

HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER: Comprehensive Plan Change / Zone Change / Zone Change Case No.CPC-

ZC-ZC19-10

AMANDA APPLICATION NO: 19-108088-ZO, 19-109021-ZO & 19-114785-ZO

HEARING INFORMATION: Salem Planning Commission, Tuesday, September 3, 2019, 5:30 P.M.,

Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem,

OR 97301

PROPERTY LOCATION: 2465, 2499, 2501 & 2519 Wallace Rd NW & 1221 Riverbend Rd NW, Salem,

OR 97304

OWNER(S): 3030 Riverbend, LLC (Scott Martin) & State of Oregon Department of

Transportation

APPLICANT(S): 3030 Riverbend, LLC (Scott Martin)

REPRESENTATIVE(S): Geoffrey James

DESCRIPTION OF REQUEST:SUMMARY: An application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed use development.

REQUEST: A consolidated application to change:

(1) The Comprehensive Plan Map designation from "Single-Family Residential" to "Mixed Use" and zoning from RS (Single Family Residential) to MU-II (Mixed Use 2) for approximately 6.2 acres located at 2499 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD01000), 2501 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD00900), and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD01101) and

(2) The Comprehensive Plan Map designation from "Multi-Family Residential" to "Mixed Use" and zoning from RD (Duplex Residential) to MU-II (Mixed Use

2) for approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301)

for a future mixed-use multi-family and commercial development in Phase 2 of the Riverbend Mixed Use Neighborhood Center and change

(3) The Comprehensive Plan Map designation from "Single-Family Residential" to "Commercial" and zoning from RS (Single Family Residential) to CR (Retail Commercial) for a 0.15-acre property located at 2465 Wallace Road NW 97304 (Polk County Assessor Map and Tax Lot 073W16BA09900) and

(4) The zoning from CO (Commercial Office) to CR (Retail Commercial) for a 1.582-acre portion of a property located at 1221 River Bend Road NW 97304 (Polk County Assessor Map and Tax Lot Number 073W16BA10000) for a future commercial development in Phase 1 of the Riverbend Mixed Use Neighborhood Center.

CRITERIA TO BE CONSIDERED:

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:

- 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.

HOW TO PROVIDE TESTIMONY:

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.

HEARING PROCEDURE:

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

CASE MANAGER: Pamela Cole, Plann

Pamela Cole, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2309; E-mail:

pcole@cityofsalem.net.

NEIGHBORHOOD ORGANIZATION:

West Salem Neighborhood Association, Sarah DuVal, Land Use Chair;; Email:

sduvalnp@gmail.com.

DOCUMENTATION AND STAFF REPORT:

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

ACCESS: The Americans with Disabilities Act (ADA) accommodations will be provided on

request.

NOTICE MAILING DATE: August 14, 2019

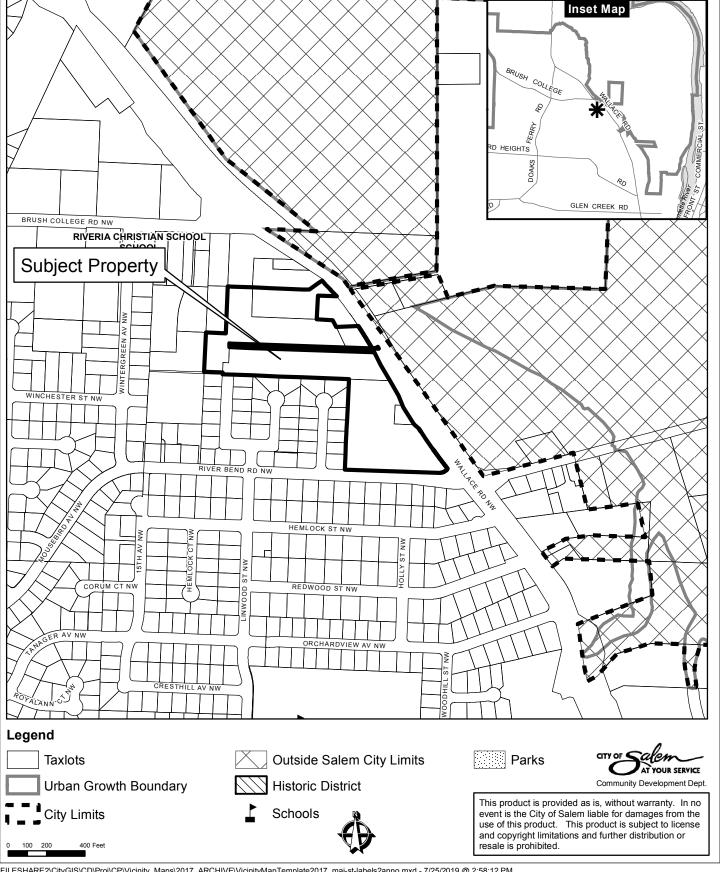
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE. For more information about Planning in Salem:

http://www.cityofsalem.net/planning

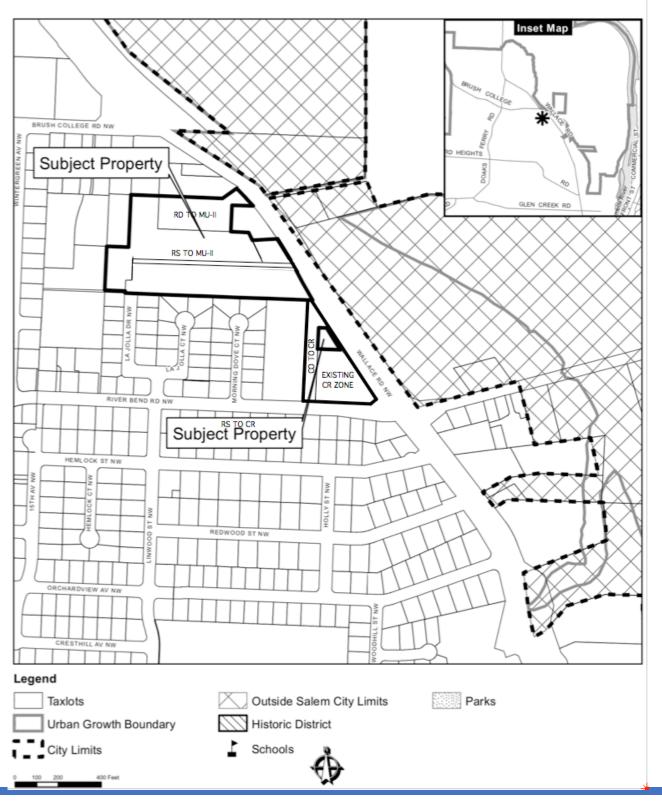
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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender 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 Department at 503-588-6173 at least three business days before this meeting or event.

Vicinity Map - 2465, 2499, 2501, and 2519 Wallace Rd NW and 1221 River Bend Rd NW

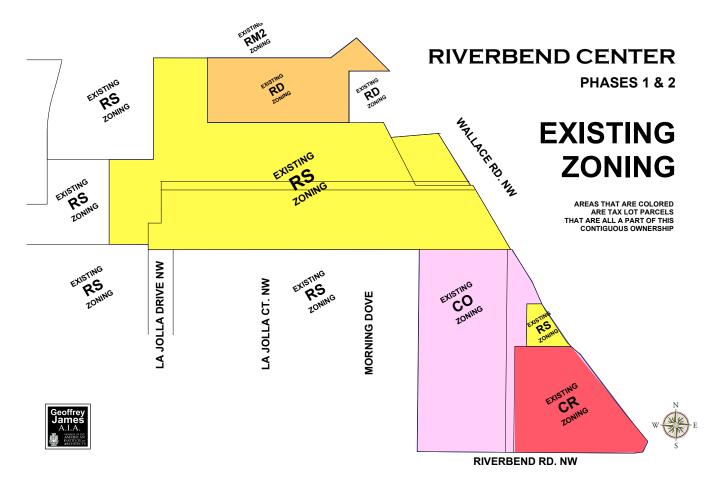


Vicinity Map 2465, 2499, 2501, 2519 Wallace Rd NW



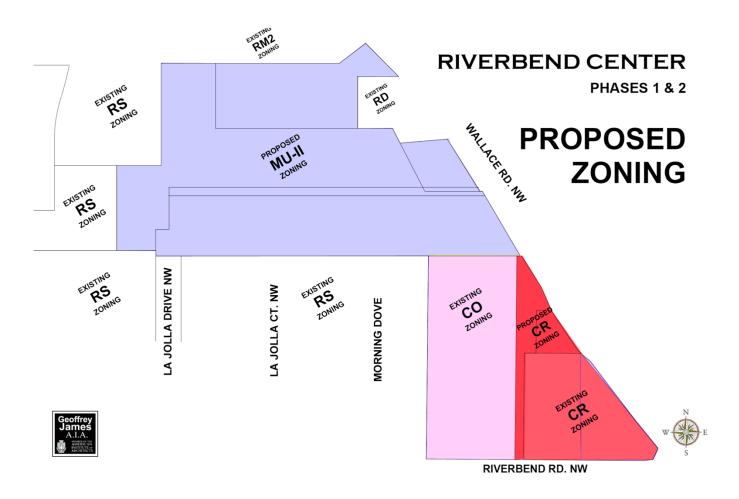
EXISTING ZONING

This diagram is the existing zoning of the actual subject properties in contiguous ownership by the applicant. Phase 1 (at the south) was zoned in 2017 to CR & CO. There was a small RS lot that was not included but is now acquired, and is now included in this ZC/CPC application.



PROPOSED ZONING

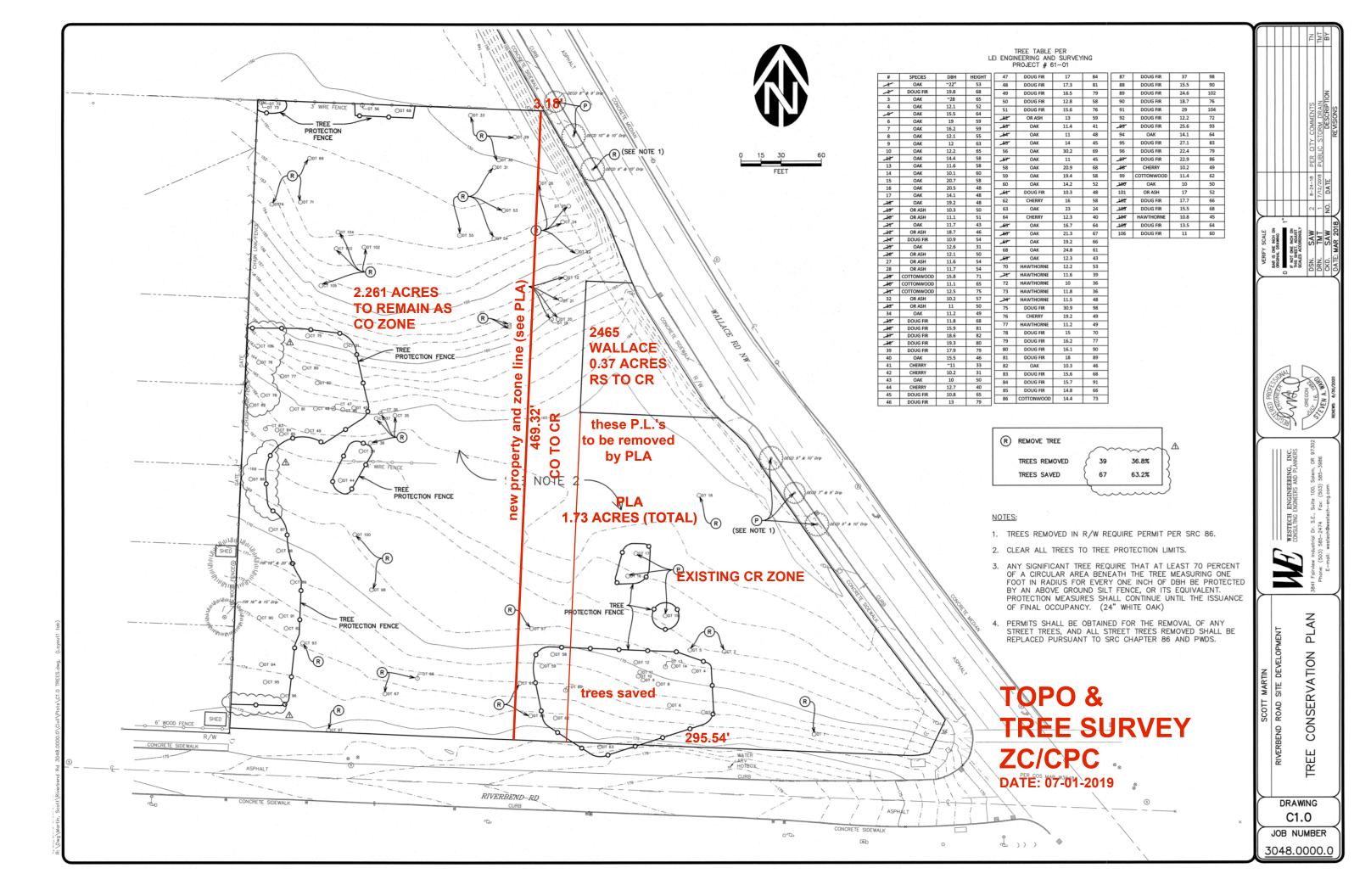
This diagram is the proposed zoning of the subject properties. Phase 1 (at the south) was zoned in 2017 to CR & CO. There was a small RS lot that was not included, but is included in this current ZC/CPC application, and the CR zoning for the three retail buildings is proposed to be "squared off" or extended to encompass this additional lot, and is contiguous with Phase 2. The retail along Wallace is therefore intended to all be in the CR zone. The apartments to the west, will remain in the CO "half" of Phase 1. Phase 2 (the northern portion) is all proposed to be MU-2 zoning to permit this proposed Mixed-Use development of shops and apartments, all connected by pedestrian walks.





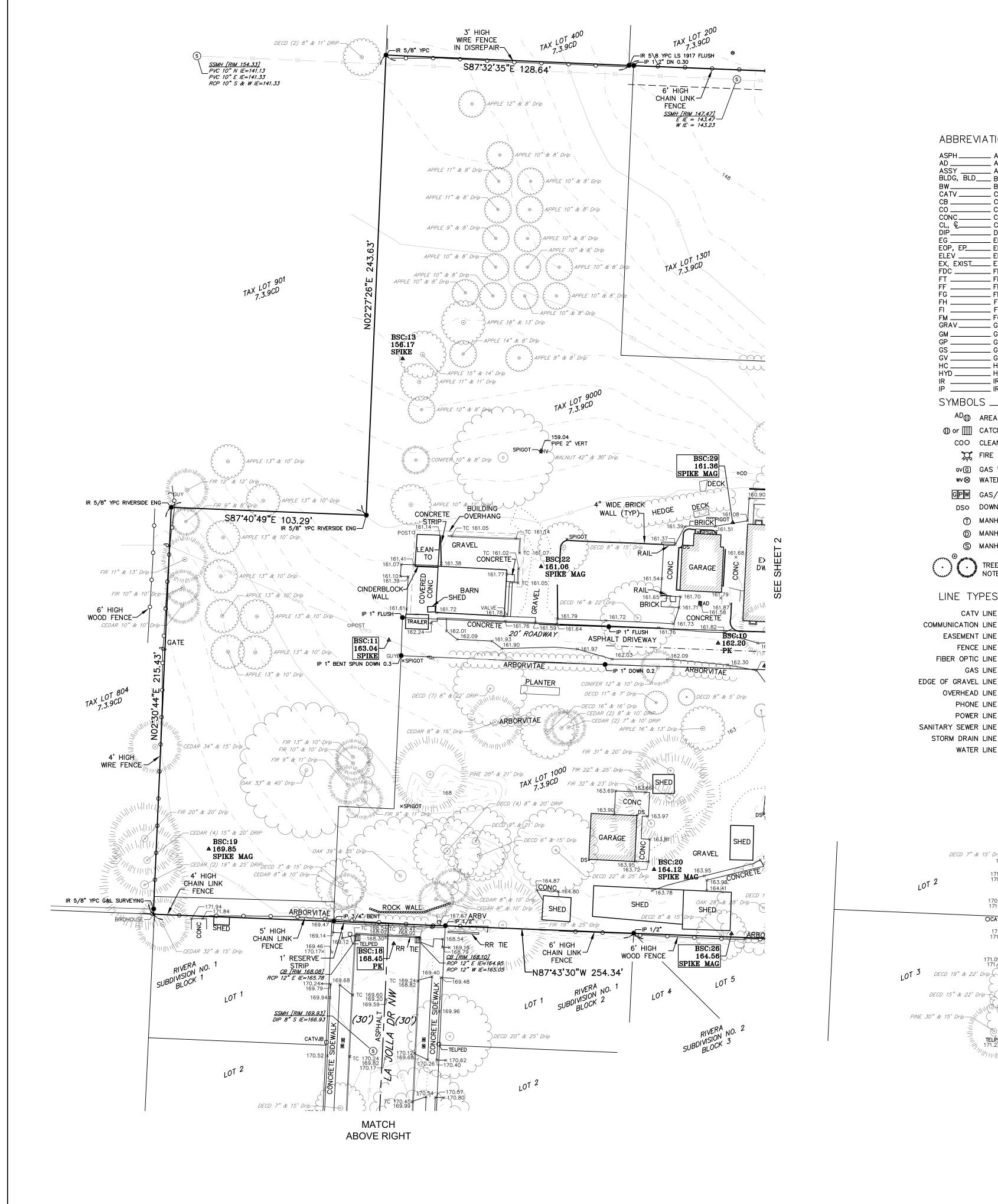
RIVERBEND PHASE 2 DEVELOPMENT PLAN (plus existing Phase 1)

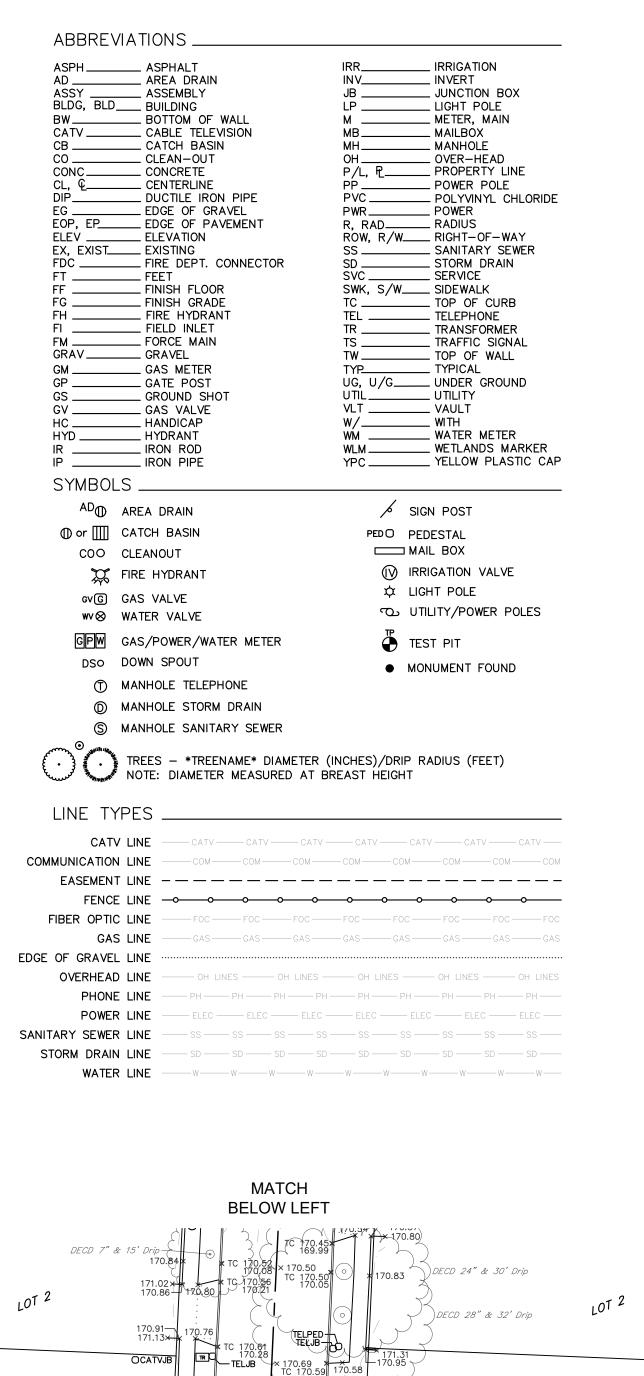
Phase 2 continues the same theme as Phase 1. Retail shops are planned to be located along the Wallace frontage, but set back at the 20 ft. ODOT easement line. Parking (to code) is shown located west of the retail. Some 8 apartment buildings are shown arranged around a driveway/parking loop to the west. As before, i.e. in Phase 1, the major trees are mapped, and then the improvements are located (as much as possible) so as to preserve the trees. Circulation is a simple loop (24 ft. driveways) of parking, and access to the development is from three driveways at the arterials. A separate pedestrian walkway system connects all buildings, retail and apartments, to ADA wheelchair specs, and connects to the adjacent public streets. There are four existing dwellings on the property, and three are preserved as rentals on this map. There is a Barn, that the applicant proposes to restore as a focal point, and as a meeting spot for the residents. The Children's Play Area is at the center of the development. There is an extensive network of walking paths on the plan, so residents (and neighbors) can walk or bicycle to the shops. At the end of La Jolla Drive there is a proposed standard bulb turnaround (preferred by the neighbors) and a connected pedestrian walk through the development, i.e. to the shops.

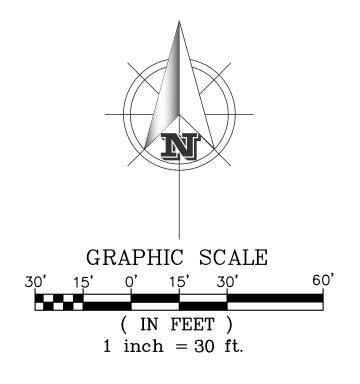


TOPOGRAPHIC SURVEY

DECD 15" & 22' Drip-







BENCHMARK UTILIZED:

ELEV: 178.12 NGVD29 ELEVATIONS ARE BASED ON GPS OBSERVATION WITH A VERTCON ADJUSTMENT OF -3.36' FROM NAVD 88 TO NGVD 29 DATUM

> DISCLAIMER: UTILITIES DEPICTED ARE BASED ON EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR OTHER GOVERNMENT ENTITY AS-BUILT PLANS, CONTRACTOR PLANS AND OTHER DOCUMENTS OF RECORD. BARKER SURVEYING ASSUMES NO RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY, NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES UTILITIES UPON PUBLIC OR PRIVATE PROPERTY. SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND SURFACE PROVIDED BY LOCATION SERVICES MAY VARY DUE TO UNDERGROUND DETECTION CAPABILITIES.



REGISTERED PROFESSIONAL LAND SURVEYOR

WESTECH ENGINEERING SURVEY FOR LOCATION: TAX LOTS 900, 1000, & 1301 7.3.9CD

OREGON SCALE: GREGORY L. WILSON

T7S, R3W, W.M. BARKER SURVEYING 3657 KASHMIR WAY SE SALEM, OREGON 97317 DATE: 4/10/2019 PHONE (503) 588-8800 EXPIRATION DATE: 6/30/2020 DRAWN BY: R.J.C.

CITY OF SALEM POLK COUNTY, OREGON SHEET 1 OF 2 EMAIL: INFO@BARKERWILSON.COM JOB NUMBER: 40843

