

## Shelby Guizar

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**From:** Phil Carver <philiphcarver@gmail.com>  
**Sent:** Saturday, April 2, 2022 5:55 PM  
**To:** Planning Comments  
**Cc:** Clair Clark; Scheppke Jim; Bob Cortright; Laurie Dougherty  
**Subject:** Comments on Our Salem Adoption for April 5

350 Salem Comments on Staff Reports to the Planning Commission  
April 2, 2022  
Phil Carver, Co-coordinator 350 Salem Oregon

350 Salem watched the Planning Commission Hearing on March 15 and reviewed the staff report for that meeting and the report prepared for the April 5 meeting.

We support all of the recommendations and reasoning of both reports. City Staff have made significant compromises and adjustments of the Our Salem proposal over the years of developing the final recommendations.

Increasing density is scary for many residents. Still, other cities have found that increasing density increases the level of services and improves the quality of life. Increasing density is also necessary to reduce Salem's greenhouse gas emissions to meet the Council's adopted goals for 2035 and 2050.

Thanks for the opportunity to comment.

## Shelby Guizar

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**From:** Marjorie Kmetz <kmetzmarjorie@gmail.com>  
**Sent:** Sunday, April 3, 2022 5:38 PM  
**To:** Shelby Guizar  
**Cc:** Eunice Kim  
**Subject:** Salem Planning Commission Meeting of April 5, 2022  
**Attachments:** Salem Planning Commission Meeting of April 5.docx

Re: CA21-04

Hello Shelby,  
Attached is the written testimony for the Salem Planning Commission Meeting on April 5, 2022 at 5:30 PM  
I will also provide virtual testimony as well.  
Thank you,  
Marjorie Kmetz

**Salem Planning Commission Meeting of April 5,2022**  
**CA21-04 Supplemental Staff Report**  
**Virtual and Written Testimony/ Tatchio Property**  
**Marjorie Kmetz**

- **First question is whether the Tatchio property (here to fore called “property”) is a wetland or a watershed.**
- **Here are 2 pictures from the backyard of 5540 Wigeon Street which abuts the property and is the house at the bottom of the hill. The detention basin is needed due to the run off from the Tatchio property at least 10 times per year during a heavy rain.**
- **Several houses on Wigeon Street but up the hill from the 5540 Wigeon Street home have back yards which are spongy, marshy, and some corners of their yards are wet all the time.**
- **I have emails from 72 residents and friends of the neighborhood surrounding the Tatchio property passionately and with loud voices pleading that many of the beautiful Douglas Firs and Black Cottonwoods on this property be saved from destruction.**



- **The neighborhood respectfully requests that the water problem which exists on the Tatchio property be completely corrected before any construction takes place. This includes making sure that not only the existing property is safe to build on but that no further harm be done to any of the existing homes near the property.**
- **Also, the Salem Planning Commission codes specify distances which must be maintained when new construction is built next to existing homes. (good idea!) The code also suggests a high wall or fence be built between the new and existing homes.**
- **Our neighborhood believes that it is much more climate friendly in all dimensions (humans , wildlife, clean air, canopy shade) that trees be left as the barrier between the new and existing construction.**

- Also, the neighborhood recommends, **THAT IF THE LAND CAN BE MADE SAFE TO BUILD ON**, then the new building should be affordable housing consisting of cluster cottages, duplexes and/or triplexes. Thank you for your consideration to these very important issues.



## Shelby Guizar

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**From:** Mark D. Shipman <MShipman@SGLaw.com>  
**Sent:** Monday, April 4, 2022 4:16 PM  
**To:** Eunice Kim  
**Cc:** Lisa Anderson-Ogilvie; Hannah F. Stevenson; Jeremy Schoenfelder; Doug Sproul  
**Subject:** Our Salem - Kuebler & 27th  
**Attachments:** Planning Commission Letter (Our Salem), 4873-6071-4010, 12.pdf

Eunice,

Attached is our formal request for the planning commission to revise the zoning on the Kuebler and 27<sup>th</sup> Street property.

Please forward to the planning commissioners for their consideration.

Thank you,

**Mark D. Shipman**

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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April 4, 2022

**VIA ELECTRONIC MAIL:** [ekim@cityofsalem.net](mailto:ekim@cityofsalem.net)

City of Salem Planning Commission  
c/o Eunice Kim  
555 Liberty Street SE, Room 305  
Salem, OR 97301

RE: Our Salem – Kuebler Boulevard & 27<sup>th</sup> Avenue SE  
Our File No: 40800-00001

Dear Honorable Planning Commission Members:

I represent Kuebler Cascade View, LLC ("**Owner**") regarding the above-referenced property at the Southeast corner of Kuebler Boulevard & 27<sup>th</sup> Avenue SE; Tax Lot 2201 in T8S, R3W, Sec 12C (the "**Property**"). Jeremy Schoenfelder, representative for the Owner, and myself, attended the March 15th Planning Commission meeting and briefly testified regarding the Property and the Owner's desire to have a mixed zone classification applied to the Property as a part of the Our Salem process. Our comments do not appear to have been incorporated into the recent Supplemental Staff Report, so we are bringing them to your attention in a more formal manner.

By way of background information, on February 3, 2022, the Planning Commission approved an applicant-initiated application for a comprehensive plan change from Developing Residential to Commercial, and a zone change from Residential Agriculture (RA) to Commercial Retail (CR) on the 24.64 acre parcel, subject to three conditions of approval ("**Approval**"). The Approval was appealed by the South Gateway Neighborhood Association (SGNA) ("**Appeal**") and is pending before the Salem City Council.

Since the Appeal, the Owner has been meeting with representatives from SGNA to address concerns that SGNA has relating to the Approval. Out of these meetings, SGNA has expressed a desire to have more of a mix of zoning on the Property, some commercial retail (CR), some mixed use (MU-III), and some

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commercial office (CO). The parties have been discussing percentages of the three zoning categories but as of the date of this letter, have been unable to reach a consensus.

The Owner is requesting the Planning Commission, as a part of the Our Salem process, to revise the zoning on the Property to CR, MU-III, and CO, as shown on the concept plan attached hereto as **Exhibit "B."** The percentages of the proposed zoning classifications for the Property are broken down as follows:

- 43.76% as CR;
- 30.6% as MU-III; and
- 20.2% as CO

As shown on Exhibit B, there is a 1.35 acre portion of the Property that contains wetlands and open space that will remain designated as open space under this proposal.

In addition, the Owner is requesting that the Planning Commission impose the following conditions:

**Condition 1:** The Property shall not contain more than three uses with drive through.

**Condition 2:** The Property shall have no single retail store building that is constructed with more than 70,000 sq. ft.

**Condition 3:** Mitigation as detailed in the Transportation Planning Rule analysis shall be limited to, and completed as follows:

- **Battle Creek Road SE at Kuebler Boulevard SE –**
  - Construct a second southbound left turn lane on the Battle Creek Road SE approach.
- **27th Avenue SE at Kuebler Boulevard SE –**
  - Construct a second northbound right turn lane on 27th Avenue SE. The additional right turn lane shall extend from the site at the roundabout to the intersection with Kuebler. The signal shall be modified to accommodate the right turn lanes and splitter island.
  - Construct a second northbound left turn lane on 27th Avenue SE. The additional left turn lane shall extend from the roundabout to the intersection with Kuebler Boulevard SE. The signal shall be modified to accommodate the two left turn lanes.
  - Extend the westbound left turn lanes on Kuebler Boulevard to provide 600 feet of vehicle queueing in each lane.
  - Additional widening, improvements, and signal modifications will be required on the north leg of 27th Avenue to ensure proper lane alignment and safe operation at the intersection.



- **36th Avenue SE at Kuebler Boulevard SE –**
  - Construct a westbound right turn lane on Kuebler Boulevard SE at the intersection with 36th Avenue SE. The right turn lane shall provide for 100 feet of vehicle storage. Modify the traffic signal as required to construct the improvements.

**Condition 4:** The City and Property Owner shall enter into a Development Agreement requiring, among other things, that the Owner agrees to complete the improvements above, prior to the issuance of building permits on the Property. In exchange, and in consideration of the improvements, the City will agree to not require any further off-site improvements for any future development of the Property.

Our request is a slight departure from what you previously approved, but it will better meet the comments and concerns of SGNA, while providing flexibility for the Owner to develop the Property in accordance with the conditions of approval.

Thank you for your consideration.

Sincerely,



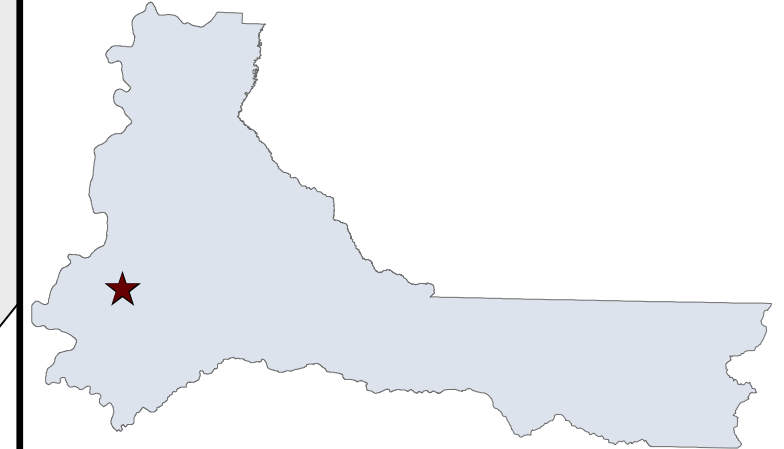
MARK D. SHIPMAN  
mshipman@sglaw.com  
Voice Message #310

MDS:hst  
Enclosures

08 3W 12C

# EXHIBIT A

08 3W 12C  
SALEM



**MARION COUNTY, OREGON**  
SW1/4 SEC12 T8S R3W W.M.  
SCALE 1" = 200'

### LEGEND

- LINE TYPES**
- Taxlot Boundary
  - Road Right-of-Way
  - Railroad Right-of-Way
  - Private Road ROW
  - Subdivision/Plat Bndry
  - Waterline - Taxlot Bndry
  - Historical Boundary
  - Easement
  - Railroad Centerline
  - Taxcode Line
  - Map Boundary
  - Waterline - Non Bndry

### CORNER TYPES

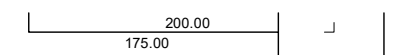
- + 1/16TH Section Cor.
- ⊙ DLC Corner
- ⊕ 1/4 Section Cor.
- ⊕ Section Corner

### NUMBERS

- Tax Code Number  
**00 00 0**
- Acreage  
**0.25 AC**
- All acres listed are Net Acres, excluding any portions of the taxlot within public ROW

### NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



### CANCELLED NUMBERS

- 702
- 703
- 1601
- 1702
- 1703
- 1801
- 1900
- 2000
- 2001
- 2002
- 2100
- 2101
- 2202
- 2203

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

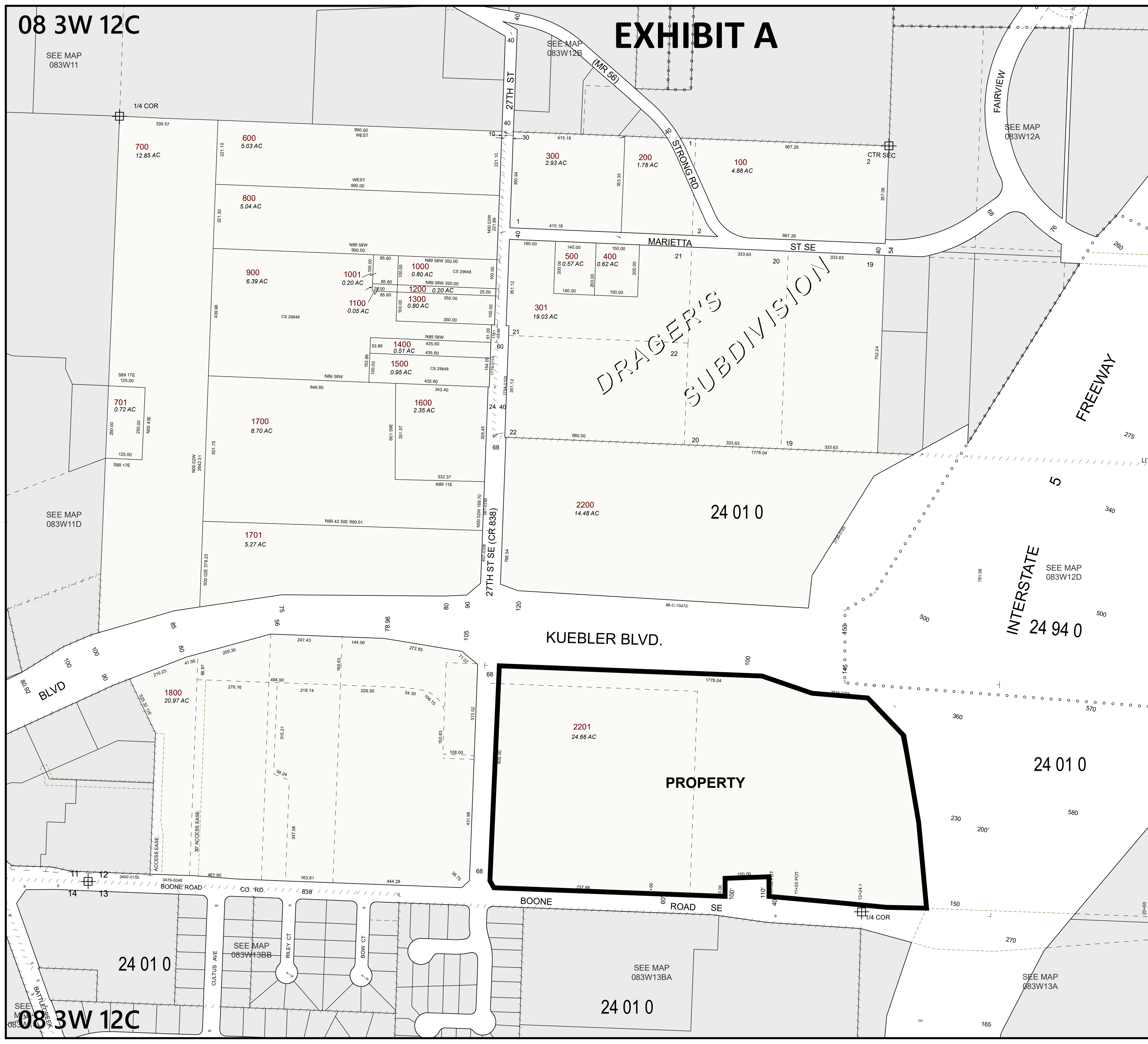


Assessors Office  
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

PLOT DATE: 5/27/2021

**SALEM**  
**08 3W 12C**



**PROPERTY**

KUEBLER BLVD.

INTERSTATE  
24 94 0

24 01 0

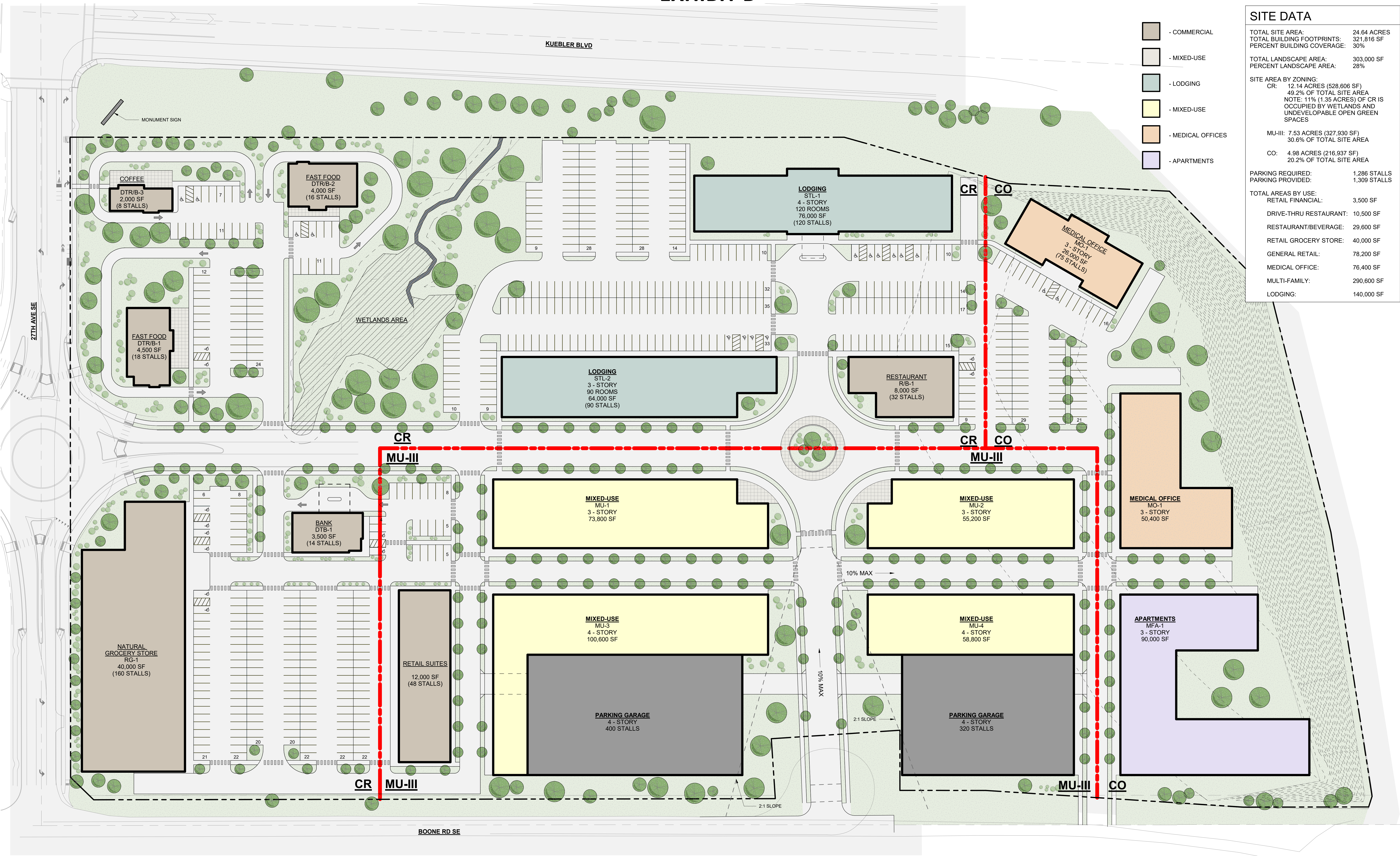
24 01 0

24 01 0

24 01 0

08 3W 12C

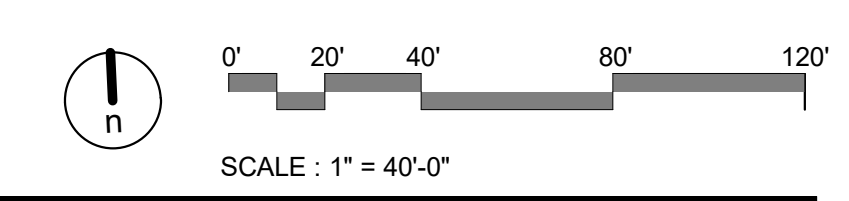
# EXHIBIT B



SITE DATA	
TOTAL SITE AREA:	24.64 ACRES
TOTAL BUILDING FOOTPRINTS:	321,816 SF
PERCENT BUILDING COVERAGE:	30%
TOTAL LANDSCAPE AREA:	303,000 SF
PERCENT LANDSCAPE AREA:	28%
SITE AREA BY ZONING:	
CR:	12.14 ACRES (528,606 SF) 49.2% OF TOTAL SITE AREA
NOTE: 11% (1.35 ACRES) OF CR IS OCCUPIED BY WETLANDS AND UNDEVELOPABLE OPEN GREEN SPACES	
MU-III:	7.53 ACRES (327,930 SF) 30.6% OF TOTAL SITE AREA
CO:	4.98 ACRES (216,937 SF) 20.2% OF TOTAL SITE AREA
PARKING REQUIRED:	1,286 STALLS
PARKING PROVIDED:	1,309 STALLS
TOTAL AREAS BY USE:	
RETAIL FINANCIAL:	3,500 SF
DRIVE-THRU RESTAURANT:	10,500 SF
RESTAURANT/BEVERAGE:	29,600 SF
RETAIL GROCERY STORE:	40,000 SF
GENERAL RETAIL:	78,200 SF
MEDICAL OFFICE:	76,400 SF
MULTI-FAMILY:	290,600 SF
LODGING:	140,000 SF

## Kuebler Village Conceptual Site Plan

04.04.2022



## Shelby Guizar

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**From:** Shelby Guizar  
**Sent:** Monday, April 4, 2022 4:27 PM  
**To:** Eunice Kim  
**Cc:** Planning Comments  
**Subject:** FW: Continued Hearing Supplemental Staff Report - Case No. CA21-04 for Our Salem Code Amendment  
**Attachments:** Zoning letter.docx

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**From:** Deanna Garcia <dg.boardstuff@gmail.com>  
**Sent:** Monday, April 4, 2022 4:22 PM  
**To:** Shelby Guizar <SGuizar@cityofsalem.net>  
**Cc:** amber willis <wildchristian@hotmail.com>  
**Subject:** Re: Continued Hearing Supplemental Staff Report - Case No. CA21-04 for Our Salem Code Amendment

Hi Shelby,  
I have an emailed letter to submit as written testimony for tomorrow's hearing. I am attaching it to this message.

Best,  
Deanna Garcia, Chair  
**NOorth LAncaster NA**

On Mar 29, 2022, at 4:06 PM, Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)> wrote:

Hello,

A Supplemental Staff Report for the Continued Hearing on Code Amendment and Legislative Zone Change Case No. CA21-04 is attached for your information. This case will be heard digitally before the Planning Commission on Tuesday, April 5, 2022 at 5:30 P.M.

**Please see the attached agenda for information on how to view or provide testimony for this digital public hearing.**

Please direct questions or comments to the **CASE MANAGER:**

**Eunice Kim, Long Range Planning Manager**

555 Liberty Street SE, Room 305, Salem, Oregon 97301

[PlanningComments@cityofsalem.net](mailto:PlanningComments@cityofsalem.net)

503-540-2308

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net) | 503-540-2315

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<04.05.2022 SPC Agenda.pdf>

<CA21-04 Planning Commission Continued Hearing Supplemental Staff Report.pdf>

Dear City of Salem

My name is Steven N Willis and I and my wife Amber are the owners of the property at " 2390 Brown Rd. NE Salem, Oregon 97305." This letter is to address the changing in zoning to my property. We live in a great neighborhood (North Lancaster Neighborhood association). The main Road we live on (Brown Rd) has become busier and busier. Lots of Thru traffic. We do not want to build office spaces here, it would increase traffic and its in the middle of Residential homes. It would be out of place. We do not approve of a zoning change for the purposes of commercial office building. We would like to remain residential zoning with the option to build multifamily buildings possibly in the future if we so choose.

Thank you for your time

Steve Willis