

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

**IN THE MATTER OF AFFIRMING) ORDER NO. 2016-05 CPC-NPC-ZC
AND MODIFYING THE DECISION OF) COMPREHENSIVE PLAN CHANGE /
THE PLANNING COMMISSION FOR) NEIGHBORHOOD PLAN CHANGE /
COMPREHENSIVE PLAN CHANGE /) ZONE CHANGE CASE NO. CPC-NPC-ZC
NEIGHBORHOOD PLAN CHANGE /) 16-08
ZONE CHANGE CASE NO.)
CPC/NPC/ZC 16-08)**

This matter coming regularly for hearing before the City Council, at its December 5, 2016, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming with modifications the decision of the Planning Commission in Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CPC-NPC-ZC16-08, and approving the application.

PROCEDURAL FINDINGS:

- (a) A public hearing was held before the Planning Commission on September 6, 2016 for review of a consolidated Comprehensive Plan Change, Neighborhood Plan Change and Zone Change application. The hearing was continued to October 4, 2016 to allow for additional evidence and testimony to be submitted. On November 2, 2016, the Planning Commission issued a recommendation that City Council accept first reading of an ordinance bill for the purposes of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from “Industrial” to “Commercial” and amending the designation of the subject property on the West Salem Neighborhood Plan Generalized Land Use Map from “Employment without Residential” to “Commercial,” and approved a Zone Change from IP (Industrial Park) to CG (General Commercial) subject to conditions of approval.
- (b) At the November 14, 2016 regular City Council meeting, the City Council by majority vote initiated a review of the Planning Commission’s decision pursuant to SRC 300.1050, a public hearing was scheduled before the City Council on December 5, 2016.
- (c) On December 5, 2016, the City Council conducted a hearing to receive evidence and testimony regarding the application, the public hearing was closed on December 5, 2016. The City Council conducted deliberations on December 5, 2016 and voted to affirm with modifications the decision of the Planning Commission.

SUBSTANTIVE FINDINGS:

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

- (a) Testimony was received from the West Salem Neighborhood Association objecting to the decision of the Planning Commission, in part, because of the recommendation made to change the West Salem Neighborhood Plan Generalized Land Use Map designation for the property from “Employment without Residential” to “Commercial.”

- (b) Pursuant to SRC 64.010(c), in the event of an ambiguity or conflict in the provisions or components of the Comprehensive Plan, all other components of the Comprehensive Plan and shall take precedence over a Neighborhood Plan.
- (c) The “Employment without Residential” designation is not defined in the West Salem Neighborhood Plan. Because of the lack of definition, it is not known what Comprehensive Plan designations or Zoning designations assist in implementing the goals and policies of the West Salem Neighborhood Plan for properties with the “Employment without Residential” designation.
- (d) The City Council finds that Industrial and Commercial designations, which are intended to promote a variety of employment opportunities, may be equally used to implement the “Employment without Residential” designation in the West Salem Neighborhood Plan.
- (e) The City Council finds no compelling reason to amend the West Salem Neighborhood Plan Generalized Land Use Map designation for the property, and therefore AFFIRMS the application for Comprehensive Plan Change from “Industrial” to “Commercial” and the Zone Change from IP (Industrial Park) to CG (General Commercial, and DENIES the application for a Neighborhood Plan Change from “Employment without Residential” to “Commercial.”

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 and Zone Change Case No. CPC-NPC-ZC16-08 is hereby affirmed, and the Planning Commission’s decision for Neighborhood Plan Change Case No. CPC-NPC-ZC16-08 is hereby denied.

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 9th day of January, 2017.

ATTEST:

City Recorder

Checked by: Aaron Panko