



September 11, 2024

**VIA ELECTRONIC MAIL: planning@cityofsalem.net, BBishop@cityofsalem.net
Uploaded to PAC Portal**

City of Salem Planning Division
Bryce Bishop, Planner III
555 Liberty Street SE
Room 320
Salem, OR 97301

RE: Appeal of PUD-SUB-PAR-UGA-ADJ24-01
Our File No: 13845-20617

Dear Bryce:

Our office represents Multi/Tech Engineering, an Oregon Business Corporation, who is the applicant of record on behalf of Creekside Golf Course LLC, an Oregon limited liability company (the "**Property Owner**") and Don Lulay Homes, Inc, an Oregon business corporation (the "**Developer**") (collectively the "**Applicant**") regarding the Planned Unit Development/Subdivision Tentative Plan/Partition Tentative Plan/Urban Growth Preliminary Declaration/Class 2 Adjustment Case No.: PUD-SUB-PAR-UGA-ADJ24-01, designated by the City as Application No.: 24-109994-PLN (the "**Application**").

The Planning Commission held a public hearing on August 6th, 2024, and held deliberations at a public hearing on August 20th, 2024, approving the Application, subject to twenty-two (22) conditions of approval the Notice of Decision was mailed on August 27th, 2024 (the "**Decision**"). The Applicant has standing to appeal the Decision, as do any persons or entities that submitted written or oral testimony into the record, including Brandie Dalton of Multi/Tech and myself, both of whom provided testimony on behalf of the Applicant at the August 20th, 2024 hearing and by submitting written testimony into the record. The Applicant has standing to appeal the Decision.

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The Applicant's basis of appeal is focused on the application of Condition 14 which reads:

Condition 14: Prior to final plat or delayed pursuant to improvement agreement per SRC 205.035(c)(7)(B), construct a 5-foot curblin sidewalk along the frontage of the subject property abutting Creekside Drive SE.

Condition 14 was added during the Planning Commission's deliberations on August 20, 2024, after the record had been closed and focused on pedestrian connectivity along Creekside Drive. The Applicant is appealing this condition for the following reasons:

1. With the addition of Condition 14, the cumulative impact of the conditions of approval that apply to the Proposed Development violate ORS 197.758 by adding unreasonable cost to the middle housing development proposed in the Application (the "**Proposed Development**").
2. With the addition of Condition 14, the cumulative impact of the conditions of approval that apply to the Proposed Development violate the Fifth Amendment of the US Constitution and Article I, Section 18 of the Oregon Constitution by requiring public improvements that are disproportionate to the impact of the Proposed Development.
3. The addition of Condition 14 is inconsistent with the City of Salem's Climate Action Plan, requiring the Applicant to construct additional, unnecessary, sidewalks along Creekside Drive while creating additional climate impacts associated with the Proposed Development.
4. There is sufficient evidence in the record to support the application of alternative street standards within the Planned Unit Development, consistent with previous approvals for the area.

Please do not hesitate to reach out to discuss the next steps of this process or any questions or concerns you might have.

Sincerely,



MARGARET Y. GANDER-VO

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Voice Message #374

MYG:

Enclosures: Sidewalk

Plan

cc: Client