



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: January 22, 2016

Jurisdiction: Marion County

Local file no.: ZC/CPC 15-002

DLCD file no.: 004-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/21/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



# NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 004-15 {24004}

Received: 1/21/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Marion County

Local file no.: **ZC15-002**

Date of adoption: 01/20/16

Date sent: 1/21/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09/02/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No difference

Local contact (name and title): Joe Fennimore, Principal Planner

Phone: (503) 588-5038

E-mail: [gfennimore@co.marion.or.us](mailto:gfennimore@co.marion.or.us)

Street address: 5155 Silverton Rd NE

City: Salem

Zip: 97305

## PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

### **For a change to comprehensive plan text:**

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

No

### **For a change to a comprehensive plan map:**

Identify the former and new map designations and the area affected:

Change from Single Family Residential to Commercial 0.34 acres. A goal exception was required for this change.

Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Change from \_\_\_\_\_ to \_\_\_\_\_ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): T7S; R2W; S31CA; 1500

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

**If the comprehensive plan map change is a UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**If the comprehensive plan map change is an urban reserve** amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

**For a change to the text of an ordinance or code:**

Identify the sections of the ordinance or code that were added or amended by title and number:

n/a

**For a change to a zoning map:**

Identify the former and new base zone designations and the area affected:

Change from RS	to CO	Acres: 0.34
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

---

---

List affected state or federal agencies, local governments and special districts: n/a

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance #1363

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

In the Matter of the	)	Case No. ZC/CP 15-002
Application of:	)	
Allen R. and Cynthia L. White	)	Clerk's File No. 5706
Co-Trustees of the Alan R White and	)	
Cynthia L. White Family Trust	)	

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. 1363

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 Allen R. White and Cynthia L. White, Co-trustees of the Allen R. White and Cynthia L. White Family Trust to change the zone from RS (Single-Family Residential) to CO (Commercial Office) and the comprehensive plan designation from Single-Family Residential to Commercial on a 0.34 acre parcel at 925 Lancaster Drive SE, Salem, Marion County, Oregon (T7S, R2W, S31CA, tax lot 1500).

SECTION II. Procedural History

Allen R. White and Cynthia L. White submitted an application to change the zone from Single-Family Residential to Commercial Office, and to amend the comprehensive plan designation from Single-Family Residential to Commercial. The hearings officer held a public hearing on the application on October 7, 2015, and on December 4, 2015, issued a recommendation that the board grant the request. The Board held a duly noticed public hearing on December 30, 2015, considered the Planning Division file, hearings officer's recommendation, and all the 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 December 4, 2015, contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested Comprehensive Plan change from Single-Family Residential to Commercial is hereby **GRANTED**. The requested zone change from RS (Single-Family Residential) to CO (Commercial Office) 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 identified on a map in Exhibit C, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to Marion County Code 16.01.040 to reflect the new zoning.

SECTION V. Effective Date

Pursuant to Marion County Code Section 1.10.030, 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 20<sup>th</sup> day of January,  
2016, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS



Kristine Witherell  
Chair

KW  
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.	ZC/CP 15-002
	)		
Application of:	)	Clerk's File No.	
	)		
ALLEN R. WHITE & CYNTHIA L. WHITE,	)	Comprehensive plan amendment/	
CO-TRUSTEES OF THE ALLEN R. WHITE &	)	Zone change	
CYNTHIA L. WHITE FAMILY TRUST	)		

### RECOMMENDATION

#### I. Nature of the Application

This matter comes before the Marion County Hearings Officer on the application of Allen R. White and Cynthia L. White, Co-trustees of the Allen R. White and Cynthia L. White Family Trust to change the zone from RS (Single-Family Residential) to CO (Commercial Office) and the comprehensive plan designation from Single-Family Residential to Commercial on a 0.34 acre parcel at 925 Lancaster Drive SE, Salem, Marion County, Oregon (T7S, R2W, S31CA, tax lot 1500).

#### II. Relevant Criteria

The standards and criteria relevant to this application are found in the Salem Area Comprehensive Plan (SACP) and the Marion County Code (MCC) Title 16, especially chapters 16.39 and 16.43.

#### III. Public Hearing

A public hearing was held on this matter on October 7, 2015. The Planning Division file was made part of the record. The following persons appeared and provided testimony on the application:

1.	Lisa Milliman	Marion County Planning Division
2.	John Rasmussen	Marion County Public Works Engineering
3.	Chris Brunette	For applicant
4.	Jeremy Alderman	For applicant
5.	Anna Dupre	Opponent
6.	Charlie Mudrick	General

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.

#### 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 0.34 acre lot is in the Salem Urban Growth Boundary (UGB), designated Single Family Residential in the SACP, and zoned RS under the MCC.
2. The subject property is on the west side of Lancaster Drive SE, about 90' south of the Hager Street-Lancaster Drive intersection. The property contains a single family dwelling.
3. The lot north of the subject property was rezoned from RS to CO in 1995 for use as a law office. Other surrounding properties are zoned RS and developed with single family homes.
4. Allen and Cynthia White, Co-Trustees, propose and authorize Chris Brunette and Jeremy "Alderson" of Pacific Trade & Development, LLC, to seek land use approval in this matter. Jeremy "Alderman" appeared at hearing for applicant and is found to be the person, with Chris Brunette, granted authorization to act for applicant. Applicants propose a comprehensive plan designation amendment from Single-Family Residential to Commercial and zone change from RS to CO to replace the existing home with a model home and building contractor sales office.
5. The Planning Division requested comments from various governmental agencies.

The Marion County Department of Public Works (DPW) Land Development Engineering and Permits (LDEP) commented:

ENGINEERING CONDITIONS

Public Works Engineering requests that the following conditions lettered A and B are included in the approval of the land use case.

*Condition A - Prior to application for building permits, dedicate additional right-of-way half-width along the Lancaster Drive subject property frontage to meet the City of Salem standard width of 48 feet for a city Major Arterial. Dedications should be to the public, not Marion County.*

Nexus is the planned redevelopment of the subject property to commercial office use that will generate a net increase in traffic above and beyond the currently unoccupied residential use onto Lancaster Drive and other county roads, and, the need for additional width to accommodate future road related improvements and utilities. It appears an additional three (3) feet is needed.

*Condition B - Prior to application for building permits, submit a site plan including parking and traffic circulation elements to MCPW Engineering for review and preapproval.*

Nexus is the planned commercial redevelopment of the subject property situated adjacent to a Major Arterial lacking street parking. The plan should be laid out similar to the land use application site plan already submitted to the Planning Department, such that no vehicular backing maneuvers onto Lancaster Drive would be necessary. Failure to gain prior engineering approval of a site plan, or last minute changes to a preapproved site plan, could result in significant delays for issuance of Building Permits if site reconfiguration were to be required.

#### ENGINEERING REQUIREMENTS

The following comments lettered C through H, are with regard to County requirements and issues that the applicant must address if the proposal is approved. MCPW Engineering requirements are only generally referenced in land use Notice of Decisions.

- C. In accordance with Marion County Driveway Ordinance #651, driveways must meet sight distance, design, spacing, and safety standards. The following sub-requirements, numbered #1 through #7, pertain to access:
- 1) Since Lancaster Drive is a Major Arterial and carrying high traffic volumes, the Applicant is encouraged to seek an access easement from the adjacent northern property operating as a business, which takes access solely from Hagar Street.
  - 2) Only one (1) direct access to Lancaster Drive will be allowed. Direct access to Lancaster Drive would not be allowed if the Applicant were to obtain an access easement to Hagar Street.
  - 3) Relocation of and/or modification to access along Lancaster Drive requires an Access Permit. As part of the Permit, curb/gutter and sidewalk work would have to be done.
  - 4) Even if no access modifications were proposed, at the time of application for Building Permits, an Access Review will be conducted.
  - 5) Driveway approaches must meet current ADA standards for accessibility.
  - 6) Vegetation and business signs placed in front landscape areas shall comply with zoning criteria, and may not impede engineering Intersection Sight Distance (ISD) between a height interval of 2 to 7 feet measured above top-of-curb. A hedge located at the back of sidewalk and



within the public right-of-way in front of the northern neighboring property may need to be cut back in support of adequate ISD.

7) The Lancaster Drive driveway approach and parking pads may not be used for commercial traffic for the following two reasons:

- Notwithstanding the right-of-way half-width dedication of 48 feet as stipulated under MCPW Engineering Condition A, the parallel driveway parking pads are currently partially within the existing 45-foot public right-of-way half-width, contrary to zoning ordinance. Vehicular parking and sufficient space for backing maneuvers must be accommodated for entirely on private property.
- Lancaster Drive street parking is not provided for, and will not be allowed.

- D. The subject property is within the City of Salem Urban Growth Boundary and will be assessed Transportation System Development Charges (SDCs) upon application for building permits, per Marion County Ordinance #97-39R. Credit for prior residential use is not given toward proposed commercial use.
- E. County GIS depicts an area drain and lateral at the southeastern corner of the existing house, which blind-T's into the Lancaster Drive main trunk line. This line should be protected if intended for future use as an area, rain or crawl space drain. If not, it should be capped behind the sidewalk.
- F. It is the responsibility of the Applicant to preserve and protect the current pavement condition Index (or PCI) rating (as applicable) and the structural integrity of adjacent paved and graveled county roads to the satisfaction of Marion County Public Works during transport of materials and construction activities. Failure to preserve and protect the road may result in the applicant being responsible for replacing or reconstructing the damaged road at his/her own expense.
- G. Any temporary parking of construction related traffic within Lancaster Drive requires approval of a Traffic Control Plan from MCPW Engineering.

H. Temporary placement of a roll-off dumpster for demolition materials may not protrude into the Lancaster Drive sidewalk.

ENGINEERING ADVISORIES

The applicant is also advised of the following issues, lettered I and J, which may affect the proposal:

I. 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.

J. Permits for water and sanitary sewer connections within the public right-of-way are issued by the City of Salem.

Marion County Building Inspection commented that permits are required for new construction and change in occupancy or use.

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 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, but the City 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 had no comment on the proposal.
4. Under MCC 16.43.000(A), a non-legislative plan amendment involves a change to the land use designation of five or fewer different ownerships. This application involves one ownership and is a non-legislative plan amendment.
5. MCC 16.43.020 contains the following criteria for non-legislative plan amendments:
  - A. Conformance with the Comprehensive Plan goals, policies and intent, and 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 projected needs for such lands in 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 available or are likely to be available in the near future.
6. The subject property is in the Salem UGB and subject to the SACP. Under SACP III(B)(4), Marion County has exclusive jurisdiction over land use actions within the Salem UGB. 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 for commercial office space and non-retail services. Applicable SACP policies must be examined.

*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 plan to replace the existing on-site structure with a show home and sales office with off-street parking. The subject lot is flat, developed to urban standards, and contains no on-site watercourses. 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 CO zone is prohibited under MCC 16.05.250 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.

Requiring a lighting plan at permitting that shows how lighting will be placed to illuminate the property and not cause glare in the public rights-of-way or adjacent properties will satisfy general development policy 15.

*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, sewer and other 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 to Lancaster Drive SE, a principal arterial street. Commercial development policy 6 is met.

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

The lot north of the subject property is zoned CO. Lancaster Drive abuts property to the east. Residentially zoned properties abut to the west and south. The new home, driveway and rear parking area will be setback and landscaped in accordance with MCC chapter 16.05 and other MCC requirements which will satisfy commercial development policy 8.

Conclusion: With a lighting plan condition, the proposal conforms to SACP goals, policies and intent. MCC 16.43.020(A) is satisfied.

7. The SACP contains little information about residential and commercial property inventories within the Salem UGB. The subject property is small, and removing it from Single-Family Residential designation while adding it to Commercial designation will have no significant affect on the overall land inventory within the UGB. Additionally, CO zoning allows residential uses and does not foreclose residential use of the site. Redesignating the subject property as proposed will not significantly affect projected needs for Single-Family Residential or Commercial land within the Salem UGB. MCC 16.43.020(B) is satisfied.
8. No adjacent neighbors appeared at hearing, but neighbors from across Lancaster Drive appeared and noted problems with suspicious night-time activity at CO property north of the subject site. While generally supportive of a model home and office space, the neighbors point out there is no guarantee of what will eventually go in at the site. The neighbors request lighting and gated access for the proposed rear parking area.

The small size of the subject lot somewhat restricts feasible future uses but without a limited use overlay zone, a more intensive CO use than the one proposed could go in at the site, such as an eating place. A lighting plan should be required under general development policy 15, and other protections for adjacent residential parcels should be considered. Applicant is amenable to gating the parking lot in some fashion. Gating would not be an unreasonable requirement nor would restricting hours of

operation to prevent undue interference with adjacent residential uses. The BOC should consider imposing gating and restricted operation hours as conditions for final development plans. With the lighting plan and other requirements the BOC deems appropriate, MCC 16.43.020 (C) will be satisfied.

9. Water, sewer, telephone, electric and public transportation services are available at the site. The developer anticipates creating a model home, relocating an existing home sales office to the site, and providing on-site parking for up to two office staff and an estimated four business visitors per day. Single family homes generate an estimated ten vehicular trips per day, comparable to the proposed use, but, there is no guarantee the proposed use will be the ultimate use of the property. Still, the size and location of the parcel should help limit the site to lower impact uses. DPW Engineering reviewed the proposal and asked for three feet of additional right-of-way along the lot to accommodate City of Salem right-of-way requirements and access for the new commercial use. DPW also asked for parking and circulation site plan review and approval prior to redevelopment to ensure adequate access and appropriate forward movement egress. Applicant supported DPW dedication and site plan requests. By meeting permitting, development and proposed DPW requirements, adequate public facilities and services will be available to support CO use of the property. MCC 16.43.020(D) will be met.
10. Comprehensive plan amendment approval is recommended.

#### ZONE CHANGE

11. MCC 16.39.050 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. The request shall be consistent with the purpose statement for the proposed zone.
  - D. 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. With conditions, the proposed comprehensive plan amendment conforms to applicable SACP policies. If the comprehensive plan amendment is approved, the proposed CO zone will be appropriate for the Commercial comprehensive plan designation, and MCC 16.39.050 (A) will be satisfied.

13. As noted above, adequate public facilities are available or can be made available with conditions of approval. MCC 16.39.050(B) is satisfied.
14. Under MCC 16.5.000, 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 and the CO zone will be appropriate. The subject site is on Lancaster Drive, a principal arterial roadway in an area of creeping commercial uses. The CO zone will help provide a buffer from higher intensity commercial uses. MCC 16.39.050(C) is satisfied.
15. The CO zone is the least intensive commercial zone appropriate for the commercial designation. MCC 16.39.050(D) is not applicable.
16. 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 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. Applicant shall obtain all permits required by the Marion County Building Inspection Division.
2. Prior to building permit application, applicant shall dedicate approximately three feet of additional right-of-way half-width along the subject property's Lancaster Drive frontage to meet the City of Salem standard width of 48 feet for a city major arterial street. Dedication will be to the public, not Marion County.
3. Prior to application for building permits, applicant shall submit a site plan showing parking and traffic circulation elements to MCPW Engineering for review and preapproval.
4. Prior to application for building permits, applicant shall submit a lighting plan to the Planning Division for review and approval. The plan shall include the location of all exterior lighting facilities to serve the property, and show a typical example of how the lighting will be designed to avoid illumination of adjacent properties and public rights-of-way.
5. Applicant shall meet MCC 16.05.200 landscaping requirements.

6. All current and future development on the property must satisfy the specific development standards in the CO zone and the general standards found in MCC chapters 16.26 through 16.40.
7. All trash receptacle areas shall be screened from adjacent residential uses and from public streets.

#### 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 4th day of December 2015.



Ann M. Gasser  
Marion County Hearings Officer

CERTIFICATE OF MAILING

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

Anna Duprè  
Charlie Mudrick  
940 Lancaster Dr. SE  
Salem, OR 97317

Chris Brunette  
40318 Providence Dr.  
Scio, OR 97374

Jeremy Alderman  
8712 Wildlife Ln. SE  
Salem, OR 97317

City of Salem  
Attn: Amy Jo Dixon, Planner II  
555 Liberty St. SE, #305  
Salem, OR 97301

Oregon DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

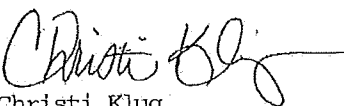
Agencies Notified  
Planning Division  
Building Inspection  
Public Works Engineering  
Neighborhood Association D

NESCA and East Salem Suburban  
chair@essnaSalem.org

Chris Brunette  
HiLine Homes  
3935 Hagers Grove Rd. SE  
Salem, OR 97317

Allen and Cynthia L. White  
White Family Trust  
1497 Frontier Ln.  
Vale, OR 97918

by mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes, addressed as noted above, and deposited in the United States Post Office at Salem, Oregon, on the 4<sup>th</sup> day of December 2015, and that the postage thereon was prepaid.

  
Christi Klug  
Secretary to Hearings Officer



## **EXHIBIT B**

The Marion County Board of Commissioners adopts the following conditions in ZC/CP 15-002/White.

### **CONDITIONS OF APPROVAL:**

Pursuant to the Marion County Code 16.39.060, the following conditions apply to the 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. Applicant shall obtain all permits required by the Marion County Building Inspection Division.
2. Prior to building permit application, applicant shall dedicate approximately three feet of additional right-of-way half-width along the subject property's Lancaster Drive frontage to meet the City of Salem standard width of 48 feet for a city major arterial street. Dedication will be to the public, not Marion County.
3. Prior to application for building permits, applicant shall submit a site plan showing parking and traffic circulation elements to MCPW Engineering for review and preapproval.
4. Prior to application for building permits, applicant shall submit a lighting plan to the Planning Division for review and approval. The plan shall include the location of all exterior lighting facilities to serve the property, and show a typical example of how the lighting will be designed to avoid illumination of adjacent properties and public rights-of-way.
5. Applicant shall meet MCC 16.05.200 landscaping requirements.
6. All current and future development on the property must satisfy the specific development standards in the CO zone and the general standards found in MCC chapters 16.26 through 16.40.
7. All trash receptacle areas shall be screened from adjacent residential uses and from public streets.

EXHIBIT C

The following described property is rezoned from RS (SINGLE FAMILY RESIDENTIAL) to CO (COMMERCIAL OFFICE). ZC/CP 15-002/White.

