



Marion County

OREGON

PUBLIC WORKS

BOARD OF COMMISSIONERS

Danielle Bethall
Colm Willis
Kevin Cameron

DIRECTOR

Brian Nicholas, P.E.

ADMINISTRATION

BUILDING INSPECTION

EMERGENCY MANAGEMENT

ENGINEERING

ENVIRONMENTAL SERVICES

OPERATIONS

PARKS

PLANNING

SURVEY

MEMORANDUM

TO: Marion County Hearings Officer
FROM: Marion County Planning Division/King
SUBJECT: Zone Change 22-003
DATE: May 16, 2022

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

FACTS:

1. Application of Mark Shipman on behalf of 36th Street Property, LLC to change the zone from UT-10 (Urban Transition – 10) to IG (General Industrial), on a 4.54 acre parcel located at 5144 36th Avenue SE, Salem. (T8S, R2W, Section 18B, Tax Lot 1000). The subject property is within the Salem Urban Growth Boundary (UGB) and designated Industrial in the Salem Area Comprehensive Plan (SACP). The property’s current UT-10 zoning is under the jurisdiction of Marion County. The applicant has not finalized plans but proposes to utilize the property within permitted uses in the IG zone.

2. The property is located on the east side of 36th Ave SE, at its intersection with Kashmir Way SE. The subject parcel is a part of Hanshaw Fruit Farms & LYND, lot 7 and is generally flat and currently developed with a single family home and accessory buildings. The parcel has approximately 640 ft of frontage on 36th Ave SE and approximately 310 ft of frontage on Kashmir WY SE. The parcel is considered legally created for land use purposes.

3. Abutting property to the east is zoned General Industrial with a Limited Use overlay. Properties to the west are zoned IC (Industrial Commercial), currently being used as commercial farmland and located within Salem city limits. To the north and south is zoned UT-10 (Urban Transition – 10 acres minimum) and developed with industrial and commercial uses.

COMMENTS:

Turner Fire District made comments that can be found in the file.

Marion County Septic Division commented: The commercial facility will require a septic site evaluation and depending on the estimated flow may become a WPCF permit with Oregon Department of Environmental Quality.

Marion County Assessors Office commented regarding a correction to the request narrative, changing Section 18 to Section 18B.

Marion County Land Development Engineering & Permits commented a list of advisories, as seen below:

- A. PW Engineering has no action items for the proposed Zone Change itself.
- B. MCPW has no formal ‘Site Plan Review’ land use planning step.
- C. Civil site plan design concurrence is strongly recommended prior to application for building permits.
- D. The following are considerations for future site development:
 - 36th Avenue is under City of Salem (City) permitting jurisdiction.
 - Kashmir Way is under Marion County permitting jurisdiction.
 - Right-of-Way (R/W) dedication on 36th Avenue should be anticipated meeting the City’s 36-foot wide half-width for a Minor Arterial. The County will require immediate urban frontage improvements consisting of a 23-foot paved half-width. It will be up to the City as to whether they will accept a development deferral agreement in-lieu thereof.
 - R/W dedication on Kashmir Way will be required. The County’s Local Road standard is a 30-foot-wide half-width, with 30-foot corner radius included. Immediate urban frontage improvements in the form of a 1/4-1/2 street widening will be required, including a pedestrian corner ramp. The County defers to the City’s Collector ‘A’ street standard with the UGB consisting of a 17-foot wide paved half-width.
 - Onsite stormwater attenuation plus water quality treatment will be required. Direct discharge to Kashmir Way must meet County standards, and direct discharge to 36th Avenue must meet City standards.
 - A County 1200-CN Erosion Permit will be required.
 - Santiam Water Control District (SWCD) has irrigation easements within the public R/W’s flanking both Kashmir Way and 36th Avenue subject property frontages. SWCD will need to be coordinated with during respective civil design processes to mitigate impacts to their transmission system.
 - County Transportation SDCs will be assessed at the time of application for Building Permits.
 - Jurisdictional wetlands had been field-verified in the vicinity of the Kashmir Way / 36th Avenue intersection during execution of a county roadway design project that was not constructed.

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) 16.39.050, 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 SACP designation for the subject property is Industrial. The intent of the industrial designation is “to provide a variety of industrial sites for all types of industrial uses throughout the Salem urban area”. The applicant’s proposal will better align with the areas land use designation because it will allow for more industrial oriented uses, which are not permitted on the property in its current zoning designation. The parcel has adequate water, sewer, and access

as well as electrical. The applicant states that any additional services needed will be addressed at the time of development. This criterion is 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 property has access to adequate public facilities, services, and transportation, all of which are currently in place. The applicant states that transportation networks in place serve the IG zoned and designated properties. The parcel is accessed by an existing driveway on 36th Avenue SE. Any additional public facilities, services and transportation network issues will be addressed at time of development. As stated by the applicant, there is no proposed development at this time. This criterion is met.

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

The proposed zone of General Industrial states that:

The purpose of the IG (general industrial) zone is to provide areas suitable for warehousing, secondary processing and packaging and fabricating of finished goods and equipment with related outdoor storage and incidental sales. The general industrial zone is appropriate in those areas designated industrial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway and where permitted uses will not create significant adverse impacts on local and collector streets and residential zones.

The applicant intends to use the subject property for “flex space”, similar to the property to the east. The use is consistent with the purpose of the IG zone and the surrounding uses. There is easy access to Interstate-5 and there are no residential uses in the immediate vicinity of the subject property. Based on applicants’ narrative and the intent of the property this criterion is 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 comprehensive plan designation for the subject parcel and surrounding areas is currently Industrial. Under MCC 16.01.030 the zones that implement this comprehensive designation are Industrial Commercial (IC), Industrial Park (IP), General Industrial (IG), Heavy Industrial (IH), Urban Transition (UT) and Urban Development (UD). The proposed zone of General Industrial will not adversely affect the surrounding area and would best suit the property. This criterion is met.

7. The existing Plan designation in the Salem Area Comprehensive Plan (SACP) is Industrial, and this Plan designation provides for the application of the IG zone proposed by the applicant. Policies applicable to the proposal are:

General development policy 7. Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

No specific development has been proposed for this site. Any industrial development proposed will be submitted after zoning approval. The property is flat and requires little or no topographic alteration or disturbance. No watercourses cross the property. General development policy 7 can be met.

CONCLUSION:

11. Staff recommends approval of the proposal. Should the hearings officer grant the applicant's request for the change in zone from UT-10 to IG, 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 requirements of MCC 16.11.100-240. These sections require landscaping, screening of outdoor storage areas, and appropriate exterior lighting for parking and storage areas that is directed away from adjacent residential properties.
 - C. All current and future development on the property must satisfy the specific development standards in the IG zone (MCC 16.11.000) and the general development standards found in Chapters 16.26.000 through 16.40.000 of the MCC.