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NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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AT YOUR SERVICE

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503-588-6173*

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP CHANGE / ZONE CHANGE CASE NO: CPC-ZC19-03

APPLICATION NO. : 18-123763-ZO & 18-123761-ZO

NOTICE OF DECISION DATE: May 8, 2019

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 15.8-acre property from "Developing Residential" with RA (Residential Agriculture) zoning to "Multifamily Residential" with RM-2 (Multiple Family Residential) zoning.

The subject site is an approximately 15.8 acres in size, zoned RA (Residential Agriculture), and located at 5871 Liberty Road S (Marion County Assessor map and tax lot number: 083W16C / 600).

APPLICANT: Harrison Industries, LLC (Kenneth Harrison, Kevin Harrison)

LOCATION: 5871 Liberty Road S / 97306

CRITERIA: Salem Revised Code Chapter 64.025(e)(2)
Salem Revised Code Chapter 265.005(e)

FINDINGS: The facts and findings are in the attached document dated May 8, 2019.

DECISION: The Planning Commission **APPROVED** Comprehensive Plan Change / Zone Change Case No. CPC-ZC19-03 subject to the following conditions of approval:

- A. APPROVE Minor Comprehensive Plan Map Amendment on the Salem Area Comprehensive Plan Map from "Developing Residential" to "Multi-Family Residential"; and
- B. APPROVE the zone change request for the subject property from RA (Residential Agriculture) to RM-2 (Multiple Family Residential) with the following conditions:

Condition 1: Construct a traffic signal at the intersection of Liberty Road S and Davis Road S City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE and shall be designed to accommodate the east leg extension of Rainier Drive SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 2: Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 3: The required Local street connections through the subject property are described as follows:

- a. Joynak Street S shall be extended into or through the subject property at the time of future development.
- b. Honey Bee Street S shall be extended into or through the subject property at the time of future development.
- c. Fire Cloud Avenue S shall be extended from the west line of the subject property, and shall connect to proposed Fire Cloud Avenue S within Marion County Tax Lot Number 083W16CC / 1500.
- d. Eagle Dance Street S and Big Mountain Avenue S shall be extended through subject property at the time of future development.
- e. Stub a Local street to the north line of the subject property abutting Marion County Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property and its steep topography.

Condition 4: Provide access to Marion County Tax Lot Number 083W16C / 800 through the Local street system within the proposed development.

VOTE:

Yes 6 No 0 Absent 3 (Griggs, Kopcho, Levin) Abstained 0


Brian McKinley, Vice President
Salem Planning Commission

Application Deemed Complete:	<u>April 4, 2019</u>
Public Hearing Date:	<u>May 7, 2019</u>
Notice of Decision Mailing Date:	<u>May 8, 2019</u>
Decision Effective Date:	<u>May 24, 2019</u>
State Mandate Date:	<u>August 2, 2019</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Thursday, May 23, 2019**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

FACTS & FINDINGS

COMPREHENSIVE PLAN MAP AMENDMENT FROM “DEVELOPING RESIDENTIAL” TO “MULTI-FAMILY RESIDENTIAL” AND ZONE CHANGE FROM RA (RESIDENTIAL AGRICULTURE) TO RM1 (MULTIPLE FAMILY RESIDENTIAL 2) CASE NO. CPC-ZC 19-03

MAY 7, 2019

PROCEDURAL FINDINGS

On December 3, 2018, Brandie Dalton of Multi-Tech Engineering Services, on behalf of applicant Harrison Industries, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 15.8-acre subject property from “Developing Residential” to “Multiple Family Residential” and to change the zoning of that portion from RA (Residential Agricultural) to RM-2 (Multiple Family Residential).

After the applicant provided additional required information, the application was deemed complete for processing on April 4, 2019. The public hearing on the application is scheduled for May 7, 2019.

Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on April 7, 2019. Public hearing notice was posted on the property on April 24, 2019 by the applicant pursuant to SRC requirements.

On May 7, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to approve the Comprehensive Plan Change and Zone Change with four condition of approval as recommended in the staff report.

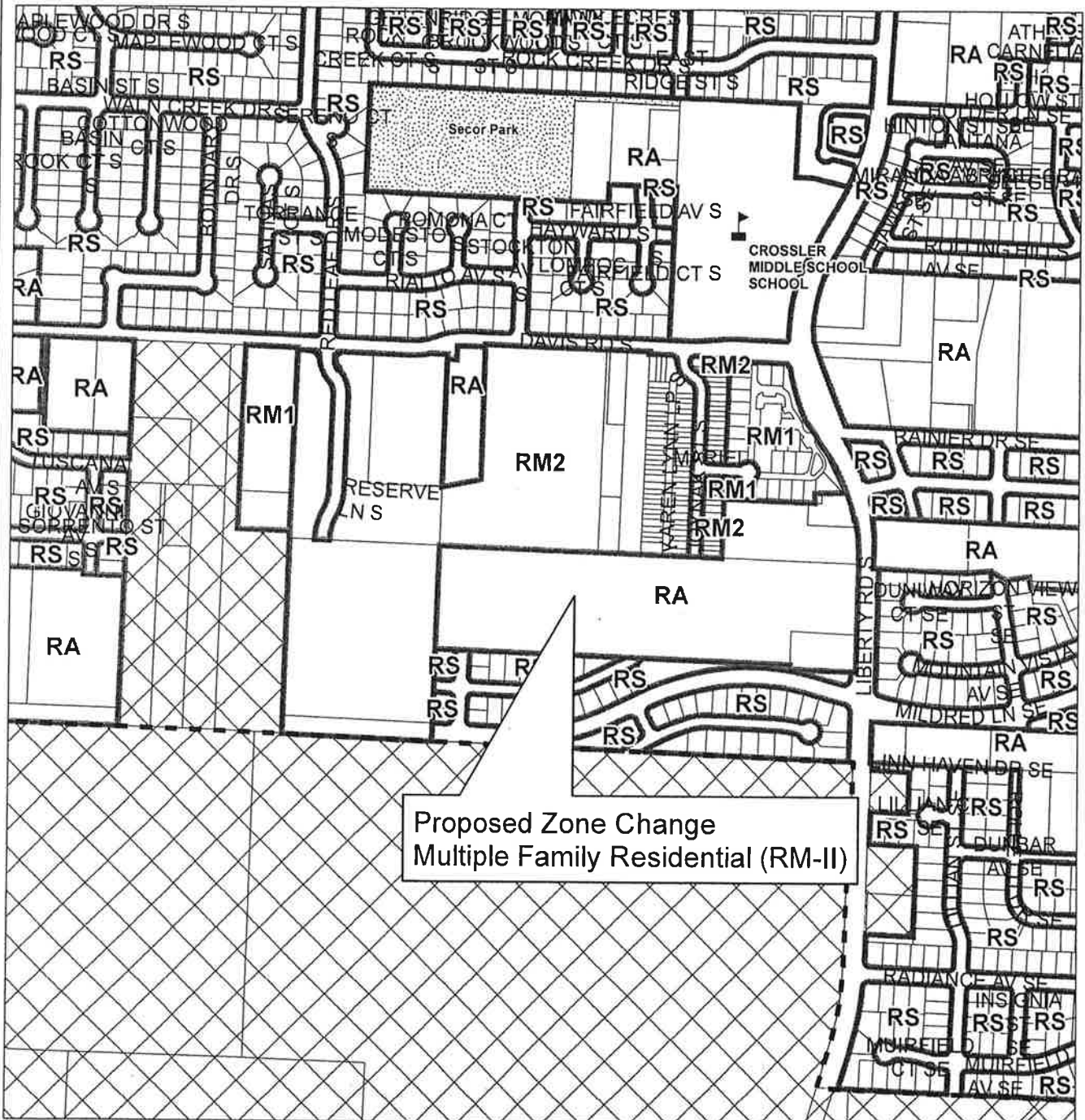
Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is August 2, 2019.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP AMENDMENT

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

Zoning Map 5871 Liberty Road S



Legend

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

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