# Audiencia Pública <br> Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173 

CASE NUMBER:

AMANDA APPLICATION NO:
HEARING INFORMATION:

## PROPERTY LOCATION:

OWNER(S):
APPLICANT / AGENT(S):

DESCRIPTION OF REQUEST:

## CRITERIA TO BE CONSIDERED:

Comprehensive Plan Change / Zone Change / Planning Unit Development / Subdivision / Class 2 Adjustment Case No. CPC-ZC-PUD-SUB-TCP19-08

18-124473-ZO / 18-124474-ZO / 18-124468-LD / 18-124472-LD / 19-118029-ZO
Planning Commission, Tuesday, September 17, 2109, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301

255 Cordon Rd NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE, Salem OR / 97301

Jeremy Stephan, Michael Souza, Robert and Lila Grinbert, Jarrell and Tania Rysavy Mark Grenz, Multi-Tech Engineering, on behalf of, East Park, LLC (Randy Myers, Kiril, Ivanov)

Summary: An application for a Planned Unit Development and Subdivision for 659 single family units and a 36 -unit multi-family residential use, for a total of 695 units, for property approximately 122 acres in size.

Request: An application for a 695-unit Planned Unit Development and Subdivision to be completed in six phases, a Minor Comprehensive Plan Map Amendment and Zone Change from CR (Retail Commercial) to RM-II (Multi-Family Residential) for approximately 2.11 acres, and from IP (Industrial Park) to RS (Single Family Residential) for approximately 3.25 acres, and a Class 2 Adjustment to reduce the amount of required off-street parking spaces for the 36 -unit multi-family portion of the PUD from 77 spaces ( 2.14 per unit) to 64 spaces ( 1.77 spaces per unit).

For property approximately 122 acres in size, zoned RS (Single Family Residential), RM-I and RM-II (Multi-Family Residential), CR (Retail Commercial), and IP (Industrial Park), and located at 255 Cordon Road NE, 4800-4900 Block of State Street, and 4700-4800 Block of Auburn Road NE - 97301 (Marion County Assessor's Map and Tax Lot numbers: 072W29B / 00200, 00201, 00300, and 00400, 072W29C / 00100, 00101, 00199, 00200, 00300, and 00400).

## Comprehensive Plan Change

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:
(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:
(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:
(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.

## SUBDIVISIONS

Pursuant to SRC 205.010(d), a tentative subdivision plan shall be approved if all of the following criteria are met:
(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
(A) Lot standards, including, but not limited to, standards for lot area, lot width and
depth, lot frontage and designation of front and rear lot lines.
(B) City infrastructure standards.
(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.
(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.
(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.
(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.
(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
(10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

## PLANNED UNIT DEVELOPMENT (PUD)

Pursuant to SRC 210.025(d), a Planned Unit Development (PUD) tentative plan shall be approved if the following criteria are met:
(1) The PUD tentative plan conforms to the development standards of this Chapter.
(2) The PUD tentative plan provides one or more of the following:
(A) Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children's play areas, picnic and barbeque facilities, and community gardens;
(B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;
(C) Common open space that will preserve significant natural or cultural features; or
(D) Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.
(3) If a retail service area or a convenience service area is proposed, the area is designed to:
(A) Adequately provide for privacy and minimize excessive noise on adjacent uses;
(B) Provide for adequate and safe ingress and egress; and
(C) Minimize the impact of vehicular traffic on adjacent residential uses.

## CLASS 2 ADJUSTMENT

Pursuant to SRC 250.005(d)(2), an application for a CLASS 2 ADJUSTMENT shall be granted if all of the following criteria are met:
(A) The purpose underlying the specific development standard proposed for adjustment is:
(i) Clearly inapplicable to the proposed development; or
(ii) Equally or better met by the proposed development.
(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

## HEARING PROCEDURE:

CASE MANAGER:

NEIGHBORHOOD ORGANIZATION:

DOCUMENTATION AND STAFF REPORT:

## ACCESS:

## NOTICE MAILING DATE:

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

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 submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. 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. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity 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 association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

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

East Lancaster Neighborhood Association (ELNA), Susann Kaltwasser, Land Use Chair; Phone: 503-363-3998; Email: susann@kaltwasser.com.

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:
https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx
The Americans with Disabilities Act (ADA) accommodations will be provided on request.

August 28, 2019

## PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE. For more information about Planning in Salem: <br> http://www.cityofsalem.net/planning <br> <br>Allcity\amanda\AmandaForms\4430Type3-4HearingNotice.doc

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, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development

# Vicinity Map <br> 255 Cordon Road NE, 4800-4900 Block of State Street and 4700-4800 Block of Auburn Road NE 



## Legend

| $\square$ | Taxlots |
| :--- | :--- |
| Urban Growth Boundary |  |

$\square$ Parks
aty or afem
Community Development Dept

## Comprehensive Plan Map - East Park Estates



Legend



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 - East Park Estates



## Legend

| RS | Base Zoning |
| :--- | :--- |
| OU Urban Growth Boundary |  |
| Outside Salem City Limits |  |

$\square$ Taxlots Parks

- 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.














