

March 2, 2016

Hearings Officer for the City of Salem

c/o City of Salem

Aaron Panko, Planner III

555 Liberty Street SE, Rm 305

Salem, OR 97301



RE: APPLICANT'S RESPONSE TO COMMENTS RECEIVED RELATED TO CU 16-01

Hearings Officer,

Thank you for the opportunity to provide rebuttal comments to the letter submitted by Airport Manager John Paskell, dated February 24, 2016. Based on the information submitted by Mr. Paskell, there has still been no mention of how the proposed development does not meet the Conditional Use approval criteria. However, Mr. Paskell does make a very important point that we would like to highlight. Mr. Paskell states that his professional opinion is intended to help the City of Salem's policy makers make an informed decision. The property in question is zoned IC (Industrial-Commercial), and as such affords our client the opportunity to seek conditional approval for a multi-family residential development within this zone, with no density restrictions. If this issue is so important, why have the City policy makers not proposed and implemented code restrictions on multi-family residential developments within the IC zone. Furthermore, the City has also not placed restrictions on multi-family residential developments within the airport overlay zone.

Our client would again like to state that the proposed development met the criteria and was approved back in 2012. At that time the City Council decided to call up the case based on concerns from the public. Regarding Case No 16-01, staff stated the Council concerns were not addressed. We feel these concerns were addressed and met, and that the City Council should have another opportunity to address this case, if they choose. Mr. Paskell mentioned in his letter that "Local land use and development decisions are left to local policy makers as they have a unique understanding of the needs of the community..." We could not agree more. While we appreciate the position staff was in at the time this case was reviewed, we feel the staff does not have the authority to make policy decisions, rather their authority is to review the application consistent with the criteria and place appropriate conditions on the development to address unique issues. By denying the conditional use request, staff circumvented the process by taking it upon themselves to make a policy decision that should be made by Council.

Based on all the evidence/information we have submitted to date, we ask that you approve the conditional use request and allow the City Council to address this policy decision, if they choose.

Sincerely,

PROJECT DELIVERY GROUP, LLC

Brian Vinson, PE