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**MARION COUNTY PUBLIC WORKS**

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**MEMORANDUM**

**TO:** Marion County Hearings Officer  
**FROM:** Marion County Planning Division  
**DATE:** July 10, 2025  
**SUBJECT:** Zone Change 25-003

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

**FACTS:**

1. Junyao Cen, on property owned by LuckyJun LLC, proposes to change the zone from RM (Multiple-Family Residential) to CR (Commercial Retail) on a portion of a 0.53-acre parcel located at 193 Lancaster Dr NE, Salem (T7S, R2W, Section 30CC, Tax lot 100). The other portion of the property is already zoned CR and this would make the entire property zoned CR. The subject property is within the Salem Urban Growth Boundary (UGB) and designated Commercial in the Salem Area Comprehensive Plan (SACP). The property's current split RM and CR zoning is under the jurisdiction of Marion County. The applicant proposes to construct a mixed-use building used for both commercial and residential purposes the property, assuming approval of this zone change.

2. The property is located directly west of Lancaster Dr NE, directly northwest of its intersection with Hudson Ave NE. The parcel is generally flat and contains one commercial structure on it. The entire property is paved, while the area surrounding the structure is landscaped with some vegetation.

3. Adjacent properties to the north, south, and east are zoned CR (Commercial Retail) and are mostly in commercial use. The exception to this is one undeveloped parcel directly south, which is zoned RM. Properties to the west and southwest are zoned RM (Multiple-Family Residential) and appear to have a mix of multi-family and single-family residences.

**COMMENTS:**

4. Marion County Planning requested comments from other agencies.

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

**ENGINEERING ADVISORIES**

A. The following are PW Engineering anticipated items for future site buildout:

- Dedicate 48-foot right-of-way half-width along Lancaster Dr
- Dedicate a 30-foot right-of-way half-width along Hudson Ave
- Reconstruct and narrow Lancaster Dr driveway to meet county width and ADA standards
- Consolidate Hudson Ave accesses into one reconstructed ADA- compliant west approach
- Design and construct up to two directional ADA ped corner ramps to replace existing single non-compliant ramp at intersection
- Remove encroaching sidewalk vegetation west end Hudson Ave
- Design, permit and construct stormwater collection, conveyance, detention and water quality treatment system
- Remove concrete pad(s) from expanded public R/W

Marion County Building commented: “Permit(s) are required to be obtained prior to the development of structures and utilities installation on private property. Construction documents are highly recommended to be prepared by an Oregon licensed design professional (architect or engineer) to show the proposed development will meet current building codes requirements.”

All other agencies either failed to comment or stated no comment on 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 subject property is currently a split zone, with a portion of the parcel being zoned Commercial Retail and the remainder being Multiple-Family Residential. The applicants are proposing to change the section of the parcel zoned RM to Commercial Retail. This change would be in alignment with the underlying Comprehensive Plan (Commercial). It would also resolve the existing issue of having an incompatible Zone and Comprehensive Plan combination, as the RM zone does not implement the Commercial Comprehensive Plan designation. The 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 subject property is located directly off Lancaster Dr NE, which is within the Cherriots Public Transit Corridor Overlay. The property has available water and sewer services. The applicant also states that, should any additional utilities and traffic needs be required, they will be addressed during the development process and coordinated with the appropriate public agencies. The criterion is met.

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

The purpose statement for the CR zone is “to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The commercial retail zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan and where the location has access to a collector or arterial street.”

Per the applicant statement, should the zone change be approved, they intend to place a mixed-use building on the western portion of the property. This building will consist of a commercial space with dwelling units on the second floor. Per MCC 16.06.010(A)(1) Dwelling units in conjunction with a commercial use are allowed outright as a permitted use, and are therefore, by default, consistent with the CR zone’s proposed statement. The 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.*

Commercial Retail is the least intensive zone that both fits the Commercial plan designation and that allows for dwelling units in conjunction with a commercial use as an outright permitted use. Commercial Retail is also the zoning of the majority of surrounding properties off Lancaster. The proposal of dwelling units also aligns with the neighboring properties to the west off Hudson Av NE, as these properties are zoned for and contain dwellings. Therefore, Staff does not foresee the proposed zone change having any significant adverse effects on adjacent properties, as a zone change to Commercial Retail would match the current zoning of most neighboring properties. The criterion is met.

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

***E 1 Economic Development Goal:*** *Strengthen and diversify the economy to enhance Salem’s economic prosperity and resiliency. (SUA)*

The proposed zone change meets many of the policies within this section; as the Commercial Retail zoning allows for multiple commercial uses beneficial to economic growth. The criterion is met.

***E 2 Land Supply Goal:*** *Maintain an adequate supply of land to meet Salem’s economic and employment needs. (SUA)*

***E 2.1 Employment land:*** *The City shall provide a supply of employment land that accommodates the amounts, size, types, locations, and service levels needed to meet the short-term and long-term employment growth forecasts for the Salem Urban Area. (SUA)*

The Salem Comprehensive Plan designates the subject parcel as Commercial. The proposed zone change would bring the RM portion of the parcel into conformity with the long-term growth forecast for Salem. The mixed-use development provides a zone appropriate service to the surrounding area and aids in residential, economic, and employment goals. The criterion is met.

***E 3 Access and Livability Goal:*** *Promote a vibrant economy that increases access to jobs, goods, and services.*

***E 3.2 Transit-oriented development:*** *Pedestrian-friendly, mixed-use development and redevelopment should be encouraged along corridors with frequent transit access and near Cherriots' Core Network to increase access to jobs and services, reduce the need for single-occupancy vehicle trips, and support public transit.*

Lancaster Dr NE is classified as a Major Arterial Road and is a main service branch and key focus area for Cherriots bus routes. There are frequent services along the said transit corridor, and therefore has convenient access to jobs, goods, and services. Furthermore, the encouragement of mixed-use development is met with the applicant's proposal. The criterion is met.

***L 1 Urbanization and Growth Management Goal:*** *Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands. (SUA)*

***L 1.10 Infill:*** *Development of vacant and underutilized land with existing urban services should be encouraged before converting urbanizable lands to urban uses and extending services beyond presently served areas.*

The subject property is within the Salem Urban Area, is surrounded by development, and the western portion of the property (which is the focus of this zone change application) is vacant but has immediate access to services. Approval of the zone change would promote potential development of underutilized land within the existing urban services area. The criterion is met.

8. Based on the findings and analysis in sections 6 and 7 above, the proposed zone change from RM to CR is appropriate for the underlying commercial designation and is consistent with the applicable policies of the relevant goals as outlined by SACP. Therefore, the proposed zone change can meet the criteria in MCC 16.39.050(A).
9. The subject parcel is in an area with existing infrastructure, including water and sewer services. The parcel is located on Lancaster Dr SE, a well-developed five lane road classified as a major arterial. Both northbound and southbound transit service stops are located within 1/5<sup>th</sup> of a mile of the subject parcel along Lancaster Dr NE. These stops are run by Cherriots bus service every 15 minutes on weekdays.

Therefore, the criterion of MCC 16.39.050(B) is met.

10. The CR (Commercial Retail) zone purpose statement listed under MCC 16.06.000 states:

*The purpose of the CR (commercial retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The commercial retail zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan and where the location has access to a collector or arterial street.*

The proposed CR zone is appropriate for the underlying SACP designation of Commercial. The applicant anticipates developing mixed-use commercial infrastructure that has access from a major arterial road. Therefore, MCC 16.39.050 (C) is met.

11. The proposed CR zone would allow the zone and comprehensive plan designation to come into alignment, as the existing RM zone is incompatible with the underlying Commercial designation. The proposed CR zone would not cause any adverse effects on adjacent properties as the majority are also zoned CR and therefore the subject property being made wholly CR would not cause it to be zoned for a more intensive use than neighboring parcels. Therefore MCC 16.30.050 (D) is met.

12. Marion County Planning staff assessed the relevant Oregon Planning Goals:

*Goal 2 – Land Use Planning*

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The process for evaluating the proposed zone change is outlined in MCC 16.39. This process implements policy framework of both Marion County Code and consideration of the underlying City of Salem comprehensive plan goals. The process also allows the opportunity for public comment and requires review by a hearings officer. Therefore, the planning process is consistent with Goal 2 – Land Use Planning.

*Goal 9 – Economic Development*

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The proposed Commercial zoning allows for a variety of commercial uses, creating opportunities for small businesses and local economic growth. Rezoning this section of the parcel would allow for infill development and contribute to the community's economic vitality. Therefore, this is consistent with Goal 9- Economic Development.

*Goal 12 – Transportation*

*To provide and encourage a safe, convenient and economic transportation system.*

The subject parcel of the proposed zone change is next to the major arterial road Lancaster Dr SE. The Cherriots service corridor that runs the length of Lancaster, Route 11, runs every 15 minutes on weekdays. Lancaster Dr SE is a five-lane road and can easily accommodate the increased traffic which may result from the potential infill development made possible by the proposed zone change. Therefore, the proposed zone change is compatible with Goal 12 – Transportation.

*Goal 14 – Urbanization*

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The subject parcel is within the Salem Urban Growth Boundary and designated Commercial in the Salem Area Comprehensive Plan. The proposed zone change to Commercial Retail is consistent with Salem’s Comprehensive Plan designation and would bring the property into compliance with Salem’s long term urbanization goals, which in turn ensures the efficient use of the land. Therefore, the proposed zone change is compatible with Goal 14 – Urbanization.

**CONCLUSION:**

13. Marion County Planning Staff recommends approval of the proposal. Should the Hearings Officer grant the applicant’s request for the change in zone from RM to CR, 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. All current and future development on the property must satisfy the specific development standards in the CR zone (MCC 16.06) and the general development standards found in Chapters 16.26 through 16.40 of the MCC.