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MEMORANDUM

TO: Marion County Hearings Officer
FROM: Marion County Planning Division/Fennimore
SUBJECT: Zone Change 18-002/Christ Good Shepard Lutheran Church
DATE: April 1, 2018

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

FACTS:

1. The subject property is within the Salem Urban Growth Boundary (UGB) and designated both Single Family Residential and Multi-Family Residential in the Salem Area Comprehensive Plan (SACP). The parcel's current RS (Single-Family Residential) and RM (Multiple-Family Residential) zoning are under the jurisdiction of Marion County.
2. The property is rectangular in shape and is approximately 335 feet wide, with frontage on State Street to the north and Marht Avenue to the south, and is approximately 780 feet deep. It also has approximately 323 feet of frontage on Brink Court SE along its southeast corner. In the application, the applicant indicates that the southern portion of the property that is the subject of the zone change is approximately 2.8 acres. Staff has determine that the applicant made an error in the location of the zone boundary, the area subject to the request is approximately 3.4 acres. The northern portion of the property is zoned RM and contains a church while the southern portion is zoned RS and contains a dwelling related to the church.
3. Adjacent properties are devoted to various types of residential uses depending on their zone. Properties to the north, along State Street, are zoned RM and developed with various types of multiple family residences. Property to the south, along Marht Avenue and Brink Court, are zoned RS and consist of single family dwellings on small subdivision lots.
4. The applicant proposes to change the zone on the southern portion of the property from RS to RM and to change the Salem Area Comprehensive Plan designation from Multi Family Residential to Single Family Residential. The proposed change is to allow the church to sell approximately 2.8 acres to a developer who plans to construct an apartment complex.

COMMENTS:

5. Various governmental agencies were given an opportunity to comment on the proposal, no comments were received at the time this memorandum was prepared.

STAFF FINDINGS AND ANALYSIS:

Comprehensive Plan Amendment

6. The subject property is in the Salem UGB and subject to the SACP. Under SACP III(B)(4), Marion County has exclusive jurisdiction over land use actions within the Salem UGB. Marion County Code (MCC) 16.43.020 provides the criteria for a non-legislative plan amendment as follows:
- 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 the projected needs for such lands in the Comprehensive Plan.*
 - C. *Uses allowed in the proposed designation will not 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. Under SACP II(A)(1), the SACP is intended to project the most desirable pattern of land use in the Salem area. Under SACP II(A)(3)(a), designated Multi Family Residential designation applies to the portion of the Salem urban area that is currently developed with housing or served by public facilities and suitable for residential development at urban densities. This designation is characterized by a mixture of housing types, for example, single family detached, single family attached, manufactured homes, garden apartments, and row houses. The location, density, and style of housing is governed by the zoning code of each local jurisdiction. Changes in use designation to permit higher residential densities is governed by the goals and policies of the SACP and the local rezoning process.

The intent of the residential designation is, in part, to provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards: to ensure a compatible transition between various types of housing; to encourage locating residential development where full urban services, public facilities, and routes of public transportation are available; and to permit multifamily housing developments which are consistent with development standards and growth policies to blend into the overall fabric of the Salem urban area.

The following SACP policies are relevant to this proposal:

SACP 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 6.5dwelling 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 applicant did not specifically address this policy, however, the proposal is to change the zone to RM to accommodate construction of apartments on the property. The change from Single Family

Residential to Multi Family Residential could increase the amount of runoff and increase the need for stormwater detention. However, any development would be required to meet County standards which would minimize potential impacts.

SACP Growth management policy 7: *Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.*

The property is located in the urban growth area and service is already in place, this policy is met.

SACP Growth management policy 9: *New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.*

The subject property is in the UGB and will have services available, this policy is met.

SACP 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 the 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 should be located in areas that provide walking, auto or transit connections to:*
 - (1) *Employment centers;*
 - (2) *Shopping areas;*
 - (3) *Transit service;*
 - (4) *Parks;*
 - (5) *Public buildings.*

The applicant did not specifically address this policy. Although the property abuts State Street, which is designated as a major arterial and serves as a bus route, the site plan submitted with the application shows that the primary access to the apartments will be from Marht Avenue, a local street. Since there is no direct access to State Street the nearest transit stop will be over 1,000 feet away. The property is approximately ½ mile east of Lancaster Drive which contains shopping areas and employment centers. Marht Avenue is improved with sidewalks only until it intersection with Elma Avenue, about halfway to Lancaster Drive. The multi-family designation could promote a range of densities and housing types, however, in this instance a four building apartment complex will be built and under provisions in the MCC the maximum density would be no more than one dwelling unit per 1,500 square feet of lot area.

SACP Residential development policy 7: *Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:*

- a. *The transportation system 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 area proposed to be rezoned to multi-family residential will be served by existing local street network. Although a road network exists it consists primarily of local streets, some of which are not improved with sidewalks to accommodate non-vehicular traffic. The applicant has not demonstrated this policy is met.

SACP Residential development policy 8: Residential areas shall be protected from more intensive land use activity in abutting zones.

Adjacent properties on three sides of the zone change area are all zoned RS and developed with single family dwellings. The apartment complex that could result from the proposed zone change would be a much more intensive land use than these abutting properties. The applicant has not adequately addressed this policy.

SACP Residential development policy 10: Requests for rezoning to higher density residential uses To meet identified housing needs will be deemed appropriate provided:

- a. *The site is so designated on the comprehensive plan map;*
- 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 SACP contains little information on residential property inventories, however, in other recent cases the City of Salem has acknowledged its 2014 Housing Needs Analysis found, based on a 20-year population forecast, there is a 207-acre deficit of land designated for multifamily housing (2,897 units) in Salem's portion of the UGB. Although there is an identified need for more multifamily housing, the factors in (a-d) above must all be satisfied. As outlined above, the applicant has not adequately addressed all of these issues.

Zone Change

- 8. The requirements for a zone change are found in MCC (Marion County Code) Section 16.39.050. The applicant did not specifically address these criteria, however, staff can make some general findings. The criteria 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.*

If the comprehensive plan request is approved, the subject property would be designated Multi-Family Residential in the SACP and the proposed RM zone is appropriate for this designation.

- B. *Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.*

Utilities are provided by the City of Salem. Marion County storm water detention and drainage requirements would apply to any development on the property. The property is served only by local

streets, some without sidewalks and none of which contain transit routes. The applicant has failed to demonstrate that the existing transportation network is adequate to serve the proposed development.

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

MCC16.04.000 Purpose: The RM 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.

In this instance, even if the comprehensive plan amendment is approved and it is determined adequate urban services are sufficient, the applicant will still need to address the suitability of the location because it is not near commercial office and retail areas or along a collector or arterial street.

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 proposed RM zone is the most intensive zone in the Multi-Family Residential designation. If the applicant sufficiently addresses the comprehensive policies, then the proposed RM zone could satisfy this criterion.

9. Based on the above discussion, the comprehensive plan amendment and zone change request are not recommended to be approved unless additional evidence and argument are provided by the applicant.

CONCLUSION:

10. Should the request be approved by the Board of Commissioners, the Planning Division recommends the following conditions be considered.
 - 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 RM zone, (Chapter 16.04 MCC) and the general development standards found in Chapters 16.26 through 16.40 of the MCC.