Warehouse Club does not create any adverse impacts on existing and future adjacent uses within the area relative to traffic circulation.

Conclusion, Policy 5: Consistent.

6. Non-Financial Incentives to Development

Policy 1, Non-Financial Incentives to Development. Strive toward implementation of the Comprehensive Plan to ensure the overall development of the community that will be attractive to prospective industries and will provide a high quality community in which to live.

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Finding, Policy 1: As a use the inclusion of Membership Warehouse Clubs within the M-1 district will not adversely affect the overall development of the City in such a manner that it would negatively affect the attractiveness of Central Point as a place to live and do business.

Conclusion, Policy 3: Consistent.

Policy 2, Non-Financial Incentives to Development. Undertake promotional opportunities that will emphasize the location and quality of the community and will demonstrate the long-range plans of the City.

Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to undertake promotional opportunities.

Conclusion, Policy 2: Not Applicable.

Policy 3, Non-Financial Incentives to Development. Ensure that all future activities of the City are consistent with the goals directed toward continued improvement of the community.

Finding, Policy 3: The process employed in the determination of Membership Warehouse Clubs as a "similar use" has included a comprehensive evaluation of such a decision with the City's Comprehensive Plan and the purpose of the M-1 district. Membership Warehouse Clubs have been found to be similar to other uses allowed within the M-1 district, while at the same time contributing to the economic base of the City.

Conclusion, Policy 3: Consistent.

7. Financial Incentives, Assistance to Development

Policy 1, Financial Incentives, Assistance to Development. The City will consider legal tax concessions only as a last resort as an inducement to development.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to propose, or otherwise address tax concessions as an inducement to development.

Conclusion, Policy 1: Not Applicable.

Policy 2, Financial Incentives, Assistance to Development. Actions that could produce a short-term economic gain should be passed over if it could also detract from the quality of the environment and become a serious detriment to the long-range plans of the Community.

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Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district is not considered as a short-term economic gain. Membership Warehouse Clubs are considered to be a valid use within the M-1 district providing benefits similar to warehousing and other similar uses allowed in the M-1 district, and as such will not be a detriment to the long-range plans of the City.

Conclusion, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use in the M-1 district is consistent with this policy.

Policy 3, Financial Incentives, Assistance to Development. Investigate alternative financial incentives such as offering loan guarantees or direct loans financed through the issue of tax-free general obligation bonds floated by a local development corporation.

Finding, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to develop financial incentives to encourage economic development.

Conclusion, Policy 3: Not Applicable.

8. Advertising, Promotion, and Prospect Assistance

Policy 1, Advertising, Promotion, and Prospect Assistance. Work with state agencies, including D.E.D. and the Department of Transportation to gain contact with firms seeking to relocate.

Finding, Policy 1: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to work with state agencies to facilitate recruitment of firms.

Conclusion, Policy 1: Not Applicable.

Policy 2, Advertising, Promotion, and Prospect Assistance. Encourage the City's Economic Development Committee to take a leading role in advertising, promotion and prospect assistance.

Finding, Policy 2: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to advertise, promote, or otherwise seek means of soliciting industrial development.

Conclusion, Policy 2: Not Applicable.

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Policy 3, Advertising, Promotion, and Prospect Assistance. Consider the preparation of a brochure or other types of advertising materials that can be mass produced and appropriately distributed.

Finding, Policy 3: The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not affect the City's ability to advertise, promote, or otherwise seek means of soliciting industrial development.

Conclusion, Policy 3: Not Applicable.

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PART 7 – MEMBERSHIP WAREHOUSE CLUBS, TRANSPORTATION ELEMENT

The proposed determination of "similarity" of Membership Warehouse Clubs as an allowed use within the M-1 district has been evaluated against the applicable goals and policies of the City's Transportation Element.

Goal 3.1, Land Use: To effectively manage the use of land within the Central Point urban area in a manner that is consistent with, and that supports, the successful implementation of this Transportation System Plan.

Finding, Goal 3.1: The inclusion of Membership Warehouse Clubs within the M-1 district as an allowed use (conditional use) enables the City to effectively distribute traffic to areas of lesser trip generation, as opposed to concentrating uses with high trip generation characteristics. This is done with the understanding that Membership Warehouse Clubs are unique uses found to be similar to and compatible with other uses allowed in the M-1 district. Any actual proposed Membership Warehouse Development proposal will be subject to the City's development standards, including the ability to require a traffic impact analysis (17.05.900).

Conclusion, Goal 3.1: Complies.

Policy 3.3.1, The City shall manage the land use element of the Comprehensive Plan in a manner that enhances livability for the citizens of Central Point as set forth in the Transportation System Plan.

Finding, Policy 3.3.1, Land Use: The inclusion of Membership Warehouse Clubs as an allowed use (conditional use) within the M-1 district has been found to be consistent with the City's Land Use Element (See Part 5).

Conclusion, Policy 3.3.1, Land Use: Consistent.

Policy 3.1.2, Land Use: The City shall continuously monitor and update the Land Development Code to maintain best practices in transit oriented design consistent with the overall land use objectives of the City.

Finding, Policy 3.1.2, Land Use: The proposed inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district does not affect the City's planning for transit oriented development, or the City's transit orient development standards.

Conclusion, Policy 3.1.2, Land Use: Not Applicable.

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PART 8 – MEMBERSHIP WAREHOUSE CLUBS

SECTION 17.10.600 AND TRANSPORTATION PLANNING RULE, 660-012-0060

In a letter from John Renz, Department of Land Conservation and Development (DLCD) dated December 18, 2008, the issue of compliance with OAR 660-12-0060 questioning "significant effect" was raised. This Part 8 of the Findings has been prepared in response to DLCD's question regarding "significant effect" of the similar use determination.

Section 17.10.600 of the City's zoning ordinance sets forth provisions addressing the question of "significant effect" when considering Comprehensive Plan or zoning district changes that may have an effect on the City's transportation facilities. Section 17.10.600 is based on the provisions set forth on OAR 660-12-0060. Both Section 17.10.600 and OAR 660-12-0060 require that certain considerations be addressed relative to an amendment's affect on a transportation facility.

The consideration of Membership Warehouse Clubs is an interpretive question regarding similar use, it does not amend the Comprehensive Plan, nor does it change any zoning districts, or amend zoning regulations. It is not an amendment to the M-1 zoning district, and as such the above cited sections do not apply. However, to assure that the consideration of Membership Warehouse Clubs is complete these finding address Section 17.10.600 and OAR 660-12-0060.

Background

The primary transportation facilities that service M-1 lands are Table Rock Road (principal arterial) and Hamrick Road (collector). Pine Street (principal arterial), and Vilas Road (minor arterial) also serve the M-1 area. All M-1 zoned lands are in excess of ½ mile from I-5 Interchange 33.

660-012-0060

Plan and Land Use Regulation Amendments

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Finding, 660-012-0060(1)(a): The inclusion of Membership Warehouse Clubs as a conditional use within the M-1 district will not cause a change in the functional classification of transportation facilities serving the M-1 district. All transportation facilities as defined in the City's TSP will be retained as currently defined.

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Conclusion, 660-012-0060(1)(a): Not a significant affect.

(b) Change standards implementing a functional classification system; or

Finding, 660-012-0060(1)(b): The inclusion of Membership Warehouse Clubs as a conditional use within the M-1 will not cause a change in the standards implementing the City's functional classification system as set forth in the TSP.

Conclusion, 660-012-0060(1)(b): Not a significant affect.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Finding, 660-012-0060(1)(c)(A): As a conditional use Membership Warehouse Clubs, within the M-1 district, will not result in types or levels of travel or access that are inconsistent with the functional classification of the City's existing or planned transportation facilities. All M-1 lands are currently served by the City's primary arterial and collector street system.

Conclusion, 660-012-0060(1)(c)(A): The inclusion of Membership Warehouse Clubs as an allowed use within the M-1 district will not cause a change in the type or level of travel or access inconsistent with the City's functional classification system of an existing or planned transportation facility.

*(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan;
or*

Finding, 660-012-0060(1)(c)(B): A determination that Membership Warehouse Clubs as a conditional use are similar to other allowed uses in the M-1 district will not cause the performance of an existing or planned transportation facility to fall below acceptable performance standards. Only at such time as a Membership Warehouse Club is actually developed would there be a demand on the City's transportation facilities that may, or may not, affect the transportation's minimum level of performance. As proposed the Membership Warehouse Clubs would be allowed as a conditional use and subject to compliance with all development standards of the City, including the Transportation System Plan.

It is possible that the development of any use permitted in the M-1 district, Membership Warehouse Clubs included, could cause a reduction in the minimum level of service, in which case the development proposal would be responsible for the mitigation of traffic impacts to acceptable levels. Section 17.05.900 Traffic Impact Analysis contains

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provisions for the evaluation of a development's traffic impacts and mitigation of those impacts to acceptable minimum levels.

Conclusion, 660-012-0060(1)(c)(B): A determination that Membership Warehouse Clubs are a similar use will not cause a reduction of performance standards to existing or planned transportation facilities below minimum acceptable standards.

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finding, 660-012-0060(1)(c)(C): See Finding 660-012-0060(1)(c)(B).

Conclusion, 660-012-0060(1)(c)(C): See Conclusion 660-012-0060(1)(c)(B).

(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Finding, 660-012-0060(2)(e): A determination that Membership Warehouse Clubs area similar use to uses permitted within the M-1 district will not result in a significant effect on the City's transportation facilities, however it does provide an opportunity that such an effect may occur. As an accommodation to this possibility Membership Warehouse Clubs are proposed as a conditional use. The purpose of the conditional use classification is to provide further assurances that Membership Warehouse Clubs are compatible with, and complimentary to adjacent uses, including mitigation of traffic impacts. Section 17.05.900 Traffic Impact Analysis requires that developments meeting certain criteria are required to complete and submit a traffic impact analysis.

Conclusion, 660-012-0060(2)(e): As a conditional use, and using Section 17.05.900 the City has in place methods and means to evaluate and impose mitigation to potential project generated transportation impacts resulting from the development of Membership Warehouse Clubs, or any other use within the M-1 district.

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PART 9 – MEMBERSHIP WAREHOUSE CLUBS CONDITIONAL USE AUTHORIZATION, SECTION 17.48.040(A)

Section 17.48.040 Conditional Uses. *The following uses and their accessory uses may be permitted in an M-1 district when authorized in accordance with Chapter 17.76 (Conditional Use Permits).*

A. Business offices and commercial uses that are compatible with and closely related in their nature of business to permitted uses in the M-1 district, or that would be established to serve primarily the uses, employees, or customers of the M-1 district.

Finding Section 17.48.040. This section serves as further acknowledgement that uses within the M-1 district are not strictly limited to primary and/or secondary sector industrial uses. Provided that a determination can be made that the use is compatible with and closely related to business permitted in the M-1 district, office and commercial uses can be allowed as conditional uses. Section 17.60.140 sets forth the criteria used to determine "similarity" for allowed uses within a district. Part 4 of these findings address the criteria for "similar" use. As a safeguard to compatibility with other permitted uses it is proposed that Membership Warehouse Clubs be classified as a conditional use. As a conditional use Membership Warehouse Clubs will have to, on a case-by-case basis, address and mitigate traffic and site planning conflicts as a condition of approval.

Conclusion, Section 17.48.040. See Part 4 for conclusions.

EXHIBIT "A – CITY COUNCIL FINDINGS"

PART 10 – SUMMARY CONCLUSION

With regard to the question of similarity it has been demonstrated in these findings that Membership Warehouse Clubs are similar and closely related to, and can exist compatibly with uses permitted in the M-1 district. As a use Membership Warehouse Clubs are a hybrid combining elements of retail, warehousing, and wholesaling that are suitable to the intent of the City's light industrial M-1 zoning district.

The inclusion of Membership Warehouse Clubs will serve to diversify the City's industrial base allowing additional, but limited/non-competing, opportunities for family-wage employment, generating development. Considering the physical and functional characteristics of Membership Warehouse Clubs, and the City's current development controls, Membership Warehouse Clubs are a logical extension of the uses allowed within the M-1 district.

The inclusion of Membership Warehouse Clubs, as a conditional use, within the M-1 district is found to comply with all applicable criteria set forth in Section 17.48.020(W) and Section 17.60.140(A) of the Zoning Ordinance.