



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

November 16, 2007

TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: November 29, 2007

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Doug White, DLCD Community Services Specialist
Gary Fish, DLCD Regional Representative
Sterling Anderson, Marion County

<paa> ya/

PROP **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

ORD rec'd in email on 11/8/07
 In person electronic mailed

DATE
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DEPT OF

NOV 13 2007

**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: **MARION COUNTY**

Local file number: **ZC/CP07-01**

Date of Adoption: **11/7/2007**

Date Mailed: **11/8/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **1/22/2007**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Change the zone fro UD (Urban Development) to RM (Multiple Family Residential) and to chang eht comprehensive plan designation from Developing Residential to Multi-Family Residential.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **DEVELOPING RESIDENTIAL** to: **MULTI FAMILY**

Zone Map Changed from: **URBAN DEVELOPMENT** to: **MULTI FAMILY**

Location: **4055 MONROE AV NE**

Acres Involved: **0**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

001-07 (15821)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **STERLING ANDERSON**

Phone: **(503) 588-5038** Extension:

Address: **PO BOX 14500**

Fax Number: - -

City: **SALEM**

Zip: **97308-**

E-mail Address:

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: webserver.lcd.state.or.us. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing mara.ulloa@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on 8-1/2x11 green paper only. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

| | | |
|------------------------|---|---|
| In the Matter of the |) | Case No. 07-01 |
| |) | |
| Application of: |) | Clerk's File No. 5552 |
| |) | |
| Ronald and Karen Brown |) | Zone Change/Comprehensive Plan Amendment |
| |) | |

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1854

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This matter comes before the Marion County Board of Commissioners ("Board") on the application of Ronald and Karen Brown to change the zone from UD (Urban Development) to RM (Multiple Family Residential) and to change the Comprehensive Plan designation from Developing Residential to Multi-Family Residential on a 0.6 acre parcel located at 4055 Monroe Avenue NE, Salem. (T7S; R2W; Section 30BD; Tax lot 7300).

SECTION II. Procedural History

The Marion County Hearings Officer held a public hearing on this application on March 7, 2007. Mailed notice was provided to all property owners within 250 feet of the subject property at least 20 days before the hearing. On September 13, 2007, the Hearings Officer issued a report recommending that the Board grant the requested changes subject to certain conditions. The Board held a duly noticed public hearing on the subject application on October 24, 2007. Official notice was taken of the Planning Division file and the Hearings Officer's recommendation. The Board considered evidence in the record, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Adoption of Findings and Conclusion

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Facts and Conclusions of Law in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested Comprehensive Plan Amendment from Developing Residential to Multi Family Residential is hereby **GRANTED**.

The requested Zone Change from UD (Urban Development) to RM (Multiple Family Residential) is hereby **GRANTED** subject to the conditions identified in Exhibit B, attached hereto and by this reference incorporated herein.

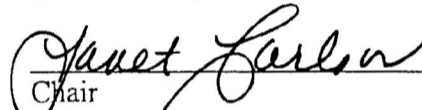
The property rezoned by this Ordinance is described in Exhibit C, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to the Marion County Urban Zoning Ordinance Section 1.40 to reflect the new zoning.

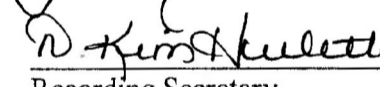
SECTION V. Effective Date

Pursuant to Ordinance 669, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this 7th day of November,
2007, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS


Chair


Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

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2. The property is 0.6-acre in size and contains a dwelling and accessory structure. The parcel was lawfully created as Parcel 2 of Minor Partitioning Case #79-167.
 3. Adjacent properties to the north and east are zoned RM (Multi-Family Residential) and developed with an apartment complex. Property to the west is zoned CO (Commercial Office) and developed with offices and residential development. The property to the south is zoned RL (Limited Multi-Family Residential) and developed with single-family dwellings, duplexes, and triplexes.
 4. The applicants propose to change the Comprehensive Plan designation from Developing Residential to Multi-Family Residential and change the zone from UD to RM. The applicants propose to replace the existing dwelling on the property with an apartment structure.
 5. The Marion County Planning Division requested comments on the subject proposal from various governmental agencies.

The Marion County Department of Public Works Engineering and Permits Section (DPW) originally commented:

"Approval of the proposal would change the zone from UD (Urban Development) to RM (Multi-Family Residential) and facilitate development of apartments on the subject property, resulting in additional daily traffic on Monroe Avenue and other roads in the area. The Public Works Department has the following comments, requirements, and recommendations on this case:

1. Pursuant to the Marion County Urban Zoning Ordinance, the applicants will be required to dedicate sufficient right-of-way on the plat to provide the public dedicated right-of-way half-width of 30 feet along Monroe Avenue. It appears that 5 feet of additional width is required. Any dedications should be to the public, not Marion County.
2. If this development proceeds, the developer would be required to improve Monroe Avenue along their frontage in accordance with appropriate standards as directed by Public Works. This will include such elements as a 17-foot paved half-width, curb, gutter, property line sidewalk, drainage work, and landscaping.
3. The proposed development will be permitted one connection to Monroe Avenue, and the developer will need to obtain an access permit for this new access (or change in use of an existing access). The developer is encouraged to also develop an access connection to the existing apartment complex to the east. Driveways will also need to meet fire district standards for emergency access.
4. It is the responsibility of the developer to preserve and protect the current PCI rating and the structural integrity of Monroe Avenue to the satisfaction of Marion County Public Works through all phases of development. Failure to preserve and protect the road may result in the developer being responsible for replacing or reconstructing the damaged road at the developer's expense.

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5. Site grading shall not impact surrounding properties in a negative manner. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. The developer will need to construct facilities as necessary to address drainage issues, and will be required to obtain approval of a site drainage plan to verify this lack of negative impact.
 6. Construction of the proposed buildings and parking lots would increase the amount of storm water runoff from the subject property. The County requires any development 0.5 acre or larger to provide storm water detention. The system shall be sized so that it will detain the difference between a 5-year frequency storm with pre-development conditions and a 10-year frequency storm with development conditions. Underground systems are preferred within the Urban Growth Boundary. Drainage plans and construction of drainage facilities must be satisfactorily completed prior to development or plat approval.
 7. The subject property is within the Urban Growth Boundary of the City of Salem. Systems Development Charges will be assessed upon development of the subject property at the time of application for building permits.
 8. Any utility work in the public right-of-way will require a utility permit from Public Works."

The City of Salem Public Works provided information regarding sewer service hookup and requirements. The City also stated that at the time of development the applicants will be required to sign and record an annexation agreement.

Marion County Tax Department provided information regarding taxes on the subject property.

The Salem-Keizer Public Schools provided information regarding possible impacts resulting from the proposal.

All other contacted agencies either failed to respond or stated no objection to the proposal at the time this report was written. Comments were solicited from adjacent property owners, but no responses were received.

V. Additional Findings of Fact and Conclusions of Law

1. Applicants have the burden of proving all applicable standards and criteria are met.

COMPREHENSIVE PLAN AMENDMENT

2. The subject property is outside the Salem city limits but within the Salem UGB. Marion County has jurisdiction in this area but must coordinate land use applications with the City of Salem. The Marion County Planning Division requested comments from the City of Salem. The City of Salem Public Works department responded as noted above.

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3. The Department of Land Conservation and Development (DLCD) must be notified of any proposed comprehensive plan amendment. DLCD was notified as required but provided no comment on the application.
 4. Comprehensive plan amendments are classified, under MCUZO 43.00, as legislative and non-legislative amendments. A non-legislative amendment involves a change to the land use designation of four or fewer different ownerships and 15 or fewer acres.

This application involves one ownership of 0.6 acre. This is a non-legislative (quasi-judicial) plan amendment.

5. MCUZO 43.02 contains the following criteria for non-legislative plan amendments:
 - (a) Conformance with the Comprehensive Plan goals, policies and intent, applicable plan amendment criteria or intergovernmental planning coordination agreement, pertaining to unincorporated lands;
 - (b) The addition of the subject property to the inventory of lands in the proposed map designation and the corresponding inventory reduction in the current designation are consistent with the projected needs for such lands within the Comprehensive Plan;
 - (c) Uses allowed in the proposed designation will not significantly affect planned uses on adjacent lands; and
 - (d) Public facilities necessary to support allowed uses on the subject property are available or will be made available.

The subject property is within the Salem UGB and is subject to the SACP. The intent of the SACP is to project the most desirable pattern of land use in the Salem area. According to SACP II.A.3.a, designated multi-family residential areas are characterized by a mixture of housing types. Compatible land uses that provide services to individuals in residential areas include churches, schools, and parks. The SACP residential development goal is to promote a variety of housing opportunities for all income levels and to maintain an adequate supply of developable land to support the housing.

The current designation, UD, does not provide for the proposed RM zone. The parcel is outside the Salem city limits but is within the UGB. The proposal to change the zone designation to multi-family would further the objective to provide more multi-family housing within the UGB. The subject parcel is an UD island in a commercial/multi-family zoned area. The property is surrounded by residential dwellings, including an 88-unit apartment complex, and commercial enterprises, including professional offices. The proposed zone is appropriate for the proposed plan designation. Adequate facilities are in place. Water, police, and fire services are currently available to the property. The subject property is within the East Salem Sewer District and Salem-Keizer Transit provides public transportation to the area. An existing public road system is also in place.

Because development of the subject property will lead to a population increase and increased use on the transportation system, conditions will be placed on the development to adequately serve the new proposed use for the parcel.

SACP General Development Policy 7. Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography, and soil conditions.

The proposal is for an apartment complex on a .6-acre parcel, which is a more optimal use of the subject property than the current single-family dwelling. The change from a single-family dwelling to multi-family dwellings could increase the amount of runoff and increase the need for a storm water detention. A condition of approval will require that drainage plans be addressed during the building permit stage. Because of the increase in transportation needs due to the proposed multi-family dwellings, improvements along Monroe Avenue will be needed. As conditioned, General Development Policy 7 will be met.

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

The subject property is located within the urban growth area and services are already in place. Growth Management Policy 7 is met.

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

The subject property is within the UGB and will have City of Salem services available. Growth Management Policy 9 is met.

SACP Residential Development Policy 6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;

- b. Development regulations shall promote a range of densities that encourage a variety of housing types;
- c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:
 - (1) Employment centers;
 - (2) Shopping areas;
 - (3) Transit service;
 - (4) Parks;
 - (5) Public buildings.

The subject property is located on a city street, Monroe Avenue, and public transportation is readily available. The property is one block away from a major arterial, Lancaster Drive NE. Services, including sewer, water, fire, and police are currently available.

Multi-family designation will promote a range of densities and a variety of housing types. Adjacent property contains single family dwellings, duplexes, and triplexes. The property is located near commercial zoned property. There are a variety of nearby retail shops that would allow for both employment and shopping areas. Residential Development Policy 6 is met.

SACP Residential Development Policy 7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation needs:

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

In addition to the existing public transportation system, the subject property is within walking and bicycling distance from eateries, schools, retail outlets, and grocery stores. Residential Development Policy 7 is met.

SACP Residential Development Policy 8. Residential areas shall be protected from more intensive land use activity in abutting zones.

Property to the west is zoned CO and contains a dentist office. The property to the north and east is zoned RM and is developed with apartments. The property to the south is zoned RL and is made up of single-family dwellings, duplexes, and triplexes. None of the activities in the abutting zones are more intensive than the proposed use. Residential Development Policy 8 is met.

SACP Residential Development Policy 10. Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

- a. The site is so designated on the comprehensive plan map;
- b. Adequate public services are planned to serve the site;
- c. The site's physical characteristics support higher density development; and
- d. Residential Development Policy 7 is met.

The application is to change the comprehensive plan designation from Developing Residential to Multi-Family Residential. If the application is granted, the new designation will be reflected on the comprehensive plan map. Adequate public services are currently available to the subject property. The property is surrounded by multi-family housing, commercial uses, and includes some single-family dwellings. Because of the development on the adjacent properties, the proposal will reflect the changing character of the neighborhood. Residential Development Policy 7 is met. Therefore, Residential Development Policy 10 is met.

With the conditions of approval noted above, the proposal will conform to the SACP goals, policies, and intent. As conditioned, MCUZO 43.02(a) will be satisfied.

6. The SACP contains little information on residential property inventories within the Salem UGB, but the proposal is consistent with land use patterns in the surrounding area that consist of single-family and multi-family dwellings. The Hearings Officer takes official notice that several years ago, DLCD required the City of Salem to designate more RM land. The current proposal would be consistent with DLCD's request. It appears that the neighborhood has grown around the subject property and has changed to multi-family dwellings and commercial uses. Due to the small size of the property, removing the lot from Single-Family Residential designation and adding it to the Multi-family designation will have no significant affect on the overall lands inventory within the UGB. MCUZO 43.02(b) is satisfied.
7. The property adjacent to the north and east portions of the subject property is zoned RM and contains apartment complexes. Property to the south is zoned RL and has been developed with single family dwellings as well as duplexes and triplexes. The properties to the west are zoned CO and IC and have been developed with offices and retail

businesses. The subject property is the only property in the surrounding area that is currently UD. As there are already multi-family residences in the surrounding area, the proposed use will not significantly adversely affect uses on adjacent properties, and MCUZO 43.02(c) will be satisfied.

8. The subject property already has water, sewer, telephone, and electric service. Public transportation is available along Lancaster Drive. The proposed use will increase the number of traffic trips on Lancaster Drive, and will increase potential stormwater runoff with paving of parking areas. Storm drainage and stormwater detention facilities, and driveway and utility permitting will be required. With these conditions of approval, along with requiring applicants to provide proof from Marion County Fire District No. 1 that adequate fire access is provided, adequate public facilities and services will be available to support the proposed use, and MCUZO 43.02(d) will be satisfied.
9. Approval of the proposed comprehensive plan amendment, as conditioned, is recommended.

ZONE CHANGE

10. MCUZO 39.05 contains the following zone change criteria:
 - (a) The proposed zone is appropriate for the Comprehensive Plan land use designation and is consistent with description and policies for the applicable comprehensive plan land use classification;
 - (b) Adequate public facilities are available to serve the site or planned to be provided concurrent with the parcel's development;
 - (c) The proposal must satisfy the zone change criteria in the applicable comprehensive plan;
 - (d) The criteria in the purpose statement of the proposed zone shall be met (see Chapters 2 through 23);
 - (e) If the zone change allows uses more intensive than other appropriate zones for the designation, the proposed zone will not allow uses that would significantly adversely affect uses on adjacent properties zoned for less intensive uses.
11. The existing plan designation does not provide for the proposed RM zone. However, if the comprehensive plan amendment is approved, the proposed RM zone will be appropriate for the comprehensive plan designation. The surrounding properties have been developed as mostly multi-family dwellings or commercial uses. As noted above, with conditions, the subject application is in conformance with applicable SACP policies. MCUZO 39.05(a) is satisfied.
12. As stated above, adequate public facilities are available or can be made available through conditions of approval. With the conditions noted above, MCUZO 39.05(b) is satisfied.

13. The SACP contains no zone change criteria. MCUZO 39.05(c) is not applicable.
14. According to MCUZO 4.00, the purpose of the RM zone is to provide for multiple family dwellings on a lot or, attached dwellings on separate lots, at [R]esidential densities greater than permitted in the RL (Limited Multiple Family Residential) zone. The RM zones are located in areas designated as Multiple Family Residential or an equivalent designation in the applicable urban area comprehensive plan and are provided with urban services. The RM zone is appropriate in those areas designated in the applicable urban area comprehensive plan and where the location has access to a collector or arterial street.

The uses proposed by the applicants are uses included in MCUZO 4.01. The site is one block away from Lancaster Drive NE and Lancaster Drive NE, is a principal arterial street. MCUZO 39.05(d) is satisfied.
15. The RM zone is more intensive than the RL zone but less intensive than the other zones with the Multiple-Family designation. The surrounding properties are RM, RL, or CO. The RL zoned properties are directly across Monroe Avenue from the subject property. The property the 88-unit apartment complex is on is also directly across Monroe from the RL zoned property. The proposed uses will not significantly interfere with the uses on the adjacent zoned properties for less intensive uses. As conditioned, the residential use will be adequately buffered from the proposed use. MCUZO 39.05(e) will be satisfied.
16. Approval of the proposed zone change, as conditioned, is recommended.

VI. Recommendation

It is hereby found that the applicants have met the burden of proving the applicable standards and criteria for approval of a zone change from Urban Development to Multiple-Family Residential and to change the comprehensive plan designation from Developing Residential to Multi-Family Residential on a 0.6-acre parcel. Therefore, the Hearings Officer recommends the application be **GRANTED**, subject to the conditions set forth below. These conditions are necessary for the public health, safety, and welfare.

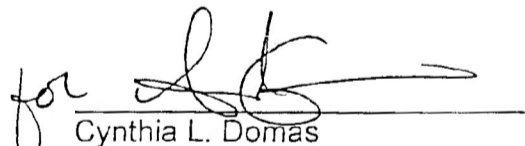
1. Prior to development the developer shall obtain all permits required by the Marion County Building Inspection Division, including all building permits.
2. The developer shall submit a site plan to the Department of Public Works for review and approval before building permits are issued. The site plan shall include detention facility details and storm water calculations as required by DPW.
3. The developer will dedicate sufficient right-of-way to provide the public dedicated right-of-way half-width of 30 feet along Monroe Avenue. It is estimated that an additional 5 feet of width is required. All such dedications will be to the public.

4. The developer shall improve Monroe Avenue along the frontage in accordance with appropriate standards as direct by DPW, including such things as a 17-foot paved half-width, curb, gutter, property line sidewalk, drainage work, and landscaping.
5. The developer shall be allowed one connection on Monroe Avenue. In accordance with Marion County Driveway Ordinance #651, driveway permits will be required for any new access or change in existing access to the public right-of-way. Through the building permit process, the developer shall be required to apply for a driveway permit. All driveways shall meet fire district standards for emergency access.
6. The developer shall preserve the current Pavement Condition Index rating and structural integrity of Monroe Avenue through all phases of development.
7. Site grading shall not impact surrounding properties in a negative manner. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. The developer shall construct facilities as necessary to address drainage issues and shall obtain approval of a site drainage plan to verify this lack of negative impact.
8. All utility work in the public right-of-way will require a utility permit from DPW.
9. System development charges will be assessed upon development of the subject property at the time of application for building permits.

VII. Referral

This document is a recommendation to the Marion County Board of Commissioners. The Board will make the final determination on this application after holding a public hearing. The Planning Division will notify all parties of the hearing date.

DATED at Salem, Oregon, this 13th day of September, 2007.


Cynthia L. Domas
Marion County Hearings Officer

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order on the following persons:

Ronald and Karen Brown (*via mail*)
4055 Monroe Ave. NE
Salem, OR 97301

Agencies Notified (*all via interoffice mail*)
Planning Division
Public Works Engineering
Building Inspection

Frank Barnes
12200 Jerusalem Hill Rd. NW (*via mail*)
Salem, OR 97304

David Fridenmaker (*via mail*)
Salem-Keizer Public Schools
3630 State Street
Salem, OR 97301

by forwarding to them, in the manner indicated above, copies thereof. I further certify that said mailed copies were placed in sealed envelopes, addressed as noted above, and deposited in the U.S. Mail at Salem, Oregon, on the 13th day of September, 2007, with postage thereon prepaid.



Christi Klug
Secretary to Hearings Officer

EXHIBIT B

The Marion County Board of Commissioners adopts the following conditions in ZC07-01/Brown

Pursuant to the Marion County Urban Zoning Ordinance Section 39.06 the following conditions apply to the 0.6 acres of RM (Multiple Family Residential) zoning granted in this action. These conditions are reasonably related to the specific development, will serve the public interest of reducing land use conflicts, and are based upon standards adopted by the County. The RM zoning significantly intensifies the use of the land. The conditions are necessary for the public health, safety and welfare.

Conditions of Approval:

1. Prior to development the developer shall obtain all permits required by the Marion County Building Inspection Division, including all building permits.
2. The developer shall submit a site plan to the Department of Public Works for review and approval before building permits are issued. The site plan shall include detention facility details and storm water calculations as required by DPW.
3. The developer will dedicate sufficient right-of-way to provide the public dedicated right-of-way half-width of 30 feet along Monroe Avenue. It is estimated that an additional 5 feet of width is required. All such dedications will be to the public.
4. The developer shall improve Monroe Avenue along the frontage in accordance with appropriate standards as direct by DPW, including such things as a 17-foot paved half-width, curb, gutter, property line sidewalk, drainage work, and landscaping.
5. The developer shall be allowed one connection on Monroe Avenue. In accordance with Marion County Driveway Ordinance #651, driveway permits will be required for any new access or change in existing access to the public right-of-way. Through the building permit process, the developer shall be required to apply for a driveway permit. All driveways shall meet fire district standards for emergency access.
6. The developer shall preserve the current Pavement Condition Index rating and structural integrity of Monroe Avenue through all phases of development.

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7. Site grading shall not impact surrounding properties in a negative manner. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. The developer shall construct facilities as necessary to address drainage issues and shall obtain approval of a site drainage plan to verify this lack of negative impact.
 8. All utility work in the public right-of-way will require a utility permit from DPW.
 9. System development charges will be assessed upon development of the subject property at the time of application for building permits.

EXHIBIT C

The following described property is rezoned from UD (Urban Development) to RM (Multi Family Residential) zone.

