



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

11/9/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: Marion County Plan Amendment
DLCD File Number 005-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, November 30, 2009

This amendment was submitted to DLCD for review prior to adoption. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Lisa Milliman, Marion County /Sterling Anderson
Gloria Gardiner, DLCD Urban Planning Specialist
DLCD: Jon Jinings, Steve Oulman

<paa> YA

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

In person electronic mailed

DEPT OF

NOV 2 2009

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **MARION COUNTY**

Local file number: **ZC/CP09-006**

Date of Adoption: **10/28/2009**

Date Mailed: **10/30/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 4/21/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

Change the zone from Multiple Family Residential to Commercial Office and to change the zone from Multi-Family Residential to Commercial

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
no

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **Multi Family Residential** to: **Commercial**

Zone Map Changed from: **Multi Family Residential** to: **Commercial Office**

Location: **659 36th Av NE**

Acres Involved: **0.42**

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 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

DLCD file No. 005-09 (17521) [15804]

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

In the Matter of the)	Case No. ZC/CP09-06
)	
Application of:)	Clerk's File No. 5626
)	
SMMK Ventures, LLC)	

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1295

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 SMMK Ventures, LLC to change the zone from RM (Multiple-Family Residential) to CO (Commercial Office) and to change the Comprehensive Plan from Multi-Family Residential to Commercial on a 0.42 acre parcel located at 659 36th Avenue NE, Salem. (T7S; R2W; Section 30BB; tax lot 7000).

SECTION II. Procedural History

The Marion County Hearings Officer held a duly noticed public hearing on this application on June 10, 2009. Mailed notice was provided to all property owners within 100 feet of the subject property at least 20 days before the hearing. On September 3, 2009 the Hearings Officer issued a report recommending the Board grant the requested change subject to certain conditions. The Board held a duly noticed public hearing on the application on October 14, 2009. Official notice was taken of the Planning Division file and the Hearings Officer's recommendation 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 Fact and Additional Findings of Fact and Conclusions of Law contained in Section IV and V of the Hearings Officer's recommendation dated September 3, 2009 contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested comprehensive plan designation change from Multiple-Family Residential to Commercial is hereby **GRANTED**. The requested zone change from RM (Multiple-Family


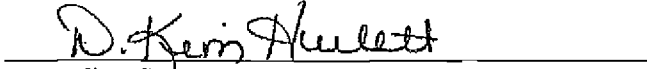
Residential) to CO (Commercial Office) zone is hereby **GRANTED** subject to conditions identified in Exhibit B, attached hereto, and by this reference incorporated herein.

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 28th day of October, 2009, 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.

EXHIBIT A

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the)	Case No. CP/ZC 09-06
Application of:)	Clerk's File No.
SMMK VENTURES, LLC.)	Comprehensive plan amendment/ Zone change

RECOMMENDATION

I. Nature of the Application

This matter comes before the Marion County Hearings Officer on the application of SMMK Ventures, LLC to change the zone from RM (Multiple-Family Residential) to CO (Commercial Office) and to change the comprehensive plan designation from Multiple-Family Residential to Commercial on a 0.42 acre parcel at 659 36th Avenue NE, Salem, Marion County, Oregon (T7S, R2W, S30BB, tax lot 7000).

II. Relevant Criteria

The standards and criteria relevant to this application are found in the Salem Area Comprehensive Plan (SACP) and the Marion County Urban Zoning Ordinance (MCUZO), especially chapters 39 and 43.

III. Public Hearing

A public hearing was duly held on this application on June 10, 2009. At the hearing, the Planning Division file was made part of the record. The following persons appeared at the hearing and provided testimony on the application:

- | | |
|--------------------|-------------------|
| 1. Lisa Milliman | Planning Division |
| 2. Kennedy Hawkins | SMMK |
| 3. Robert Croff | Proponent |

No documents were presented, marked or entered into the record as exhibits. No objections were raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. It was noted that MCUZO 43.02 was not listed in the notice of public hearing. Notice can be corrected for the hearing before the Marion County Board of Commissioners.

IV. Findings of Fact

The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The subject property is designated Multi-Family Residential in the SACP and zoned RM (Multi-Family Residential) under the MCUZO. The property is within the City of Salem urban growth boundary (UGB).

2. The subject 0.42 acre contains a single family dwelling. The western half of the property is currently being used for overflow parking for a physical therapy office on the parcel to the north.
3. Property to the immediate north is zoned CO (Commercial Office) and is occupied by the physical therapy office. Property further to the north and to the west is inside Salem's city limits and includes a shopping mall north of Center Street and Interstate 5 to the west. Property to the south is zoned RS (Single Family Residential) and is developed with single family dwellings. Property to the east is zoned CR (Commercial Retail) and contains a shopping center.
4. Applicant asks to change the SACP designation from Multi-Family Residential to Commercial and the zone from RM to CO to expand the physical therapy business.
5. The Marion County Planning Division requested comments on the proposal from various governmental agencies.

The Marion County Department of Public Works Engineering Development Services & Permits Section (DPW) commented:

1. In accordance with Marion County Ordinance #651, an "Access Permit" is required for any new access or change in use of the existing access to the public right-of-way. If this ZC/CP is approved, the applicant will be required to apply for a driveway "Access Permit" and make changes, if necessary, to establish a safe and compliant access. Driveways must meet sight distance, design, spacing, and safety standards.
2. Notwithstanding Public Works requirements for access, the local fire district has authority to require that driveways and private easements either meet fire district standards for access, have a fire sprinkler suppression system installed on any proposed structure, or be approved by waiver of the local fire marshal, prior to the issuance of building permits. The *Marion County Fire Code Applications Guide* also specifies a suitable turnaround area for emergency vehicles for an access in excess of 150 feet in length (i.e. rear parking areas).
3. The applicant shall submit a parking plan. In addition, the main east-west accessway to the parking area at the rear of the subject parcel appears to be only wide enough for the ingress/egress of vehicles, but does not appear to afford a designated and protected pedestrian walkway area to the front the building. Therefore, a proposed parking plan will also need to address this element. Construction of any improvement(s) required by Public Works in this regard shall be a condition of approval.

4. Access to additional rear parking on the subject property appears to be via the adjacent parcel to the north, addressed as 685 36th Street NE. Applicant shall provide an Access Agreement for shared access. Please contact Tedd Joling at (503) 584-7714 for information in this regard.
5. Approval of this zone change has the potential to add additional traffic to the 36th Avenue NE/Center Street NE intersection, which is in the City of Salem. At the level of development presented in the application materials, there are no requirements at this time. However, at the time of future development of the property, traffic impacts may be evaluated and mitigating measures required.
6. The applicant is advised that construction of improvements on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner. The applicant shall submit a site drainage plan to demonstrate that there is no negative impact, and whether or not construction is being proposed.
7. Construction of roads, structures, and related improvements will increase the amount of storm water runoff from the subject property. Upon application for building permits or change in land use, the County may, at its discretion, require any development having 0.5 acre or more of impervious (hard) surface to provide storm water detention. If such a system were to be required by the County, it shall be sized to detain the difference between a 5-year frequency storm under pre-development conditions and a 50-year frequency storm under development conditions.
8. 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 and/or change in land use. Credit towards assessment of SDCs for those previously paid on existing structures would be given.
9. Any work in the public right-of-way will require a permit from Public Works.

All other contacted agencies either failed to respond, or stated no objection to the proposal.

V. Additional Findings of Fact and Conclusions of Law

1. Applicant has the burden of proving all applicable standards and criteria are met.

COMPREHENSIVE PLAN AMENDMENT

2. The subject property is outside of 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 had no comment on the proposal.
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. MCUZO 43.00 classifies comprehensive plan amendments as legislative and non-legislative. 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 0.42 acre and is a non-legislative 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, any plan map amendment criteria in the plan 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 adversely affect planned uses on adjacent lands.
 - (d) Public facilities and services necessary to support uses allowed in the proposed designation are likely to be made available in the near future.
6. The subject property is within the Salem UGB and is subject to the SACP. The SACP is intended to project the most desirable pattern of land use in the Salem area. Under SACP II.A.3.c, designated Commercial areas provide shopping and service opportunities for regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and

specialized shopping and service facilities. Commercial offices accommodate office space and non-retail services.

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.

Applicants intend to use the existing on-site structure for C0 zone uses. No redevelopment of the property is planned at this time. Topography will not be disturbed. Should applicant later redevelop the property, the development will need to meet drainage and other DPW requirements. General development policy 7 is met.

General development policy 14. Outdoor storage areas should be screened from the public streets and adjacent uses.

Outdoor storage for nonresidential uses in the C0 zone is prohibited under MCUZO 5.25 unless properly screened. This restriction meets general development policy 14.

General development policy 15. Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-ways and adjacent properties.

Applicant will be required to provide a lighting plan showing how lighting will be placed to illuminate the subject property and not cause glare into the public right-of-ways and adjacent properties. As conditioned, general development policy 15 will be met.

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 in an area of Salem that already receives water and sewer services. Growth management policy 7 is met.

Commercial development policy 6. Commercial office uses shall have convenient access to collector and arterial streets.

The subject property has direct access onto 36th Avenue, a county road that intersects with Center Street, an east-west running major arterial street, and from there to Hawthorne Avenue, Lancaster Drive and other north-south running major arterial streets. (Road classifications are found in the Salem Transportation System Plan.) Commercial development policy 6 is met.

Commercial development policy 8. Buffer strips from residential uses shall be provided for all commercial development.

Commercially zoned properties are to the north and east. I-5 is to the west. Residentially zoned properties are directly to the south and to the southeast, kitty corner across 36th Avenue. It appears there is a fairly significant vegetative buffer between the existing dwelling and the property to the south. The vegetative buffer should be retained and maintained in good condition as a condition of any approval. The rear parking area will need to be setback and landscaped in accordance with MCUZO chapter 5 and other MCUZO requirements. With a condition regarding retention and maintenance of the current vegetative buffer and development of other setback areas to code standards, commercial development policy 8 will be met.

Conclusion: 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.

7. The SACP contains little information on residential and commercial property inventories within the Salem UGB. Due to the small size of the property, removing the lot from Multiple Family Residential designation and adding it to the Commercial designation will have no significant affect on the overall lands inventory within the UGB. Additionally, the Planning Director noted that other fairly recent actions have added other RM-zoning to the inventory. ZC/CP06-07 changed the zoning for 2.89 acres to RM, ZC/CP 05-04 changed 1.31 acres to RM, and ZC/CP 04-08 changed 71.28 acres from RS to RL (Limited Multi-Family Residential). Also, the CO zone allows low, medium, and high density residential uses, so residential use of the site is still a viable option. Redesignating the subject property as proposed will not affect the projected need for Multiple-Family Residential or Commercial land within the Salem UGB. MCUZO 43.02(b) is satisfied.
8. The Commercial designation allows a wide variety of commercial uses but the CO zone provides for generally less intense uses. CO zoning is considered a transition zone between more intensive commercial zones and residential zones. Noncommercial zoning is only to the south and southeast. The CO zone will provide a transition between existing commercial and residential zones. The proposed use will not significantly adversely affect uses on adjacent properties. MCUZO 43.02(c) is satisfied.

9. The subject property already has water, sewer, telephone and electric service. Public transportation is available along Center Street. Office uses may slightly increase the number of traffic trips on Center Street but to no significant effect. The currently graveled parking area will need to be paved, allowing for more stormwater runoff. Storm drainage and stormwater detention facilities may be required during permitting, and driveway and utility permitting will be required. With these conditions of approval, along with requiring applicant to provide proof from Marion County Fire District 1 (MCFD1) 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.
10. Approval of the proposed comprehensive plan amendment, as conditioned, is recommended.

ZONE CHANGE

11. MCUZO 39.05 contains the following zone change criteria:
 - (a) The proposed zone is appropriate for the comprehensive plan land use designation on the property and is consistent with the description and policies for the applicable comprehensive plan land use classification.
 - (b) Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.
 - (c) Satisfaction of any zone change review criteria in the applicable city comprehensive plan pertaining to unincorporated lands is demonstrated.
 - (d) The criteria listed in the purpose statement for the proposed zone shall be met.
 - (e) If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the proposed zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.
12. If the comprehensive plan amendment is approved, the proposed CO zone will be appropriate for the Commercial comprehensive plan designation. As noted above, with conditions, the subject application is in conformance with applicable SACP policies. With the conditions noted above, MCUZO 39.05(a) will be satisfied.

13. As noted 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.
14. The SACP contains no zone change criteria. MCUZO 39.05(c) is not applicable.
15. According to MCUZO 5.00, the purpose of the CO zone is to provide areas suitable for professional and general commercial offices, membership organizations, similar low intensity, non-retail commercial services and medium density residential accommodations. The CO zone is appropriate in those areas designated Commercial in the applicable urban area comprehensive plan and as a transition between residential and more intensive commercial areas.

If the comprehensive plan amendment is approved, the proposed property will be designated Commercial. The subject site is just off of Center Street, a busy major arterial street with several highly intense commercial uses. The CO zone will provide a buffer from potentially higher intensity commercial uses. MCUZO 39.05(d) is satisfied.

16. The CO zone is the least intensive commercial zone appropriate for the commercial designation. MCUZO 39.05(e) is not applicable.
17. The proposed zone change is recommended.

VI. Recommendation

It is hereby found that applicant has met the burden of proving the applicable standards and criteria for approval of a zone change and comprehensive plan amendment have been met. Therefore, the hearings officer **recommends** that the Marion County Board of Commissioners **GRANT** the comprehensive plan amendment and zone change applications, subject to the conditions set forth below. The conditions are necessary for the public health, safety and welfare.

1. The parking lot shall be paved with concrete or asphalt hard surface.
2. The current vegetative buffer between the existing dwelling and the property to the south shall be retained and maintained in good condition in accordance with MCUZO standards. All portions of the property shall be landscaped according to CO zone requirements.
3. The site must comply with MCFD1 access, water supply and address standards, and the *Marion County Fire Code Applications Guide*.

4. Applicant must comply with Marion County DPW Land Development Engineering and Permits requirements, including:
 - a. Applicant shall submit a parking plan.
 - b. Applicant shall provide an access agreement for any shared access.
 - c. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. Site grading shall not impact surrounding properties, roads, or drainage ways in a negative manner. Applicant shall submit a site drainage plan to demonstrate that there is no negative impact.
 - d. Any work in the public right-of-way will require a permit from Public Works.
5. All current and future development on the property must satisfy the specific development standards in the CO zone and the general standards found in MCUZO chapters 26 through 40.
6. All trash receptacle areas shall be screened from adjacent residential uses and from public streets.
7. A lighting plan shall be submitted to the Planning Division for review and approval. The plan shall include the location of all lighting facilities to serve the property. A typical example of how these lighting facilities will be designed to avoid illumination of adjacent properties shall be reviewed and approved by the Planning Division.

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 3rd day of September 2009.



Ann M. Gasser
Marion County Hearings Officer

CERTIFICATE OF MAILING

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

Kennedy Hawkins
19395 SW Haide Rd.
Sherwood, OR 973140

Agencies Notified
Planning Division
Building Inspection

Robert Croff
37800 Farris Rd.
Scio, OR 97374

City of Salem
Community Development
555 Liberty Street SE/Room 305
Salem, OR 97301

by mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes addressed as noted above, that said copies were deposited in the United States Post Office at Salem, Oregon, on the 30th day of September 2009, and that the postage thereon was prepaid.

Joanna Ritchie
Joanna Ritchie
Secretary to Hearings Officer

EXHIBIT B

The Marion County Board of Commissioners adopts the following conditions in ZC/CP 09-6/SMMK Ventures LLC.

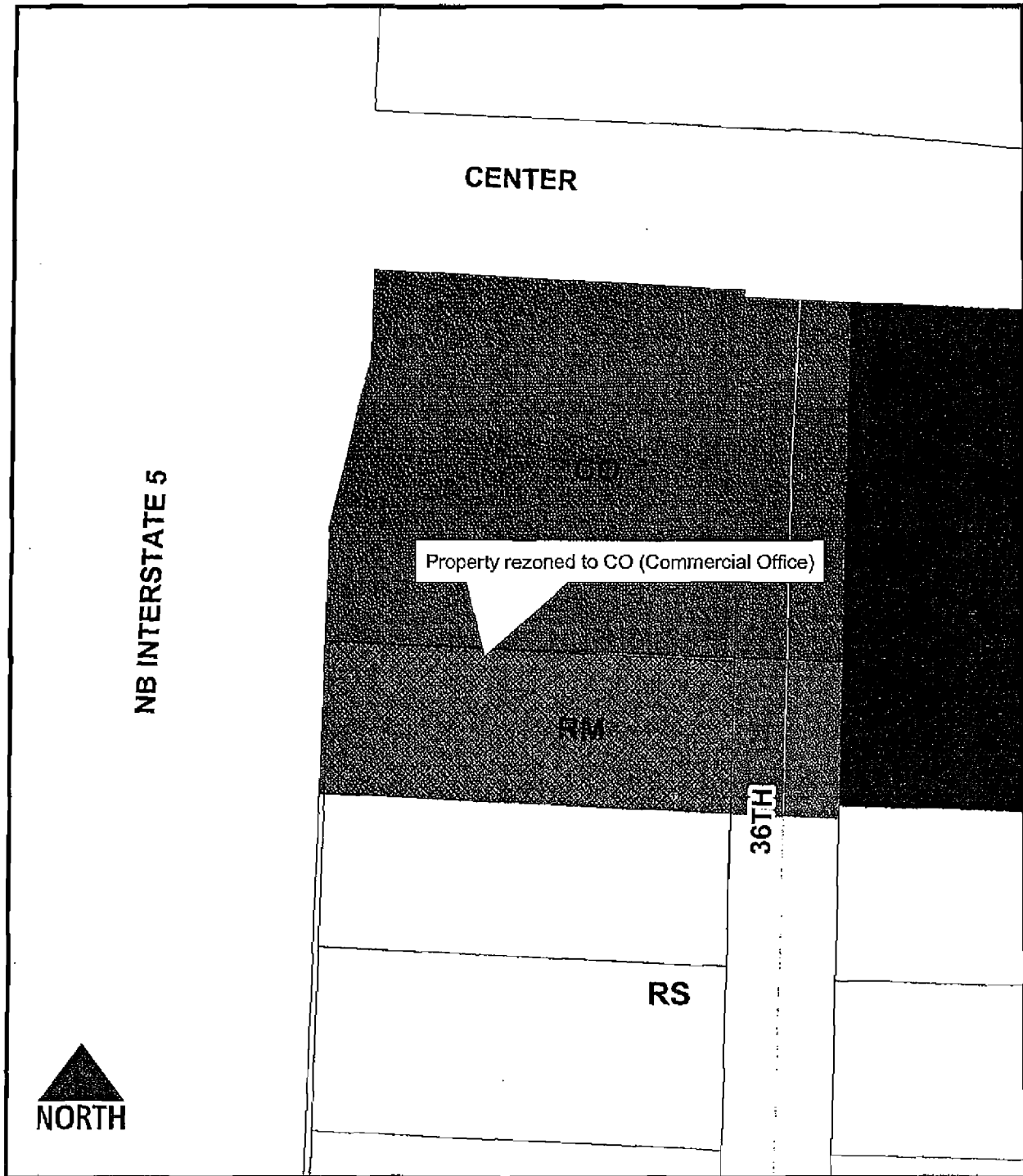
CONDITIONS OF APPROVAL:

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

1. The parking lot shall be paved with concrete or asphalt hard surface.
2. The current vegetative buffer between the existing dwelling and the property to the south shall be retained and maintained in good condition in accordance with MCUZO standards. All portions of the property shall be landscaped according to CO zone requirements.
3. The site must comply with MCFD1 access, water supply and address standards and the *Marion County Fire Code Applications Guide*.
4. Applicant must comply with Marion County DPW Land Development Engineering and Permits requirements, including:
 - a. Applicant shall submit a parking plan.
 - b. Applicant shall provide an access agreement for any shared access.
 - c. Construction of improvements on the property shall not block historical or naturally occurring runoff from adjacent properties. Site grading shall not impact surrounding properties, roads, or drainage ways in a negative manner. Applicant shall submit a site drainage plan to demonstrate that there is no negative impact.
 - d. Any work in the public right-of-way will require a permit from Public Works.
5. All current and future development on the property must satisfy the specific development standards in the CO zone and the general standards found in MCUZO Chapters 26 through 40.
6. All trash receptacle areas shall be screened from adjacent residential uses and from public streets.
7. A lighting plan shall be submitted to the Planning Division for review and approval. The plan shall include the location of all lighting facilities to serve the property. A typical example of how these lighting facilities will be designed to avoid illumination of adjacent properties shall be reviewed and approved by the Planning Division.

EXHIBIT C

The following described property is rezoned from RM (Multiple Family Residential) to CO (Commercial Office) zone. ZC/CP09-06/SMMK Ventures LLC.



Marion County Planning Division
555 Court St. NE, Room 2130
PO Box 14500
Salem, OR 97309

DEPT OF

NOV 2 2009

**LAND CONSERVATION
AND DEVELOPMENT**

**ADDRESS
SERVICE
REQUESTED**

**PRESORTED
FIRST CLASS**



Hasler

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10/30/2009
Mailed From 97302
US POSTAGE

**STATE OF OREGON LCDC
DENNIS MILLER
635 CAPITOL ST NE SUITE 200
SALEM OR 97301-6033**