

# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

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

<b>CASE NUMBER:</b>	Quasi-Judicial Zone Change / Partition Case No.ZC-PAR15-04
<b>AMANDA APPLICATION NO:</b>	15-118609-ZO & 15-118610-LD
<b>HEARING INFORMATION:</b>	Hearings Officer, Thursday, November 18, 2015, 5:30 P.M., Council Chambers, Room 240, Civic Center
<b>PROPERTY LOCATION:</b>	3155-3175 RIVER RD S, SALEM OR
<b>OWNER / APPLICANT:</b>	River Building LLC
<b>AGENT:</b>	Terrence Kay, Attorney
<b>DESCRIPTION OF REQUEST:</b>	<p>Summary: A consolidated application to change the zoning of property located at 3155-3175 River Road S, and to partition the property into three parcels to allow development of two single family residences north of the existing office building.</p> <p>Request: A consolidated application containing the following requests:</p> <p>1) To change the zoning of that portion of the subject property zoned CR (Retail Commercial) to CO (Commercial Office); and</p> <p>2) A partition to divide approximately 1.89 acres into three parcels, with proposed Parcel 1 consisting of approximately 45,385 square feet, proposed Parcel 2 consisting of approximately 17,214 square feet, and proposed Parcel 3 consisting of approximately 19,729 square feet.</p> <p>The subject property is approximately 1.89 acres in size, currently zoned CR (Retail Commercial) and RA (Residential Agriculture), and located at 3155-3175 River Road S (Marion County Assessor Map and Tax Lot Number: 083W05AA00100).</p>
<b>CRITERIA TO BE CONSIDERED:</b>	<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"><li>1. A quasi-judicial zone change shall be granted if the following criteria are met:<ol style="list-style-type: none"><li>A. The zone change is justified based on the existence of one or more of the following:<ol style="list-style-type: none"><li>(1) A mistake in the application of a land use designation to the property.</li><li>(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.</li><li>(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.</li></ol></li><li>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.</li><li>C. The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.</li><li>D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land</li></ol></li></ol>

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.

Pursuant SRC 205.005(d), a tentative partition plan shall be approved if all of the following criteria are met:

- (1) The tentative partition 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; and
  - (C) Any special development standards, including, but not limited to floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
- (2) The tentative partition plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative partition plan can be adequately served by City infrastructure.
- (4) The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.
- (5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.
- (6) The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.
- (7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.
- (8) When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:
  - (A) The property is zoned residential;
  - (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
  - (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimension that is less than 100 feet.

**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:**

**Chris Green, Case Manager**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2326; E-mail: cgreen@cityofsalem.net. 

**NEIGHBORHOOD ORGANIZATION:**

Southwest Association of Neighbors (SWAN), Leonard Nelson, Land Use Co-Chair; Phone: (503) 581-5195; Linda Haglund, Land Use Co-Chair; Phone: (503) 378-7621; Email: [ralh503@yahoo.com](mailto:ralh503@yahoo.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:

[www.cityofsalem.net/Departments/CommunityDevelopment/Planning/HearingsOfficer/Pages/default.aspx](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/HearingsOfficer/Pages/default.aspx)

**ACCESS:**

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

**NOTICE MAILING DATE:**

October 29, 2015

***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>**



**[@Salem Planning](#)**

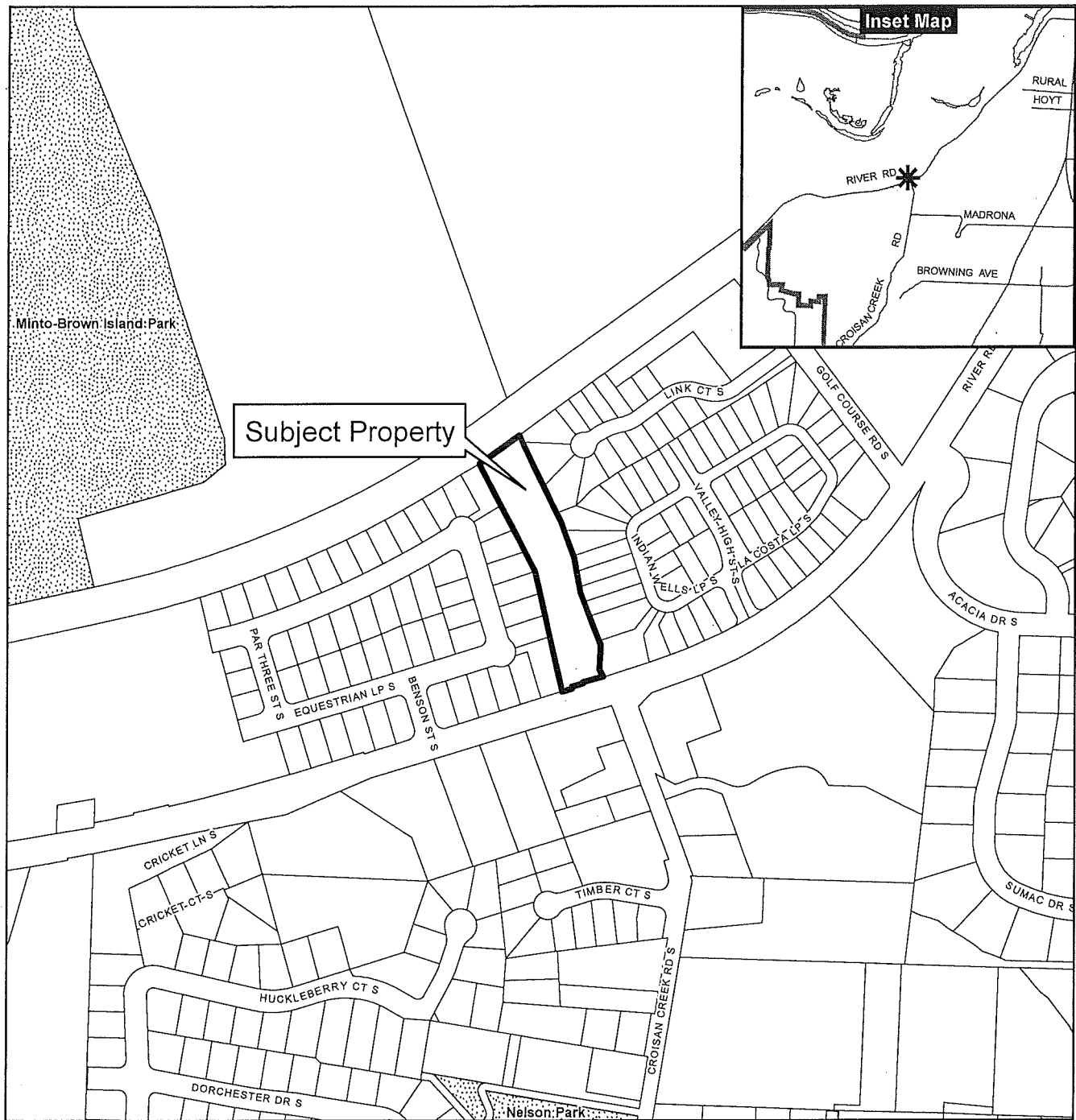
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*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender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

## 3155-3175 River Road S



### Legend

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

0 100 200 400 Feet



**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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# Area of Proposed Zone Change



## Legend

- |                           |         |
|---------------------------|---------|
| <b>RS</b> Base Zoning     | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

0 50 100 200 Feet



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CITY OF *Salem*  
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Community Development Dept.

Revised - Tentative Partition Plan

Owner: River Building LLC, 3155 River Rd. So. Suite 150 Salem OR 97302  
 Surveyor original plan: Matt Dunckel, 3765 Riverside Dr. McMinnville OR 97128  
 Updated October 26, 2015 for this Application

MAP TO SHOW DESCRIPTION

LOCATED IN: N.E. 1/4, SEC. 5, T. 8 S.,  
 R. 3 W., W. M., CITY of SALEM, MARION  
 COUNTY, OREGON.

