

Written Testimony #1

City Council

Monday, May 9, 2022

6:00 PM

Virtual Meeting

4. a. [22-169](#)

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation and Zone change to Commercial and (CR) Retail Commercial zoning for property located at the southwest corner of the intersection for Kuebler Boulevard and I-5.

Ward(s): Ward 4

Councilor(s): Leung

Neighborhood(s): South Gateway Neighborhood Association

Result Area(s): Welcoming and Livable Community

Recommendation:

DENY Comprehensive Plan Map Designation and Zone change, Case No. CPC-ZC21-04.

Attachments:

[Vicinity Maps](#)

[South Gateway Neighborhood Association Appeal](#)

[Planning Commission Decision for CPC-ZC21-04](#)

[Staff Report to Planning Commission dated November 2, 2021](#)

[Supplemental Staff Report to Planning Commission dated December 21, 2021](#)

[Applicant Updated Proposal and Conceptual Map](#)

[Public Comments received by 5:00 p.m., 5-4-2022.pdf](#)

[Testimony received from South Gateway Neighborhood Association.pdf](#)

Add - Written Testimony.

From: [SGNA chair](#)
To: [Olivia Dias](#); [CityRecorder](#)
Subject: Rebuttal to Letter dated May 4 from Mark D Shipman, Saalfeld Griggs
Date: Monday, May 9, 2022 7:24:20 AM

Public Comment for Planning Case No. CPC-ZC 21-04 for 2900 Block of Kuebler Blvd SE
Public hearing on May 9 2022
Agenda Item # 4.a
Delivered via email

The City Council and Community Planning Department
City of Salem, OR

Planning Case No. CPC-ZC 21-04 for 2900 Block of Kuebler Blvd SE
Rebuttal to letter dated May 4 2022 from Mark D Shipman, Saalfeld Griggs

Dear Councilors and Planning Manager

I'm referring to a letter dated May 4, 2022 in the public comment from Mark D Shipman, Saalfeld Griggs where there's a statement and I quote *"As of the date of this letter, they (SGNA) have not gotten back with us regarding the proposed split zone concept for the property, nor have they been able to communicate any questions, concerns or support for the split zone request. I understand they are working on a response and hope to get it to the Mosaic Group this evening, but frankly, it is getting late in this process."* I wanted to call this out since Mr. Shipman's statements create a false perception about SGNA's interactions with the developers..

This statement is not stating the complete facts since it implies SGNA has not responded to the developer's revised proposals or even asked questions or concerns. This cannot be further from the truth. As a matter of fact, SGNA has had multiple conversations with Mosaic's representative (Jeremy S) over the course of the last few months on this subject.

This is the chronological set of events in terms of our discussions with Mosaic:

March 18 - 25:

Mar 18 – Some SGNA representative and Jeremy have an informal meeting where Jeremy shared a revised site plan, split between MU-II, CR and CO zoning categories

We (SGNA) have multiple email exchanges on this for a week and on Mar 25, SGNA officially informs Jeremy that there is too much divergence between our vision for the community and what Mosaic is proposing and hence we would we are not able to support the proposal as he has outlined. We indicated that we will be providing our testimony on the revised proposal on March 28.

April 14: Jeremy presents proposal at SGNA meeting

May 2 – 6:

May 2 - Jeremy sent a revised proposal.

May 4 – SGNA responded that certain critical conditions were not being met and hence we couldn't support it. Advised him to move forward with the proposal as they think fit and SGNA will provide testimony on May 9

May 5 – Another last revised proposal sent by Jeremy

May 6 - We had to decline again since essential conditions were not being met.

In other words, the statement that SGNA has not responded nor communicated any questions, concerns or issues is a blatant lie and I would caution Mr. Shipman or anybody else to desist using such falsehoods to describe our interactions. We will NOT take any such characterizations lightly. SGNA has been exceedingly collaborative in engaging with Mosaic's representative, all in good faith and we would

strongly challenge any statement to the contrary.

Such blatant falsehoods create more mistrust in the statements made by the developers and do not help in a collaborative working arrangement between the neighborhood associations and developers. I urge Mr. Shipman and his partners to review the sequence of events and state full facts.

Thanks

Yours sincerely
Jake Krishnan
Chair,
SGNA

From: [SGNA chair](#)
To: [CityRecorder](#)
Subject: Public Testimony - Public Hearing 5/9/2022 - Agenda item # 4.a. File # 22-169 Planning Case No. CPC-ZC 21-04
Date: Monday, May 9, 2022 11:09:47 AM
Attachments: [Final - SGNA Testimony for 5-09 Kuebler Village.pdf](#)

The City Council
City of Salem, OR

Dear Councilors and Planning Department

Re: Public Hearing 5/9/2022 - Agenda item # 4.a. File # 22-169
Planning Case No. CPC-ZC 21-04 for 2900 Block of Kuebler Blvd SE

Please find attached the public testimony from South Gateway Neighborhood association relating to the above referred planning case – rezoning of 2900 Block of Kuebler Blvd SE on the southwest corner of the intersection of Kuebler Blvd and I-5

Thank you

Best regards
Jake Krishnan
Chair
South Gateway Neighborhood Association



NEIGHBORHOOD ASSOCIATION
555 LIBERTY ST. SE RM. 305 SALEM OR 97301 • 503-588-6207 • WWW.CITYOFSALEM.NET/NEIGHBOR

May 9, 2022

The Salem City Council
Salem, OR

Dear Mayor and City Councilors

Re: Testimony relating to SGNA appeal - **Case No. ZPC-ZC21-04**
File # 22-169 Agenda item 4.a – City Council meeting on 5/09/2022
Rezoning – 2900 Block of Kuebler Blvd SE

The South Gateway Neighborhood Association would like to express their opposition to the Comprehensive Plan and Zone Changes proposed for the property located at the Southeast corner of the intersection of Kuebler Blvd. and 27th St. SE. (Case No. ZPC-ZC21-04). This property is currently zoned as RA (Residential Agricultural) and the developer has requested changing the zoning to CR (Retail Commercial) and via a revised proposal that was submitted recently, has asked for a combination of MU-II and CR.

We acknowledge the efforts of the developer's representative to have informal discussions with Board members of SGNA, in advance of submission of the revisions but we have not been able to arrive at an agreement that meets the vision for a safe and livable neighborhood. We are therefore submitting this testimony to express our opposition to the developer's plans including the revised plans.

We would argue that in the process of determining what is an "equally or better suited" designation for a piece of land, residents who rent or own property and need to live and move around in the neighborhood should have at least as much stake in that determination, like that of a landowner or business that is seeking to develop that property. If the proposed developments do not contribute to the betterment of the neighborhood, it would ultimately detract from the overall value of the city and impact the value of their own development. It is therefore in their own interest that developments tie into the vision of the neighborhood.

While we agree that the RA designation may no longer be appropriate since characteristics of much of the surrounding land has changed due to development in the last 15 or so years, only a portion has been changed to commercial use. The property immediately to the west was sold to/developed for Costco and a number of significant white oak trees were destroyed after PacTrust assured the neighborhood (verbally) that it would be developed as a community hub "similar to Orenco Station". The property immediately to the north, across Kuebler Blvd. was

zoned to CR in 2016 after showing a conceptual plan for a shopping center but to date nothing has been done there other than illegally destroying another 48 oak trees.

The I-5 southbound on ramp is immediately to the east of the property. The land immediately to the south was rezoned as Multifamily with single-family beyond that and also to the southwest. There are two churches as well as hundreds of existing single and multifamily households. In the last two years, plans have been submitted for over 250 lots of RS and RM 2 housing developments with parks and multi-modal trails in the nearby surrounding neighborhood within a half-mile radius.

While we would prefer the subject property be rezoned to MU-I or MU-II, which would allow single and multiple family residential as well as retail, dining, office, entertainment and a number of other uses, we would be willing to accept a change to CO as recommended by city staff. The CO designation would help to mitigate some traffic issues since the peak demand times would tend to be different. CO would also allow single and multiple family residential as well as nursing care but would limit some retail sales and gas stations. However, it would limit retail sales to newsstands, caterers and retail sales of agricultural products. Retail sales would not be limited under the MU designations.

In the Staff responses prepared for the December 21, 2021 Planning Commission meeting, it was pointed out that there were some major issues with regard to the Transportation Planning Rule Analysis if the property were to be zoned CR. It was also pointed out that the proposed Comprehensive Plan/Zone change would not be consistent with the Transportation System Plan, Comprehensive Transportation Policy 6 because, under the proposed zone change, the site alone is projected to generate 20,000 vehicle trips which would be in addition to the traffic generated by Costco. **The mitigation proposed would create seven lanes of travel which pedestrians would be required to cross and, again, would not be consistent with the Transportation System Plan.**

As indicated earlier, we have been meeting with Mosaic development to discuss our issues and reasons for desiring different zoning designations and they have been very willing to work with us on a compromise. In our most recent discussions, they have indicated a willingness to consider partitioning the area into more than one parcel with different zone designations which would allow more flexibility in things such as peak traffic periods, maintaining walkability and standalone surface parking. However, we have been unable to arrive at a mutually agreeable proposal due to a divergence in our vision for the neighborhood and their conceptual plan.

As a result, we remain strongly opposed to granting the CR zoning designation to the entire property or to a major portion thereof, as it would have an adverse effect on a number of things including traffic, safety and neighborhood livability. We believe the maximum % of area allocable to CR should be 30% of the area of land covered under the rezoning application.

In addition, we would like to propose the following restrictive conditions on the use of this property, to be incorporated into any decisions being communicated to the applicant. We believe these restrictions are necessary to meet the above stated objectives of traffic, safety and neighborhood livability. We have seen in the past that, absent specific restrictions, there is a wide latitude for the type of development to be done, not just by the present owners but any future owners. We wish to ensure that these restrictions remain in place for current and future site development plans.

These restrictions are:

1. Motor Vehicle, Tire & Motor Home Sales & Services (gas stations, commercial parking, etc.)
2. Recreation, Entertainment and Cultural Services (except parks and open space and religious assembly)
3. Construction, contracting, repair, maintenance and industrial services (general repair, landscape, lawn and garden, etc.)
4. Wholesale sales, storage and distribution
5. Manufacturing
6. Transportation facilities
7. Utilities
8. Farming, forestry and animal services (except small vet services)
9. No commercial building with a buildout of over 50,000 sq. ft. - Average footage of a Whole Foods is around 40,000 square feet.
10. No drive-throughs

We have communicated all of this already to Mosaic Development and have indicated that due to the divergence in our vision and their approach, we cannot support their proposal in the current form.

Thank you for this opportunity to provide our testimony. We look forward to playing a collaborative role in the development of our city and neighborhoods.

Sincerely
Jake Krishnan
Chair
South Gateway Neighborhood Association