



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.

CASE NUMBER:	Council Review of the Planning Commission's decision on Comprehensive Plan Map Amendment / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC16-08
AMANDA SEQUENCE NOS.:	16-113317-ZO & 16-113318-ZO
HEARING INFORMATION:	CITY COUNCIL, Monday, DECEMBER 5, 2016 at 6:30 p.m., in the Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	560 GLEN CREEK ROAD NW AND 585-635 9TH STREET NW / 97304
PROPERTY OWNER:	GARY DENTAL, WILLIAM & BEVERLY BRAINARD, KETCHUM FAMILY TRUST, CECIL & DENISE BRILL
APPLICANT / AGENT:	DEACON DEVELOPMENT GROUP / ERIC ADAMS, MACKENZIE
DESCRIPTION of REQUEST:	<p>Council Review of the Planning Commission's decision on a consolidated application for a Comprehensive Plan Change, Neighborhood Plan Change and Zone Change. The application includes the following:</p> <ol style="list-style-type: none">1) A Comprehensive Plan Change from "Industrial" to "Commercial";2) A change to the West Salem Neighborhood Plan designation for the property from "Industrial" to "Commercial"; and3) A Zone Change from IP (Industrial Park) to CG (General Commercial). <p>The subject properties are approximately 2.18 acres in size, zoned IP (Industrial Park), and located at 560 Glen Creek Road NW and 585-635 9th Street NW - 97304 (Polk County Assessor's Map and Tax Lot numbers: 073W21AD / 06400, 06500, 06603, 06701 and 07100).</p>
CRITERIA TO BE CONSIDERED:	<p><u>COMPREHENSIVE PLAN CHANGE</u></p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ol style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ol style="list-style-type: none">(aa) Whether there was a mistake in the application of a land use designation to the property;

- bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.
- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
 - (C) The proposed plan map designation provides for the logical urbanization of land;
 - (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
 - (E) The amendment is in the public interest and would be of general benefit.

ZONE CHANGE (Quasi-Judicial)

Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:

1. A quasi-judicial zone change shall be granted if all of the following criteria are met:
 - A. The zone change is justified based on the existence of one or more of the following:
 - (i) A mistake in the application of a land use designation to the property;
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
 - B. If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.
 - C. The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.
 - D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
 - E. If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.
 - F. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
 - G. The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.
2. The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be

HOW TO PROVIDE TESTIMONY:

submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the City Recorder, 555 Liberty Street SE, Room 205, Salem, OR 97301.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the proponent's case, neighborhood organization comments, persons opposed, other interested persons, rebuttal and surrebuttal. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria.

Failure to raise an issue prior to the close of the Public Hearing in person or in writing, or failure to provide statements or evidence with sufficient specificity to provide the applicant and Review Authority to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing, a decision will be issued and mailed to the applicant, property owner, affected neighborhood associations, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER

Aaron Panko, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: APanko@cityofsalem.net 

NEIGHBORHOOD ORGANIZATION

West Salem Neighborhood Association, **Kathleen Dewoina**, Land Use Chair; Phone: 503-371-3013, Ext 1311; Email: dewoina@aol.com

DOCUMENTATION AND STAFF REPORT

Copies of the application and all documents and evidence submitted as part of the proceeding are available for inspection at no cost at the Planning Division office during regular business hours. Copies can be obtained at a reasonable cost.

The Staff Report with recommendation to City Council will be available for inspection at no cost, and copies will be provided at reasonable cost, at least 7 days prior to the hearing at the Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301.

The staff report will be posted on the City Council agenda website no later than 5:00 p.m. on November 30, 2016 at: <https://salem.legistar.com/Calendar.aspx>

ACCESS

The Americans with Disabilities Act (ADA) accommodations will be provided on request upon 48 hours notice.

NOTICE MAILING DATE

November 15, 2016

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

<http://www.cityofsalem.net/planning>

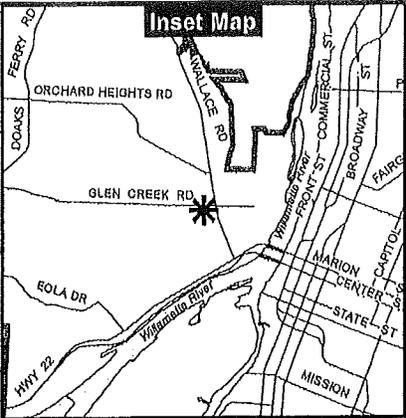
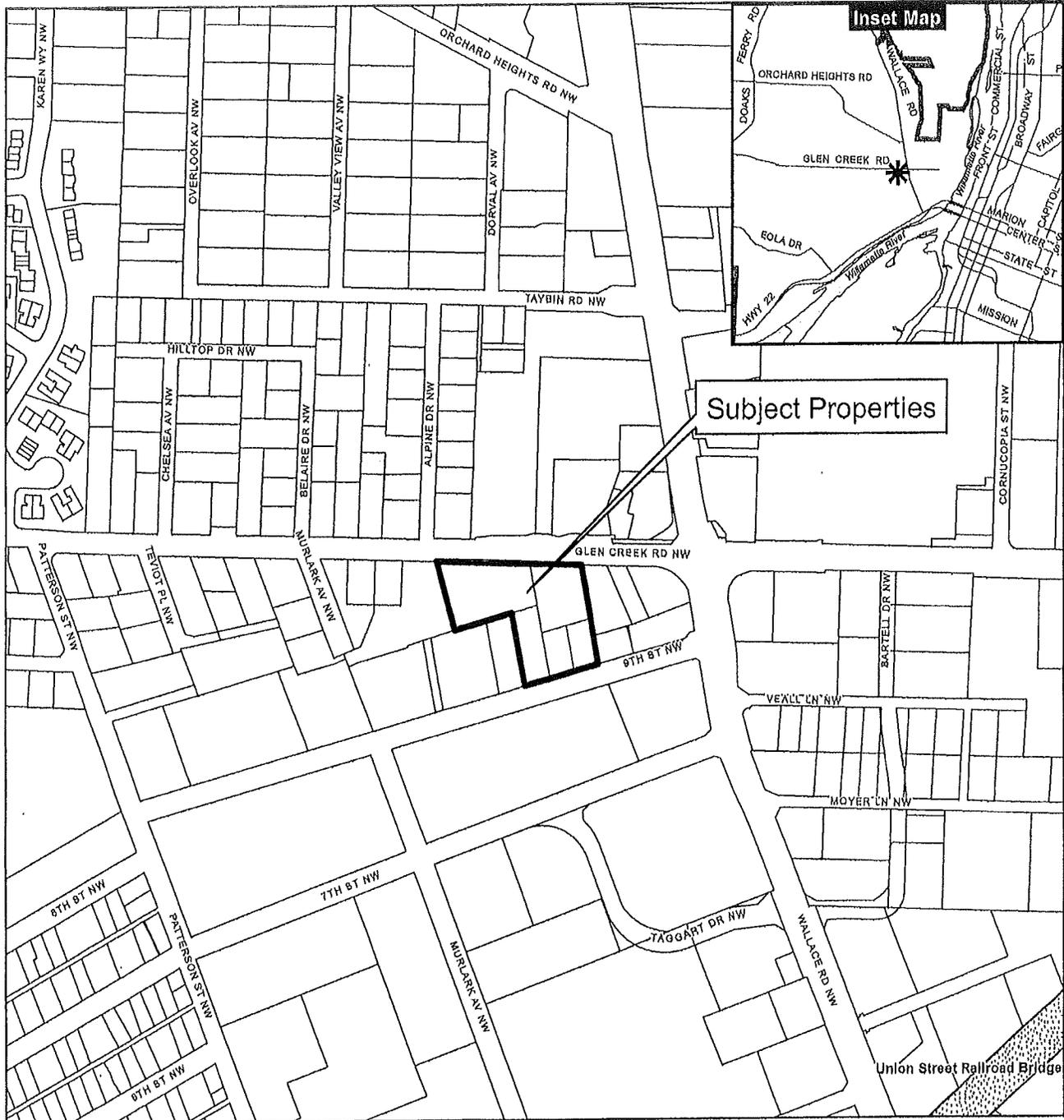
 [@Salem_Planning](https://twitter.com/Salem_Planning)

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Special accommodations are available, upon request, for persons with disabilities or those needing sign language interpretation, or languages other than English. To request such an accommodation or services, please call 503-588-6173 at least two business days in advance.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map

560 Glen Creek Road NW and 585-635 9th Street NW



Legend

Taxlots	Outside Salem City Limits	Parks
Urban Growth Boundary	Historic District	CITY OF Salem AT YOUR SERVICE Community Development Dept.
City Limits	Schools	This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

Vicinity Zoning - 560 Glen Creek Road NW and 585-635 9th Street NW



Legend

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

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CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

Comprehensive Plan Map - 560 Glen Creek Road NW and 585-635 9th Street NW



Proposed Map Change
IND to COM

Legend

- SF Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- S

 Schools

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Community Development Dept.