

Attachment 2

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF)	ORDER NO. 2024-3 PUD-SUB-PAR-
PLANNED UNIT DEVELOPMENT-)	UGA-ADJ24-01
SUBDIVISION TENTATIVE PLAN,)	
PARTITION TENTATIVE PLAN,)	
URBAN GROWTH PERLIMINARY)	
DECLARATION, AND CLASS 2)	
ADJUSTMENT CASE NO. PUD-)	
SUB-PAR-UGA-ADJ24-01; 700 TO)	CASE NO. PUD-SUB-PAR-UGA-
800 BLOCKS OF CREEKSIDE)	ADJ24-01
DRIVE SE)	

This matter coming regularly for hearing before the City Council, at its October 14, 2024, 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 Planned Unit Development-Subdivision Tentative Plan, Partition Tentative Plan, Urban Growth Preliminary Declaration, and Class 2 Adjustment Case No. PUD-SUB-PAR-UGA-ADJ24-01 and approving the application.

PROCEDURAL FINDINGS:

- (a) On May 6, 2024, an application for a Partition Tentative Plan, Class 2 Adjustment, Planned Unit Development-Subdivision Tentative Plan, and Urban Growth Preliminary Declaration was submitted by Brandie Dalton, of Multi/Tech Engineering, on behalf of the applicant and property owner, Creekside Golf Course, LLC.
- (b) After additional requested information was provided by the applicant, the application was deemed complete for processing on July 8, 2024; and notice of the public hearing was subsequently sent, pursuant to SRC requirements, on July 16, 2024, and posted on the property by the applicant's representative on July 26, 2024.
- (c) On August 6, 2024, a public hearing was held before the Planning Commission. Subsequent to receiving public testimony and asking questions of the applicant and staff, the hearing was closed and the record subsequently left open until August 13, 2024, for any party to submit additional written evidence and testimony on the proposal; August 20, 2024, for rebuttal; and August 27, 2024, for final written argument from the applicant unless subsequently waived.
- (d) On August 20, 2024, a written request was received from the applicant's representative waiving the final seven-day period for final written argument. Having received the applicant's request to waive the seven-day period for final

written argument, the Planning Commission proceeded with deliberations on the proposal at their August 20, 2024, meeting and voted to approve the Planned Unit Development-Subdivision, Partition, Urban Growth Preliminary Declaration, and Class 2 Adjustment subject to the conditions of approval recommended in the August 6, 2024, staff report and accompanying August 6, 2024, supplemental staff report; but as further recommended to be modified in staff's August 13, 2024, open record period memo and further revised by the Planning Commission during deliberations.

- (e) On September 11, 2024, a timely appeal of the Planning Commission's decision, meeting the requirements of SRC 300.1010 and SRC 300.1020, was filed by the applicant's representative.
- (f) On September 24, 2024, notice of the public hearing on the appeal was sent, pursuant to SRC requirements, and subsequently posted on the property on October 4, 2024.
- (g) On October 14, 2024, the City Council held a public hearing to consider the appeal of the Planning Commission's decision. Subsequent to receiving testimony, the Council closed the public hearing, deliberated, and voted to modify the Planning Commission's decision by removing Condition of Approval No. 14, which required construction of a 5-foot-wide sidewalk on the north side of Creekside Drive SE along the frontage of the property.
- (h) The 120-day state mandated local decision deadline for the application is November 5, 2024.

SUBSTANTIVE FINDINGS:

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

- (a) The proposed Planned Unit Development-Subdivision Tentative Plan, Partition Tentative Plan, Urban Growth Preliminary Declaration, and Class 2 Adjustment, as conditioned, meets the approval criteria set forth in SRC 210.025(d), 205.005(d), 200.025(d) & (e), and 250.005(d)(2).
- (b) The Planning Commission's August 27, 2024, decision approving the application is based on the application meeting the approval criteria set forth in SRC 210.025(d), 205.005(d), 200.025(d) & (e), and 250.005(d)(2)
- (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 modifies the decision of the Planning Commission and APPROVES Planned Unit Development-Subdivision Tentative Plan, Partition Tentative Plan, Urban Growth Preliminary Declaration, and Class 2 Adjustment Case No. PUD-SUB-PAR-UGA-ADJ24-01 subject to the removal of Condition of Approval No. 14 included in the Planning Commission's August 27, 2024, decision.

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 PUD-SUB-PAR-UGA-ADJ24-01

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

ATTEST:

City Recorder

Checked by: Bryce Bishop