

**TO: PLANNING COMMISSION**

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

**SUBJECT: ZONE CHANGE CASE NO. ZC21-03; FOR PROPERTY LOCATED AT  
3476/3480 BLOSSOM DRIVE NE AND ADJACENT LANDS (AMANDA  
APPLICATION NO. 20-118432-ZO)**

**REQUEST**

A Zone Change from Marion County UT-5 (Urban Transition-5 Acres) to City of Salem RM-II (Multiple Family Residential-II) for the western area of a property that is designated Multi-Family Residential in the Salem Area Comprehensive Plan, zoned Marion County UT-5 (Urban Transition-5 Acres) and RM (Multiple Family Residential), and located at 3476/3480 Blossom Drive NE and Adjacent Lands 97305 (Marion County Assessor Map and Tax Lot 073W01A03300), concurrent with a petitioner-initiated, voter-exempt annexation of the entire property and withdrawal from the Keizer Fire District.

**APPLICANT/OWNER:** Blossom Garden Apartments LLC (Terence Blackburn, Clutch Multifamily LLC (Terence Blackburn, Sean Blackburn))

**REPRESENTATIVE:** Brad Kilby, HHPR Inc., on behalf of Chris Anderson, Clutch Industries

**RECOMMENDATION**

Adopt the findings of this report and recommend approval of Zone Change 21-03 to City Council

**APPLICATION PROCESSING**

**Subject Application**

On November 30, 2020, Brad Kilby of HHPR Inc., on behalf of the applicant Clutch Industries, 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 February 5, 2021. The public hearing on the zone change application is scheduled for December 7, 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 UT-5 (Urban Transition 5 Acres) zoning designation of the western area of the property would be "Developing Residential" with RA (Residential Agriculture) or 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-II (Multiple Family Residential II), 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 November 17, 2021 and posted on the subject property on November 23, 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 November 15, 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 November 17, 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 UT-5 (Urban Transition 5 Acres) to City of Salem RM-II (Multiple Family Residential II) for the western portion of a territory consisting of approximately 3.54 acres. The proposed zone change would become effective upon annexation of the territory. 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 Blossom Gardens Apartments LLC, is approximately 3.5 acres and occupied by a single-family dwelling and accessory structures. The subject property has approximately 175 feet of frontage on Blossom Drive NE, a Collector street.

The city limits line forms the northern and western boundaries 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 3.5 acres of private property and 1,761 square feet (0.04 acres) of right-of-way in Blossom Drive NE, was prepared by the City Surveyor's office and is included as **Attachment D**.

The subject property was recently partitioned in Marion County. A copy of the partition plat is included as **Attachment E**. The two parcels resulting from the partition are not yet shown as separate tax lots on the Marion County Assessor's Map.

Wetlands and Waterways. The Salem-Keizer Local Wetland Inventory (LWI) shows that there are no hydric soils or linear wetland area(s) mapped on the property.

Floodplain. City records show there are no floodplain or floodway areas mapped on the subject property.

Landslide Hazards. City records show there are no landslide 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. 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: Across Blossom Drive NE, "Industrial"  
South: "Multi-Family Residential," "Commercial"  
West: "Industrial"  
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. Blossom Drive NE, classified as a Collector street, abuts the northern boundary of the subject property.

### Zoning and Surrounding Land Use

The subject property is zoned Marion County UT-5 (Urban Transition—5 Acres) in the west and RM (Multiple-Family Residential) in the east. Surrounding properties are zoned and used as follows:

North: Across Blossom Drive NE, IG (General Industrial); warehouses,  
South: Marion County RM (Multiple-Family Residential) and Marion County CR-LU

West: (Commercial Retail-Limited Use); warehouses, manufactured structure park  
IBC (Industrial Business Campus); vacant  
East: Marion County RM (Multiple-Family Residential); single-family dwellings,  
manufactured structure park

### Relationship to the Urban Service Area

The subject property is located outside the Urban Service Area. If the applicant proposes to develop the property as defined in SRC 200.005, an Urban Growth Area (UGA) Development Permit is required (SRC 200.010(c)). A UGA development permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. 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 16-inch public water main is located in Blossom Drive NE.

*Sewer:* A 10-inch sewer main is located in Blossom Drive NE.

*Storm Drainage:* A 15-inch storm main is located in Blossom Drive NE.

*Streets:* Blossom Drive NE is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34- to 40-foot-wide improvement within a 60-foot-wide right-of-way.

The existing street has an approximate 26-foot improvement within a 55-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 Blossom Drive NE.

### Public and Private Agency Review

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

**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 reviewed the proposal and had no comments.

**Salem Keizer Public Schools** submitted a memorandum (**Attachment G**) indicating that development of the subject property would add approximately 25 students to school enrollment at Forest Ridge Elementary, Whiteaker Middle School, and McNary High School; 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.

**Marion County Public Works** – Marion County Public Works commented that the subject property has a Development Deferral Agreement recorded against it for inclusion of the smaller parent parcel in the overall Blossom Drive frontage improvements at the time of multi-family development. A copy of the Agreement is attached (**Attachment H**).

**Oregon Department of Aviation** – The Oregon Department of Aviation reviewed the proposal and had no comments.

**Cherriots** – Cherriots submitted comments indicating support for the proposed zone change (**Attachment I**).

### **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 November 25, 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 held an on-line vote and approved the project.

### **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).

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-II zoning of the subject property is consistent with the current Multi-Family Residential designation in the Salem Area Comprehensive Plan. The subject property is contiguous to other properties within the City and Marion County with the same Salem Area Comprehensive Plan designation. The surrounding properties are occupied by single family dwellings, a mobile home / manufactured dwelling park, and warehouses.

The subject property is flat 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 abuts a collector street (Blossom Drive NE), making it easily accessible by vehicles, pedestrians, and bicycles. The property is 0.5 mile east of Interstate 5, 0.06 mile east of collector Astoria Drive NE, 0.22 mile west of major arterial Portland Road NE, and 0.31 mile

west of major arterial Lancaster Drive NE. A Local Regional Route transit stop is located on Portland Road NE approximately 0.45 of a mile walking distance from the subject property via Blossom Drive NE, 38<sup>th</sup> Avenue NE, and Portland Road 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 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 is available in the vicinity of the subject property and appears adequate to serve future development. Stormwater infrastructure may need to be extended to the eastern boundary of the subject property at the time of development in order to serve upstream properties pursuant to PWDS.

Future development may require an Urban Growth Area (UGA) Preliminary Declaration to address linking and boundary facilities required to serve subject property under the standards and requirements of SRC Chapter 200. The property is lacking adequate park facilities pursuant to SRC 200.075 for future residential development.

The existing configuration of Blossom Drive NE does not meet the standard for a Collector street according to the Salem TSP.

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 contiguous to 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-II (Multiple Family Residential II) 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 514, the RM-II zone would allow a density of 12 to 28 dwelling units per acre for single family, two family, three family, four family, and multiple family uses. For the subject property of 3.5 acres, approximately 42 to 98 dwelling units may be developed.

The proposed zoning designation, potential uses, and potential dwelling unit density are compatible with the existing development patterns in the nearby vicinity, including single family dwellings and a manufactured structure park.



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 3.5 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-II 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-II zoning resolves an inconsistency between the property's current zoning of Marion County UT-5 (Urban Transition-5 Acres) 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-II 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-II 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-II 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**

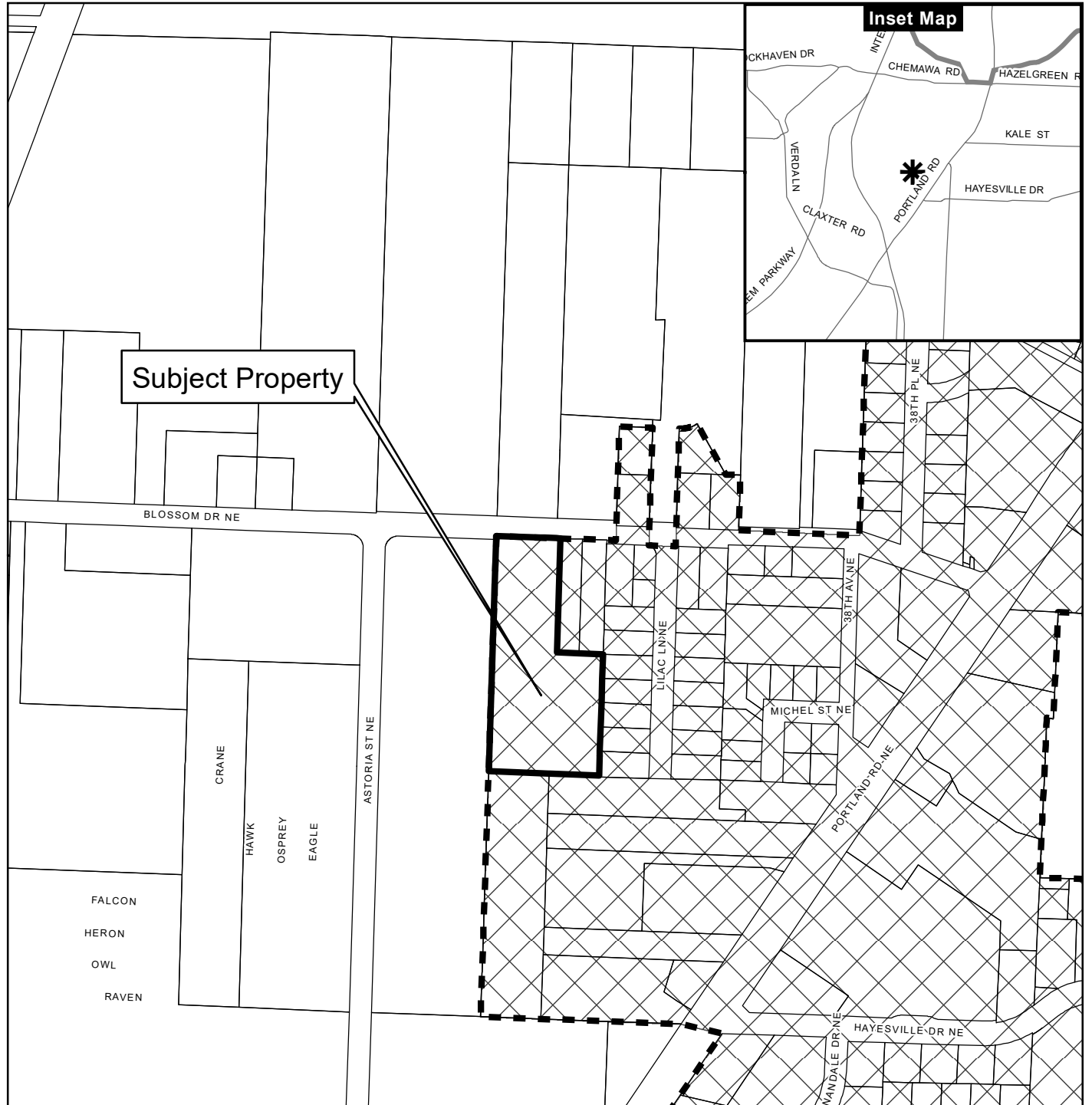
Staff recommends that the Planning Commission adopt the facts and findings of the staff report and make the following recommendation to the City Council for the subject property consisting of approximately 3.5 acres of private property at 3476 and 3480 Blossom Drive NE 97305 (Marion County Assessor Map and Tax Lot 073W01A03300) and approximately 1,761 square feet of right-of-way in Blossom Drive NE:

That the zone change request from Marion County UT-5 (Urban Transition-5 Acres) to City of Salem RM-II (Multiple Family Residential II) 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. Marion County Partition Plat
  - F. Public Works Department Memorandum
  - G. Salem Keizer School District Comments
  - H. Marion County Public Works Department Comments
  - I. Cherriots Comments

Prepared by Pamela Cole, Planner II

# Vicinity Map 3480 Blossom Drive NE



**Legend**

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

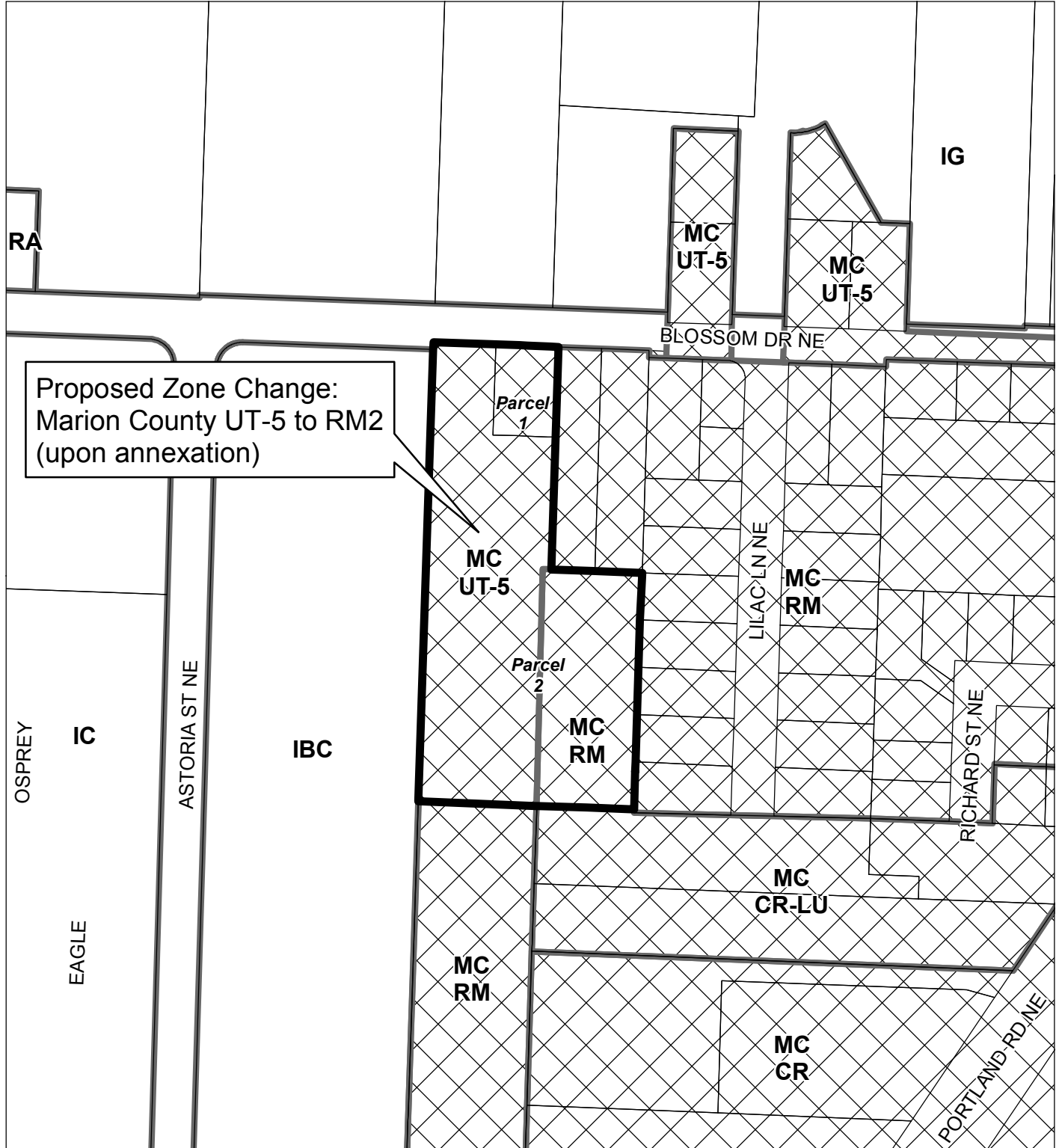


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# Proposed Zone Change - 073W01A03300

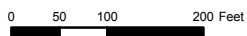


Proposed Zone Change:  
Marion County UT-5 to RM2  
(upon annexation)

**Legend**

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

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## Blossom Drive Annexation and Rezone

Type IV Applicant Narrative for  
Annexation and Zone Change

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**Owner:** Blossom Gardens Apartments, LLC  
Attn: Chris Anderson or Sandra Sladick  
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Salem, OR 97301  
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or

Hillary Harris, Assistant Planner  
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(503)221-1131

**Site Address:** 3480 Blossom Drive NE  
Salem, OR 97305

**Tax Lot Numbers:** 073W01A003300

**Property Size:** 3.54 acres

**Zoning:** UT-5/RM (Multi-Family Residential)

**Comprehensive Plan:** MF (Multi-Family Residential)

**Summary of Request:** The applicant proposes to annex the property into the City of Salem and rezone the property to multi-family residential (RM-II) for future development. A multi-family zoning designation would be consistent with the designation in the Salem Area Comprehensive Plan

**Date:** November 25, 2020

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### ATTACHMENTS:

- 50. Land Use Application
- 51. Deed
- 54. Written Statement
- 56. Annexation Packet
- 57. Articles of Amendment and Organization
- 58. Operating Agreement
- 59. Recommended Findings of Fact
- 60. Pre-Application Report



## I. SUMMARY OF PROPOSAL AND REQUEST

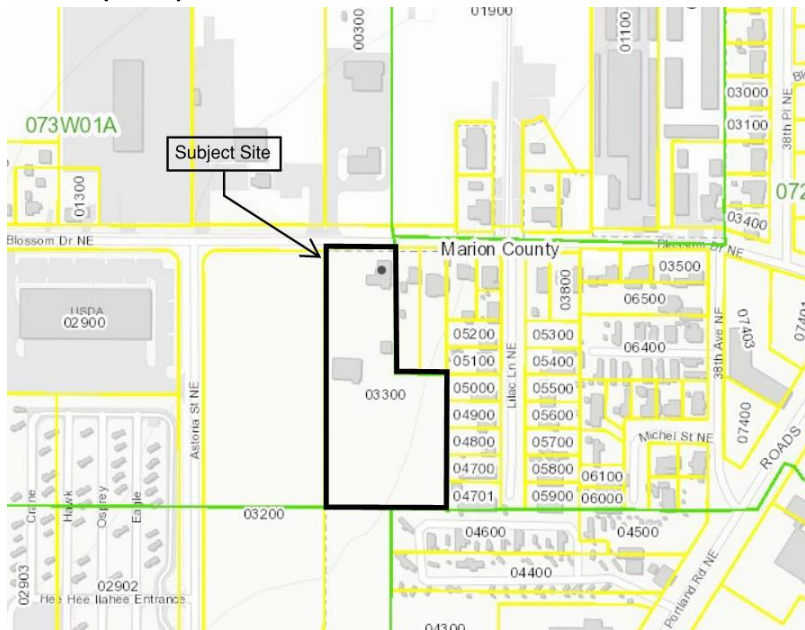
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### Existing Conditions

The subject property is located at 3480 Blossom Drive NE just outside but adjacent to the Salem City limits and within Marion County. The site is located within the Salem UGB. The site is approximately 3.54 acres in size and is comprised of Tax Lot 073W01A003300. Currently, the site is developed with a single-family detached home and several associated outbuildings.

There are currently two zoning districts on the subject property: UT-5 (Urban Transition – 5 acres) and RM (Multiple Family Residential). The Salem Area Comprehensive Plan (SACP) designation for the site is MF (Multi-Family Residential).

### Vicinity Map



### Proposal

The applicant is proposing to annex the property into the City of Salem and re-zone the property Multi-Family Residential (RM-II). Re-zoning the property to RM-II will bring the property into compliance with the Salem Area Comprehensive Plan designation and allow for the future development of multi-family residential dwellings on the property. This application does not request the approval of a site plan or design review with this application.

As demonstrated throughout this narrative and supporting documentation, the application is requesting approval of a Type IV Annexation and Zone Change. The applicant acknowledges that this Type IV application is subject to the submittal requirements and review processes outlined in SRC Chapter 300.





## II. RESPONSES TO APPLICABLE CODE SECTIONS

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### SRC 260: Annexation Procedures

#### Section 260.010: Initiation of Annexation

*Annexation of territory into the City may be initiated by the Council upon its own motion, or by a petition submitted to the Council by owners of real property in the territory proposed to be annexed.*

**Response:** This annexation is an owner-initiated annexation subject to the review procedure, submittal requirements, and criteria of SRC Chapter 260.

#### Section 260.015: Enclave Annexations

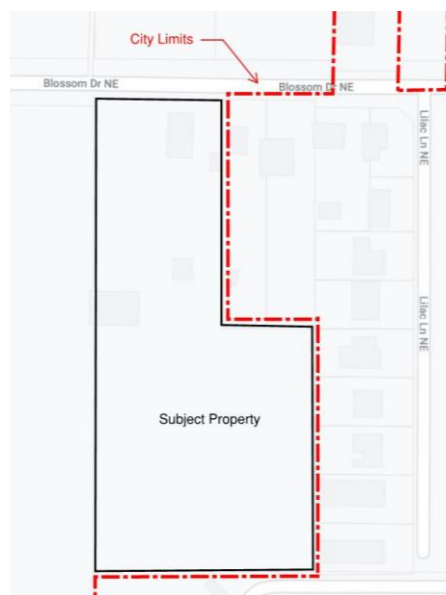
*When a petition for annexation is filed, the Director may include areas adjacent to the territory proposed to be annexed as part of the proposed annexation if the failure to include the additional territory would result in the creation of an enclave and the requirements for consent elections set forth in ORS Chapter 222 are met, or if the inclusion of the additional territory would eliminate existing enclaves.*

**Response:** This application complies with this standard. The annexation of the subject property would not create any enclave because the City limits is adjacent to the subject site. Please see the maps below for details on the proposed City limit change after annexation.

Current City Limits



City Limits After Proposed Annexation



**Section 260.020: Voter Approval of Annexations; Exempt Annexations**

- a) *Except as provided in subsection (b) of this section, all annexations shall be submitted to the voters of the City for their approval.*
- b) *Annexations made pursuant to annexation contracts effective prior to May 16, 2000, annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law are exempt from voter approval.*

**Response:** The 2016 Senate Bill 1573 prohibits the City from sending owner-initiated annexations to the voters if all owners signed the petition. Blossom Gardens Apartments LLC is the sole owner of the property requested to be annexed into the City limits and has signed the petition. Therefore, this owner-initiated annexation request does not require voter approval.

**Section 260.030: Pre-Application Conference; Filing Deadline**

- a) *Any person who wishes to petition for the annexation of territory shall participate in a pre-application conference not less than 60 days prior to the deadline for filing the petition. The purpose of the pre-application conference shall be to inform the person of the process for annexing territory into the City.*

**Response:** Noted. The applicant participated in a pre-application conference with the City of Salem Planning Division on October 15, 2020. The full report is attached to this application as Attachment 6.

- b) *Unless otherwise allowed by the Director, annexation petitions which propose a change to the comprehensive plan or zone designation for the territory pursuant to SRC 260.045(b) shall be filed not less than 315 days prior to the date of the election when the annexation is proposed to be submitted to the voters. Annexation petition which will have the comprehensive plan and zone designations applied pursuant to SRC 260.045(a) shall be filed not less than 240 days prior to the date of the election when the annexation is proposed to be submitted to the voters.*

**Response:** This annexation application is not subject to voter approved annexation after SB 1573. Therefore, this standard does not apply.

**Section 260.035: Annexation Petitions; Land Use Determination Application; Conceptual Plan**

- a) *Petitions for annexation and applications for land use designations shall be on forms promulgated by the Director.*

**Response:** This application complies with this standard. The petition for annexation and the land use application are both forms provided at the Pre-Application Conference with the City in October of 2020. Those forms have been completed and are attached to this application. See Attachments 1 and 2.



b) *A petition for annexation for which voter approval is required shall be accompanied by: [...]*

**Response:** As mentioned, this petition for annexation does not require voter approval after Senate Bill 1573. Therefore, this standard does not apply, and the code language has been removed.

c) *A petition for annexation exempt from voter approval under SRC 260.020(b) shall contain the following:*

1) *A legal description of the property proposed to be annexed, along with documentation of ownership;*

**Response:** This standard is met. The deed and legal description of the property is included with this application as Attachment 3.

2) *The notarized signatures of the landowner or owners;*

**Response:** This standard is met. The notarized signatures of Blossom Gardens Apartments, LLC, the owners of the subject property are included with the attached annexation packet, Attachment 2.

3) *A statement from the Oregon Department of Human Services, the Oregon Department of Environmental Quality or the county health department or sanitarian attesting to the failing septic system or health hazard and which otherwise complies with health hazard abatement law relative to annexation, a copy of the annexation contract, or documentation that the annexation is otherwise mandated by state law; and*

**Response:** This standard is met. A copy of the annexation contract is included as Attachment 2, the annexation packet.

4) *A consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.*

**Response:** This standard is met. The signed and notarized Consent and Waiver of Ballot Measure 49 Claims are included with this application with Attachment 2, the annexation packet.

d) *If the Council initiates an annexation at the request of a landowner, and a comprehensive plan or zone designation is proposed which is different from the existing or equivalent comprehensive plan designation or equivalent zone designation, as set forth in Table 260-1, the landowner shall, as a condition of the initiation and within 30 days of the date the Council initiates the annexation, provide a conceptual plan which complies with subsection (b)(4)(D) of this section. In addition, any annexation initiated upon the request of a landowner shall be specifically conditioned upon the execution of a consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.*



**Response:** As mentioned, the property currently has a split zone of UT-5 and RM. Below is Table 260-1 showing the City’s equivalent land use designations.

<b>Table 260-1: Land Use Designations</b>		
<b>Marion County/City SACP Designation</b>	<b>Marion County Zone</b>	<b>Equivalent City Zone</b>
<i>Developing residential</i>	<i>UT (Urban Transition)</i>	<i>RA (Residential Agriculture) RS (Single Family Residential)</i>
<i>Multifamily residential</i>	<i>RM (Multiple Family Residential)</i>	<i>RM-I (Multiple Family Residential) RM-II (Multiple Family Residential)</i>

As seen in the above table, one of the City equivalents to RM is RM-II, which is the zoning district the applicant is proposing to re-zone the property. Because a portion of the property is zoned UT-5 and is proposed to be re-zoned to RM-II and not an equivalent City zone (RA or RS), standard (d) above applies to this application. The applicant has prepared a conceptual plan for future development of the site if annexed and rezoned. The applicant is prepared to provide a conceptual plan within 30 days from Council initiation of the annexation. The consent and waiver of Ballot Measure 49 claims is attached with this application as Attachment 2.

**Section 260.040: Filing Fees and Election Costs**

- a) *Filing fees. Any person submitting a petition for annexation shall pay a petitioner's application fee at the time the petition is filed, and such other fees that are required for processing any land use actions or special district withdrawals associated with the annexation. The petitioner's application fee shall be set by resolution of the Council. The fees paid pursuant to this subsection shall be non-refundable.*

**Response:** A voter-exempt annexation application with a zone change has a fee of \$11,165. This fee was submitted along with this application.

- b) *Election costs. [...]*

**Response:** An election is not required with this annexation request and application. Therefore, this standard does not apply.

**Section 260.045: Land Use Designations**

- a) *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.*

**Response:** As mentioned, the current zoning on the property is UT-5 and RM, and the SACP designation is multi-family residential (MF). The applicant proposes to re-zone the property RM-II, which is compatible with the Comprehensive Plan and compatible with surrounding land uses in the area. Further, the designation is supported by the most recent Salem Housing Needs Analysis. If the UT portion of the property was re-zoned to the City equivalent RA (Residential Agriculture) or RS (Single Family Residential), the property would be inconsistent with the SACP. Under criteria (a)(3) above, the proposal to re-zone the property to RM-II and not the equivalent zoning designation is more consistent with City land use designation standards within the SACP.

*b) If the new comprehensive plan designation is proposed, or a zoning designation is proposed for the territory that is different from the equivalent designation set forth in Table 260-1, the Planning Commission shall hold a public hearing to review the proposed designation, and shall make a recommendation to the Council whether, in light of the conceptual plan, to adopt the proposed designation, the equivalent designation, or a different designation. The Planning Commission's review shall be based the following criteria:*

- 1) *Whether the comprehensive plan and zone designation provides for the logical urbanization of land;*
- 2) *Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;*
- 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.*

**Response:** Noted. This application provides the necessary information to demonstrate that this request meets the criteria upon which the Planning Commission could make a favorable recommendation to the Council. Please see the response in Section 260.060(c)(5) of this narrative for the response to these criteria.

#### Section 260.050: Modification of Conceptual Plan After Planning Commission Recommendation

- a) Notwithstanding any other provision of this chapter, if the Planning Commission fails to recommend the comprehensive plan or zone designation proposed by a petitioner or requested by a landowner, the petitioner or landowner may elect to:*
- 1) *Modify the conceptual plan prior to hearing before the Council under SRC 260.060, and propose different uses, development standards, or an alternative conceptual plan which*



*conform to the Planning Commission's recommended comprehensive plan and zone designations;*

- 2) Choose to proceed with the annexation under the equivalent land use designations set forth in Table 260-1, without a conceptual plan; or*
  - 3) Present the original conceptual plan to the Council.*
- b) Notice of the election of one of the options set forth in subsection (a) of this section shall be provided, in writing, to the Director not less than 60 days prior to the hearing before the Council. If the petitioner or landowner chooses to modify the conceptual plan or to submit an alternative conceptual plan, a copy of the modified or alternative conceptual plan shall be provided with the notice of election, along with proposed findings demonstrating that the comprehensive plan and zone designation criteria will be met under the modified or alternative plan.*

**Response:** Acknowledged by the applicant.

#### Section 260.055: Fiscal Impact Statement

- a) Not less than 14 days prior to the date of the hearing before the Council under SRC 260.060, the Director shall prepare a fiscal impact statement, which shall estimate the fiscal impact the proposed annexation would have on the City's general fund. If the proposed annexation includes a conceptual plan, the Director shall base the estimate on the information provided pursuant to SRC 260.035. The methodology for the preparation of the fiscal impact statement shall be adopted by resolution of the Council.*
- b) The Director shall forward the petition to the Salem-Keizer School District for its review, and request that the district submit a report on the fiscal impact of the proposed annexation on the district not less than three weeks prior to the date of the hearing before the Council under SRC 260.060.*

**Response:** Acknowledged. The applicant understands that the Director will prepare a fiscal impact statement of the annexation at least 14 days in advance to the hearing date, and that the Director will forward the annexation petition to the School District. To the extent that the applicant can assist in preparing the analysis, they will.

#### Section 260.060: Council Review of Proposed Annexation

- a) Hearing. No later than 45 days prior to the date the proposed annexation must be submitted to the county clerk for inclusion on the ballot, the Council shall hold a public hearing on each annexation proposal, including the proposed zoning and any comprehensive plan designation for the territory to be annexed, if such designation is different than that automatically applicable under SRC 260.045(a).*

**Response:** Noted. The applicant understands that a public hearing will be held on the proposed annexation and zoning change.



b) *Notice of hearing.*

- 1) *At least ten days before the public hearing, notice of the hearing shall be mailed to persons whose property will become an enclave as a result of the approval of the proposed annexation. The notice shall include a description of the proposed annexation, the city and state laws and regulations applicable to enclaved territory and shall notify the affected property owners of the potential of their property to become an enclave. Failure of a property owner described in this section to receive notice shall not invalidate the annexation of the territory.*
- 2) *At least ten days before the hearing, notice of the hearing shall be mailed to the person whose property will be annexed, any person who has submitted written or oral evidence or testimony in a timely manner at the Planning Commission evidentiary hearing, any recognized neighborhood organization for the area adjacent to that proposed to be annexed, and persons who requested notice of the Planning Commission's decision.*

**Response:** Acknowledged by the applicant.

c) *Criteria. The Council shall determine whether the proposed annexation meets the following criteria:*

- 1) *The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals;*

**Response:** The application complies with this criterion. Salem Area Comprehensive Plan designates the subject site Multi-Family Residential (MF) and this application is proposing to zone the property Residential Multi-Family (RM-II), a zoning district consistent with the SACP and all applicable statewide planning goals.

- 2) *The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;*

**Response:** The application complies with this criterion. The subject property is located adjacent to the current Salem City limits and the properties that abut the subject site to the north and west are within the City of Salem. There are already urban services located within Blossom Lane NE including sewer and water. Emergency Services are already provided to properties west of the site as it is adjacent to the Salem City limits. The site is also located within the existing Urban Growth Boundary where urban growth is expected to server the future land needs of the City of Salem. Annexation of the property into the City was anticipated when the Urban Growth Boundary was established.

- 3) *The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;*



**Response:** The proposed re-zone to RM-II and the future development of multi-family housing is consistent with the SACP and the supported by nearby development patterns of the area. Services and key urban facilities are already available within Blossom Lane and would easily be extended to serve the site based on information provided by staff in the pre-application conference.

*4) The public interest would be furthered by the referral of the annexation to the voters; and*

**Response:** As mentioned previously, this petition for annexation is supported by 100% of the landowners and voters within the land to be annexed. Voter approved annexation is no longer required after the passage of Senate Bill 1573 in 2016. Therefore, this standard does not apply.

*5) For annexations that propose a change in the comprehensive plan designation or a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, that:*

*A. The comprehensive plan and zone designation provide for the logical urbanization of land;*

**Response:** The current SACP designation of MF provides for the logical urbanization of land, and the applicant is requesting that the property be re-zoned to RM-II to conform with this designation. The area between Astoria Street NE and 38<sup>th</sup> Avenue NE south of Blossom Drive NE where the subject property is located is developed with a mix of single-family and multi-family residential dwellings and is designated MF in the SACP. Allowing the property to be zoned RM-II is consistent with the SACP and the existing development patterns nearby.

*B. The comprehensive plan and zone designation are compatible with development patterns in the nearby vicinity;*

**Response:** As mentioned, the surrounding residential properties are zoned MF by Marion County and the Salem Area Comprehensive Plan. Requiring the portion of the property currently zoned UT-5 to be re-zoned residential agriculture (RA) or single-family (RS) as suggested by Table 260-1 would be inconsistent with the adopted Comprehensive Plan. If the surrounding residential properties are annexed into the City of Salem in the future, they would likely be zoned RM-I or RM-II based on the current County zoning. Therefore, the proposed zoning of RM-II is the most compatible zoning designation for the property based on the SACP and the existing development patterns within the area.

*C. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designation are no longer appropriate; and*

**Response:** Urban transition (UT) zones are intended to allow for the establishment of uses compatible with the Salem Area Comprehensive Plan designation when that property is annexed into the City. Re-zoning the property RM-II is the most compatible zoning choice for the site as it conforms with the SACP





and the surrounding residential zoning. In fact, realization of the SACP designations surrounding the site would provide for a variety of housing at various prices and be supported by nearby commercial and employment uses.

Nearby properties have the following **SACP** designations:

North – Across Blossom Drive NE, Industrial (IND)

South – Multi-Family Residential (MFR), Commercial (COM)

East – Multi-Family Residential (MFR)

West – Industrial (IND)

Nearby properties have the following **zoning** designations:

North – Across Blossom Drive NE, IG (General Industrial)

South – Marion County RM (Multiple Family Residential), Commercial Retail-Limited Use (CR-LU)

East – Marion County RM (Multiple Family Residential)

West – Industrial Business Campus (IBC)

If the property was zoned to a City equivalent of UT, the property would have to be zoned residential agriculture (RA) or single-family residential (RS), neither of which are existing zoning districts nor SACP designations in the area. Social, economic, and demographic patterns of the vicinity were presumably considered by the citizens and decision makers in preparing and adopting the Salem Area Comprehensive Plan. The suggested designation for properties within the area is multi-family. For these reasons, the proposed zoning of RM-II is the most compatible for the site.

*D. It is in the public interest that the proposed change be made.*

**Response:** Based on the most recent Housing Needs Analysis, the City of Salem has a deficit of multi-family residential housing and development. One of the recommendations put forth in the HNA was to increase capacity by re-designating existing single-family or developing residential land to multi-family land. This application supports this recommendation by proposing to re-zone a property that is split zoned to the higher density residential zoning district. This will allow for more multi-family development in the future, which will benefit the community and is a specifically identified interest for City of Salem.

*d) Decision. Unless the person whose property would be annexed agrees to a longer time period, the Council shall adopt a decision, supported by findings, within 21 days of the hearing. If the annexation proposal would change the comprehensive plan designation or result in a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, the Council shall adopt, modify or reject the Planning Commission's recommendation for land use designations, and approve or reject the conceptual plan.*

**Response:** Acknowledged by the applicant.



e) *Notice of decision. Within five days of the decision, the Director shall mail written notice of the decision to the person whose property would be annexed, and to any person who participated in the hearing before the Council, any person who requested notice of the decision, and any recognized neighborhood organization for any area adjacent to the area proposed to be annexed. The notice shall summarize the decision of the Council and explain the appeal rights.*

**Response:** Acknowledged by the applicant.

#### Section 260.065: Special District Withdrawal

**Response:** The property is not located within any special districts. Therefore, the standards in this section do not apply.

#### Section 260.070: Referral to Voters

**Response:** As previously mentioned, the 2016 Senate Bill 1573 no longer allows the City to send owner-initiated annexations to the voters if all owners have signed the petition. That is the case in this instance. Therefore, this section does not apply, and the code language has been omitted.

#### Section 260.075: Explanatory Statement; Fact Sheet

**Response:** This section only applies to annexations requiring voter approval. Therefore, this section does not apply, and the code language has been omitted.

#### Section 260.080: Effect of Annexation on Land Use Designation

*The land use designations which are approved as part of the referral process shall be binding for five years after annexation, unless the landowner can show that substantial changes in the social, economic, and demographic patterns of the nearby vicinity have so altered since the date of the annexation that the current designations are no longer in the public interest, and that such changes could not have been anticipated prior to the time the annexation was referred to the voters.*

**Response:** Acknowledged by the applicant.

#### Section 260.085: Addition of Annexed Areas to Official Map

*When an annexation of territory to the City becomes final and effective, the Director shall add the property to the official zoning map, along with the zoning and comprehensive plan designations. The official zoning map shall be annotated to the effect that the territory was annexed and include a citation to the action annexing the property and establishing the designations.*

**Response:** Acknowledged by the applicant.



## Section 260.090: Conceptual Plan Conformance

**Response:** Because this annexation will not be referred to the voters, the conceptual site plan is optional according to the City staff within the pre-application conference report. While the owner is prepared to provide a conceptual plan for the site, it would not be binding on the owner or the City.

## SRC 265: Zone Changes

### Section 265:005: Quasi-Judicial Zone Changes

- a) *Applicability. This section applies to any quasi-judicial zone change, other than a zone change by operation of law under SRC 265.015.*

**Response:** The zone change requested is quasi-judicial and is subject to a quasi-judicial process.

- b) *Standing to initiate quasi-judicial zone change. A quasi-judicial zone change may be initiated only by the Council, the Planning Commission, or the owner of the property subject to the proposed zone change, or that owner's agent.*

**Response:** The request is being initiated by the owner of the property.

- c) *Procedure type. A quasi-judicial zone change is processed as a Type III procedure under SRC chapter 300.*

**Response:** Noted. This application also includes a request to annex the property into the City Limits. Therefore, this application is subject to review through a Type IV procedure. The owner has been made aware of this requirement.

- d) *Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:*
- 1) *An existing condition plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*
    - A. *The total site area, dimensions, and orientation relative to north;*
    - B. *The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and*
    - C. *The location of drainage patterns and drainage courses, if applicable;*

**Response:** An existing conditions plan is provided with this application as Attachment 5.



- 2) *A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.*

**Response:** At the pre-application conference, staff indicated that A traffic impact analysis is not required for this proposal because it does not meet the minimum threshold of new trips generated. Further, because the proposed zone is consistent with the SACP designation for the property, the Transportation System Plan would have been based on forecasts for the most intense land use on the site, and impacts from future development of the site would have been factored in to the system needs of the plan.

e) *Criteria.*

- 1) *A quasi-judicial zone change shall be granted if all of the following criteria are met:*
- A. *The zone change is justified based on the existence of 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 is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property 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.*

**Response:** The application meets this criterion based on standard (e)(1)(A)(iii) above. Annexation standards require that when property is annexed into the City of Salem, the zoning districts equivalent to those of the County be adopted. As mentioned, the subject property is currently split zoned in the County with UT-5 and RM, and their equivalent City zones are RS or RA for UT and RM-I or RM-II for RM. Based on the current SACP designation (MF), data provided within the most recent Housing Needs Analysis, and the surrounding development patterns of the vicinity, the RM-II zone is the better suited designation for this property.

- 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.*

**Response:** This is not a City-initiated zone change and this criterion does not apply.

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

**Response:** This criterion is met. The narrative and the associated documents provided with this application demonstrate that the proposed zone change is consistent with the applicable provisions of



the Salem Area Comprehensive Plan. The proposed zoning designation of the property to (RM-II) is consistent with the current Comprehensive Plan Map (MF).

- D. The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response:** This criterion is met. As this narrative shows, the proposed zone change complies with the Salem Area Comprehensive Plan. The SACP is an acknowledged comprehensive plan and already complies with the applicable statewide planning goals and administrative rules adopted by DLCD.

- E. If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other 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.*

**Response:** The proposed zone change does not require a comprehensive plan change. Therefore, this criterion does not apply.

- 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.*

**Response:** The subject property is served by Blossom Drive, a classified Collector by the Salem Street Classification Map. The proposed use would need to generate over 1,000 new trips daily to trigger the need for a traffic impact analysis. This increase in trips is unlikely to occur, and there would not be a significant effect on Blossom Drive or any surrounding transportation facility.

- 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.*

**Response:** According to the Pre-Application Report (Attachment 6), there are existing public facilities in Blossom Drive that are available to serve the site. There is no development or buildings proposed with this application, but it would be feasible for these services to be extended and upgraded if the existing capacity is insufficient when the applicant is applying for building permits.



- 2) *The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.*

**Response:** Acknowledged by the applicant. There is no evidence to suggest that allowing for multi-family residential on the site would negatively impact the surrounding area.

#### Section 265.020: Conditions of Approval

- a) *Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.*

**Response:** Acknowledged by the applicant.

- b) *Conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Modification of use conditions shall be by zone change, as provided under this chapter. Modification of all other conditions, including full or partial release therefrom, shall be by variance, as provided under SRC chapter 245.*

**Response:** The applicant acknowledges that conditions of approval may be imposed on the provisions of the RM-II zoning code relating to the future use and development of the property.

- c) *If the dedication of right-of-way or construction of public improvements is required as a condition of approval under this section, the dedication or improvement shall be the obligation of the applicant and must be completed prior to issuance of building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the Director may allow deferral of all or a portion of public improvements required as a condition under this section beyond issuance of building permit or certificate of occupancy until a stated time or until required by Council, whichever is earlier. An applicant seeking deferral under this section shall execute an improvement deferral agreement which specifies the terms of deferral. The agreement shall be in a form approved by the City Attorney and shall be filed in the deed records of the appropriate county.*

**Response:** Acknowledged by the applicant. Any dedications or improvements required as a condition of approval will be completed prior to issuance of a building permit or certificate of occupancy, whichever is deemed to be most appropriate. If the applicant seeks a deferral, they are prepared to enter into an agreement with the City and meet the requirements listed in the standard above.

#### Section 265.025: When Zone Change Requires Comprehensive Map Amendment

**Response:** The proposed zone change brings the property into compliance with the Salem Area Comprehensive Plan Map. Therefore, the zone change does not require an amendment to the



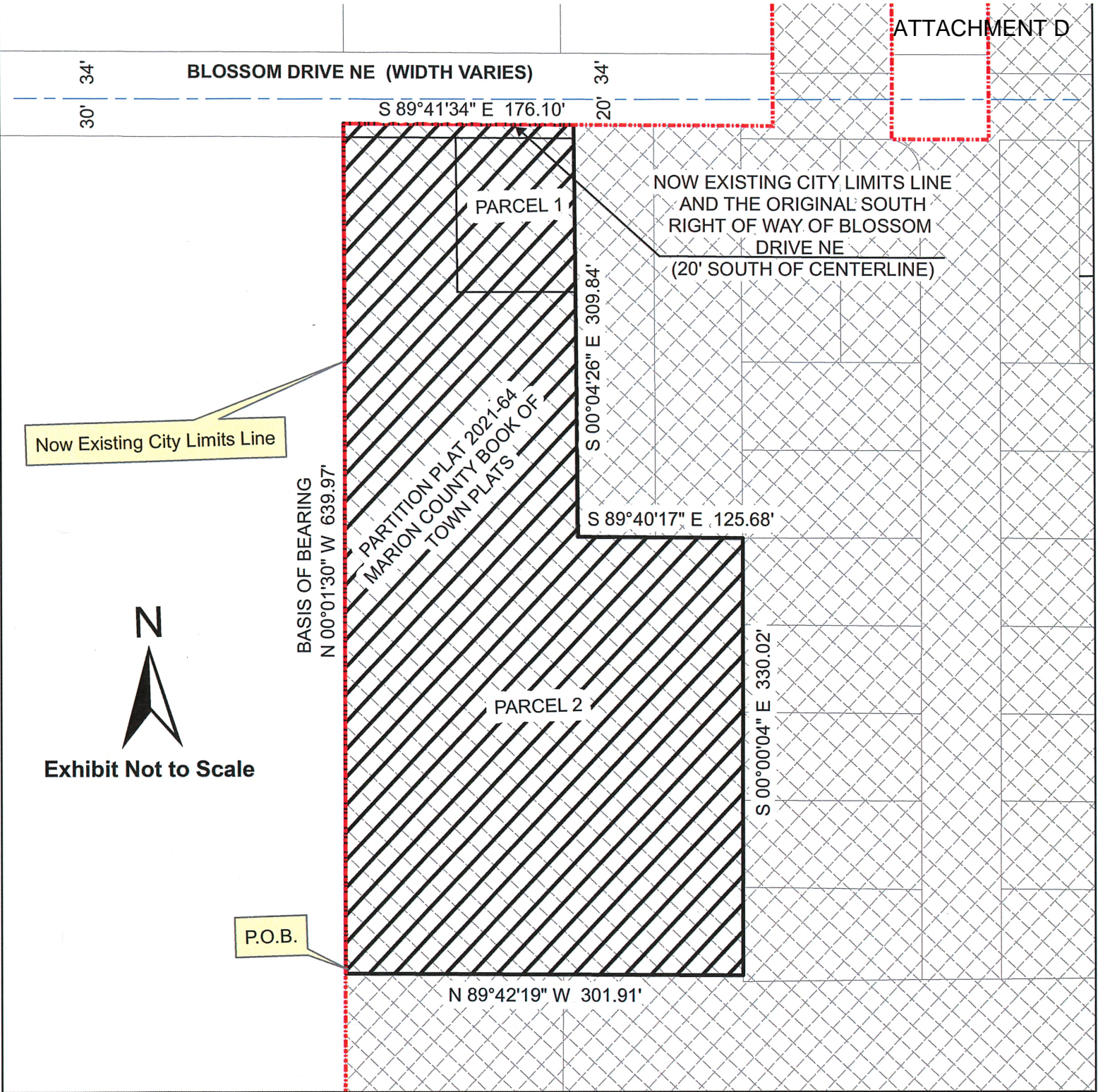
Comprehensive Map. This standard does not apply, and the code language has been omitted from this narrative.

### III. CONCLUSION

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This written statement and the accompanying supporting documents demonstrate compliance with the applicable approval criteria for a Type IV Annexation and Zone Change. Therefore, the applicant respectfully requests that the City of Salem approve the application.





BASIS OF BEARING - WEST LINE OF PARCEL 2, PARTITION PLAT 2021-64 MARION COUNTY BOOK OF TOWN PLATS

TOWNSHIP 7 SOUTH, RANGE 3 WEST, SECTION 1, & TOWNSHIP 7 SOUTH, RANGE 2 WEST, SECTION 6 WILLAMETTE MERIDIAN

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

 PROPERTY IN MARION COUNTY

 PROPERTY PROPOSED TO BE ANNEXED INTO CITY

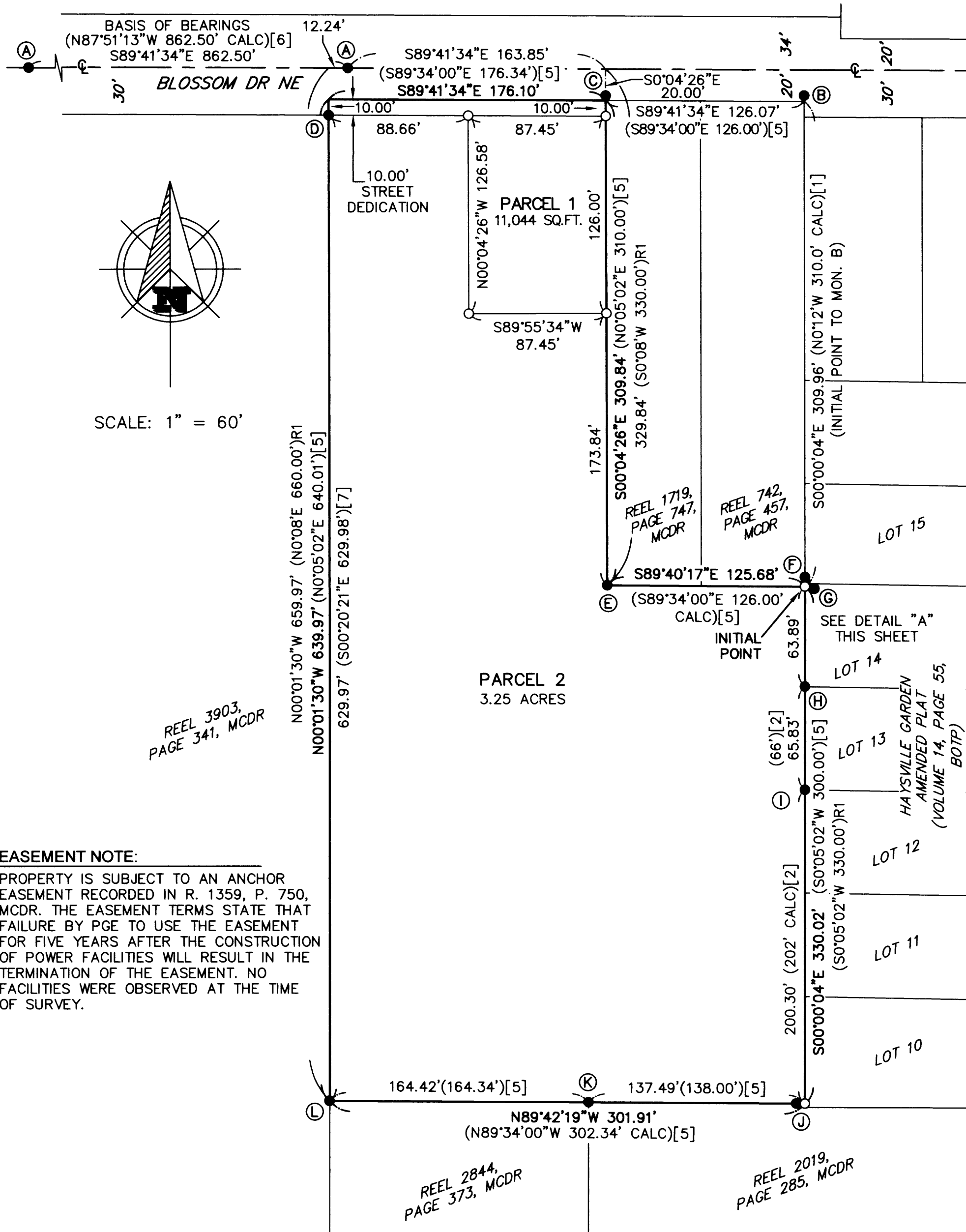
EXHIBIT MAP

<b>CITY OF SALEM, OREGON PUBLIC WORKS DEPARTMENT</b>	
3476/3480 Blossom Drive NE and Adjacent Lands	
CITY OF SALEM ORDINANCE NO. _____	
ANNEXED: _____	ADJACENT TO WARD 5
CONTAINING: 3.50 Acres Outside ROW and 1761 Sqft Inside ROW	
CASE NO. C-742	TRACT NO. _____



# PARTITION PLAT NO. 2021-64

LOCATED IN THE N.E. 1/4 OF SECTION 1, T. 7 S., R. 3 W. AND IN THE N.W. 1/4 OF SECTION 6, T. 7 S., R. 2 W., W.M.  
MARION COUNTY, OREGON  
MARCH 17, 2021  
PARTITION CASE NO. 20-022



**NARRATIVE:**

The purpose of this survey is to partition that property described in Reel 1146, Page 624, Marion County Deed Records, into two parcels per Marion County Partition Case No. 20-022. The Basis of Bearings used was between monuments A per the Oregon Coordinate Reference System, SALEM ZONE- NAD83 (2011), Epoch 2010.00, the bearing being South 89°41'34" East. An offset of 20.00 feet Southerly from this line and extended Easterly was held for the north line of this partition plat.

To determine the west line of the subject property, I held monument D and a point 0.20' Easterly from monument L per MCSR 37039. To determine the south line, I held monuments L and J. To determine the east line of Tract A in Reel 1146, Page 624 I held monuments M and H along the west line of the plat of HAYSVILLE GARDEN AMENDED PLAT. To determine the Southerly north line of the subject property, I held monuments E and G. To determine the overall boundary portion of the east line of Tract C in Reel 1146, Page 624 I held monuments C and E.

**DEED REFERENCES:**

R1 REEL 1146, PAGE 624, MCDR

**SURVEY REFERENCES:**

- [1] HAYSVILLE GARDENS (VOLUME 14, PAGE 45, BOTP)
- [2] HAYSVILLE GARDENS AMENDED PLAT (VOLUME 14, PAGE 55, BOTP)
- [3] MCSR 9614
- [4] MCSR 18571
- [5] MCSR 26613
- [6] MCSR 36009
- [7] MCSR 37039

**FOUND MONUMENT LIST:**

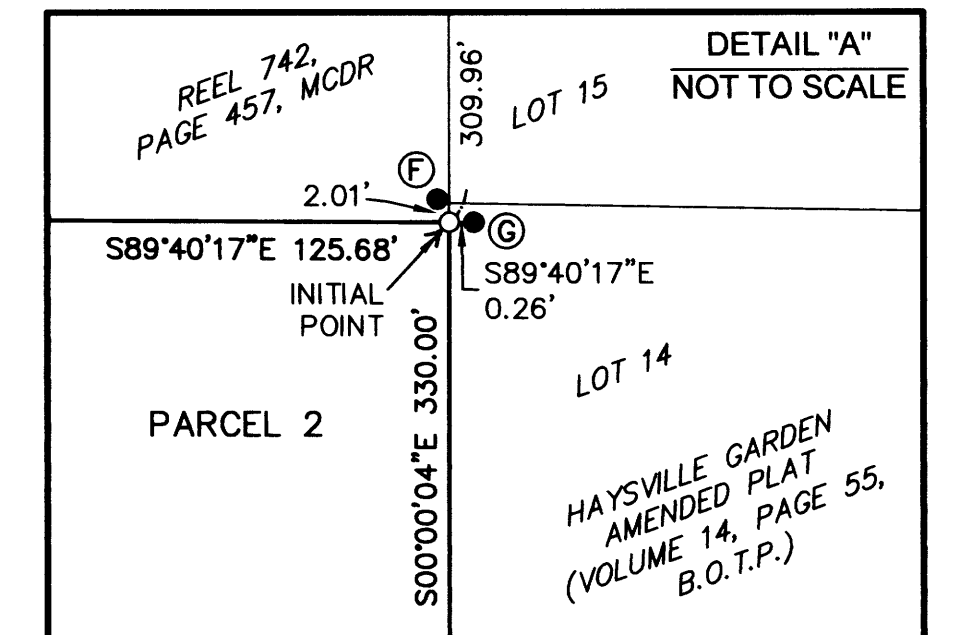
- (A) 5/8" iron rod with 2-1/4" aluminum cap, set in MCSR 36009. Held for centerline of Blossom Dr NE
- (B) 3/4" iron pipe, down 0.7', set in HAYSVILLE GARDENS. Held for east line of subject property. Found N00°00'04"W 0.07' from angle point right of way.
- (C) 5/8" iron rod, set in MCSR 26613, found N00°04'26"W 0.19' from calculated corner. Held for east line of subject property.
- (D) 5/8" iron rod with yellow plastic cap stamped "LAND MARKERS", set in MCSR 37039. Held for west line of subject property.
- (E) 5/8" iron rod, set in MCSR 26613. Held for angle point of boundary.
- (F) 1/2" iron pipe, down 0.5', set in HAYSVILLE GARDENS AMENDED PLAT. Found 0.11' West of west line of plat.
- (G) 5/8" iron rod, set in MCSR 26613. Held for most southerly north line.
- (H) 1/2" iron pipe, down 0.7', set in HAYSVILLE GARDENS. Held for east line of subject property.
- (I) 1/2" iron rod, down 0.5', set in HAYSVILLE GARDENS. Lies 0.14' Easterly of east line of subject property.
- (J) 1" iron pipe, up 0.7', set in MCSR 9614. Lies N89°42'19"W 1.03' from corner. Held for south line.
- (K) 5/8" iron rod, set in MCSR 26613. On south line of subject property.
- (L) 5/8" iron rod, set in 26613. Held as 0.20' West per MCSR 37039.

**LEGEND:**

- All monuments, found or set, are within 0.20' of ground surface unless noted otherwise.
- = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687"
  - = Found monument (see found monument list)
  - ( ) = Data of record per survey noted
  - { } = Record and measured data per survey noted
  - MCSR = Marion County Survey Records
  - MCDR = Marion County Deed Records
  - CALC = Calculated Survey Value
  - BOTP = Book of Town Plats
  - SQ.FT. = Square Feet

**BARKER SURVEYING**  
 3657 KASHMIR WAY SE  
 SALEM, OREGON 97317  
 PHONE (503) 588-8800  
 FAX (503) 363-2469  
 EMAIL: INFO@BARKERWILSON.COM

REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 GREGORY L. WILSON  
 JULY 19, 1994  
 2687  
 EXPIRES: 6/30/2022



SCALE: 1" = 60'

**EASEMENT NOTE:**

PROPERTY IS SUBJECT TO AN ANCHOR EASEMENT RECORDED IN R. 1359, P. 750, MCDR. THE EASEMENT TERMS STATE THAT FAILURE BY PGE TO USE THE EASEMENT FOR FIVE YEARS AFTER THE CONSTRUCTION OF POWER FACILITIES WILL RESULT IN THE TERMINATION OF THE EASEMENT. NO FACILITIES WERE OBSERVED AT THE TIME OF SURVEY.

# PARTITION PLAT NO. 2021-64

LOCATED IN THE N.E. 1/4 OF SECTION 1, T. 7 S., R. 3 W. AND IN THE N.W. 1/4 OF SECTION 6, T. 7 S., R. 2 W., W.M.  
MARION COUNTY, OREGON  
MARCH 17, 2021  
PARTITION CASE NO. 20-022

**SURVEYOR'S CERTIFICATE:**

I, Gregory L. Wilson, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, situated in the northeast one-quarter of Section 1, Township 7 South, Range 3 West and in the northwest one-quarter of Section 6, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, being described as follows:


Beginning at the Initial Point of this partition plat, said point being marked with a 5/8-inch iron rod with yellow plastic cap stamped "WILSON PLS 2687" set at the northeast corner of that property described as Tract A in that instrument recorded in Reel 1146, Page 624, Marion County Deed Records, said point recorded as being North 20.02 chains and Westerly 685.46 feet and South 0°05'2" West 330.00 feet from the southeast corner of the Janet Pugh Donation Land Claim No. 50 in said Township 7 South, Range 2 West, said point also being North 00°00'04" West 63.89 feet from a 1/2-inch iron pipe marking the southwest corner of Lot 14, HAYSVILLE GARDENS AMENDED PLAT, as platted and recorded in Volume 14, Page 55, Book of Town Plats for Marion County, Oregon; and running thence:

South 00°00'04" East 330.02 feet along the east line of said property to the southeast corner of said Tract A;  
thence North 89°42'19" West 301.91 feet along the south line of said Tract A and the south line of Tracts B and C described in said Reel 1146, Page 624 to the southwest corner of said Tract C;  
thence North 00°01'30" West 639.97 feet along the west line of said Tract C to a point on the south right of way of Blossom Drive NE, said point being 20.00 feet Southerly at a perpendicular distance from the center line of said Blossom Drive NE;  
thence South 89°41'34" East 176.10 feet along said south right of way to a point on the east line of the aforementioned Tract C;  
thence South 00°04'26" East 309.84 feet along said east line to a point on the north line of the aforementioned Tract B in said Reel 1146, Page 624;  
thence South 89°40'17" East 125.68 feet along said north line and the north line of the aforementioned Tract A in said Reel 1146, Page 624 to the Point of Beginning, containing 3.54 acres of land, more or less.

  
Gregory L. Wilson  
Registered Professional Land Surveyor No. 2687  
License expires June 30, 2022




**ACCEPTANCE OF DEDICATION:**

  
Chairperson or Vice-chairperson  
Marion County Board of Commissioners

**THE WITHIN PLAT IS HEREBY APPROVED:**

  
Marion County Planning Commission Director  
Partition Case No.: 20-022  
Date 08/26/2021

  
Marion County Surveyor  
Date 08/26/2021

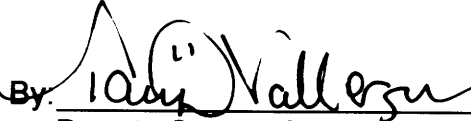
  
Marion County Assessor  
Date 8-31-2021

Taxes and assessments on the above described property, as provided by ORS 92.095, have been paid in full through 30 June 2022

  
Marion County Tax Collector  
Date 9-30-2021

STATE OF OREGON  
S.S.  
COUNTY OF MARION

I do hereby certify that the attached Partition Plat No. 2021-64 was received for recording on the 31 day of August, 2021, at 10:45 A.M. o'clock and recorded in Record of Partition Plats. Also referenced in Marion County Deed Records in Reel 4534, at Page 64.

Bill Burgess, Marion County Clerk  
By:   
Deputy County Clerk

An affidavit of consent by Pioneer Trust Bank, N.A., being the mortgagee for that mortgage recorded in Reel 4379, Page 167, Marion County Deed Records, has been recorded in Reel 4534 Page 63, Marion County Deed Records.

**DECLARATION:**

Know all people by these presents that Blossom Gardens Apartments LLC, an Oregon limited liability company, being the owner of the land described in the Surveyor's Certificate hereon made and desiring to dispose of the same in lots, has caused the same to be subdivided and surveyed as shown on the attached map, in accordance with the provisions of ORS Chapter 92. We hereby dedicate the streets as shown on the attached map.

In witness whereof, I set my hand and seal this 20 day of August 2021.


Blossom Gardens Apartments LLC

By: Clutch Multifamily, LLC, Member

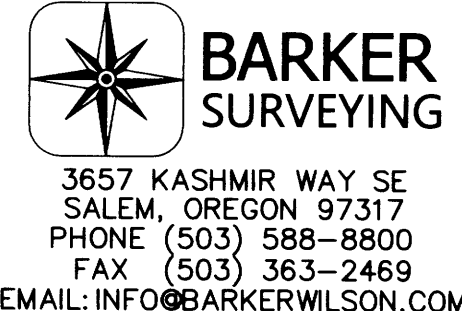
By:   
Terence Christian Blackburn, Manager

STATE OF OREGON  
S.S.  
COUNTY OF Marion

This instrument was acknowledged before me this 20 day of August, 2021, by Terence Christian Blackburn as Manager of Clutch Multifamily, LLC, being the identical person described in the above instrument and who personally acknowledged to me that he executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

  
NOTARY PUBLIC - OREGON  
Sandra Lee Sladick  
(PRINT NAME)


COMMISSION NO. 970097A  
MY COMMISSION EXPIRES January 1, 2022





# MEMO

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

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

**DATE:** November 30, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATION  
ZC21-03 (20-118432-ZO)  
3476/3480 BLOSSOM DRIVE NE AND ADJACENT LANDS  
ZONE CHANGE WITH ANNEXATION (ANXC-742)**

## PURPOSE

A Zone Change from Marion County UT-5 (Urban Transition-5 Acres) to City of Salem RM-II (Multiple Family Residential-II) for the western area of a property that is designated Multi-Family Residential in the Salem Area Comprehensive Plan, zoned Marion County UT-5 (Urban Transition-5 Acres) and RM (Multiple Family Residential), and located at 3476/3480 Blossom Drive NE and Adjacent Lands 97305 (Marion County Assessor Map and Tax Lot 073W01A03300), concurrent with a petitioner-initiated, voter-exempt annexation of the entire property and withdrawal from the Keizer Fire District.

## FACTS

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

1. The subject property is located outside of the Urban Service Area. If the applicant proposes to develop the property as defined in SRC 200.005, an Urban Growth Area (UGA) Development Permit is required (SRC 200.010(c)). A UGA development permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200.

### **Streets**

At the time of development, street improvements and/or right-of-way dedication will be required.

1. Blossom Drive NE
  - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34- to 40-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 26-foot improvement within a 55-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 Blossom Drive NE.

### **Storm Drainage**

1. Existing Conditions

- a. A 15-inch storm main is located in Blossom Drive NE.

### **Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 16-inch public water main is located in Blossom Drive NE.

### **Sanitary Sewer**

1. Existing Sewer

- a. A 10-inch sewer main is located in Blossom Drive NE.

### **Parks**

1. Existing Parks

- a. No park facilities are located within one-half mile of the subject property.

### **Natural Resources**

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are no hydric soils nor linear wetland area(s) mapped on the property.
2. Floodplain—City records show there are no floodplain nor floodway areas mapped on the subject property.
3. Landslide Hazards—City records show there are no landslide hazard areas mapped on the subject property.

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## **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 the vicinity of the subject property and appear adequate to serve future development. Stormwater infrastructure may need to be extended to the eastern boundary of the subject property at the time of development in order to serve upstream properties pursuant to PWDS.

Future development may require an Urban Growth Area (UGA) Preliminary Declaration to address linking and boundary facilities required to serve subject property under the standards and requirements of SRC Chapter 200. The property is lacking adequate park facilities pursuant to SRC 200.075 for future residential development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The existing configuration of Blossom Drive NE does not meet the standard for a Collector street according to the Salem TSP. 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

November 24, 2021

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

RE: Land Use Activity Case No. ZC21-03 at 3480 Blossom Dr. 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
Forest Ridge	Elementary	K thru 5
Whiteaker	Middle	6 thru 8
McNary	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
Forest Ridge	Elementary	245	318	77%
Whiteaker	Middle	677	918	74%
McNary	High	2,075	2,200	94%

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	70	MF	0.201	14
Middle			0.077	5
High			0.084	6

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
Forest Ridge	Elem.	245	23	14	37	318	89%
Whiteaker	Mid.	677	8	5	13	918	75%
McNary	High	2,075	27	6	33	2,200	96%

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
Forest Ridge	Elementary	Eligible for School Transportation
Whiteaker	Middle	Eligible for School Transportation
McNary	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	14	\$64,220	\$899,080
Middle	5	\$76,882	\$384,410
High	6	\$89,544	\$537,264
TOTAL			\$1,820,754

Table 6

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

1. Min. Density 12 du/a, Max. Density 28 du/a, assumed average of 20 du/a for this estimate on 3.5 acres.

Sincerely,

David Fridenmaker, Manager  
Planning and Property Services

c: David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation



**Pamela Cole**

---

**From:** John Rasmussen <JRasmussen@co.marion.or.us>  
**Sent:** Tuesday, November 23, 2021 4:08 PM  
**To:** Pamela Cole  
**Subject:** City ZC21-03; MCPW Eng Advisory  
**Attachments:** Dev Deferral Agreement\_Blossom Dr Property.pdf

Pam,

The subject property has a Development Deferral Agreement recorded against it for inclusion of the smaller parent parcel in the overall Blossom Drive frontage improvements at the time of multi-family development. A copy of the Agreement is attached.

**John Rasmussen**

Civil Engineer Associate  
Land Dev Eng & Permits  
Marion County Public Works  
503-588-5036

**After Recording Return To:**

John Rasmussen, MCPW Engineering  
5155 Silverton Road NE  
Salem, OR, 97305

REEL 4534 PAGE 65  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
08-31-2021 10:49 am.  
Control Number 671108 \$ 96.00  
Instrument 2021 00051742

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**AGREEMENT TO DEFER COMPLETION OF CERTAIN PUBLIC  
INFRASTRUCTURE IMPROVEMENTS**

This AGREEMENT is between **MARION COUNTY, OREGON** (the “County”) and **Blossom Gardens Apartments LLC**, an Oregon limited liability company (“Developer”), collectively referred to herein as the “Parties”.

**RECITALS**

- A. Developer is the holder of title to certain real property located in Marion County, Oregon, as described in a *Statutory Warranty Deed*, as recorded at Reel 4379/ Page 166 in the records of Marion County, Oregon.
- B. Developer received County land use approval under assigned case P20-022 to divide a residential property in two, with the intent of splitting off an existing parent dwelling and related appurtenances in order to create a larger developable parcel intended for annexation into the City of Salem followed by construction of multi-family apartment units. Both parcels will have public road frontage.
- C. A land use Condition of Approval stipulated an option for entering into a Development Agreement such that normally prerequisite frontage improvements for the entire original parcel to be completed prior to plat approval could be deferred until the larger parcel is actually developed.
- D. Developer and County desire to provide for the orderly completion of urban frontage improvements on Blossom Drive NE.
- E. The public road frontage is situated within City of Salem city limits, and the City is the Road Authority. The City also has maintenance and permitting jurisdiction over Blossom Drive.
- F. This Agreement is not intended to be deemed as, or to fulfill all the statutory requirements of, a “development agreement” under ORS 94.504 to 94.528.
- G. Developer is entering into this Agreement freely and without hesitation, and with his signature, is binding on his heirs, successors, assigns to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties do agree as follows:

1. Upon development of the larger parcel into multi-family housing, along with the design, permitting and construction of urban frontage improvements for said parcel, the public road frontage of the adjacent smaller parent parcel shall also be included.
2. Frontage improvements shall be designed and constructed to the City of Salem Collector 'A' standard, unless otherwise determined by the Road Authority. Improvements may also include necessary pavement taper transitions extending beyond the subject property frontage, and any turn pocket if deemed necessary, as determined by the Road Authority.
3. Developer agrees that timing for completion of the overall frontage improvements shall be to the satisfaction of the Road Authority.
4. In the event that the larger parcel is not annexed and/or is developed to a lower intensity use than multi-family residential than was proposed, urban frontage improvements as described would still be required.
5. This Agreement may not be interpreted to create any kind of partnership relationship between the Developer and the County. The County assumes no responsibility for Developer fulfillment of their obligations as set forth in this Agreement.
6. Timing for recordation of this Agreement shall be concurrent with recordation of the final partition plat PP 2021-64.

IN WITNESS WHEREOF, the County has caused this Agreement to be approved by signature of its Land Development Engineering & Permits Supervisor, and the Developer has caused this Agreement to be signed, sealed and notarized with the Agreement to be effective as of the date and year noted below.

**MARION COUNTY APPROVAL**



Signature

Daniel Danicic, PE

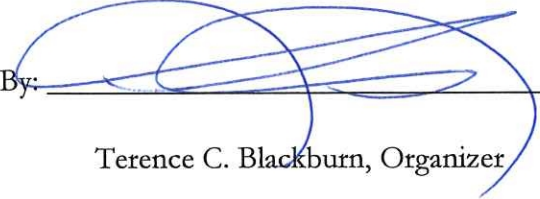
Printed Name

4-8-21

Date

**DEVELOPER**

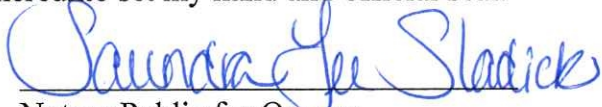
**Blossom Gardens Apartments LLC**, an Oregon limited liability company

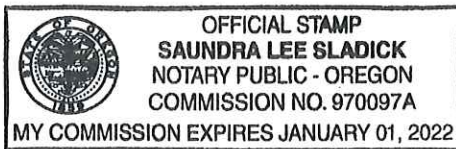
By:   
Terence C. Blackburn, Organizer

STATE OF OREGON        )  
  ) ss.  
County of Marion        )

THIS CERTIFIES that on the 15 day of April, 2021, before me, the undersigned Notary, personally appeared and acknowledged before me, **Terence C. Blackburn**, as authorized agent of **Blossom Gardens Apartments LLC**, on its behalf.

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

  
Notary Public for Oregon  
My Commission Expires: 1-1-22



**REEL: 4534**

**PAGE: 65**

**August 31, 2021, 10:49 am.**

CONTROL #: 671108

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 96.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.



## RESPONSE TO REQUEST FOR COMMENTS

**DATE:** Monday, November 29, 2021

**CASE/APP NUMBER:** ZC21-03

**PROPERTY LOCATION:** 3480 Blossom Dr NE, Salem OR 97305

**CASE MANAGER:** Pamela Cole, Planner II, City of Salem

**Email:** pcole@cityofsalem.net

**COMMENTS FROM:** Jolynn Franke, Transit Planner I, Cherriots

**Email:** planning@cherriots.org

**COMMENTS:** Cherriots is exploring options for future transit service on Portland Rd between Lancaster Drive and Hayesville Drive NE. While this would bring transit closer to the subject property, the lack of pedestrian infrastructure on Blossom Drive NE would still be a barrier to accessing transit. However, Cherriots would still support the proposed zone change in hopes that pedestrian access for this area improves at some point in the future.