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MEMORANDUM

TO: Marion County Hearings Officer
FROM: Marion County Planning Division/Alyssa Schrems
SUBJECT: Zone Change 21-004
DATE: June 24, 2021

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

FACTS:

1. Application of Anthony Arnautov to change the comprehensive plan designation from Developing Residential to Multi-Family Residential and to change the zone from UD (Urban Development) to RM (Multi-Family Residential) on 2.25 acres located at 4310 and 4330 Monroe Avenue NE, Salem (T7S, R2W, Section 30DB, tax lots 500 and 600). The subject property is within the Salem Urban Growth Boundary (UGB) and designated Developing Residential in the Salem Area Comprehensive Plan (SACP). The property's current UD zoning is under the jurisdiction of Marion County. The applicant proposes to keep the house associated with 4330 Monroe Avenue and tear down the other home and redevelop with multifamily units.

2. The property is located on the south side of Monroe Avenue NE, at the intersection of Monroe Ave and Deana Street. There are two parcels, which are both generally flat and developed with a homesite each. Combined, the parcels have approximately 190 feet of frontage along Monroe Avenue NE. The parcels are identified as Lot 23, Block 1 of the 1981 Auburn Addition. The parcels are considered legal for the purposes of land use.

3. Abutting properties to in all directions are zoned RS (Single Family Residential). Properties to the west, north, and east are generally zone RS, with several pockets of UD (Urban Development).

COMMENTS:

4. The City of Salem commented that they support and encourage development consistent with SRC 702- Multiple Family Design Review Standards.

Marion County Septic commented that all septic tanks must be decommissioned per State of Oregon DEQ requirements as utilities will be with city.

Marion County Land Development and Engineering Permits (LDEP) commented:

ENGINEERING ADVISORIES

- 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 general requirements for future site development:
 - Right-of-Way dedication
 - Urban frontage improvements, including pavement widening
 - Construction bonding, permitted R/W improvements
 - Onsite stormwater attenuation and water quality treatment
 - Civil engineering plans
 - Access approval / Permit
 - Deana Street 3-foot Reserve Strip vacation (*potential critical path item)
 - County NPDES 1200-CN Large Development Erosion Permit
 - Utility Permits, service extensions within R/W

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.*
 - 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.*
 - C. *Uses allowed in the proposed designation will not significantly adversely affect planned uses on adjacent lands.*
 - 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.*
7. The applicant did not address the criteria as part of the initial application. Applicant shall have an opportunity to discuss compliance with these criteria at the hearing.
8. 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.*
 - 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 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.*

8. The existing Plan designation in the Salem Area Comprehensive Plan (SACP) is Developing Residential, and the proposed designation is Multi-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 land is currently underutilized as there are only two dwellings developed on the property. The applicant states that if the comprehensive plan and zone change are approved then the property owner intends to redevelop the property with apartment units. Residential Development policy 6 can be 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 increased density will allow development of one unit per 1500 square feet of site area. The applicant also provides evidence in the form of several exhibits showing public facilities and services, as well as transportation corridors to support that the development will be located in compliance with this policy. Transit connections are provided to Lancaster Drive, which provides 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 applicant states that local traffic uses various local streets surrounding the property to travel north and south as Monroe Avenue dead ends further east of the property as it reaches an existing mobile home park. 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*

The applicant will have an opportunity to discuss the Transportation Impact Study more in depth at the hearing. Residential Development Policy 9 can be met.

Residential development policy 10 Requests for rezonings to higher density residential uses to meeting identified housing needs will be deemed appropriate provided:

- a. *The site is so designated on the comprehensive plan*
- b. *Adequate public services are planned to serve the site;*
- c. *The site's physical characteristics support higher density development; and*
- d. *Residential Development Policy 7 is met.*

The subject parcel is designated Developing Residential in the SACP. All public services exist in the surrounding area and connectivity of streets is being addressed as infill development progresses. The property is only 0.25 miles from Lancaster Drive, which is a major regional arterial. The site is relatively flat and has no identified geologic hazard areas mapped in the vicinity. Portions of the property appear to have hydric soils present on it, all located in relation to the West Fork of the Little Pudding River. The West Fork of the Little Pudding River runs along the eastern side of the subject property. The site is also located in the Primary Overlay for the Salem Municipal Airport. As the site is approximately 8,800 feet from the airport, any height restrictions required by the overlay can be assured by requiring that the max height of 35 feet allowed in the RM zone is not exceeded by the proposed development. Residential development Policy 10 can be met.

8. 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 Cherriot's transit service. MCC 16.39.050(B) is met.
9. The RM (Multiple-Family Residential) zone purpose statement listed under MCC 16.04.000 states:

The RM (multiple-family residential) zone is primarily intended to provide for multiple-family dwellings on a lot, or attached dwellings on separate lots, at residential densities greater than permitted in the RL zone. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated as multiple-family residential or an equivalent designation in the applicable urban area comprehensive plan and are provided with urban services. They are suited to locations near commercial office and retail zones and along collector and arterial streets.

The proposed RM zone is appropriate for the SACP Developing Residential designation. The subject property is located approximately 0.33 miles east of Lancaster Drive, a major arterial street and site-generated traffic can be easily accommodated. Moreover, the parcel is located approximately 0.11 miles east of RM designated property on Monroe Ave, and the mobile home park at the terminus of Monroe Ave is also zoned RM. The density allowed in the RM zone is compatible with the level of available services, including transportation. Therefore, MCC 16.39.050(C) is satisfied.

10. The RM zone is intended to provide areas in the community for higher density residential use. The zone allows many of the same uses as the UD zone as well as higher density residential development. Since most surrounding properties on both sides of Monroe Ave are zoned for Single Family or Multi-family residential use, it is unlikely that the additional uses permitted in the RM zone would have an adverse effect on adjacent properties. The City of Salem commented but did not recommend any restrictions or conditions be applied to the property. MCC 16.39.050(D) is met.

CONCLUSION:

11. Staff recommends approval of the proposal. Should the hearings officer grant the applicant's request for the change in zone from UD to RM, 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 RM zone, see 16.04.100 through 16.04.250.
 - C. If annexation occurs before the property is developed, the development shall comply with SRC 702-Multiple Family Design Review Standards as requested by the City of Salem.