

**TO:** Hearings Officer

**FROM:** Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

**STAFF:** Olivia Glantz, Planner III

**HEARING DATE:** October 9, 2019

**APPLICATION:** Quasi-Judicial Zone Change Case No. 19-03

**LOCATION:** 3245 River Road NE – 97303 – see Attachment A

**SIZE:** Approximately 0.96 acres

**REQUEST:** An application for a Quasi-Judicial Zone Change from CO (Commercial Office) to CR (Retail Commercial), for property approximately 0.96 acres in size that is currently vacant, zoned CO (Commercial Office), and located at 3245 River Road NE 97303 (Marion County Assessors Map and Tax Lot number: 073W11CC / 1300).

**APPLICANT/OWNER:** Gary Standish

**REPRESENTATIVE:** Abraham Kahnadooian, Boatwright Engineering

**APPROVAL CRITERIA:** Quasi-Judicial Zone Change: Salem Revised Code, Ch. 265

**RECOMMENDATION:** **APPROVE** Zone Change from CO (Commercial Office) to CR (Retail Commercial)

**Condition 1:** All commercial activities and building(s) shall face River Road N and be orientated away from residential areas to the west along Stark Street and to the north along Gardenia Drive.

**Condition 2:** All commercial building(s) shall be limited to a maximum height of 25-feet.

**Condition 3:** If freestanding signs are located on the subject property, they shall be within 20-feet of and oriented towards River Road N. No signs shall cause glare into adjacent residential properties.

**Condition 4:** All wall signs shall be located so as not to be visible from the residential areas to the west and north.

**Condition 5:** No sign shall have glaring, flashing or revolving components or lighting, including temporary signs.

**Condition 6:** No Outdoor advertising sign (billboards) shall be permitted on the subject

property.

**Condition 7:** The driveway approach to River Road N shall be closed.

## **BACKGROUND**

On August 2, 2019, a zone change application was filed for the subject property by Boatwright Engineering on behalf of the applicant and property owners, Gary Standish. After additional information was provided, the application was deemed complete for processing on September 13, 2019.

The public hearing before the City of Salem Hearings Officer is scheduled for October 9, 2019, at 5:30 p.m. in the Community Development Department, Civic Center, Room 305, located at 555 Liberty Street SE. Notice of public hearing was sent by mail pursuant to Salem Revised Code (SRC) requirements on September 19, 2019. Public hearing notice was also posted on the property by the applicant on September 27, 2019 pursuant to SRC requirements.

The state-mandated 120-day deadline to issue a final local decision for this case is January 11, 2020.

## **PROPOSAL**

The applicant has submitted a zone change application requesting to change the zoning designation for the property from CO (Commercial Office) to CR (Retail Commercial). The subject property is approximately 0.96 acres in size and is currently vacant, the applicant stated that the property is intended to be used for a mobile food unit pod.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **APPLICANT'S STATEMENT**

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement, which is included in its entirety as **Attachment B** in this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) Designation**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Commercial." The Salem Comprehensive Policies Plan describes the predominant use in the Commercial designation as commercial. Multi-family residential may be included where appropriate. This designation includes regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities.

Because the proposed CR (Retail Commercial) zoning is consistent with the "Commercial" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial" and "Single Family Residential"  
South: Across Stark Street N - "Commercial"  
East: Across River Road N - "Multiple Family"  
West: "Single Family Residential"

The property is within the Urban Service Area.

### **2. Zoning of Surrounding Properties**

The subject site is currently zoned CO (Commercial Office).

The zoning of surrounding properties is described as follows:

North: CR (Retail Commercial) and RD (Residential Duplex)  
South: Across Stark Street N - CR (Retail Commercial)  
East: Across River Road N - RM-II (Multi-Family Residential)  
West: RS (Single Family Residential)

### **3. Neighborhood and Citizen Comments**

The subject property is located within the boundaries of the Highland Neighborhood Association. Notification was sent on September 24, 2019 to the neighborhood association and surrounding property owners within 250 feet of the property. At the time of writing this staff report, no comments were received from the neighborhood association or from adjoining property owners.

### **4. City Department and Public Agency Comments**

The Public Works Department has reviewed the proposal and provided a memo which is included as **Attachment C**.

The Building and Safety Division reviewed the proposal and indicated no concerns with the zone change request.

The Fire Department reviewed the proposal and indicated no concerns with the zone change.

## 5. Public Agency and Private Service Provider Comments

At the time of writing this staff report, comments were received with no objections from Portland General Electric.

## 6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the subject property from CO (Commercial Office) to CR (Retail Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

**SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:**

- (i) A mistake in the application of a land use designation to the property;**
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or**
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

**Finding:** The applicant does state that the zoning map listed the property as CR (Retail Commercial), but as part of the Pre-Application Conference staff identified the zoning map was changed without an approved land use application. Staff has provided the zone change history below and verified that there is not a mistake in the application of a land use designation to the property and does not identify a change in the economic, demographic, or physical character of the vicinity. Several previous zone changes in the immediate area have

been granted, including:

- CPC-ZC94-01 for property located at 3245 River Road N. Comprehensive Plan and Zone Change granted from Multi-family to Commercial and RM (Multiple Family Residential) to CO (Commercial Office).
- ZC99-09 for property located at 3245 River Road N. Zone Change granted from CO to CR. **This application was withdrawn before a land use decision was issued.**

Since ZC 99-09 was withdrawn, the subject property is zoned CO (Commercial Office). The proposal is justified based on (iii), that the proposed zone change is equally or better suited for the property than the existing zone.

The subject property is the last remaining CO zoned property in the general vicinity. The CO zone designation for this property does not appear to serve a specific purpose in this area. The previous zone change approval (CPC-ZC94-01), had several conditions of approval that mitigated impacts to the transportation system and the existing residential areas abutting the subject property. The conditions consisted of ensuring that commercial buildings are facing River Road and not towards the residential properties. All commercial buildings are limited to 25-feet in height, exterior lighting would not cause glare onto the streets or residential areas and any sign is located along North River Road and not visible from the residential areas. The signs shall not have any glaring, flashing or revolving components or lights. Pursuant to Salem Revised Code 800.060, exterior lighting shall not shine or reflect onto adjacent properties or right of way. Any development of the subject property shall meet the standards of SRC 800.060, therefore Condition 6 of CPC-ZC94-01, which pertained to lighting on the property, is not needed.

To ensure that the proposed intensification of uses is compatible with the surrounding area the following conditions will be applied:

**Condition 1:** All commercial activities and building(s) shall face River Road N and be orientated away from residential areas to the west along Stark Street and to the north along Gardenia Drive.

**Condition 2:** All commercial building(s) shall be limited to a maximum height of 25-feet.

**Condition 3:** If freestanding signs are located on the subject property, they shall be within 20-feet of and oriented towards River Road N. No signs shall cause glare into adjacent residential properties.

**Condition 4:** All wall signs shall be located so as not to be visible from the residential areas to the west and north.

**Condition 5:** No sign shall have glaring, flashing or revolving components or lighting, including temporary signs.

**Condition 6:** No Outdoor advertising sign (billboards) shall be permitted on the subject property.

The proposed CR zone generally allows commercial uses and activities including the sale of commodities, performance of services, offices, and general wholesaling. The proposed CR zoning designation will allow a greater variety of uses for the subject property. Staff finds that the proposed zone change is equally or better suited to the property than the existing CO zone.

**(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.**

**Finding:** The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

**(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, General Development (Page 24, Salem Comprehensive Policies Plan):

*To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

Economic Growth B.3

*Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.*

**Finding:** The Salem EOA identifies a deficit of available commercially zoned land in order to meet current and future community needs. The proposed zone change from CO (Commercial Office) to CR (Retail Commercial) maintains a commercial designation for the subject property. The proposal helps to increase the variety of commercial uses permitted for the property, which will help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

Development Compatibility B.12

*Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

**Finding:** Future development of the site will be required to conform to the development standards of the CR (Retail Commercial) zone, which shares similar setback, height and landscaping requirements as the current CO (Commercial Office) zone. The CR zone has an overall minimum landscape requirement of 15 percent.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan):

*To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

*Development Compatibility C.4*

*Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.*

**Finding:** The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 27, Salem Comprehensive Policies Plan):

*To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands.*

*Infill on Facilities D.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.*

**Finding:** The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

*To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.*

*Connectivity and Circulation J.5*

*The vehicle, transit, bicycle, and pedestrian circulation systems shall be designed to connect major population and employment centers in the Salem Urban Area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.*

**Finding:** The subject property is located on River Road N, which is classified as a Major Arterial in the Salem Transportation System Plan and Stark Street N, which is classified as a Local Street. Sidewalks are developed on River Road N along the subject property's street frontage. Salem Keizer Transit (Cherriots) provides bus service within 250 feet of the property at Broadway Street NE and Plaza Del Ray NE via routes 19.<sup>1</sup>

**(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.**

**Finding:** *The applicable Statewide Planning Goals are addressed as follows:*

**Statewide Planning Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

**Staff Response:** A public hearing notice was mailed to all property owners and addresses within 250 feet of the subject property and identified Homeowners Association and to the Highland Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

**Statewide Planning Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Staff Response:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**Staff Response:** There are no known scenic, historic, natural, or cultural resources on the affected parcels. Through a future application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. Staff finds that the proposal is consistent with Goal 5.

**Statewide 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.*

**Staff Response:** The applicant proposes to change the zoning designation of the property from CO (Commercial Office) to CR (Retail Commercial). The CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal

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<sup>1</sup> Cherriots bus route schedule effective January 2, 2018 - <https://www.cherriots.org/en/routes>



services. The purpose statement of the CR zone in SRC Chapter 522 states that a wide array of retail sales and office uses, including the sale of commodities, performance of services, and offices.

The CR zone generally allows a wider variety of commercial uses than the CO zone, granting the proposed zone plan change allows the property to provide economic opportunities for needed commercial services in the area.

**Statewide Planning Goal 10 – Housing:** *To provide for the housing needs of citizens of the state.*

**Staff Response:** The City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is currently a deficit of approximately 207 acres of available multi-family zoned land. Multi-family residential is a permitted use for the subject property under the current CO (Commercial Office) zoning designation. Multi-family residential is allowed as a conditional use under the proposed CR (Retail Commercial) zoning designation. Multi-family residential or mixed-use development could potentially be allowed on the property subject to approval through the conditional use permit process. The subject property has several characteristics that would support multi-family or mixed use development. Salem-Keizer Transit (Cherriots) provides transit service adjacent to the subject property via route 19.<sup>2</sup> Services, including parks (River Road Park), are located nearby. Employment opportunities are in proximity and walkable to the property. The proposed change in designation will still allow the potential for development of multi-family residential uses, which will be useful to meet the City's current and future housing needs.

**Statewide Planning Goal 11 – Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Staff Response:** The subject property is within the Urban Service area. Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development.

**Statewide Planning Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.).

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<sup>2</sup> Cherriots bus route schedule effective January 2, 2018 - <https://www.cherriots.org/en/routes>

Pursuant to OAR 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system.

**Statewide Planning 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.*

**Staff Response:** The subject property is located within the Urban Service Area. The Public Works Department indicates that existing urban services, including water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development of the subject property.

**(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.**

**Finding:** A change to the comprehensive plan map designation for the property is not required for the proposed zone change, therefore this criterion is not applicable.

**(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** Pursuant to Oregon Administrative Rules 660-012-0060(9), the proposed zone change request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not require analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property.

The previous Comprehensive Plan change and Zone Change application evaluated the transportation system and found that the following conditions mitigated the transportation impacts of the additional traffic. The property is currently served by existing driveways to River Road N and Stark Street N. The driveway approach to Stark Street N provides for safe turning movements into and out of the property. The driveway approach to River Road N does not provide safe turning movements into or out of the property and shall be closed pursuant to SRC 804.060(a)(5). The property is subject to a special setback equal to 48-feet from centerline along the frontage of River Road N. Since the amount of traffic and use of the property will be similar or greater than the previous use the conditions from CPC-ZC94-01 shall apply to this request:

**Condition 7:** The driveway approach to River Road N shall be closed.

**(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.**

**Finding:** The water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development under the proposed zone. Site-specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

### **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Quasi-Judicial Zone Change satisfies the applicable criteria contained under SRC 265.005(e).

### **RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a quasi-judicial zone change from CO (Commercial Office) to CR (Retail Commercial) for property approximately 0.96 acres in size, and located at 3245 River Road NE 97303 (Marion County Assessors Map and Tax Lot number: 073W11CC / 1300), subject to the following conditions:

**Condition 1:** All commercial activities and building(s) shall face River Road N and be orientated away from residential areas to the west along Stark Street and to the north along Gardenia Drive.

**Condition 2:** All commercial building(s) shall be limited to a maximum height of 25-feet.

**Condition 3:** If freestanding signs are located on the subject property, they shall be within 20-feet of and oriented towards River Road N. No signs shall cause glare into adjacent residential properties.

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**Condition 5:** No sign shall have glaring, flashing or revolving components or lighting, including temporary signs.

**Condition 6:** No Outdoor advertising sign (billboards) shall be permitted on the subject property.

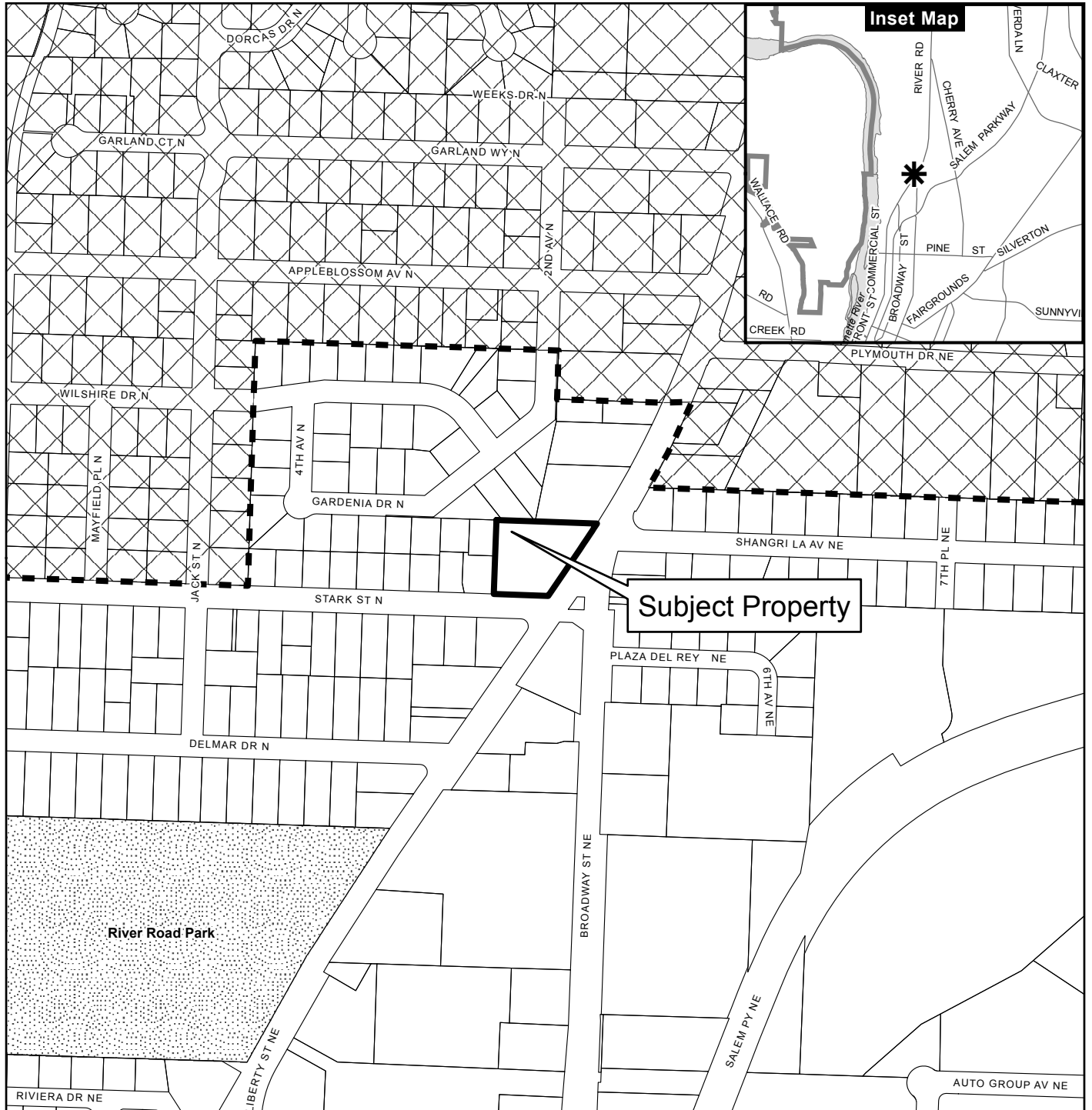
**Condition 7:** The driveway approach to River Road N shall be closed.

Application Deemed Complete Date: September 13, 2019  
State Mandated Decision Date: January 11, 2020








Attachments: A. Vicinity Map  
B. Applicant's Written Findings  
C. Public Works Memo

Prepared by Olivia Glantz, Planner III

# Vicinity Map 3245 River Road N



## Legend

-  Taxlots
-  Outside Salem City Limits
-  Parks
-  Urban Growth Boundary
-  Historic District
-  City Limits
-  Schools

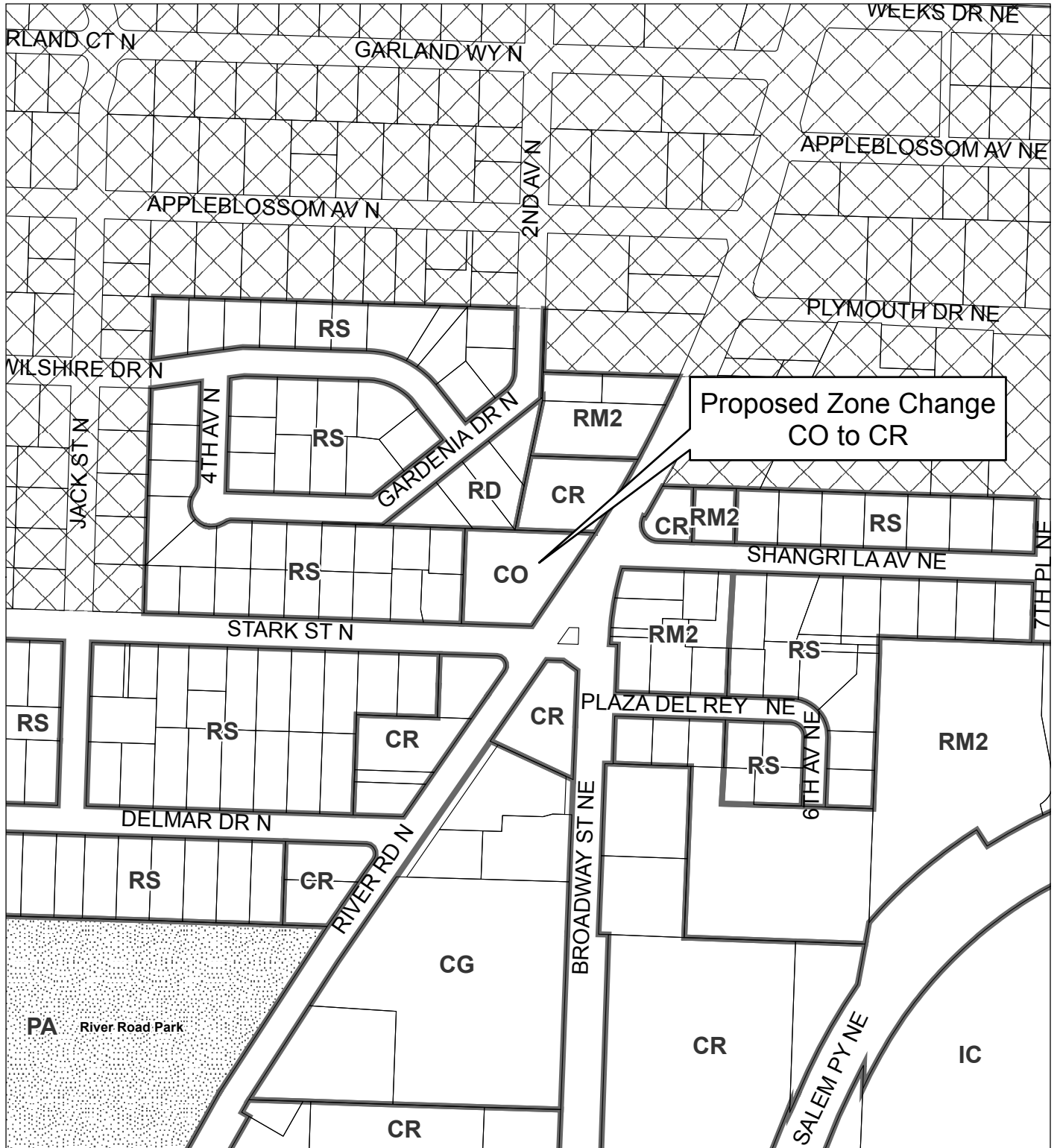


0 100 200 400 Feet



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# Vicinity Zoning - 3245 River Road N



## Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

0 50 100 200 Feet



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CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

**Boatwright Engineering Inc.**

2613 12th ST SE, SALEM, OREGON 97302

civil engineers • land surveyors

503 363-9225 FAX 363-1051

August 21, 2019

**QUASI-JUDICIAL ZONE CHANGE APPLICATION**

**OWNER: GARY STANDISH**  
**LOCATION: 3245 RIVER RD N, SALEM, OR 97303**  
**Tax Lot: 7.3.11CC 1300**  
**Marion County, Oregon**

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**WRITTEN STATEMENT**

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Our client, Gary Standish, is proposing a zone change from CO to CR for the above referenced site.

When Standish purchased the property, he believed that the site was already zoned CR. At the time of purchase, the City of Salem online zoning map showed the property to be zoned CR, and it was still marked as such until after his pre-application meeting with City staff. Additionally, the Marion County Assessor's Office had, and still has, it listed as being zoned CR. These two sources of information seemed to confirm each other so that the zoning was not questioned during Standish's consideration and purchase.

- The Zone Change is justified based on the following:
  - A demonstration can be made that the proposed zone is equally, or better, suited for the property than the existing zone because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

After unsuccessful attempts to rezone the property, which began in 1969, the property was the subject of a successful Comp Plan/Zone Change in 1994 which changed the Plan from Multi-Family Residential to Commercial and the zone from RM to CO. The last improvement on the site was a two-story dwelling that was removed or demolished in the late 1970's. The site has remained vacant for approximately 40 years - including the 25 years that have passed since that land use action was approved. This seems to indicate that it is not a desirable location for an office project as it has struggled to find an owner with a viable plan to improve it.

Within the Salem City Limits, and abutting the Standish property, there is an 1165 foot stretch of the west side of River Road N that is zoned CR; ranging from the north line of River Road Park to the multi-family development, which abuts the City Limits line, south of Appleblossom Avenue in Keizer. The Standish property is an island of CO zoning in this area.

Continuing north, into Keizer, both sides of busy River Road N are zoned for Commercial Mixed Use which promotes a variety of services, businesses, and residential options to create neighborhood nodes of activity.

In both Salem and Keizer, there are pockets of multi-family developments tucked in between the commercial retail establishments along both River Road N and Broadway Street NE. The proposed food truck pod fits in nicely with current overarching planning designs which strive to provide attractive, family friendly, services to neighborhood residents and businesses within walking or bicycling distance, while also attracting other Salem and Keizer residents to the area.

A CR zone with the proposed facility would offer a higher and better use for the property, which has not occurred under the current CO zone, while remaining compatible with the surrounding business and residential properties. Additionally, unlike the current CO zone, it would benefit more from the highly travelled adjacent River Road N and visitors to the nearby River Road Park. The lack of development into a use allowed in the CO zone seems to infer that the location and, perhaps, traffic patterns, are not conducive to that type of development.

The properties to the west and northwest are zoned RS and RD and are fully developed with single family homes and duplexes, respectively. Landscape yards and building setbacks, per City code, will provide buffers between the new development and the residential areas.

Standish is prepared to comply with conditions that were contained in the CP/ZC 94-1 approval, as follows, in brief:

1. Provide a 25-foot property line radius at the Stark Street and River Road N intersection;
2. Access the property at the existing driveway on Stark Street;
3. Close the driveway on River Road N;
4. Orient the building and activity areas away from the existing adjoining residential uses;
5. Limit structures to a maximum height of 25 feet;
6. Control exterior lighting to prevent glare onto adjacent streets and residential areas by shielding or minimizing foot-candle amount;
7. Any freestanding signs will be located along and orientated towards River Road N. Wall signs will not be visible from the residential areas. No signs will glare, flash or revolve;
8. No billboards will be erected.

This vacant lot has changed ownership many times. It has been an eyesore to the many that pass by it every day, and a place for junk and trash to collect. It does not present an attractive introduction to either Salem or Keizer as it sits just west of the welcoming gateway monument to both cities.



Standish is proposing to develop the property into a mobile food pod establishment, with a permanent building for eating and drinking. He already has had success with this concept at 4106 State St, with The Yard Food Park and is proposing a similar development on this property.

- The zone change is not City initiated.
- The zone change complies with the commercial portion of the Salem Comprehensive Plan in that it will provide a community and neighborhood shopping and service facility:

*Community and Neighborhood Shopping and Service Facilities offer a variety of goods and services. Neighborhood scale facilities include convenience goods for neighborhood residents and community scale facilities may include shopping goods for a market consisting of several neighborhoods.*

- The proposed zone change does not require a Comprehensive Plan Change.
- The proposed zone change complies with DLCD Statewide Planning Goals in that it complies with the City of Salem Comprehensive Plan which has been acknowledged by DLCD and which, under Goal 2 of the Statewide Plan, ". . . replaces the statewide planning goals for the purpose of local decision making." The underlying Commercial designation of the Salem Comprehensive Plan allows for both the existing CO and the proposed CR zone.
- The zone change does not significantly affect a transportation facility.
- The property has current services, or is capable of being served by public facilities or services that are necessary to support the uses allowed by the proposed zone. There is an existing water service from the 8-inch water main in River Road N. There is an 8-inch sanitary sewer line that is accessible in Stark Street and a 12-inch storm drain line also in Stark Street. Private utility providers' service lines are also available in the adjacent street rights-of-way.

Project Engineer: Corbey Boatwright, PE  
Prepared By: Abraham Kahnadooian  
Jeanne Boatwright



# MEMO

**TO:** Olivia Glantz, Planner III  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** September 17, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
19-117415-ZO  
3245 RIVER ROAD N  
ZONE CHANGE FROM CO TO CR**

## PROPOSAL

An application for a Quasi-Judicial Zone Change from CO (Commercial Office) to CR (Retail Commercial), for property approximately 0.96 acres in size that is currently vacant, zoned CO (Commercial Office), and located at 3245 River Road NE 97303 (Marion County Assessors Map and Tax Lot number: 073W11CC / 1300).

## RECOMMENDED CONDITIONS OF APPROVAL

1. The driveway approach to River Road N shall be closed.
2. The property is subject to a special setback equal to 48 feet from centerline along the frontage of River Road N.

## FACTS

### **Streets**

1. River Road N
  - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Conditions—This street has a variable-width improvement within a variable-width right-of-way abutting the subject property.
  - c. Special Setback—The property is subject to a special setback equal to 48 feet from centerline along the frontage of River Road N.

2. Stark Street N

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 34-foot improvement within a 65-foot-wide right-of-way abutting the subject property.

**Storm Drainage**

1. Existing Conditions

- a. A 10-inch storm main is located in Stark Street N.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in River Road N. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.
- c. A 6-inch water main is located in Stark Street N. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

**Sanitary Sewer**

1. Existing Conditions

- a. An 8-inch sewer main is located in Stark Street N.

**CRITERIA AND FINDINGS**

**Criteria:** SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

**Finding:** The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 - Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

The property is currently served by existing driveways to River Road N and Stark Street N. The driveway approach to Stark Street N provides for safe turning movements into and out of the property. The driveway approach to River Road N does not provide safe turning movements into or out of the property and shall be closed pursuant to SRC 804.060(a)(5).

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

**Criteria: SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** Pursuant to *Oregon Administrative Rule* 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system. Site specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

The existing right-of-way along the property frontage of River Road N does not meet the standard for a Major Arterial pursuant to the Salem TSP. The property is subject to a special setback equal to 48 feet from centerline along the frontage of River Road N.

**Criteria: SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.**

**Finding:** Water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development under the proposed zone. Site specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager  
cc: File