



Marion County
OREGON

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

RECEIVED

Do not double-side or spiral bind any documents being submitted

DEC 28 2023

Marion County
Planning

Fee: Please check the appropriate box:

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Zone Change - \$2500+\$40/acre
<input type="checkbox"/> Comprehensive Plan Change - \$3755+\$60/acre
<input type="checkbox"/> Zone Change/Comprehensive Plan Change - \$4510+\$70/acre | <input type="checkbox"/> Mineral Aggregate Site - \$6360 base fee +
\$30/acre – 0-100 acres
\$90/acre – 101-200 acres
\$120/acre – 201-399 acres
\$180/acre – 400+ acres |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

PROPERTY OWNER(S): Freshour Holdings LLC	ADDRESS, CITY, STATE, AND ZIP: 6845 Hazelgreen Rd NE, Salem, OR 97305
PROPERTY OWNER(S) (if more than one): DKG Holdings LLC	ADDRESS, CITY, STATE, AND ZIP: 5273 Oasis Ct SE, Salem, OR 97306
APPLICANT REPRESENTATIVE: Daniel Gonzalez	ADDRESS, CITY, STATE, ZIP: 5273 Oasis Ct SE, Salem, OR 97306
DAYTIME PHONE (if staff has questions about this application): 503-991-8425	E-MAIL: dkgonzalez.503@gmail.com
ADDRESS OF SUBJECT PROPERTY: 3770 State St SE & 3745 La Branch St SE, Salem, OR 97317	SIZE OF SUBJECT PROPERTY: 0.86 acres
The property owners request to change the zone from (current) <u>CR</u> to (proposed) <u>CO</u> and/or change the Comprehensive Plan designation from <u>N/A</u> to <u>N/A</u> . Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? () Yes <input checked="" type="checkbox"/> No If yes, which railroad:	

FOR OFFICE USE ONLY:

Township	Range	Section	Application elements submitted:
07	2W	30CC	
Tax lot number(s) 3400 + 5500			<input checked="" type="checkbox"/> Title transfer instrument
Zone: CR		Comp Plan: C	<input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning
Zone map number: 137		<input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural	<input checked="" type="checkbox"/> Applicant statement
<input checked="" type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable) N/A
Case Number: ZC 23-004			<input checked="" type="checkbox"/> Filing fee
Signs given (min. agg. only):			Application accepted by: NLR Set up by: ACS
Date determined complete:			Date: 12-28-23

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

<u>Daniel Gonzalez</u> Print Name DKG Holdings LLC	<u>Daniel Gonzalez</u> Signature
<u>Cody Freshour</u> Print Name Freshour Holdings LLC	<u>Cody Freshour</u> Signature
_____ Print Name	_____ Signature
_____ Print Name	_____ Signature

DATED this 27 day of December, 2023

Applicant Statement

Requested Action

The applicant is requesting approval of a zone change from Commercial Retail (CR) to Commercial Office (CO) in Marion County. The request affects both 0.43 acre parcels identified as tax lots 3400 and 5500 from Assessors Map 07-2W-30CC (see Attachment A). The subject properties are within the Salem Urban Growth Boundary and are served by existing public water, sewer, and storm drainage (See Attachment C).

The subject properties are within the Salem Urban Growth Boundary (UGB) and designated Commercial in the Salem Area Comprehensive Plan (SACP). The current Urban Development (UD) zoning is under the jurisdiction of Marion County; however, likely will eventually be annexed into the Salem City Limits.

Cody Freshour and Daniel Gonzalez are local real estate investors based in Salem with over a decade of experience. They have backgrounds in property management and brokering real estate.

Existing Conditions

The subject properties have a residential history dating back to at least 1943 when the first of the three single-family homes and two duplexes currently on the properties were built. The subject properties are two 0.43-acre parcels located at 3745 La Branch St SE, Salem, and 3770 State St SE, Salem Oregon with approximately 103 feet of street frontage on La Branch Street and 110 feet on State Street. The parcels are generally flat and have three separate single-family dwellings, two duplexes, a detached 1-car garage, and a small shed. Both properties are two near-rectangular parallelograms that share a rear lot line (see Attachment C).

The subject properties are bordered by two MF-zoned single-family homes across La Branch Street to the south, one RS-zoned single-family home and two MF-zoned single-family homes to the west, a Public-zoned utility company and a CR-zoned building supply store to the east, and a CR-zoned RV dealer to the north across State Street (see Attachment A).

Applicable MCC Zone Change Criteria

The requirements for a zone change are found in Marion County Code (MCC) Section 16.39.050 and include:

- 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.

- B. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.
- C. The request shall be consistent with the purpose statement for the proposed zone.
- D. If the proposed zone allows uses more intensive than uses in other zones appropriate for the (and 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 existing designation in the Salem Area Comprehensive Plan is Commercial, and this Plan designation provides for the application of the CO zone proposed by the applicant. This addresses the criterion in (A) above.

There is no proposed or planned development for the properties at this time. The subject properties are served by an existing sanitary sewer line within an easement that runs along the northern boundary of the southern subject property (3745 La Branch St SE) from the east to the west (See attachment B). The properties are served by public water lines in State Street and La Branch Street. This addresses the criterion in (B) above.

The CO (Commercial Office) zone purpose statement listed under MCC 16.05.010.000 states: *"The purpose of the CO (commercial office) zone is to provide areas suitable for professional and general commercial offices, membership organizations, similar low intensity, nonretail commercial services, and medium density residential accommodations. The commercial office zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan and as a transition between residential and more intensive commercial areas."* The applicants have not developed a final plan for the subject properties but would comply with the allowed uses and development standards found in the commercial office zone code should they decide to redevelop the properties in the future. This site is better suited to the CO zoning designation which is intended as a transition between residential and more intensive commercial areas. This addresses the criterion in (C) above.

The CR zone is a more intensive commercial designation, allowing commercial, office, retail, and dining. The proposed CO zone allows similar types of uses as the CR zone but less intensive and with accommodation for some residential. The site is adjacent to both other commercially developed properties to the north and east, mostly within the CR zone, and to residential to the south and west (see Attachment A). The uses on the adjacent properties all appear to be allowed outright uses except for the RM-zoned single-family homes to the south and west. As such, any new development is not anticipated to adversely affect allowed uses on adjacent properties zoned for less intensive use. Development standards listed in the CO zone, such as setbacks and landscaping, are intended to buffer uses allowed in the zone from adjacent residential uses with lower density.

Development on the property would also be subject to special use standards found in Chapters 16.26 through 16.34 of the MCC. This addresses the criterion in (D) above.