



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:	Quasi-Judicial Zone Change and Class 2 Zoning Adjustment Case No. ZC-ADJ19-01
AMANDA APPLICATION NO:	19-108003-ZO and 19-108005-ZO
HEARING INFORMATION:	<u>Hearings Officer, Wednesday, June 26, 2019, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301</u>
PROPERTY LOCATION:	2425 Lancaster Dr SE, Salem, OR 97317
OWNER/APPLICANT:	T and S Properties, LLC (Michael Walling)
AGENT:	Jeff Tross of Tross Consulting, Inc.
DESCRIPTION OF REQUEST:	<p>Summary: A Zone Change from Residential Agriculture to General Industrial and adjustments to reduce setbacks, landscaping, and screening requirements along the north and south property lines.</p> <p>Request: A Zone Change from RA (Residential Agriculture) to IG (General Industrial) and Class 2 Adjustment requests to:</p> <ol style="list-style-type: none">1) Reduce the 40-foot setback required by SRC 554.010(b) and Tables 554-3 and 554-4 to 10 feet inside the north property line of tax lots 082W06 / 00500 and 00600;2) Provide a 6-foot-tall sight-obscuring fence for screening along the north line of tax lots 082W06 / 00500 and 00600 rather than the minimum 6-foot-tall wall required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1;3) Defer installation of landscaping in the proposed 10-foot-wide setback abutting tax lot 082W0600400 until such time as tax lot 082W0600400 is developed;4) Provide a 20-foot wide bioswale inside the western portion of the southern property line of tax lot 082W0600500 rather than a 5-foot-wide landscaped setback required by SRC 554.010(b) and Tables 554-3 and 554-4 and SRC 807.015(a) and Table 807-1 inside the southern property line of tax lots 082W06 / 00500 and 00600. <p>For property approximately 62 acres in size, zoned RA (Residential Agriculture), and located at 2425 Lancaster Drive SE - 97317 (Marion County Assessor Map and Tax Lot number: 082W06 / 00500 and 00600).</p>
CRITERIA TO BE CONSIDERED:	<p><u>QUASI-JUDICIAL ZONE CHANGE</u></p> <p>Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:</p> <ol style="list-style-type: none">1. A quasi-judicial zone change shall be granted if the following criteria are met:<ol style="list-style-type: none">A. The zone change is justified based on the existence of one or more of the following:<ol style="list-style-type: none">(1) A mistake in the application of a land use designation to the property.(2) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.(3) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally

or better suited 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 conforms 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 use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its 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 rezone; 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.

CLASS 2 ADJUSTMENT

Pursuant to SRC 250.005(d)(2), an application for a CLASS 2 ADJUSTMENT shall be granted if all 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.
- (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

HOW TO PROVIDE TESTIMONY:

HEARING PROCEDURE:

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, 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:

Southeast Mill Creek Association (SEMCA), Cory Poole, Land Use Chair; Phone: 503-363-7717; Email: robosushi@robosushi.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-notice-decisions.aspx>

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

June 6, 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>

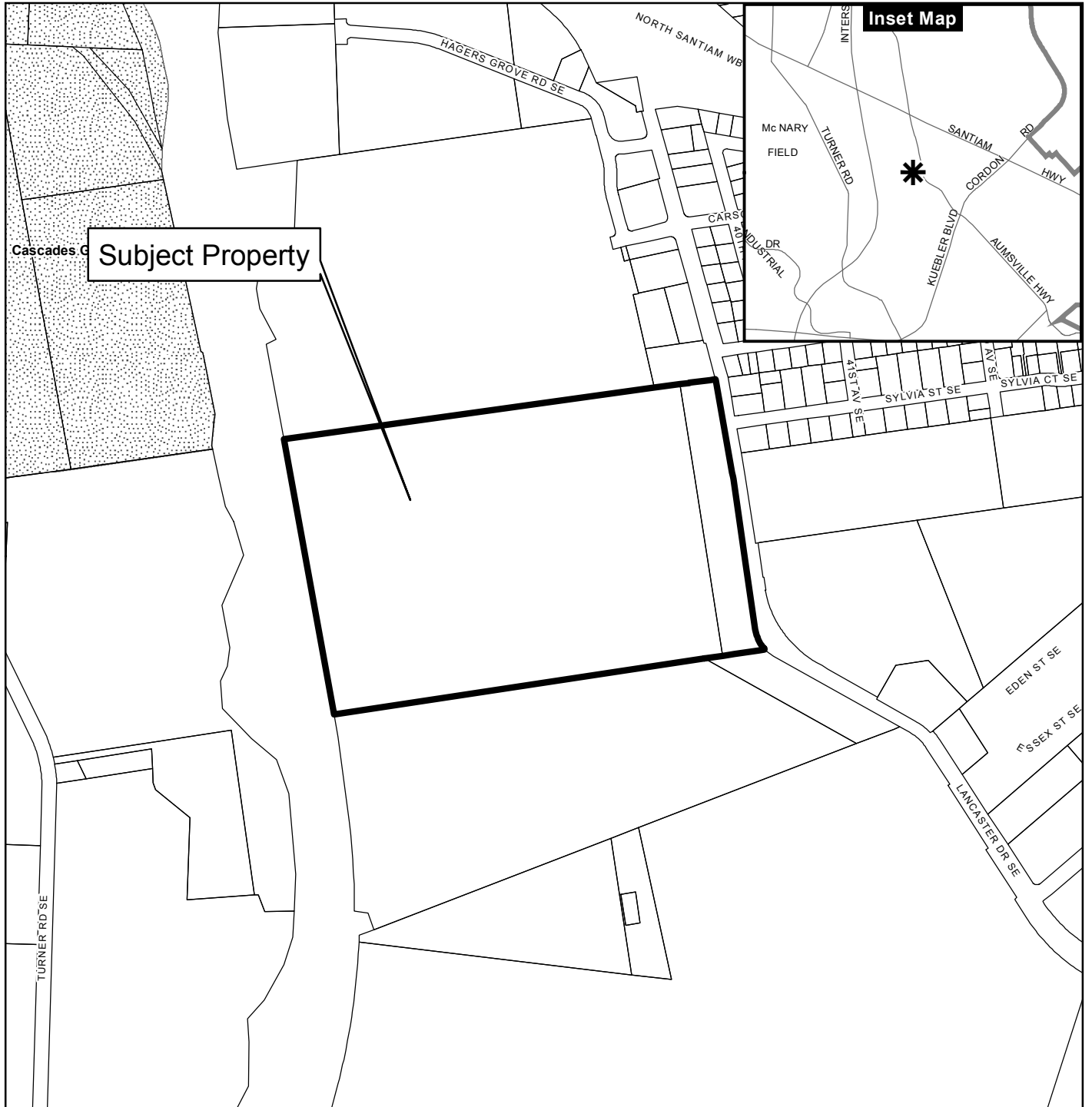
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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender 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.

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

Vicinity Map








2425 Lancaster Drive SE



Subject Property

Inset Map

Legend

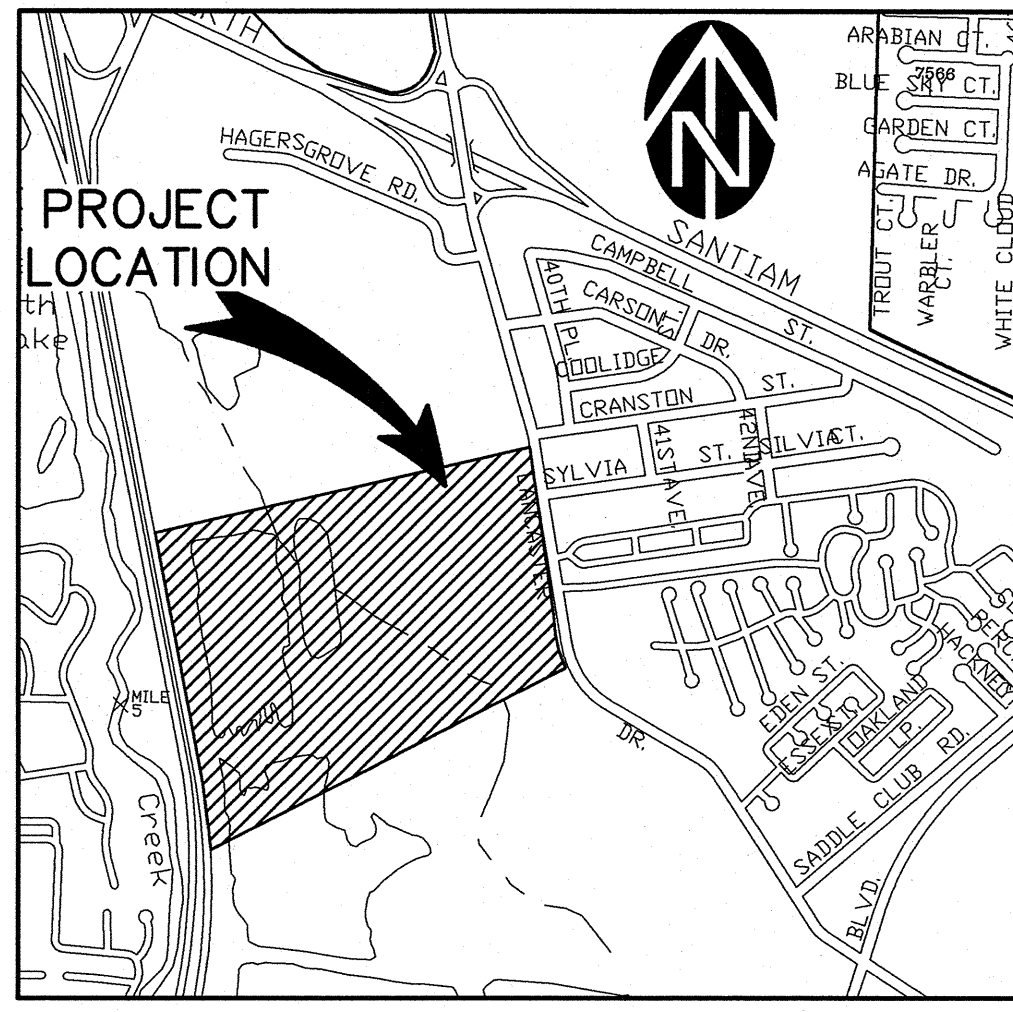
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|---|---|---|
|  Taxlots |  Outside Salem City Limits |  Parks |
|  Urban Growth Boundary |  Historic District | |
|  City Limits |  Schools | |


CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

0 100 200 400 Feet

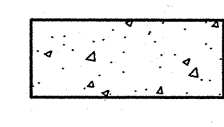
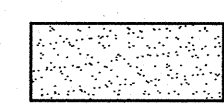


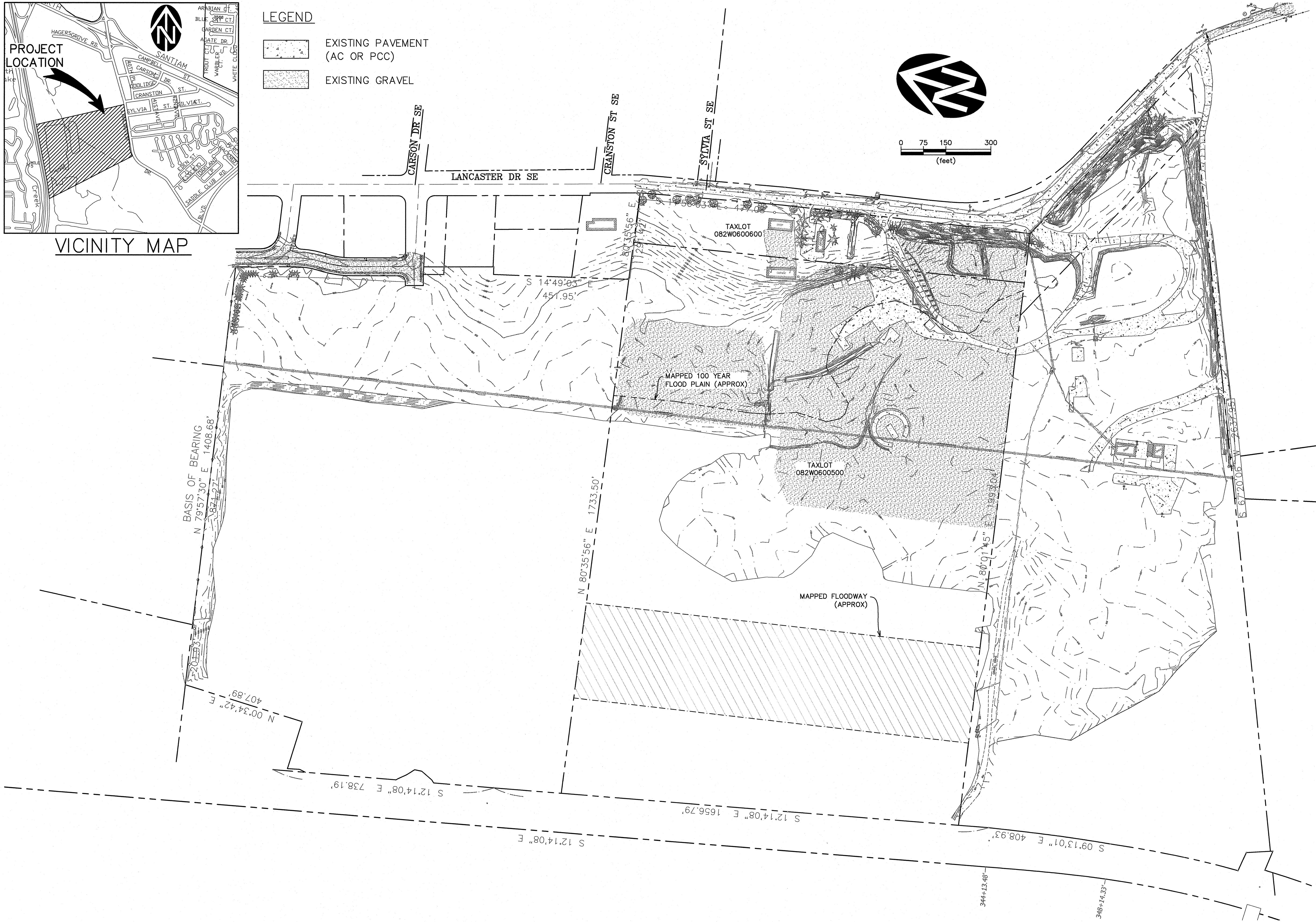
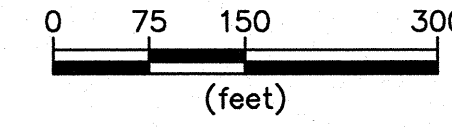
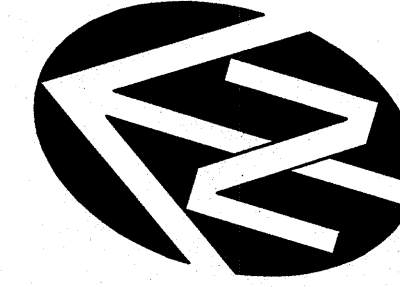
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VICINITY MAP

LEGEND


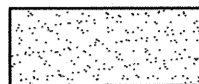
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-  EXISTING GRAVEL

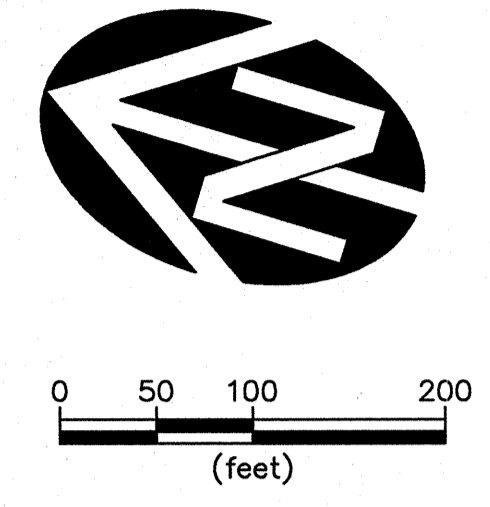
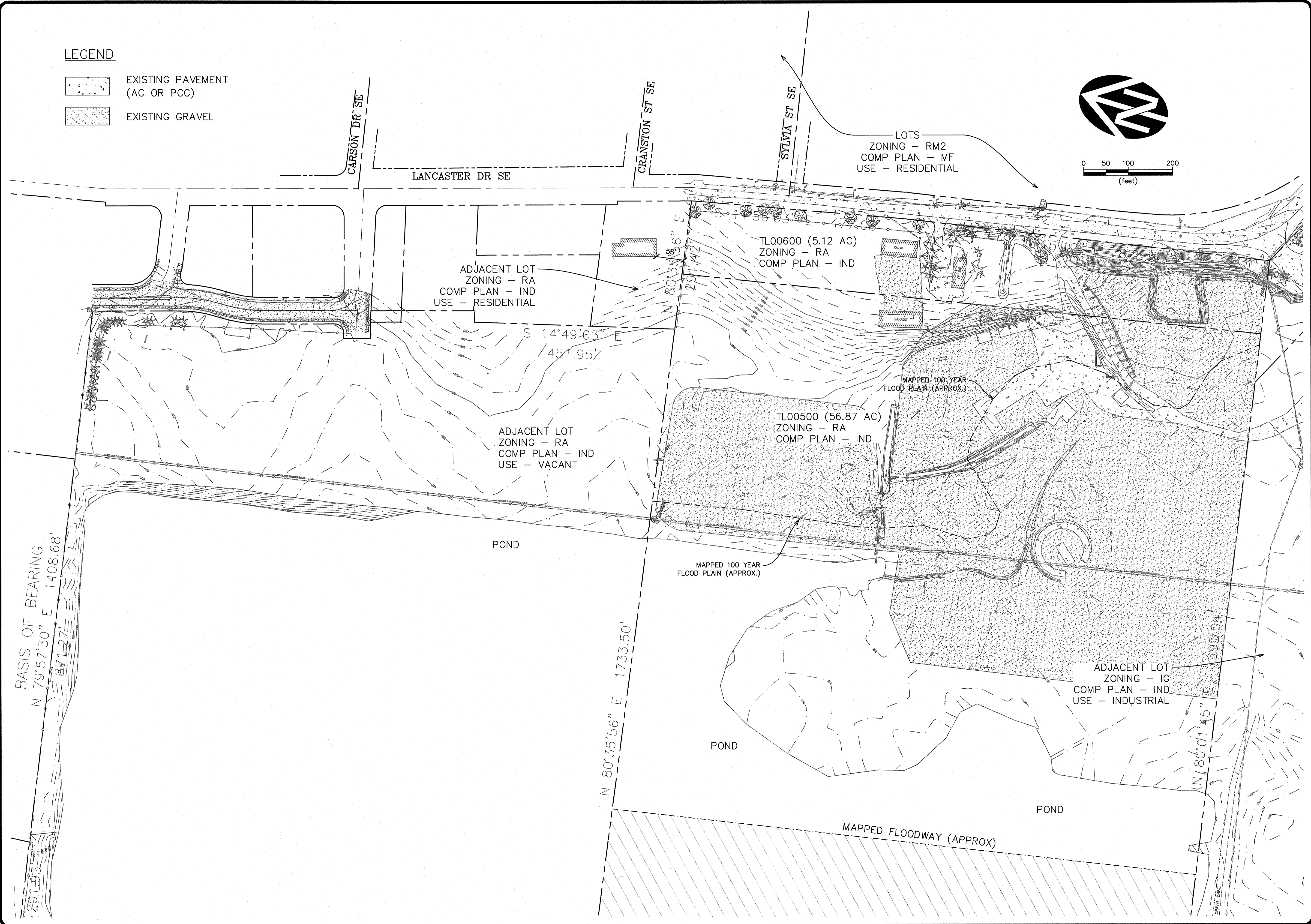


<p>VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</p>	<p>DATE: NOV 2018</p>
<p>DESIGNER: DSN, SAW CHECKED: CKD, SAW</p>	<p>NO. 1 DATE DESCRIPTION REVISIONS</p>
	
<p>WESTTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr., S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westtech@westtech-eng.com</p>	
<p>WALLING PROPERTIES WALLING TRUCK PARKING</p> <p>OVERALL EXISTING CONDITIONS PLAN</p>	
<p>DRAWING C1.0</p>	
<p>JOB NUMBER 2889.1000.0</p>	

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LEGEND

-  EXISTING PAVEMENT
(AC OR PCC)
-  EXISTING GRAVEL



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DATE: NOV 2018						



REVIEW

REGISTERED PROFESSIONAL ENGINEER
 STEVEN A. GWYN, No. 1615, State of Oregon



WESTECH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

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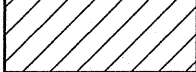

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 WALLING TRUCK PARKING

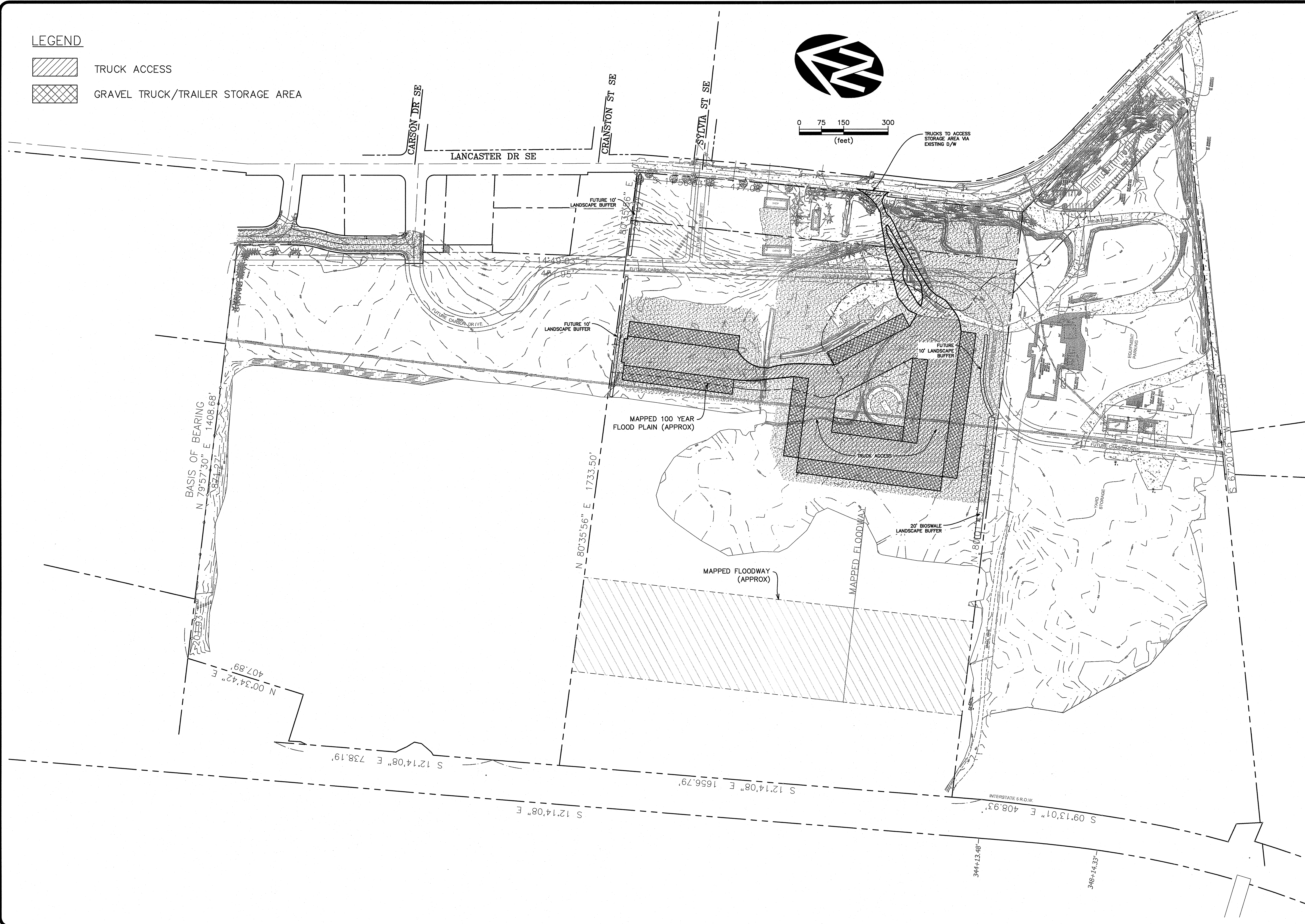
EXISTING CONDITIONS PLAN

DRAWING
C1.1

JOB NUMBER
2889.1000.0

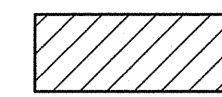
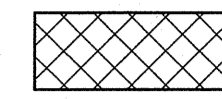
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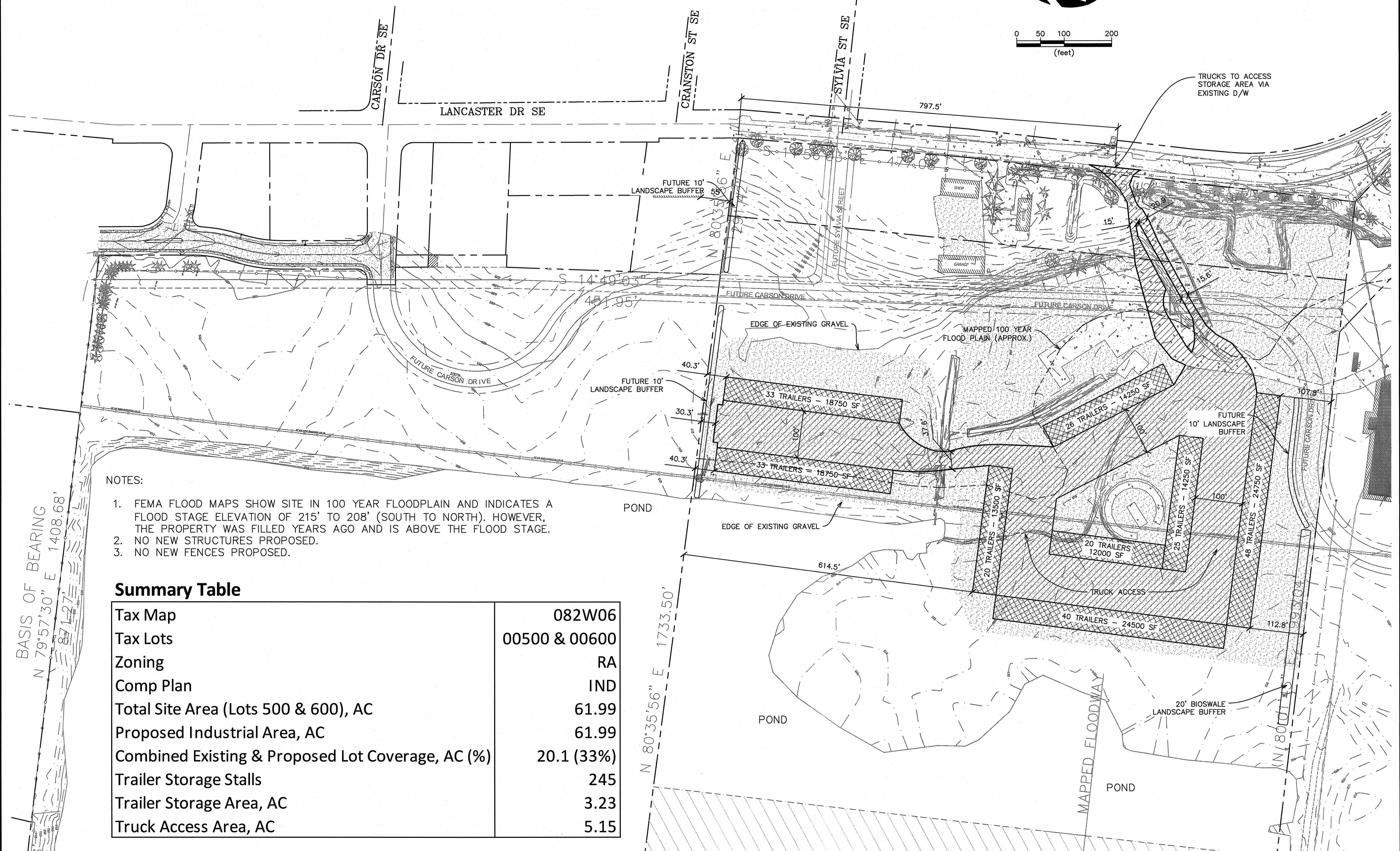
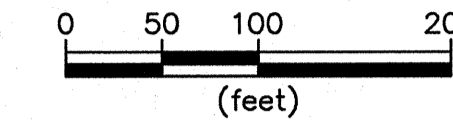
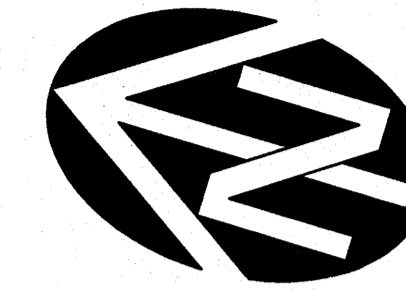
-  TRUCK ACCESS
-  GRAVEL TRUCK/TRAILER STORAGE AREA



<p>WALLING PROPERTIES</p> <p>WALLING TRUCK PARKING</p> <p>OVERALL SITE PLAN</p>	<p>DRAWING</p> <p>C2.0</p> <p>JOB NUMBER</p> <p>2889.1000.0</p>								
<p>WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS</p> <p>3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302 Phone: (503) 585-2474 Fax: (503) 585-3986 E-mail: westech@westech-eng.com</p>	<p>REVIEW</p> <p>REGISTERED PROFESSIONAL ENGINEER STATE OF OREGON JULY 16, 2016 STEVEN A. GEMINI REVIEWER</p>								
<p>VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING 0 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY</p>	<p>DATE: NOV 2018</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	1			
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LEGEND

-  TRUCK ACCESS
-  GRAVEL TRUCK/TRAILER STORAGE AREA



NOTES:

1. FEMA FLOOD MAPS SHOW SITE IN 100 YEAR FLOODPLAIN AND INDICATES A FLOOD STAGE ELEVATION OF 215' TO 208' (SOUTH TO NORTH). HOWEVER, THE PROPERTY WAS FILLED YEARS AGO AND IS ABOVE THE FLOOD STAGE.
2. NO NEW STRUCTURES PROPOSED.
3. NO NEW FENCES PROPOSED.

Summary Table

Tax Map	082W06
Tax Lots	00500 & 00600
Zoning	RA
Comp Plan	IND
Total Site Area (Lots 500 & 600), AC	61.99
Proposed Industrial Area, AC	61.99
Combined Existing & Proposed Lot Coverage, AC (%)	20.1 (33%)
Trailer Storage Stalls	245
Trailer Storage Area, AC	3.23
Truck Access Area, AC	5.15

NO.	DATE	DESCRIPTION	BY
1	NOV 2018	REVISIONS	

VERIFY SCALE
BASED ON WORK ON
THIS SHEET.
IF NOT ONE INCH ON
THIS SHEET, ADJUST
SCALE ACCORDINGLY.

DATE: NOV 2018

DRN: SAW
CKD: SAW

DESIGNED BY: J. L. B. G. W. A.
CHECKED BY: J. L. B. G. W. A.
DATE: 6/29/2020

REVIEW

REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
J. L. B. G. W. A.

WE

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

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WALLING PROPERTIES
WALLING TRUCK PARKING

SITE PLAN

DRAWING
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