

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

**IN THE MATTER OF MODIFYING) ORDER NO. 2019-17 CPC-ZC-ZC19-10
THE DECISION OF THE PLANNING) COMPREHENSIVE PLAN CHANGE /
COMMISSION FOR) ZONE CHANGE / ZONE CHANGE
COMPREHENSIVE PLAN CHANGE /) CASE NO. CPC-ZC-ZC19-10
ZONE CHANGE / ZONE CHANGE)
CASE NO. 19-10)
2465, 2499, 2501, AND 2519)
WALLACE ROAD NW)**

This matter coming regularly for hearing and deliberations before the City Council, at its October 28, 2019, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order modifying the decision of the Planning Commission in Minor Comprehensive Plan Map Amendment of the Salem Area Comprehensive Plan Map and Zone Change Case No. CPC-ZC-ZC19-10, and approving the application.

PROCEDURAL FINDINGS:

- (a) On March 28, 2019, Geoffrey James, Architect, on behalf of the applicant, Scott Martin, and property owner, 3030 Riverbend LLC (Scott Martin), filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" and "Multi-Family Residential" to "Mixed-Use" and "Commercial", and to change the zoning from RS (Single Family Residential) and RD (Duplex Residential) to MU-II (Mixed Use-II) and CR (Retail Commercial). The applicant also submitted a zone change application on June 28, 2019 to change the zoning from CO (Commercial Office) to CR (Retail Commercial) for a portion of the property.
- (b) On September 5, 2019, the Planning Commission issued a decision approving the consolidated application for Comprehensive Plan Change/Zone Change/Zone Change (Case No. CPC-ZC-ZC19-10) subject to two conditions of approval.
- (c) On September 20, 2019, the West Salem Neighborhood Association filed a timely appeal pursuant to SRC 300.1010.
- (d) On October 28, 2019, the City Council received evidence and testimony regarding the consolidated application, closed the public hearing, conducted deliberations, and voted to modify the September 5, 2019 Planning Commission decision approving the consolidated application by adding a third condition of approval.

SUBSTANTIVE FINDINGS:

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

- (a) The consolidated application, as proposed and subject to conditions adopted in the Planning Commission's September 5, 2019 decision order, meets the approval criteria for a minor comprehensive plan map amendment set forth in SRC 64.025(e)(2).
- (b) The consolidated application, as proposed and subject to conditions adopted in the Planning Commission's September 5, 2019 decision order, meets the approval criteria for a zone change set forth in SRC 265.005(e), with the addition of the following condition imposing a trip cap consistent with the applicant's Transportation Planning Rule Analysis, which demonstrated that the proposed development would not have a "significant effect" on the surrounding transportation system as that term is used in Oregon Administrative Rule (OAR) 660-012-0060:

Condition 3: Traffic impacts from future development on the subject property (2465, 2499, 2501, and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot Numbers 073W16BA09900, 073W09CD01000, 073W09CD00900, 073W09CD01101, and 073W09CD01301)) shall be limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.

- (c) The findings of the Planning Commission dated September 5, 2019, incorporated by reference, and the supplemental findings of the City Council, attached hereto as Exhibit 1, are incorporated into this decision as set forth herein.
- (c) The City Council therefore MODIFIES the approval of the consolidated application, as proposed and subject to conditions adopted in the Planning Commission's September 5, 2019 order, by adding the following condition of the zone change:

Condition 3: Traffic impacts from future development on the subject property (2465, 2499, 2501, and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot Numbers 073W16BA09900, 073W09CD01000, 073W09CD00900, 073W09CD01101, and 073W09CD01301)) shall be limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.

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

Section 1. The Planning Commission's decision for Comprehensive Plan Change/Zone Change/ Zone Change Case No. CPC-ZC-ZC19-10 is hereby modified to include the supplemental findings and facts in Exhibit 1, and the following:

A. APPROVE:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 6.2 acres at 2499 Wallace Rd NW, 2501 Wallace Rd NW, and 2519 Wallace Rd NW from "Single Family Residential" to "Mixed-Use;"

2) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301) from "Multi-Family Residential" to "Mixed-Use;"

3) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 0.15 acres at 2465 Wallace Road NW from "Single Family Residential" to "Commercial;"

and

B. APPROVE:

1) A Quasi-Judicial Zone Change to change the zoning of approximately 6.2 acres at 2499 Wallace Rd NW, 2501 Wallace Rd NW, and 2519 Wallace Rd NW from RS (Single-Family Residential) to MU-II (Mixed Use-II);

2) A Quasi-Judicial Zone Change to change the zoning of approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301) from RD (Duplex Residential) to MU-II (Mixed Use-II);

3) A Quasi-Judicial Zone Change to change the zoning of approximately 0.15 acres at 2465 Wallace Road NW from RS (Single Family Residential) to CR (Retail Commercial); and

4) A Quasi-Judicial Zone Change to change the zoning of approximately 1.582 acres at 1221 River Bend Road NW from CO (Commercial Office) to CR (Retail Commercial),

with the following conditions:

Condition 1: The zone change from RS (Single Family Residential) to CR (Retail Commercial) for the approximately 0.15-acre property located at 2465 Wallace Road NW 97304 (Polk County Assessor Map and Tax Lot 073W16BA09900) is contingent upon successful completion of the applicant's purchase of the land from the Oregon Department of Transportation.

Condition 2: A legal description of the boundary between the CR (Retail Commercial) zone and CO (Commercial Office) zone shall be submitted to the Planning Administrator for review and approval.

Condition 3: Traffic impacts from future development on the subject property (2465, 2499, 2501, and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot Numbers 073W16BA09900, 073W09CD01000, 073W09CD00900, 073W09CD01101, and 073W09CD01301)) shall be limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.

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.

ADOPTED by the City Council this 25th day of November, 2019.

ATTEST:

City Recorder

Checked by: Pamela Cole