



# **Marion County**

## **OREGON**

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### **MEMORANDUM**

**TO:** Marion County Hearings Officer

**FROM:** Marion County Planning Division/Barnes

**SUBJECT:** Zone Change 21-002

**DATE:** May 3, 2021

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

#### **FACTS:**

1. Matthew Conser of J. Conser & Sons, LLC, on property owned by Jesus Segura propose, to change the zone from CR (Commercial Retail) to CO (Commercial Office) on a 0.53 acre parcel located at 4080 State Street SE, Salem. (T7S, R2W, Section 30CD, Tax Lot 5150). 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 CR zoning is under the jurisdiction of Marion County. The applicant has not finalized plans but proposes to develop the property with uses permitted in the CO zone.

2. The property is located on the south side of State Street SE, approximately 560 feet east of its intersection with Lancaster Drive SE. The parcel is generally flat and currently has a dwelling, guest house and a two small sheds. The parcel has a small piece of frontage on State St that is 10 feet wide as part of its flag lot shape. The property is considered a legally created parcel for land use purposes.

3. Adjacent properties are zoned CR (Commercial Retail), RM (Multiple-Family Residential). These properties contain a mixture of retail, service, office, and residential uses.

#### **COMMENTS:**

4. City of Salem Planning Division commented "the proposed zoning (CO) complies with the property's comprehensive plan designation of commercial. The City of Salem Planning Division would prefer to see future development at the site adhere to City of Salem development standards – including any applicable design review and pedestrian access standards – in case the property is annexed in the future."

Marion County Fire District No. 1 provided comments relating to fire code requirements for commercial buildings. These are located in full in the file for this case.

All other contacted agencies either failed to 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.*
  - 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.*
7. The existing Plan designation in the Salem Area Comprehensive Plan (SACP) is Commercial, and this Plan designation provides for the application of the CO 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.*

The property is flat and requires little or no topographic alteration or disturbance. No watercourses cross the property. Development policy 7 can be met.

*General development policy 14. Outdoor storage areas should be screened from the public streets and adjacent uses.*

Under MCC 16.05.250, within a CO zone, outdoor storage of materials and equipment is prohibited except in conjunction with residential uses where the storage shall be screened from view from the street and adjacent properties by a sight-obscuring fence, wall or hedge. If necessary, this screening standard will be imposed on new development. General development policy 14 can be met.

*General development policy 15. Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-ways and adjacent properties.*

Under MCC 16.30.220, lighting of outdoor storage or parking areas shall be directed away from adjacent residential properties and public streets. The development standards in MCC 16.05.100 reference compliance with Chapters 16.26 through 16.34 as noted above and will be applied on development of the property. General development policy 15 can be met.

*Commercial development policy 2. Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:*

- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

The applicant has not identified any specific proposed uses for the property and future development has not been finalized. The MCC has development standards for off-street parking and loading, landscaping, etc. that will be imposed on development of the subject property. With the imposition of standards and site plan review on development, commercial development policy 2 can be met.

Commercial development policy 4. *Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.*

The site is located approximately 500 feet east of Lancaster Drive, which is a major arterial. The parcels surrounding the subject parcel are currently zoned CR and RM; however, there is no residentially zoned property between the subject parcel and Lancaster Drive SE. Development of the property would be subject to the development standards of the Marion County Rural Zone Code. Commercial development policy 4 can be met.

Commercial development policy 5. *Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.*

The subject property is in an area of existing commercial development along Lancaster Dr. NE. The area is already committed to commercial uses. Commercial development policy 5 is satisfied.

Commercial development policy 7. *With commercial development, buffer strips will be provided from residential uses, and external connectivity from residential development and other commercial development will be provided to commercial areas for pedestrian, bicycle and vehicular connectivity.*

Rezoning the property CO is consistent with the purpose of the zone which is to provide a less intensive transition between commercial retail and residential uses. MCC 16.05.0200 contains landscaping standards that buffer new commercial development from residential uses. These standards will be applied at the time of development. Commercial development policy 7 can be met.

Based on the above, the proposed can meet the criterion in MCC 16.39.050(A).

8. The subject property is in an area with existing infrastructure, including water and sewer services. Lancaster Drive, a well-developed five lane principal arterial roadway, is located within 500 feet and transit service is provided on Lancaster Drive just south of State Street, within 400 feet of the property. MCC 16.39.050(B) is met.

9. The CO (Commercial Office) zone purpose statement listed under MCC 16.05.000 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 proposed CO zone is appropriate for the SACP Commercial designation. The subject property has close access to Lancaster Drive, a major arterial street and site-generated traffic can be easily accommodated. Moreover, the parcel is located between existing residential and commercial retail uses; the CO zone is intended to serve as a transition between residential and more intensive commercial uses. Therefore, MCC 16.39.050(C) is satisfied.

10. The CO zone is intended as a transition between residential and more intensive commercial areas. The zone allows many of the same uses as the CR zone as well as some additional uses such as residential. Since most surrounding properties on both sides of Lancaster Drive are zoned for commercial use, it is unlikely that the additional uses permitted in the CO zone would have an adverse effect on allowed uses on these properties. The City of Salem commented but did not recommend any restrictions or conditions be applied to the property other than developing within the City of Salem's development standards. 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 CR to CO, 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 MCC16.05.250 and MCC16.05.100, which also includes MCC 16.30.220. 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 CO zone (MCC 16.05.000) and the general development standards found in Chapters 16.26.000 through 16.40.000 of the MCC.