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City of Salem  
~~Mayor Petersen~~, Council Members,

On August 30 staff issued the original staff report relating to comp plan change 16-08 that was initially heard by the Planning Commission on September 6<sup>th</sup>.

The report ignored "Goal 1: Citizen Involvement OAR 660-015-0000(1)

6. "Revision -

The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed change in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes."

Receiving a flawed staff report five days before the public hearing process began does not comply with goal one legislative requirements. Staff claims: "The city's comprehensive plan and land use procedures, including the city's citizen involvement program, have been acknowledged by the Department of Land Conservation and Development (DLCD) to be in compliance with the statewide planning goals, including goal 1."

It is a lovely declaration that simply does not address legal precedent. Yes, DLCD acknowledged the Salem Unified Code in 2014. The acknowledgment includes code procedures that no longer comply with recent LUBA findings.

For example the September staff report stated: a recent decision by LUBA concluded that a comprehensive plan map amendment must be adopted by a local government's governing body." The staff report then states "the City of Salem has adjusted the policy to be consistent with State Law." Yet the Salem UDC procedures do not reflect those changes.

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✓ For example,  
Chapter 300

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-Ap. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
COMPRE-HENSIVE PLAN MAP AMENDMENT (MINOR)	III	Y	PC	CC	Y	SRC 64
NEIGHBORHOOD PLAN MAP AMENDMENT	III	Y	PC	CC	Y	SRC 64

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The September 6 staff report also recommended "A change to the West Salem Neighborhood Plan from "Industrial" to "Commercial."

This flawed request has been modified and explained in the staff report before you: "In order for the City Council to adopt portions of the Neighborhood Plan, including the Generalized Land Use Map, it had to be consistent with the Comprehensive Plan.

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The above statement is not credible. Being consistent with the Salem Comprehensive Plan does not require Neighborhood Plans and the Salem Comprehensive Plan to contain identical language. Indeed, for more than a dozen years the WSNP identified "Employment without Residential" as the future General Land Use Map designation for the site in question.

While the WSNA acknowledges staff's desire to emphasize common Neighborhood Plan/Comp Plan language,

**consistency** does not require identical language. The Council and City have invested staff time and resources to have neighborhood plans. The identical language interpretation nullifies this effort. Neighborhood & Comp Plans do not have to have the same language. So how then do Salem neighborhoods benefit from area planning efforts? I would sincerely hope that we are not going to throw out neighborhood plans because staff is seeking a simple way to do this. There is no regulatory or policy support for making neighborhood plans and comp plans have identical language.

The WSNA supports the zone change with conditions of no residential and the comp plan change to commercial. There is no need for a West Salem Neighborhood Plan change or West Salem Neighborhood Map change. There is no statute to support this staff request. No policy to support this. It seems to be simply a desire to offer bureaucratically identical language as a matter of ease and staff convenience.

We invite staff to demonstrate how the West Salem Neighborhood Plan "Employment without Residential" Map is inconsistent with the Salem Comprehensive Plan. To do this now without some additional proceedings to engage the public would violate Planning Goal 1. Staff has not provided the

support for this assertion, nor the public involvement process to accomplish this to date.

Staff accurately states: "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 shall take precedence over a Neighborhood Plan." We also agree with the staff declaration: "Zoning designations must be consistent with the Comprehensive Plan and the WSNP Map is part of the Comprehensive Plan."

Staff states: "Regardless of the current designation in the WSNP, the requested Comprehensive Plan Map change and Zone Change necessitate a change to the WSNP Map." Yet, staff never explains or justifies this conclusion beyond a desire to offer bureaucratically identical language. Staff also states: "Zoning designations must be consistent with the Comprehensive Plan and the WSNP Map is part of the Comprehensive Plan."

The WSNA concurs and invites staff to demonstrate how the West Salem Neighborhood Plan "Employment without Residential" Map is inconsistent with the Salem Comprehensive Plan or the conditioned zone change request before you tonight.

# Chapter 300

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Received At Council Meeting

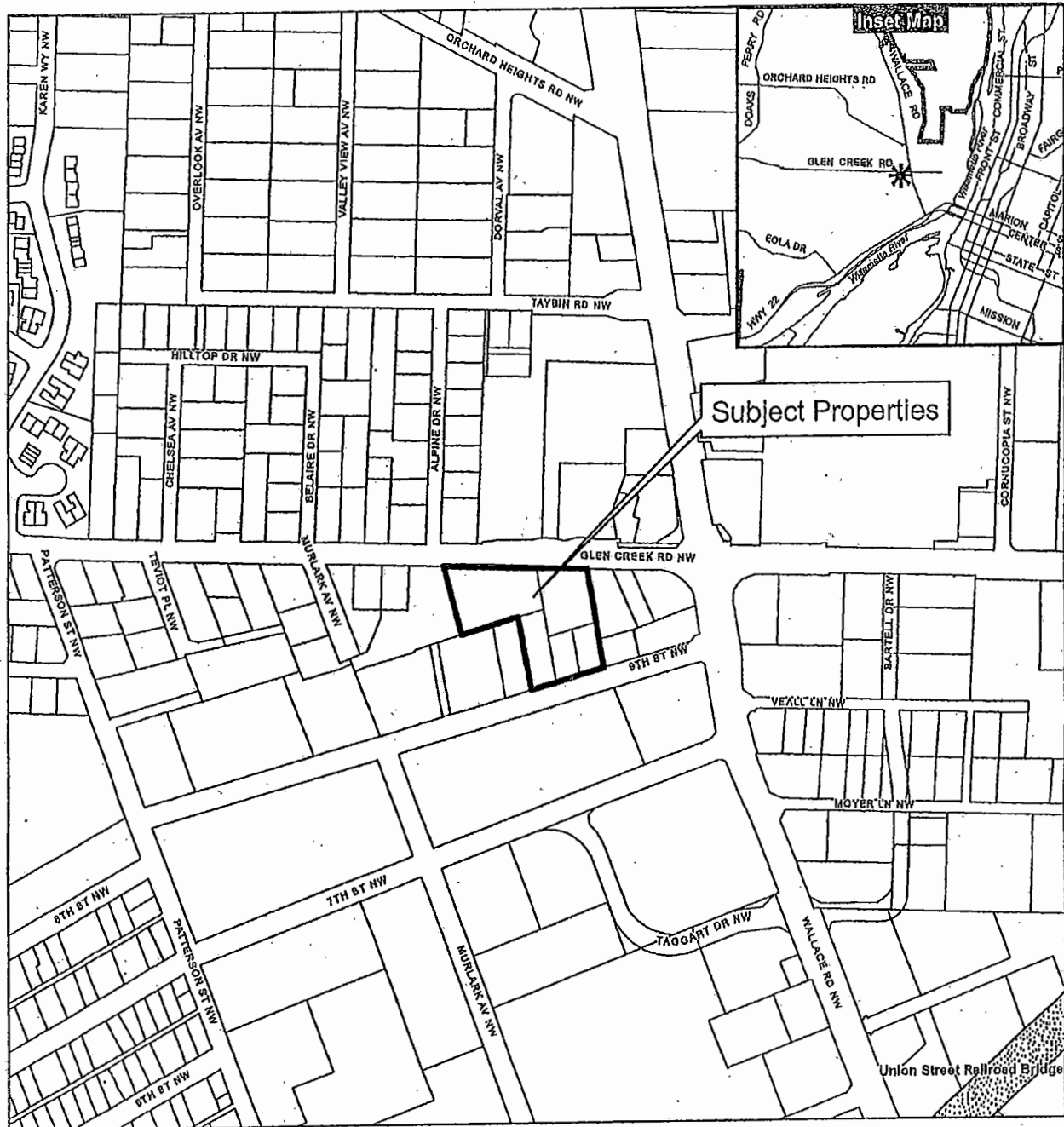
Meeting Date: 12/5/16

Agenda Item: 4c

Received by: Kenny Larson

From: Steve Anderson

## Vicinity Map 560 Glen Creek Road NW and 585-635 9th Street NW



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

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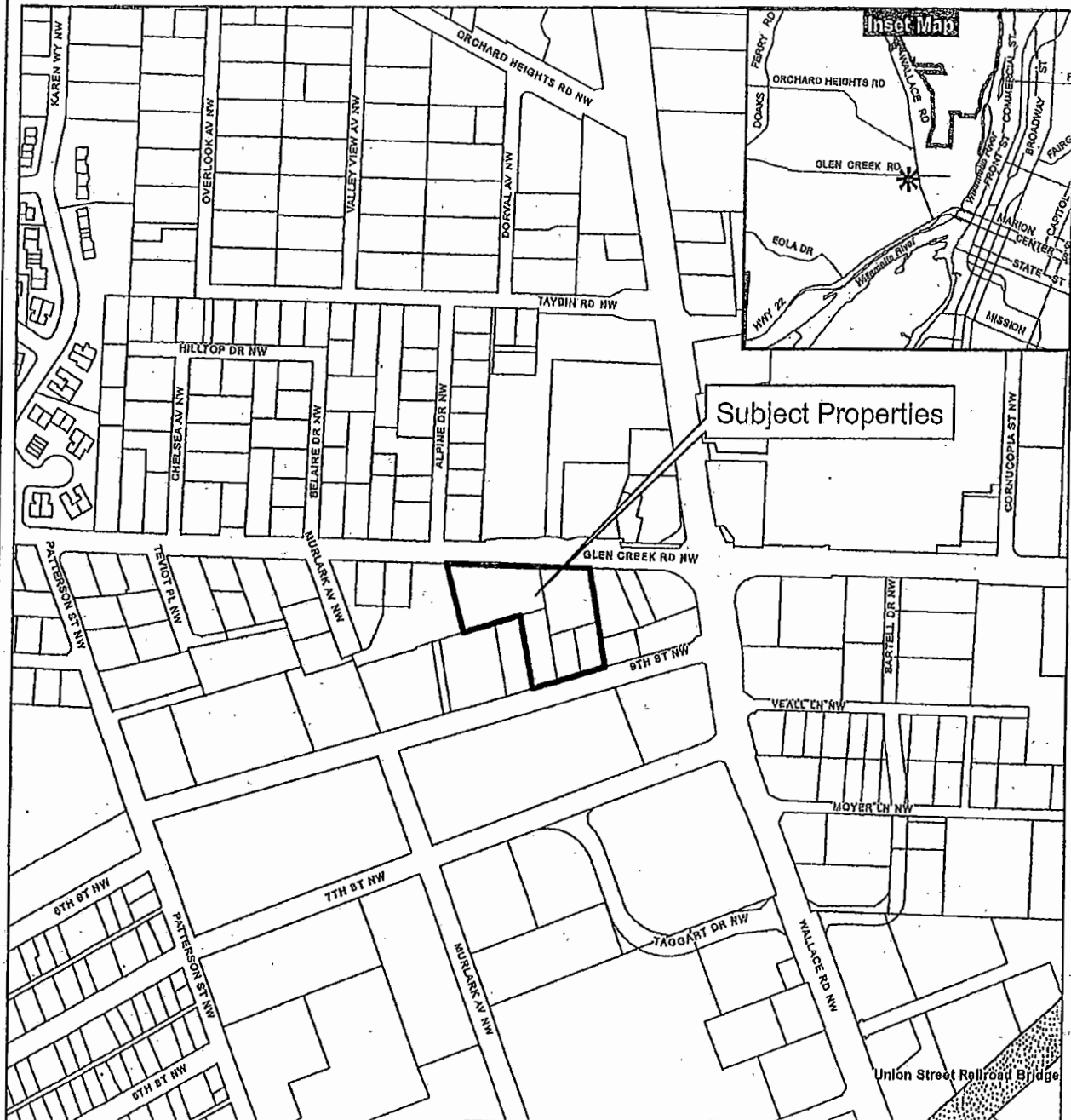
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Received At Council Meeting  
 Meeting Date: 12/5/2016  
 Agenda Item: 4.C  
 Received by: Kenny Lason  
 From: Steve Anderson

# Vicinity Map

## 560 Glen Creek Road NW and 585-635 9th Street NW



### Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

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# Executive Summary (DRAFT)

Received At Council Meeting  
Meeting Date: 12/5/16  
Agenda Item: 4.C  
Received by: Kenny Larson  
From: Steve Anderson

## Purpose of the Project

The West Salem Urban Renewal Area (West Salem URA) was created in 2001 to eliminate blight and depreciating property values in the area roughly bound by Rosemont, 9th Street, Taybin Road, and the Willamette River. The West Salem Business District Action Plan (Action Plan) shifts the focus of future West Salem URA investments to the area east of Patterson Street after two recent milestones:

1. Completion of major actions in the Edgewater-2nd Street Action Plan (including 2nd Street reconstruction and Edgewater Street bulb-outs, way-finding, and lighting); and,
2. More certainty regarding the Salem River Crossing (Willamette Third Bridge, Preferred Alternative).

The Action Plan will serve as a multi-year plan to incent private development and plan needed infrastructure to support redevelopment in the commercial and industrial areas of the West Salem URA. The Action Plan work began in early 2014. The recommendations are supported by the following studies and reports produced during the project:

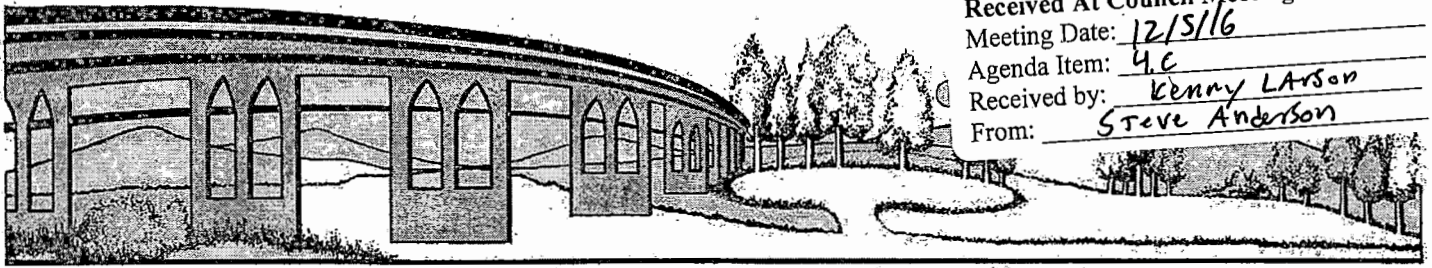
- Existing Plan Review
- Baseline Infrastructure Conditions
- Market Assessment Summary
- Hotel Assessment Summary
- Transportation Analysis
- Craft Industrial Memorandum
- Design Guidelines Memorandum

## Development Concept and Recommendations

Recommendations for the revitalization and future growth of the West Salem Business District (Business District) are focused in three areas, each with its own character: a Town Center Area; an Employment Area; and a Main Street Area including the Western Gateway. Action Plan recommendations are designed to improve traffic circulation and access, encourage redevelopment, and improve property values, maximizing the development potential of the area. Improvements will be phased over time based on available funding.



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# *West Salem Neighborhood Association*

555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207

Mayor Peterson  
 Members of Council

December 5, 2016

RE: Case No. CPC-NPC-ZC 16-08  
 560 Glen Creek road NW & 585-635 9<sup>th</sup> Street NW, 97304

The Procedures followed in this application are in conflict with SRC Chapter 300 which establishes legislative and quasi-judicial procedures to allow the public to effectively participate in land use decisions.

This application consolidated a zone change, a Comprehensive Plan Map change and a Neighborhood Plan Map change.

Had the multiple land use applications been subject to the same review authority, the application would have appropriately been consolidated. SRC 300.120 In this case the Planning Commission was the review authority for the zone change. City Council is the review authority for the Comprehensive Plan Map Change and the Neighborhood Plan Map change.

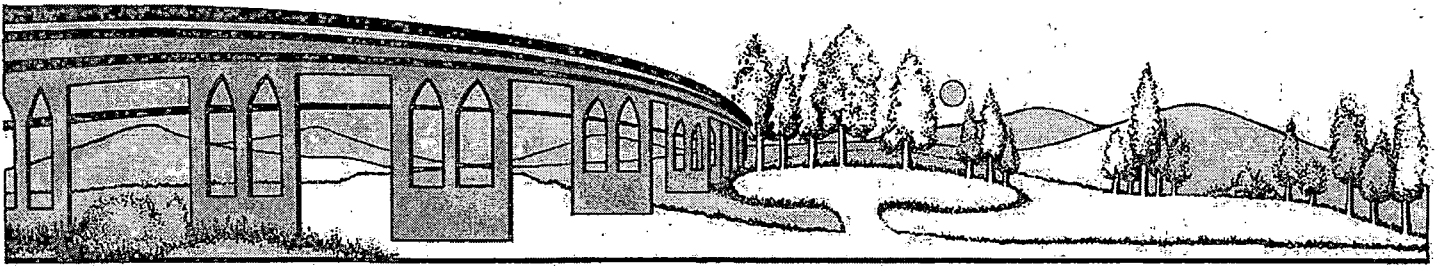
Chapter 300 requires that where one land use application is dependent upon the approval of another land use application, the land use application upon which the other is dependent shall be processed first.

The Planning Commission's Conditional Approval of the Zone Change does not satisfy this procedure. The Legislative Land Use Actions should have proceeded the Zone Change before the Planning Commission.

By consolidating legislative and quasi-judicial procedures, the entire process became a Quasi-judicial process. We understand Councilors were advised to avoid ex parte communications. The Neighborhood Association and the citizens of Salem were denied the opportunity to discuss the legislative land use matters with their Counselors.

This defeated the Purpose of Chapter 300 and Land Use Planning Goal 1.

The West Salem Neighborhood Association supports zone change; and believes a Neighborhood Plan Map Change is not required. The conditioned zone change is consistent with its Neighborhood Plan and Map.



# *West Salem Neighborhood Association*

*555 Liberty Street SE Room 305 Salem, Oregon 97301 • 503-588-6207*

Respectfully Submitted,

Kathleen Dewoina  
Land Use Chair  
West Salem Neighborhood Association

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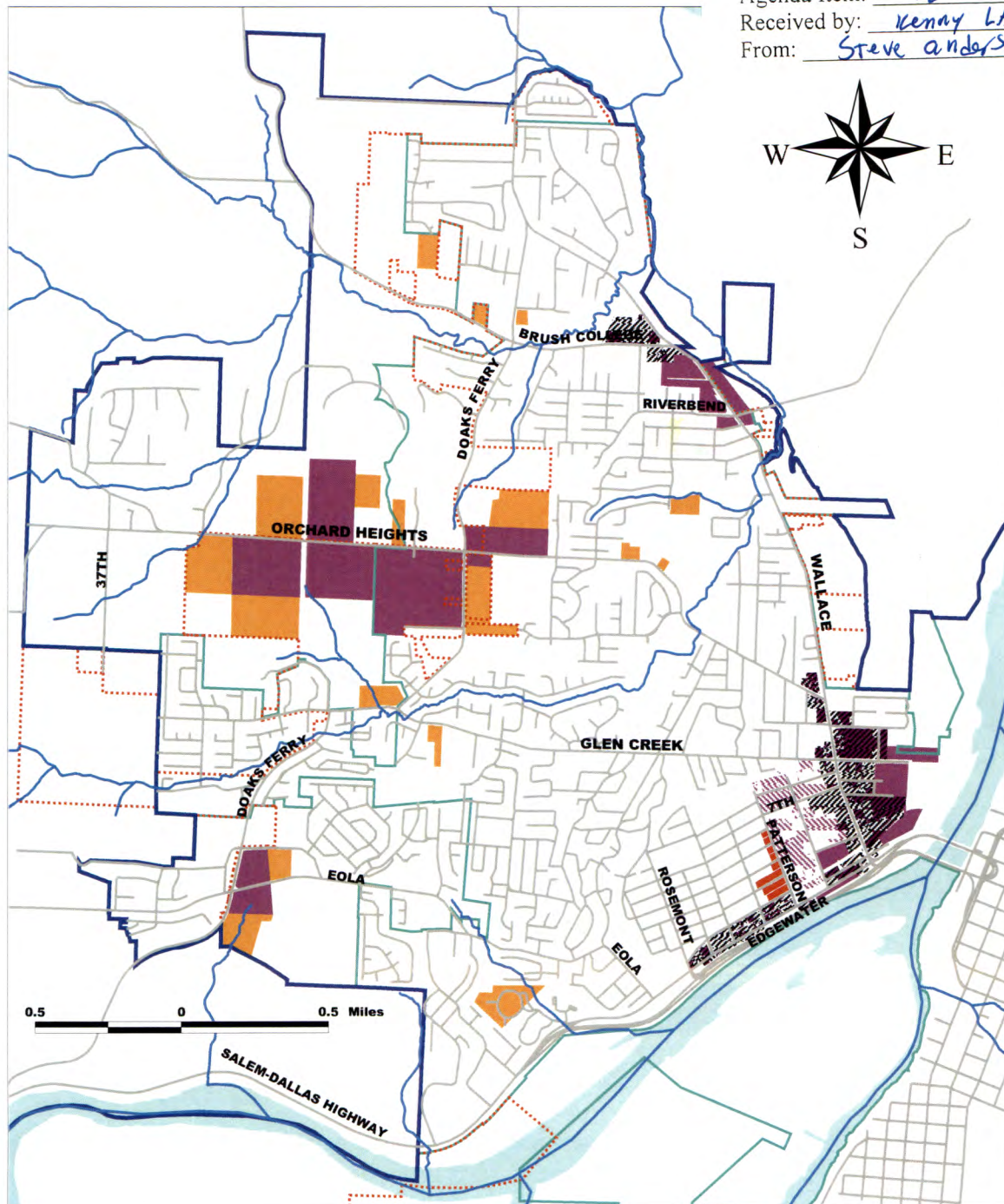
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- Urban Growth Boundary (2003)
- City Limits (2003)
- Urban Service Area
- Center
- Center - Employment Only
- Center over Existing Commercial
- Multi-Family
- Commercial

## Recommended Changes to the Generalized Land Use Map



The "Center" designation provides for coordinated development within the area shown that allows for residential, neighborhood retail, restaurant, employment, public space, and/or civic uses. Centers may include any or all of these uses, but should be developed as specific area plans with the prevailing economic market and neighborhood needs in mind. Centers should be developed in such a manner as to provide a sense of place, a compact urban form, neighborhood vitality, and innovative design. Within Centers, buildings should be oriented to the pedestrian, there should be accessibility to transit and major roads, and there should be connectivity with the surrounding neighborhood, while still accommodating the use of the automobile.