

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2024-5 CPC-ZC24-01
COMPREHENSIVE PLAN MAP)	
AMENDMENT AND ZONE CHANGE)	
650 15TH STREET SE)	CASE NO.CPC-ZC24-01
)	

This matter coming regularly for hearing before the City Council, at its December 2, 2024, meeting, and the City Council, reconsidered their decision from Order No. 2024-2 CPC-ZC24-01, makes the following findings, and adopts the following order amending the decision of the Council in Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01, and approving the application.

PROCEDURAL FINDINGS:

- (a) On November 13, 2023, a consolidated application for a Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change was filed for two properties 0.99 acres in size and located at 650 15th Street SE.
- (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 February 7, 2024.
- (d) On February 27, 2024, a public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Planning Commission received testimony from the applicant. No public testimony was received. The Planning Commission made a motion to continue the public hearing to March 19, 2024.
- (e) On March 19, 2024, a second public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Commission closed the hearing, conducted deliberations, and voted to approve the applications with recommended conditions of approval, with the exception of edited Condition 1, striking Commercial Parking from the list of prohibited uses, as recommended by staff in the supplemental report dated March 19, 2024.
- (f) On March 25, a timely Notice of Appeal was filed by the applicant. SRC 300.120(c) provides that for consolidated applications, the Review Authority shall be the highest numbered procedure type required for any land use applications. Per SRC Chapter 300, Table 300-2, City Council is the review authority for an appeal of a Minor Comprehensive Plan Map Amendment; therefore, City Council was the Review Authority for the appeal of the application.

- (g) On May 6, 2024, notice of the hearing was sent to the Southeast Salem 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 14, 2024.
- (h) On May 28, 2024, the City Council conducted a public hearing, received testimony, and closed the public hearing.
- (i) The City Council conducted deliberations on May 28, 2024, and voted to affirm the Planning Commission's decision to approve the consolidated application for Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01. On June 10, 2024 the City Council adopted Final Order 2024-2.
- (j) On June 27, 2024, the applicant appealed the City's decision to the Land Use Board of Appeals (LUBA). After subsequent discussions with the applicant, the City moved to withdraw the decision for reconsideration, and on October 25, 2024, LUBA granted the motion. The deadline for the decision is January 23, 2025.
- (k) On November 14, 2024, notice of the reconsideration was sent to the Southeast Salem Neighborhood Association and surrounding property owners and tenants pursuant to SRC requirements.
- (l) On December 2, 2024, the City Council, reconsidered the previous decision of approval. The Council voted to amend their previous decision by modifying Condition of Approval No. 1 to allow the property to be used for *Heavy vehicle and trailer service and storage*, and remove Condition of Approval No. 2, which required vehicle storage areas to be paved.
- (m) Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the additional applications included with the proposal are similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), they have been filed concurrently, and are being considered jointly, with the proposed comprehensive plan amendment.

SUBSTANTIVE FINDINGS:

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

- (a) The Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01 collective application for proposed change from a Multiple-Family designation to Industrial and RM-II zoning to IG zoning, as proposed and conditioned, meets the approval criteria set forth in SRC 64.025(e)(2) and SRC 265.005(e)(1)(A)(iii).

- (b) The City Council's decision approving the application is based on the collective application meeting the approval criteria set forth in SRC 64.025(e)(2) and SRC 265.005(e)(1)(A)(iii).
- (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 APPROVES Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01 subject to revised conditions.

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 CPC-ZC24-01.

ADOPTED by the City Council this 2nd day of December 2024.

ATTEST:

City Recorder

Checked by: Peter Domine