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SURVEY

TO: Marion County Hearings Officer

FROM: Marion County Planning Division/Lindsey King

SUBJECT: Comprehensive Plan/Zone Change 22-001

DATE: March 17, 2022

The Marion County Planning Division has reviewed the above-referenced application and offers the following comments:

FACTS:

1. Application of Trung Diep (Chom) and Alyssa Tieu to change the comprehensive plan designation from Multi-Family Residential to Single Family Residential and to change the zone from UD (Urban Development) to RS (Single Family Residential), on a 0.76-acre parcel located at 4694 Center St. NE, Salem (T7S; R2W; Section 29BB; tax lot 30001). The subject property is within the Salem Urban Growth Boundary (UGB) and designated Multi-Family Residential in the Salem Area Comprehensive Plan (SACP). The property's current UD zoning is under the jurisdiction of Marion County. The applicant is not proposing any additional development.
2. The property is located on the south side of Center Street NE, 0.70 miles east from its intersection with Landcaster Dr. NE; roughly 0.45 miles west of Cordon Rd NE. The parcel is generally flat and developed with a single-family home and accessory buildings. The parcel has direct access from to Center St. NE. The parcel was created in 1889 by subdivision Hampden Park and is therefore considered a legal parcel for land use purposes.
3. Abutting property to the west is zoned UD (Urban Development) and developed with a single-family home, properties to the north are zoned RS (Single Family) within Salem City limits and developed with single family dwellings, property to the east and south are zoned RM2 (Residential Multifamily) within Salem City limits and are currently being developed with apartments.

COMMENTS:

4. Marion County Septic commented: "This property is in the UGB, which means they will likely need to connect to the sewer if it is within 300 feet. The application states they will be connecting to city services. In this case, no comment. If not, the case they will need a site evaluation."

City of Salem, Planning Division commented that the division would not be supportive of the proposal making notes that the proposal is not consistent with the City of Salems Comprehensive plan designation and that current and future development would render this parcel inconsistent with surrounding developments. See full comments in file.

City of Salem, Public Works commented: Future development of the property would require a water connection which would require annexation pursuant to Council Policy X-4.

Marion County Building Inspection commented: No Building Inspection issues. As mentioned in their application, permits are required for any future development on private property.

Salem Keizer Public Schools made comments that can be found in the file.

Other contacted agencies either had no comment or stated no objection to the proposal.

STAFF FINDINGS AND ANALYSIS:

5. According to the Salem-Keizer Urban Area (Regional) Procedures and Policies of the Salem Area Comprehensive Plan, the following applies to the question of jurisdiction: “Marion County has exclusive jurisdiction over all land use actions applicable within that portion of the Salem Urban Area and Keizer Urban Area that are outside the Salem city limits and outside the Keizer city limits other than regional planning actions and amendments to the urban area policies.”
6. Under Marion County Code (MCC) 16.43.020 approval of a non-legislative plan amendment shall include findings that the change meets the following criteria:
 - A. *Conformance with the Comprehensive Plan goals, policies and intent, and any plan map amendment criteria in the plan, or intergovernmental planning coordination agreement, pertaining to unincorporated lands.*

The applicant proposes to change the Comprehensive Plan designation from Multi-Family Residential to Single-family Residential. The subject property is not within the city limits of Salem, but is within the Salem Urban Growth Boundary. The goals and policies of the Salem Area Comprehensive Plan (SCAP) apply to the proposal, but the authority to decide land use policies lies with Marion County. The proposal acknowledges the goal and policies; however, the proposal is not consistent with the intent of the SACP designation and goals of future development. MCC 16.43.020 (A) has not been met.

- B. *The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation are consistent with projected needs for such lands in the Comprehensive Plan.*

The applicant states that according to the Salem 2015 Housing Needs Analysis (HNA), the city has a surplus of 1,975 acres for Single Family residential development and a deficit for multifamily residential development. The proposal would take approximately 0.76 acres of land away from multi-family residential and designate it to single-family zoning with one home. The proposal enlarges the existing surplus of single-family residential land. Goal 10 requires that cities have adequate land within their urban growth boundary for all types of housing. Because this proposal would reduce the amount of needed multi-family land and increases the existing surplus of single-family land, the criterion in MCC 16.43.020 (B) has not been met.

- C. *Uses allowed in the proposed designation will not significantly adversely affect planned uses on adjacent lands.*

The applicant makes findings that the proposed zone change would allow for the existing single-family home to remain with the potential for future middle housing, through House Bill 2001 (HB 2001). HB 2001 however does not pertain to parcels within county jurisdiction; therefore, no middle housing would be permitted until such time as the parcel is annexed into the City of Salem. In fact, many of the middle housing types of homes can already be developed in the existing multi-family zone.

Additionally, due to the multi-family housing deficit this proposal would adversely affect planned uses on the subject parcel and adjacent lands. In a memo from the City of Salem, staff they note that the proposal would be inconsistent with the surrounding properties and the plans for future development.

Multi-Family developments (duplexes and higher density housing units) are often used to buffer Single-Family development from roads and more intense uses such as commercial. Applicant describes how this proposed zone will allow for the single-family home to serve as a buffer to more intense uses. This is not the intent of the area and would adversely affect planned used on adjacent lands. The criterion in MCC 16.43.020 (C) has not been met.

D. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future.

The applicant has made findings that state the subject property is within the Suburban East Salem Water District and has access to City of Salem infrastructure. The water, sewer and storm facilities in the area appear to be adequate to support any future development. The criterion in MCC 16.43.020 (D) is met.

7. Under Marion County Code (MCC) 16.39.050, approval of a zone change shall include findings that the change meets the following criteria:

A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

The existing Plan designation in the Salem Area Comprehensive Plan (SACP) is Developing Residential, and the proposed designation is Single-Family Residential. Policies applicable to the proposal are:

Residential Development Policy 3 City codes and ordinances shall encourage the development of passed over lands or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhood.

The applicant states that the parcel is currently developed with a single-family home and accessory structure(s). The applicant states that if the comprehensive plan and zone change are approved then the property owner intends to keep the parcel as is with the existing single-family home. No plans for redevelopment were mentioned or submitted. Residential Development policy 3 is not met.

Residential Development Policy 6 Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones.*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*

- c. *Multiple family developments shall be located in areas that provide walking, auto, or transit connections to:*
- (1) *Employment centers;*
 - (2) *Shopping areas;*
 - (3) *Transit services;*
 - (4) *Parks;*
 - (5) *Public Buildings*

The applicant states that the property is in an urbanized area of the city where services exist in the vicinity. The applicant provides evidence in applications stating that public facilities and services, as well as transportation corridors to support that the development will be in compliance with this policy. Transit connections are provided to on Center Street, directly across from the subject property which provides access to employment centers, shopping areas, transit services, parks, and public buildings. Residential Development Policy 6 can be met.

Residential Development Policy 7 Residential neighborhoods shall be served by transportation systems that provide access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

- a. *The transportation systems shall promote all modes of transportation and dispersal rather than concentration of through traffic*
- b. *Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving*
- c. *The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

The application states that the existing street transportation system in the vicinity of the subject parcel establishes a framework of arterials that provide both east/west and north/south access across the area, allowing for a variety of routes to be used by car, bike or on foot. Regarding the topography of the area, it is relatively flat and well drained. Most intersections are broad with good site distance due to a lack of significant vegetation such as trees and shrubs. Residential Development Policy 7 can be met.

Residential development policy 9 Alternative residential development patterns, subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- a. *The use of all modes of transportation;*
- b. *Reduction in vehicle miles travelled and length of auto trips; and*
- c. *Efficiency in providing public services*

Applicant provides findings that the existing street network promotes the use of all modes of transportation and being located next to major arterials and business centers will encourage trips to be taken by modes other than a car. Notwithstanding the multi-modal nature of the surrounding area, trips taken by automobile will still be adequately served by the existing infrastructure. Residential Development Policy 9 can be met.

- B. *Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.*

The subject property is in an area with existing infrastructure, including water, sewer, electric, and telecommunication services. As previously mentioned, the property is served by Cherriots transit service. MCC 16.39.050(B) is met.

- C. *The request shall be consistent with the purpose statement for the proposed zone.*

The RS (Single-Family Residential) zone purpose statement listed under MCC 16.04.000 states:

The purpose of the RS (single-family residential) zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities. Other uses provided in MCC [16.02.010](#) and [16.02.020](#) are also appropriate. These areas are designated as single-family residential or equivalent designation in the applicable urban area comprehensive plan.

The subject property is located approximately 0.25 miles east of Lancaster Drive, a major arterial street and site-generated traffic can be easily accommodated. Moreover, the parcel is located adjacent to Multi-Family zoning on the east and south and surrounded by Single Family zones to the north and to the west Developing Residential with the SACP designation of Multi-Family. According to the applicant statement the applicant intends to keep the existing single-family development on the property with no intention of redevelopment. The density allowed in the RS zone is not compatible with the level of available services, including transportation. Additionally, is not consistent with the intent of the area. By the evidence provided it appears that the property is better suited for multi-Family zoning. The proposed RS (Single Family) zone is not appropriate for the SACP Developing Residential designation. Therefore, MCC 16.39.050(C) is not met.

- D. *If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

The RS (single Family) zone does allow the least intensive uses among the residential zones. However as described above, this change to single family would be within an existing area already zoned and developed with multi-family uses. This zone change could affect future development or re-development of adjacent parcels zoned to more intensive uses. This criterion is not met.

CONCLUSION:

8. Staff recommends denial of the proposal. Should the hearings officer grant the applicant's request for the change in zone from UD to RS, the Planning Division recommends the following conditions be applied:
- A. The applicant shall obtain all permits required by the Marion County Building Inspection Division.
 - B. The applicant shall meet the development requirements of the RS zone, see 16.03.100 through 16.03.250.