

## **Land Use Application for Zone Change and Partition for a Home**

### **By River Building, LLC at 3155-3175 River Road S, Salem, OR**

This Addendum and the attached *Exhibits* are part of this Application for a zone change and partition for a lot created by the partition to allow construction of a home. This Application and supporting materials for a zone change for a single parcel from Commercial Retail (CR) and Agriculture/Residential (RA) to Commercial Office (CO) is well justified, with a simple partition to create two new parcels within the subject 1.89-acre parcel.

A Pre-Application Conference Waiver request was filed with this Application based on two meetings with City staff about this Application before it was filed and this is a simple Application. A copy is attached as *Exhibit 1*.

### **Basic Facts and Background**

This Application concerns a 1.89 acre parcel on South River Road which although a single parcel, is primarily zoned CR with some AR as shown in *Exhibit 9*. This results from the County zoning of the portion zoned AR and the City zoning of the CR portion before the AR portion was incorporated into the City.

Although the parcel has two single story smaller office buildings, the parcel has residential subdivisions on both long borders, the railroad track and Salem Golf Club on the back border, and River Road South on the front. See *Exhibits 6 and 7*. The applicant, Attorney Terrence Kay, is an owner of the Company which owns the land, River Building, LLC. He and his wife want to partition the lot in the rear identified as Parcel #3 in Exhibit 8 to build a home, which is allowed in rezoning Parcel #3 from CR/AR to CO. All necessary utilities are stubbed off for connection to this home from the prior development of the office building in the front of the site. As long as the expense and effort to file this Partition was being undertaken, Parcel #2 is being created to separate that vacant land from the main Parcel #1 with the existing buildings and from the rear Parcel #3.

No objections from adjoining property owners or the neighborhood association are anticipated since the purpose of this Application allows another home to be constructed on that portion to be partitioned off.

### **1. Partition Application**

The following documents and information are provided as described in the City Application Packet and SRC 205.005(d).

1. The members of the property owner, River Building, LLC are Terrence Kay and Robert Decker. The Application fee has been paid with the submission of this Land Use Application.

2. The recorded deed for the existing unit of land is attached as *Exhibit 2*.
3. The trip generation estimate form has been completed and submitted or is being simultaneously submitted to the Department of Public Works Traffic Engineering Section, Room 325. *See copy attached as Exhibit 3.*
4. The following Written Statement is submitted describing this proposal and how it conforms to the approval criteria for a partition under SRC 205.005(d):
  - (1) This partition plan complies with standards with this Chapter and applicable provisions of the UDC has required for this criteria. A formal plat or survey with final measurements and legal descriptions will be submitted. *See Exhibit 8.*
  - (2) This partition plan will not impede the future use or development of the property or adjacent land. The adjacent land is already developed with housing on two sides, the railroad on one side and the remaining portion on the other side is already available for development. *See Exhibits 6 and 7.*
  - (3) This partition plan can be adequately served by City infrastructure because the underground utilities are already stubbed out within the land for Parcels #2 and #3 and available is shown in *Exhibit 4*. These were specifically stubbed out to that location for future use of this land when the land owner, River Building LLC, built the office building in the front of this 1.89 site along River Road.
  - (4) This property has existing access to South River Road to conform with the Salem Transportation System Plan. The street system adjacent to these lands is designed to provide proper access.
  - (5) South River Road is already designed to provide safe, orderly and efficient access for this property.
  - (6) This partition plan accounts for the topography and vegetation on the site and there is no need for a variance.
  - (7) The parcels within this partition plan provide the least disruption of the site, topography and vegetation with reasonable development of the parcels.
  - (8) The parcels are closer than 300ft from the existing sewer main and the property will connect to city water and sewer. *See Exhibit 4.*

5. A title report for the property is attached as *Exhibit 5*.
6. No future development plan should be necessary for this property. Although if necessary *Exhibits 6, 8-11* show the location of the lots or parcels, parcel lines and other details of the layout. There would be no violation of development standards of the UDC and no need for any extension or connection of adjacent streets as the property already has a driveway access which goes into South River Road. The utilities infrastructure is already in the existing property subbed out to be available for the home site.
7. The proposed partition plan is attached as *Exhibit 8* may need further refinement to show exact boundary line locations and will be supplied as requested, and of course, confirmed by the City as part of approval. Parcel #2 is intended to allow for the set back from the storage building, *see Exhibits 6 and 8*. The land owner is River Building LLC. The surveyor is Matt Dunkel for the original plan, which is updated with the partitioning shown for Parcels # 2 & 3. . The two parcels created by the partition lines for a total of 3 parcels from the prior single parcel are shown in Exhibit 8.
8. The current Owner of the land will own the 3 parcels although Parcel #3 for a home site will be conveyed to Terrence and Teri Kay. The current Owner is:

River Building, LLC  
3155 River Road S, Suite 150  
Salem OR 97302

## **2. Zone Change Application Information.**

The following documents and information are provided as described in the City's application packet and SRC 265.005(e) to rezone Parcel #3 from AR/CR to CO.

1. The recorded deed, *see Exhibit 2*.
2. A pre-application conference waiver is justified, that Waiver form has been filed with this Application. *A copy is Exhibit 1*. The Applicant's representative, Attorney Terrence Kay, has met with City staff on 2 occasions regarding this Application, which is straight forward and for which there is good cause to waive the pre-application conference requirement under SRC 300.310(b).
3. Two copies of an existing conditions plan information are filed with this Application, a copy is attached as *Exhibit 11*.

4. The following written statement is submitted below describing the proposal and how it conforms to the approval criteria for this quasi-judicial zone change under SRC 265.005(e):

- (A) The downzoning requested CR/AR to CO for Parcel #3 only in *Exhibit 6* is justified because part of the land is already zoned RA, and there has been a change in the economic demographic and physical character of the vicinity which makes this zone change compatible with the local development pattern. There are homes bordering the parcel on two sides, see *Exhibit 5*. This satisfies criteria (a) (ii). This proposal also satisfies the alternative criteria (a) (iii) because the proposed zone for that parcel is equally or better suited for that property in the current zone and a more logical use with the surrounding homes.
- (B) This criteria is not applicable since this change is not City-initiated.
- (C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.
- (D) The zone change complies with the applicable State Wide Planning Goals and applicable administrative rules of the DLCD.
- (E) No comprehensive plan change is needed.
- (F) This zone change does not significantly affect a transportation facility, and a home would also be a less traffic intense use than a commercial building.
- (G) The property is readily able to be served with public facilities and services to support the proposed zone, see *Exhibits 4 and 6*.