

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2024-1 UGA-SPR-ADJ-
URBAN GROWTH PRELIMINARY)	DAP-DR-PLA24-03
DECLARATION, CLASS 3 SITE)	
PLAN REVIEW, CLASS 1 AND 2)	
ADJUSTMENTS, CLASS 1 DESIGN)	
REVIEW, AND PROPERTY LINE)	
ADJUSTMENT CASE NO. UGA-)	
SPR-ADJ-DAP-DR-PLA24-03)	
4650 HAZELGREEN ROAD NE)	CASE NO. UGA-SPR-ADJ-DAP-DR-
)	PLA24-03

This matter coming regularly for hearing before the City Council, at its May 28, 2024 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming and modifying the decision of the Planning Administrator in Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustment, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03, and approving the application.

PROCEDURAL FINDINGS:

- (a) On November 3, 2023, a consolidated application for an Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment was filed for proposed development of a 405-unit multi-family residential apartment complex for property 15.6 acres in size and located at 4650 Hazelgreen Road NE.
- (b) After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.
- (c) Notice to surrounding property owners was mailed pursuant to Salem Revised Code on January 24, 2024.
- (d) On February 29, 2024, the Planning Administrator issued a decision approving the consolidated application with conditions.
- (e) On March 14, 2024, a timely Notice of Appeal was filed by a neighboring property owner. SRC 300.120(c) provides that for consolidated applications, the Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications. Per SRC Chapter 300, Table 300-2, City Council is the review authority for an appeal of an

Urban Growth Area Preliminary Declaration; therefore, the City Council is the Review Authority for the appeal of this consolidated application.

- (f) A hearing was scheduled before the City Council on May 13, 2024.
- (g) The 120-day State mandated deadline was extended by the applicant to June 22, 2024.
- (h) On April 22, 2024, notice of the hearing was sent to the Northgate Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on May 2, 2024.
- (i) On May 13, 2024, the City Council conducted a public hearing, received testimony, and closed the public hearing.
- (j) The City Council conducted deliberations on May 13, 2024, and voted to affirm and modify the Planning Administrator's decision to approve the consolidated application for Urban Growth Area Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03 with an additional condition of approval requiring the construction of a six-foot tall decorative fence along the southwest portion of the site.

SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

- (a) The Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment collective application for proposed development of a 405-unit multi-family residential apartment complex, as proposed and conditioned, meets the approval criteria set forth in SRC 200.025(d), SRC 220.005(f)(3), SRC 250.005(d)(1) and (2), SRC 804.025(d), SRC 225.005(e)(1), and SRC 205.055(d).
- (b) The Planning Administrator's February 29, 2024, decision approving the applications is based on the collective application meeting the approval criteria set forth in SRC 200.025(d), SRC 220.005(f)(3), SRC 250.005(d)(1) and (2), SRC 804.025(d), SRC 225.005(e)(1), and SRC 205.055(d).
- (c) The facts and findings, attached hereto as Exhibit 1, are incorporated to this decision as set forth herein.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The City Council affirms and modifies the decision of the Planning Administrator and APPROVES Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 1 and 2 Adjustments, Class 2 Driveway Approach Permit, Class 1 Design Review, and Property Line Adjustment Case No. UGA-SPR-ADJ-DAP-DR-PLA24-03, and with the following additional condition of approval:

Condition: A minimum six-foot-tall, decorative, sight-obscuring fence meeting the requirements of SRC Chapter 702.020(b)(2) shall be provided along the south property line, between the site's west property line and the planned westerly right-of-way of Lunar Drive, to buffer between the multiple family development and the abutting RS zoned property to the south.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Facts and Findings for UGA-SPR-ADJ-DAP-DR-PLA24-03

ADOPTED by the City Council this 28th day of May 2024.

ATTEST:

City Recorder

Checked by: Aaron Panko