

**TO: PLANNING COMMISSION**

**FROM: LISA ANDERSON-OGILVIE, AICP  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND  
PLANNING ADMINISTRATOR**

**SUBJECT: ZONE CHANGE CASE NO. ZC21-02; FOR PROPERTY LOCATED AT 4120  
FISHER ROAD NE AND ADJACENT LANDS (AMANDA APPLICATION NO.  
19-124752-ZO)**

**REQUEST**

A Zone Change from Marion County UD (Urban Development) to City of Salem RM-I (Multiple Family Residential I) for 3.98 acres at 4120 Fisher Road NE and 3659 Colton Lane NE 97305 (Marion County Assessor Map and Tax Lot 072W07BC01100 and 072W07BC01001) and abutting right-of-way, concurrent with a proposed petitioner-initiated, voter-exempt annexation and a withdrawal of the territory from the East Salem Sewer and Drainage District and Marion County Fire District #1.

**APPLICANT/OWNER:** Kahala Development LLC (Melissa Truong, Trong (Tony) Truong, the T&L Family Limited Partnership)

**REPRESENTATIVE:** Josh Wells, Westech Engineering Inc.

**RECOMMENDATION**

Adopt the findings of this report and recommend approval of Zone Change 21-02 to City Council

**APPLICATION PROCESSING**

**Subject Application**

On November 27, 2019, Josh Wells of Westech Engineering Inc, on behalf of the applicant and property owner, Kahala Development LLC (Trong (Tony) Truong, Melissa Truong, and the T&L Family Limited Partnership), filed an application for a Zone Change for the subject property (**Attachment A**), which is under consideration to be annexed to the City of Salem. The consolidated application was deemed complete for processing on October 23, 2020. The public hearing on the application is scheduled for October 19, 2021.

Salem Revised Code (SRC) Chapter 260 contains annexation procedures. SRC 260.045, Land Use Designations, provides that territory annexed into the city shall be automatically given the city comprehensive plan designation and zoning designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless one or more of the following apply: (1) the petitioner requests a new comprehensive plan designation, or zone designation other than the equivalent city designation in Table 260-1, in the petition for annexation; (2) the Council proposes a new comprehensive plan designation, or zone

designation other than the equivalent city designation in Table 260-1, in the resolution initiating the annexation; or (3) the equivalent city designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan.

In Table 260-1, the city comprehensive plan and zoning designations equivalent to the Marion County UD (Urban Development) zoning designation would be (1) "Developing Residential" with RA (Residential Agriculture) or RS (Single Family Residential) zoning or (2) "Single Family Residential" with RS (Single Family Residential) zoning. These comprehensive plan and zoning designations are inconsistent with the "Multifamily Residential" Salem Area Comprehensive Plan map designation of the property.

Therefore, the applicant is requesting a zone change to RM-I (Multiple Family Residential I), which is consistent with the "Multifamily Residential" Salem Area Comprehensive Plan map designation of the property.

In accordance with Section 300.720(b) of the Salem Revised Code, notice of the proposed zone change was mailed on September 29, 2021 and posted on the subject property on October 6, 2021.

Annexations where a new comprehensive plan map designation or zoning designation is proposed require a public hearing before the Planning Commission. Pursuant to SRC 260.045(b), upon holding a public hearing, the Planning Commission shall make a recommendation to the City Council whether to adopt the proposed designation, the equivalent designation, or a different designation regarding the proposed Comprehensive Plan and zoning designations. Staff forwards the Planning Commission's recommendation to the City Council as part of the staff report for the annexation public hearing. The public hearing before City Council regarding annexation of the subject property has not been scheduled at this time. The Council has the authority in SRC 260.060(d) to adopt, modify, or reject the Planning Commission's recommendation for land use designations.

### **Appeals**

The Planning Commission's decision is a recommendation to the City Council regarding the Comprehensive Plan map designation and Salem zoning of the subject property upon annexation and is reviewed by the City Council in its consideration of the application.

### **120-Day Requirement**

Annexations and concurrent applications for changes to comprehensive plan and/or zoning designations are not subject to the 120-day state mandated decision date (Oregon Revised Statutes [ORS] 227.178).

### **Public Notice**

1. Pursuant to SRC 300.310(f), an applicant for a zone change must contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The applicant has demonstrated adherence with the requirements of SRC 300.310(f).

2. Notice of the proposal was distributed to City departments, neighborhood associations and public and private service providers on September 27, 2021.
3. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on September 29, 2021.
4. The property was posted in accordance with the posting provisions outlined in SRC 300.720(b)(2).

### **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.

### **BACKGROUND INFORMATION**

#### **Proposal**

The applicant is requesting a zone change from Marion County UD (Urban Development) to City of Salem RM-I (Multiple Family Residential I) upon annexation of approximately 3.98 acres of private property and approximately 0.37 acres of Fisher Road NE right-of-way. A map of the privately-owned property subject to the proposed zone change is included as **Attachment B**.

The applicant's written statements summarizing the request and addressing compliance with the required approval criteria are included as **Attachment C**.

#### **Existing Conditions**

The subject property, owned by Kahala Development LLC, is approximately 3.98 acres and occupied by a single-family dwelling and accessory structures. The subject property has approximately 315 feet of frontage on Fisher Road NE, a Collector street, and 24 feet of frontage on Peter Lane NE, a private street that stubs into the northern boundary of the property.

The city limits line forms the northern boundary of the subject property. The applicant submitted this zone change concurrent with an annexation application. A preliminary map of the annexation territory, which includes approximately 0.37 acres of right-of-way in Fisher Road NE, was prepared by the City Surveyor's office and is included as **Attachment D**.

Wetlands and Waterways. The City geographic information system indicates that a waterway crosses the property from north to southeast. The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property.

Floodplain. An existing “AE” floodplain is located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.

Landslide Hazards. City records show there may be category 2 and 3 landslide hazard areas mapped on the subject property.

SRC Chapter 808, Trees. The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. A riparian corridor crosses the property from north to southeast. The property will become subject to the applicable provisions of SRC Chapter 808 upon annexation.

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multi-Family Residential."

The Comprehensive Plan designations of surrounding properties include:

North: “Multi-Family Residential”  
South: “Multi-Family Residential”  
West: Across Fisher Road NE, “Multi-Family Residential”  
East: “Multi-Family Residential”

### Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

*Salem Transportation System Plan (TSP):* The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. Fisher Road NE, classified as a Collector street, abuts the western boundary of the subject property. Peter Lane NE, a private street within the Fisher Garden Townhomes Planned Unit Development, stubs into the northern boundary of the subject property.

### Zoning and Surrounding Land Use

The subject property is zoned Marion County UD (Urban Development). Surrounding properties are zoned and used as follows:

North: RM-II (Multiple Family Residential II); Fisher Garden Townhomes Planned Unit Development  
South: Marion County RL (Limited Multiple-Family Residential) and Marion County RS (Single Family Residential); duplexes and single-family dwellings  
West: Across Fisher Road NE, RM-II (Multiple Family Residential II) and Marion County UD (Urban Development); Salem Housing Authority's Redwood Crossings residential care facility/homeless shelter, single family dwellings  
East: Marion County RM (Multiple Family Residential); mobile home/manufactured dwelling park

### Relationship to the Urban Service Area

The subject property is located inside the Urban Service Area. No Urban Growth Preliminary Declaration will be required at the time of development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

### Infrastructure

*Public Infrastructure Plan:* The Water System Mater Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the subject property.

*Water:* The subject property is located in the G-0 water service level.

A 12-inch public water main is located in Fisher Road NE.

*Sewer:* An 8-inch sewer main is located in Fisher Road NE. The sewer main is approximately 20 feet deep.

*Storm Drainage:* An unnamed waterway is located on the subject property.

*Streets:* Fisher Road NE is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

The existing street has an approximate 30-foot improvement within a 45-foot-wide right-of-way abutting the subject property.

The frontage of the subject property has a special setback equal to 30 feet from centerline of Fisher Road NE.

### Public and Private Agency Review

**Salem Public Works Department** – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (**Attachment E**).

**Salem Fire Department** – The Salem Fire Department submitted comments indicating no concerns with the proposed Quasi-Judicial Zone Change and stating that items including fire department access and water supply will be required at the time of development.

**Salem Community Development Department, Building and Safety Division –** The Building and Safety Division submitted comments indicating that they have no jurisdiction over the proposed zone change.

**Salem Keizer Public Schools** submitted a memorandum (**Attachment F**) indicating that development of the subject property would add approximately 16 students to school enrollment at Chavez Elementary, Waldo Middle School, and McKay High School; enrollment at Chavez and Waldo currently exceeds enrollment/capacity ratios; students at the subject property would be eligible for school transportation; and development of the subject property should collaborate with the District to provide improvements such as bus pullouts and a covered shelter.

**Staff response:** Street, sidewalk, bicycle, and other transportation-related improvements will be addressed during site plan review for the future development.

### **Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Northgate Neighborhood Association (Northgate).

Required Neighborhood Association Contact. Prior to application submittal, SRC 300.310(f) requires the applicant for a proposed zone change to contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The applicant's representative provided a copy of a May 18, 2020 email to the neighborhood association.

### **Neighborhood Association Comment**

The City provided a notice of filing and request for comments to the Northgate Neighborhood Association pursuant to SRC 300.720(b)(2)(A)(i)(ee), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

The Northgate Neighborhood Association commented that they approved the project (**Attachment G**).

### **Public Comment**

Notice was also provided, pursuant to SRC 300.720(b)(2)(A)(i) (ff) and (gg), to all property owners and tenants within 250 feet of the subject property. Posted notice signs for the public hearing were placed visible from each street frontage of the subject property and remained in place through the day of the public hearing as required by SRC 300.720(b)(3).

As of the date of completion of this staff report, comments have been received from one individual in support of the proposal.

### **Homeowners Association**

The subject property is not located within a Homeowners Association.

**Applicant Submittal Information:**

Requests for zone changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as **Attachment C** to 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.

**FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR COMPREHENSIVE PLAN CHANGES AND ZONE CHANGES WITH ANNEXATION**

Salem Revised Code, Chapters 260.045(b) and 260.060(c)(5) provide the criteria for the approval of Comprehensive Plan Changes and Zone Changes with annexation applications. The only difference between these two code sections is the reference to the decision-making group, either the Planning Commission (260.045(b)) or the City Council (260.060(c)(5)). The applicable criteria are stated below in ***bold italic*** print. Following each criterion are staff findings relative to the changes requested.

***Criterion 1: Whether the comprehensive plan and zone designation provides for the logical urbanization of land;***

**Staff Finding:** The property is within the current Urban Growth Boundary (UGB) and therefore is available for urbanization. The territory to be annexed is contiguous to the City limits along its northern boundary. Annexation and the concurrent Zone Change are a logical extension of urban development in this area that is within the UGB.

The subject property is designated "Multi-Family Residential" in the Salem Area Comprehensive Plan map, yet the entire property has not been fully developed. The proposal allows the property made up of two parcels to be efficiently developed with a multi-family use.

The proposed RM-I zoning of the subject property is consistent with the current Multi-Family Residential designation in the Salem Area Comprehensive Plan. The subject property is surrounded by other properties within the City and Marion County with the same Salem Area Comprehensive Plan designation. The surrounding properties are occupied by apartments, a future townhouse development, a mobile home / manufactured dwelling park, duplexes, and single-family dwellings.

The subject property is moderately sloped and largely open with a few trees and shrubs, making it physically suitable for urban development at higher density.

The development area has access to streets, mass transit, schools, waste collection and disposal, commercial services and recreation areas. As such, it is considered available for urban development consistent with plans for the provision of urban facilities and services. It is adjacent to a collector street (Fisher Road NE) and private street (Peter Lane NE), making it easily accessible by vehicles, pedestrians, and bicycles. The property abuts Fisher Road NE, a collector, to the west; it is 0.1 mile east of Interstate 5, 0.3 mile south of minor arterial Ward Drive NE, 0.15 mile west of major arterial Lancaster Drive NE, and 0.6 mile north of major arterial Silverton Road NE. A Core Network transit stop is located on Lancaster Drive NE approximately 0.33 of a mile walking distance from the subject property via Cooley Drive NE.

Lancaster Drive NE is the primary commercial corridor within the City east of Interstate 5. Access to transit, access from a collector, location in proximity to major arterials and a minor arterial, and location near commercial development are appropriate according to the Residential Goal and Multi-Family Housing policies of the Salem Area Comprehensive Plan.

Logical urbanization requires the provision of adequate City infrastructure. Water and sewer infrastructure are available in Fisher Road NE and are adequate to serve future development. An unnamed waterway flows through the subject property.

The existing configuration of Fisher Road NE does not meet the standard for a Collector street according to the Salem TSP. At the time of development, street improvements and/or right-of-way dedication may be required.

Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The proposal meets this criterion.

***Criterion 2: Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;***

**Staff Finding:** The subject property is currently designated “Multi-Family Residential” on the Salem Area Comprehensive Plan map and is surrounded by other properties with the same designation. The “Multi-Family Residential” designation is characterized by a mixture of housing types, and the future use of these areas is primarily residential in nature. The City's RM-I (Multiple Family Residential I) zone implements the “Multi-Family Residential” Plan map designation by providing additional land used primarily for residential uses, including single family, two family, three family, four family, and multiple family; residential care; nursing care; and nonprofit shelters.

Under current standards of SRC Chapter 513, the RM-I zone would allow a density of eight to 14 dwelling units per acre for single family, two family, three family, four family, and multiple family uses. For the subject property of 3.98 acres, approximately 32 to 56 dwelling units may be developed. Adjacent development densities in dwelling units per acre are approximately 10.5 in the duplex properties to the south, 12 in the future townhouse development to the north, four in the manufactured dwelling park to the east, and 19.1 in an apartment complex on the west side of Fisher Road NE.

The proposed zoning designation, potential uses, and potential dwelling unit density are compatible with the existing development patterns in the nearby vicinity, including townhouse, single family, duplex, manufactured dwelling park, residential care / shelter, and apartments.

The proposal meets this criterion.

***Criterion 3: Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and***

**Staff Finding:** The economic, demographic, and social nature of this area is in the process of



changing. The 2015 Housing Needs Analysis (HNA) indicates that changes in demographics, such as aging of baby boomers, housing demand from the echo-boomers, and growth in foreign-born immigrants will affect housing preference. Some boomers will prefer multifamily housing to staying in their own homes; echo-boomers and new immigrants may increase demand for rental units in the near term. The HNA identifies a deficit of approximately 2,897 multi-family residential dwelling units and 207 acres of land designated for multifamily residential development. The proposal to zone 3.98 acres for multi-family housing addresses a housing need identified in the HNA. The proposed change to provide for a multi-family residential housing development would provide reasonable housing alternatives for families at a variety of income levels. The proposal is consistent with the range of existing and planned housing unit types in the immediate vicinity.

The proposal meets this criterion.

***Criterion 4: Whether it is in the public interest that the proposed change be made.***

**Findings:** The City of Salem construes the public interest to be that which is consistent with the adopted goals and policies of the Salem Area Comprehensive Plan, in light of its intent statements.

The proposal also complies with Statewide Planning Goal 10, which requires that cities must allow a variety of housing locations, types, and densities to meet the needs of residents. The proposed annexation will increase the city's inventory of buildable lands for multi-family residential use. The increased inventory of land is a positive factor in providing for housing variety and availability. The location is in close proximity to existing residential development and is appropriate for such housing.

The proposal also is consistent with the intent of the Salem Area Comprehensive Plan. The "Multi-Family Residential" plan map category 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. The proposal for RM-I zoning meets the intent of the residential designations:

- (a) To retain and conserve the existing sound housing stock;
- (b) To provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards;
- (c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions;
- (d) To ensure a compatible transition between various types of housing;
- (e) To provide and maintain a supply of serviced, developable land throughout the urban area for residential and other urban uses, as demand warrants and service capabilities permit;
- (f) To stabilize and protect the essential characteristics of residential environments, including natural features;
- (g) To encourage locating residential development where full urban services, public facilities, and routes of public transportation are available;
- (h) 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 proposed change to RM-I zoning resolves an inconsistency between the property's current zoning of Marion County UD (Urban Development) and the current SACP designation of "Multi-Family Residential" and makes a property available for multi-family housing within the Salem urban area. The Urban Growth Boundary was designed to provide a supply of land available for the city's urban growth needs. Since the property is already in the City of Salem Urban Growth Area, it is expected that the land will eventually be annexed by the city, and the applicant is requesting this annexation and zoning designation to facilitate development. Annexation would allow further residential development at urban densities that would help maximize investment in public services and encourage the efficient use of developable land. The proposed change in zoning is consistent with the location and character of the property, with adjacent land use designations, and with the existing and planned transportation facilities available to serve the property.

The proposed change will benefit the Northgate neighborhood by providing an attractive residential area that allows a logical development of vacant and underdeveloped land. The site should be developed as multi-family rather than single family because the increased density accommodates the increasing population of the Salem area.

The proposed change benefits the public by permitting an increase in the range of density, allowing for additional housing units within the City, and allowing for increased options for a design layout on the subject property. A detailed and specific plan will be submitted and reviewed prior to development. The proposed zone change will allow the subject property to redevelop and meet the current requirements of the Salem Revised Code.

Intent Statement 3.a states in part that the Multi-Family Residential category applies to land that is suitable for residential development at urban densities. The subject property is located where public facilities are available for residential development. Thus, the proposed change to RM-I zoning is consistent with the intent statement for "Multi-Family Residential" Comprehensive Plan map designation.

The Residential Development Goal promotes a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. The proposed change to RM-I zoning meets the intent of this goal by providing additional land available for multi-family housing within the Salem urban area. Annexation would allow further residential development at urban densities that would help maximize investment in public services and encourage the efficient use of developable residential land.

With respect to Residential Development Policy 1, Establishing Residential Uses, the proposed zone change to RM-I will help provide additional land available to meet expected population growth within the Salem area upon redevelopment. The site is an appropriate location for residential development because urban facilities and utilities are available.

The proposed zone change is consistent with applicable goals and policies of the Salem Area Comprehensive Plan. Thus, it is in the public's best interest that the proposed change be made.

The proposal meets this criterion.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Zone Change satisfies the applicable criteria contained under SRC 260.045(b) for approval.

## **RECOMMENDATION**

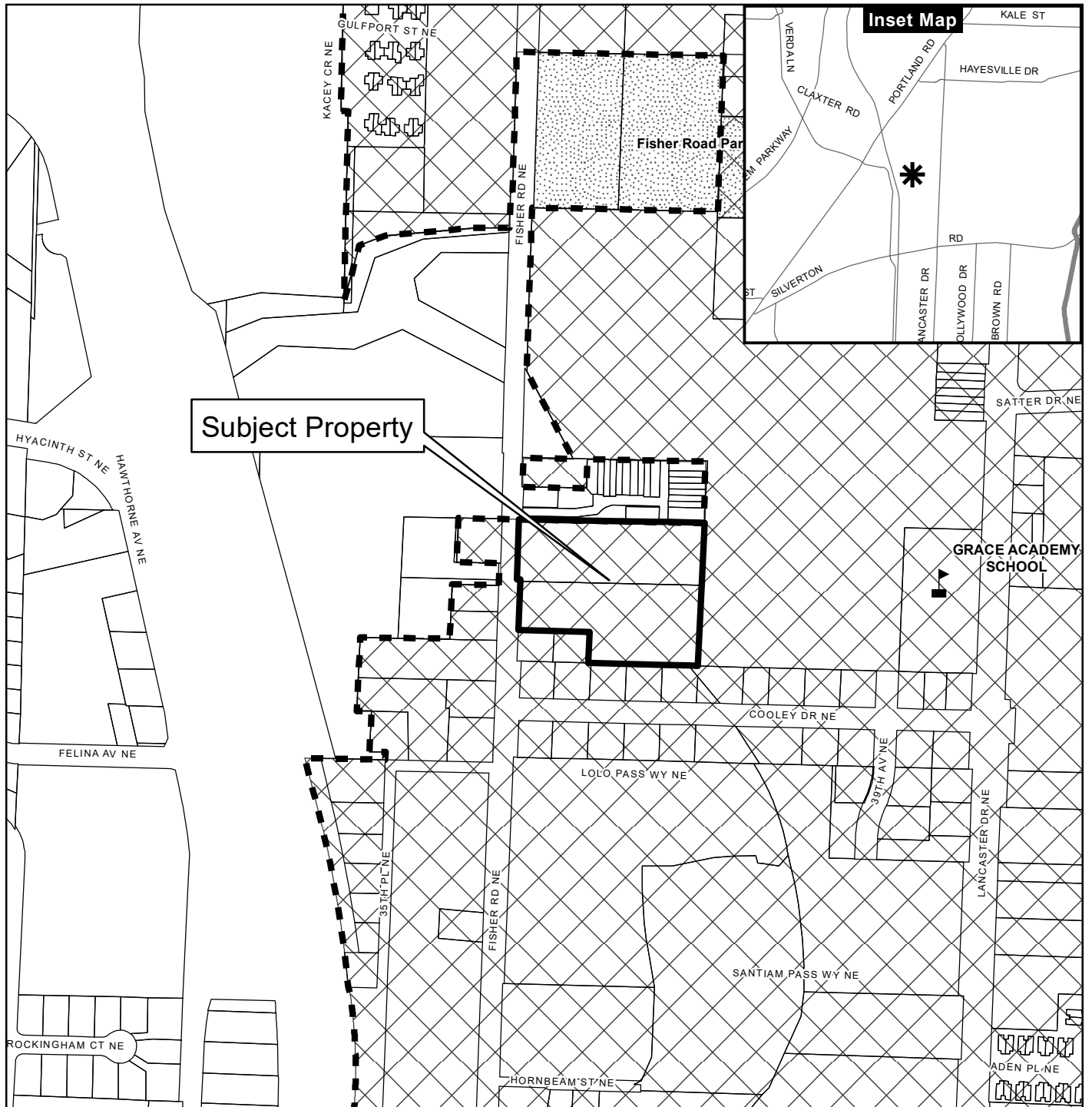
Staff recommends that the Planning Commission adopt the facts and findings of the staff report and make the following recommendation to the City Council for the subject property consisting of approximately 3.98 acres at 4120 Fisher Road NE and 3659 Colton Lane NE 97305 (Marion County Assessor Map and Tax Lot 072W07BC01100 and 072W07BC01001) and abutting right-of-way:

That the zone change request from Marion County UD (Urban Development) to City of Salem RM-I (Multiple Family Residential I) be applied upon annexation of the property.

- Attachments:
- A. Vicinity Map
  - B. Map of Area Subject to Proposed Zone Change
  - C. Applicant's Written Statement
  - D. Annexation Territory Map
  - E. Public Works Department Memo
  - F. Salem Keizer School District Comments
  - G. Northgate Neighborhood Association Comments

Prepared by Pamela Cole, Planner II

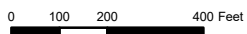
# Vicinity Map 4120 Fisher Road NE



**Legend**

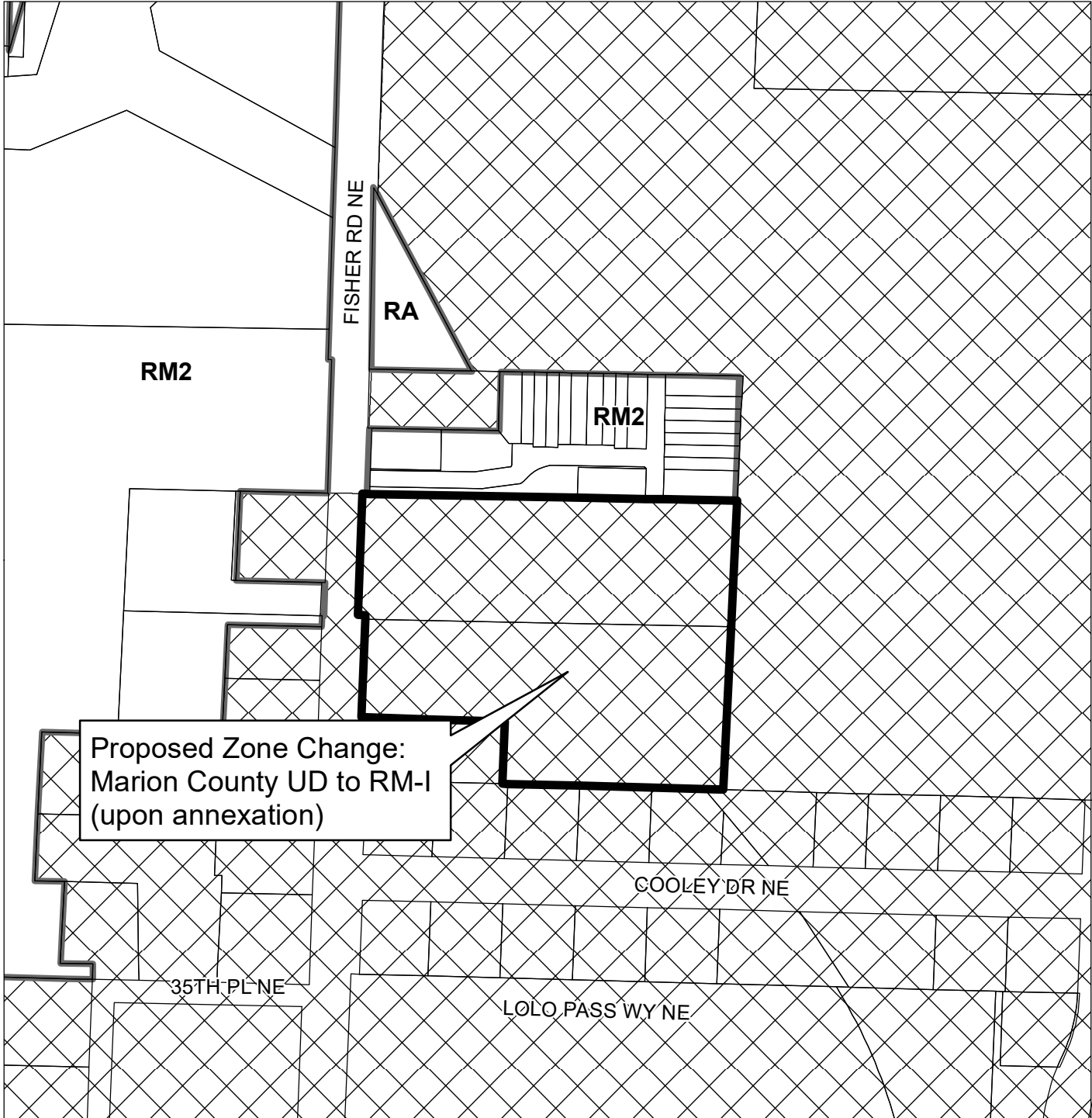
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

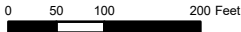
# Proposed Zone Change 4120 Fisher Road NE and Adjacent Lands



**Legend**

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

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



## ZONE DESIGNATION CRITERIA – WRITTEN FINDINGS

ADDRESS: 4120 Fisher Road NE

APPLICANT: Kahala Development LLC

REQUEST: VOTER EXCEMPT ANNEXATION AND COMPREHENSIVE PLAN ZONE CHANGE FROM MARION COUNTY UD TO RMI

Below are the proposed findings demonstrating why zone designation criteria are met in accordance with SRC 260.045(b). The applicants findings are shown in *italics* below the code section.

The criteria of SRC 260.045(b) are:

- (1) Whether the comprehensive plan and zone designation provides for the logical urbanization of land;

*Applicants Response: The subject property is contains one single family home on a 3.95 acre property in Marion County zone UD. The property to the north is zoned City of Salem RM2 and is currently under construction for townhomes, the property to the east is zoned Marion County RM and is occupied by a mobile home park, the property to the south is zoned Marion County RM and RS and is occupied by single family residential homes, the property to the west across Fisher Road is zoned Marion County UD and is occupied by single family homes. Therefore, this infill development sits between single family and a multifamily zone, which makes the proposed development a logical urbanization of land. This criteria has been met.*

- (2) Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;

*Applicants Response: The subject property is contains one single family home on a 3.95 acre property in Marion County zone UD. The property to the north is zoned City of Salem RM2 and is currently under construction for townhomes, the property to the east is zoned Marion County RM and is occupied by a mobile home park, the property to the south is zoned Marion County RM and RS and is occupied by single family residential homes, the property to the west across Fisher Road is zoned Marion County UD and is occupied by single family homes. Therefore, this infill development sits between single family and a multifamily zone, which makes the proposed zone designation compatible with development patterns in the nearby vicinity. This criteria has been met.*

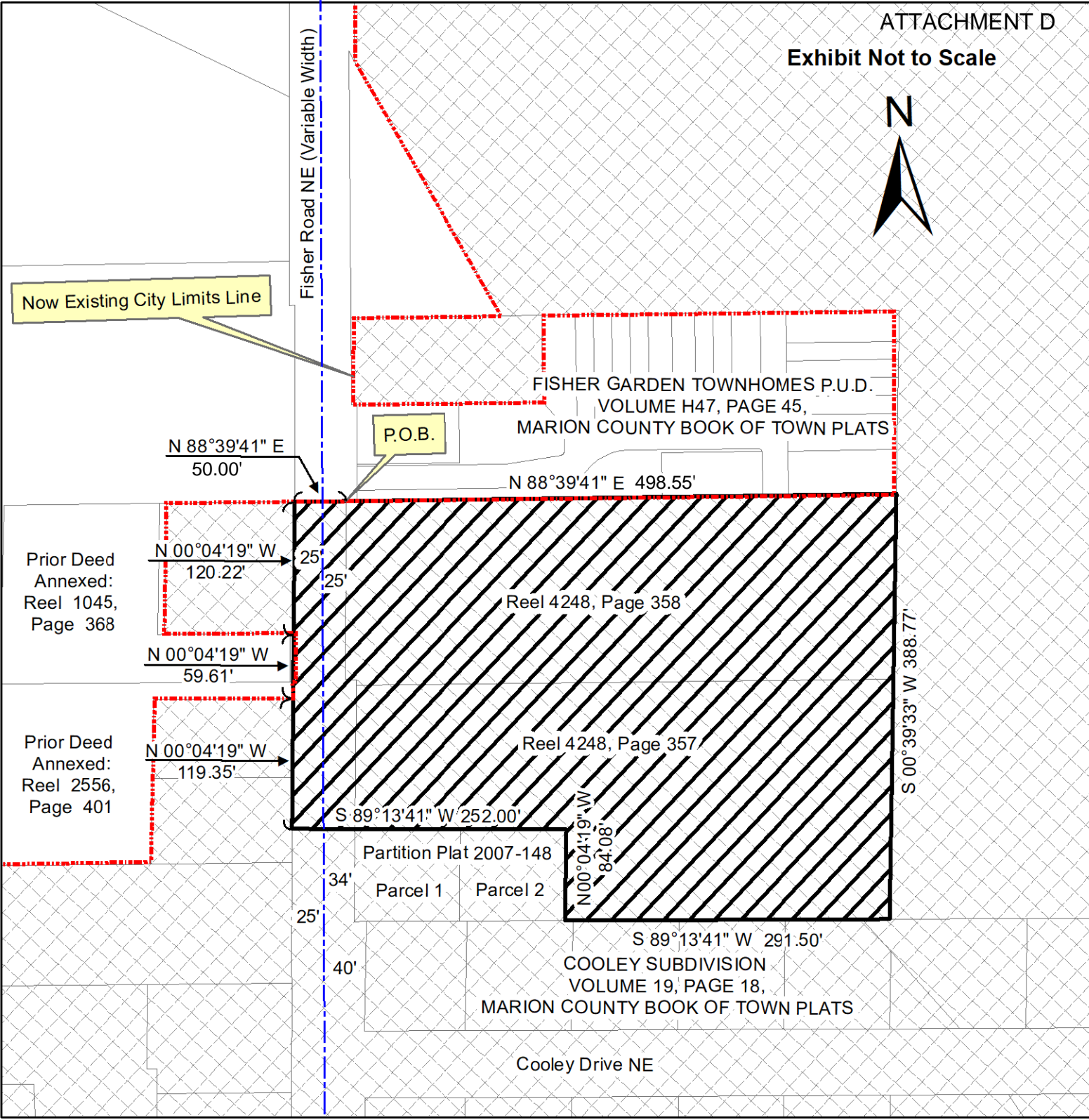
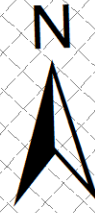
- (3) Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and

- (4) Whether it is in the public interest that the proposed change be made.

*Applicants Response: The City of Salem is growing. As stated in the January 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis identifies a major deficit of multifamily housing to meet market demand and Statewide Planning Goal 10. Therefore, market forces have driven the need for RM zoning property based on economic patterns in the nearby and regional vicinity. This is demonstrated by the north property recently being rezoned to RM2. In addition, the proposed zone change is in the public interest because the zoning allows for an increase in dwelling*

*unit density which is in high demand in the Salem Area which is confirmed based on the findings of the January 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis. This criteria has been met.*






NOTE: BASIS OF BEARINGS -  
Centerline of Fisher Road NE, Marion  
County Survey Record 33191

TOWNSHIP 7 SOUTH, RANGE 2 WEST, SECTION 7,  
WILLAMETTE MERIDIAN

P.O.B. = Point of Beginning  
ROW = Right-of-Way

 PROPERTY IN MARION COUNTY

 PROPERTY PROPOSED  
TO BE ANNEXED INTO CITY

EXHIBIT MAP

**CITY OF SALEM, OREGON  
PUBLIC WORKS DEPARTMENT**

4120 Fisher Road NE and Adjacent Lands

CITY OF SALEM ORDINANCE NO. \_\_\_\_\_  
ANNEXED: \_\_\_\_\_ ADJACENT TO WARD 5  
CONTAINING: 3.98 Acres Outside ROW and 0.37 Acres Inside ROW

CASE NO. C-740 TRACT NO. \_\_\_\_\_





# MEMO

**TO:** Pamela Cole, Planner II  
Community Development Department

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

**DATE:** October 8, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
ZC21-02 (19-124752)  
4120 FISHER ROAD NE  
ZONE CHANGE WITH ANNEXATION (ANXC-740)**

## **PURPOSE**

A Zone Change from Marion County UD (Urban Development) to City of Salem RM-I (Multiple Family Residential I) for 3.98 acres at 4120 Fisher Road NE and 3659 Colton Lane NE 97305 (Marion County Assessor Map and Tax Lot 072W07BC01100 and 072W07BC01001) and abutting right-of-way, concurrent with a proposed petitioner-initiated, voter-exempt annexation and a withdrawal of the territory from the East Salem Sewer and Drainage District and Marion County Fire District #1.

## **SUMMARY OF FINDINGS**

The proposed zone change meets applicable criteria related to Public Works infrastructure.

## **FACTS**

### **Urban Growth Area Development Permit**

The subject property is located inside of the Urban Service Area. No Urban Growth Preliminary Declaration will be required at the time of development.

### **Streets**

#### **1. Fisher Road NE**

- a. **Standard**—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 30-foot improvement within a 45-foot-wide right-of-way abutting the subject property.
- c. Special Setback—The frontage of the subject property has a special setback equal to 30 feet from centerline of Fisher Road NE.

### **Storm Drainage**

#### 1. Existing Conditions

- a. An unnamed waterway is located on the subject property.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch public water main is located in Fisher Road NE.

### **Sanitary Sewer**

#### 1. Existing Sewer

- a. An 8-inch sewer main is located in Fisher Road NE. The sewer main is approximately 20 feet deep.

### **Natural Resources**

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property.
2. Floodplain—An existing “AE” floodplain is located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.
3. Landslide Hazards—City records show there may be category 2 and 3 landslide hazard areas mapped on the subject property.

### **CRITERIA AND FINDINGS**

**SRC 260.045(b)(1)—Whether the comprehensive plan and zone designation provides for the logical urbanization of land.**

**Finding:** Logical urbanization requires the provision of adequate City infrastructure. Water and sewer infrastructure are available in Fisher Road NE and are adequate to serve future development. An unnamed waterway flows through the subject property.

Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The existing configuration of Fisher Road NE does not meet the standard for a Collector street according to the Salem TSP. At the time of development, street improvements and/or right-of-way dedication may be required. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager  
cc: File



DAVID FRIDENMAKER, Manager  
 Facility Rental, Planning, Property Services  
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316  
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

October 6, 2021

Pamela Cole  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. ZC21-02, 4120 Fisher Rd NE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Chavez	Elementary	K thru 5
Waldo	Middle	6 thru 8
McKay	High	9 thru 12

*Table 1*

### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Chavez	Elementary	571	525	109%
Waldo	Middle	1254	1,160	108%
McKay	High	2,409	2,536	95%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	44	MF	0.201	9
Middle			0.077	3
High			0.084	4

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Chavez	Elem.	571	1	9	10	525	111%
Waldo	Mid.	1,254	3	3	6	1,160	109%
McKay	High	2,409	4	4	8	2,536	95%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the



path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Chavez	Elementary	Eligible for School Transportation
Waldo	Middle	Eligible for School Transportation
McKay	High	Eligible for School Transportation

Table 5

**ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT**

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	9	\$60,840	\$547,560
Middle	3	\$72,735	\$218,205
High	4	\$84,630	\$338,250
TOTAL			\$1,104,285

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Sincerely,



David Fridenmaker, Manager  
 Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation

**Pamela Cole**

---

**From:** beebalmbees@gmail.com  
**Sent:** Wednesday, September 29, 2021 11:14 PM  
**To:** Shelby Guizar  
**Cc:** Pamela Cole; Irma Dowd; Becca Striepe; Don Jensen; Flora Morales; Jess Cruz; 'Joanne Barnhart'; Pedro Mayoral; Pennie Morley; 'Ross Black'; 'Timothy Beck'  
**Subject:** RE: Hearing Notice - Case No. ZC21-02 for 4120 Fisher Road NE

Shelby,

After our on-line voting, this project was approved by Northgate Neighborhood Association.

Bayard Mentrum  
 Chair  
 NGNA

---

**From:** Shelby Guizar <SGuizar@cityofsalem.net>  
**Sent:** Wednesday, September 29, 2021 8:55 AM  
**To:** Shelby Guizar <SGuizar@cityofsalem.net>  
**Cc:** Pamela Cole <PCole@cityofsalem.net>  
**Subject:** Hearing Notice - Case No. ZC21-02 for 4120 Fisher Road NE

Hello,

The Hearing Notice for Zone Change Case No. ZC21-02 for 4120 Fisher Road NE is attached for your information. Hard copies go out in the mail today to those of you who are to receive one. This case will be heard digitally before the Planning Commission on Tuesday, October 19, 2021.

*Application Summary:* A Zone Change from Marion County UD (Urban Development) to City of Salem RM-I (Multiple Family Residential-I), concurrent with a proposed petitioner-initiated annexation and withdrawal from the East Salem Sewer and Drainage District and Marion County Fire District #1.

Please direct questions or comments to the **CASE MANAGER:**

**Pamela Cole**

[PCole@cityofsalem.net](mailto:PCole@cityofsalem.net)

503-540-2309

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

[sguizar@cityofsalem.net](mailto:sguizar@cityofsalem.net) | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)