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MEMORANDUM

TO: Marion County Hearings Officer
FROM: Marion County Planning Division/Milliman
SUBJECT: Zone Change 19-004/Chamberland Family Trust
DATE: April 24, 2019

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

FACTS:

1. Larry and Noreen Chamberland, Trustees of the Chamberland Family Trust, propose to change the zone from CO (Commercial Office) to CG (Commercial General) on a .22 acre parcel located at 4050 Hudson Avenue NE, Salem (T7S; R2W; Section 30CD; tax lot 1400). 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 CO zoning is under the jurisdiction of Marion County. The applicant proposes to develop the property with uses permitted in the CG zone.
2. The property is located on the south side of Hudson Ave. NE, approximately 240 feet east of its intersection with Lancaster Dr. NE. The parcel is currently vacant. The property is considered a legally created parcel for land use purposes.
3. Adjacent properties are zoned CO or CR (Commercial Retail) and contain a mixture of commercial retail, service, and office uses.

COMMENTS:

4. Marion County Public Works Land Development Engineering and Permits Division (LDEP) requested that the following condition A be included in the land use case.

Condition A – Prior to building permit issuance, design and permit urban 1/4-street frontage improvements along the subject property's Hudson Avenue frontage. Prior to issuance of a Building Certificate of Occupancy, acquire PW Engineering final inspection approval of the frontage improvements.

The subject property Hudson Avenue frontage is currently unimproved. Nexus for the above Condition is in accordance with Marion County Code 11.15 and 16.39.060 whereby the improvement of urban services to serve the public interest and protect public health, safety, and welfare may be conditioned, and as a matter of pedestrian connectivity to the surrounding urban area. Improvements are anticipated to include pavement widening, sidewalk, curb, gutter, and an ADA compliant corner ramp at the corner of Hudson Avenue and 40th Place. A Major

Construction Permit will need to be obtained from Marion County Public Works for this work.

LDEP notes the development will be subject to the following engineering requirements and advisories:

- B. In accordance with Marion County Code 11.10, driveway permits will be required for any new access or change in use of the existing access to the public right-of-way. The applicant shall be required to apply for a driveway "Access Permit" and construct any improvements required by the permit. Driveways must meet sight distance, design, spacing, and safety standards.
- C. Utility Permits are required in order to install utilities within County-controlled public right-of-ways. Underground utility work in the public R/W will need to be done in conjunction with overall improvements. Therefore, the Applicant will need to coordinate in ahead of time with those providers.
- D. It is noted that 40th Place is a private easement roadway on the neighboring property. Therefore, any direct access to 40th Place would need to be arranged with the underlying property owner. Potential acquisition of an access easement may negate allowed direct access to Hudson Avenue.
- E. Sanitary sewer service is provided by the City of Salem.
- F. Potable water service is provided by Suburban East Salem Water District.

The City of Salem commented that the property is currently designated as Commercial on their Comprehensive Plan.

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 CG 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 16.07.250(A), any nonresidential development proposed within 100 feet of a residentially designated zone will have any outdoor storage areas screened from public streets and residential property. The screening standard will be imposed on development of the subject property. 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 16.07.250(B), any nonresidential development proposed within 100 feet of a residentially designated zone will have exterior lighting designed to illuminate the site and direct light away from public rights-of-way and adjacent residential properties. MCC 16.07.250 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.*

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. It appears there is a transit line (11) which stops near the Hudson/Lancaster intersection which is within 1,000 feet of the subject property. With 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 within 250 feet of Lancaster Drive, which is a major arterial. The parcels surrounding the subject parcel are currently zoned CR or CG and there is no residentially zoned property between the subject parcel and Lancaster Drive NE. 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 8. Buffer strips from residential uses shall be provided for all commercial development.

The residentially zoned properties to the east are buffered by Lancaster Drive, a major collector. There is residential use on property to the south that is zoned CO. MCC 16.07.0250 contains development standards that must be met from nearby residential properties. These standards will be applied at the time of development. Commercial development policy 8 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 250 feet and transit service is provided on Lancaster Drive within 1,000 feet of the property. MCC 16.39.050(B) is met.

9. The CG (Commercial General) zone purpose statement listed under MCC 16.07.000 states:

The purpose of the CG (commercial general) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The commercial general zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway for transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local streets or residential zones.”

The proposed CG 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. A property zoned CO, with residential development, abuts the subject property to the south, but provisions in MCC 16.07 contain special requirements for commercial uses next to residential properties. MCC 16.39.050(C) is satisfied.

10. The CG zone is the most intensive zone appropriate for the commercial designation. The zone allows many of the same uses as the CO zone as well as some additional uses. A limited use overlay zone could be applied to the property, however, since all surrounding properties on the west side of Lancaster Drive are zoned for commercial use it is unlikely that the additional uses permitted in the CG 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. 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 CO to CG, 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 MCC16.07.200 and MCC16.07.250 which requires landscaping and screening of outdoor storage areas, exterior lighting, and roof equipment.
- C. All current and future development on the property must satisfy the specific development standards in the CG zone and the general development standards found in Chapters 26 through 40 of the MCC.
- D. The follow condition shall be met to the satisfaction of Marion County Public Works Land Development Engineering and Permit Division (LDEP):

Condition A – Prior to building permit issuance, design and permit urban ¼-street frontage improvements along the subject property's Hudson Avenue frontage. Prior to issuance of a Building Certificate of Occupancy, acquire PW Engineering final inspection approval of the frontage improvements.