

Tross Consulting, Inc.

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July 6, 2018

City Council, City of Salem
c/o Planning Division
attn: Britany Randall
City Hall, Room 305
555 Liberty Street SE
Salem, Oregon 97301

RE: APPEAL of URBAN GROWTH PRELIMINARY DECLARATION CASE
No: UGA 18-01, Application No. 18-107978-LD

Dear Councilors:

This letter is provided on behalf of the Appeal filed by Alpha3 LLC, the owners of the property at 1800 Cordon Road SE and the Applicants in Urban Growth Preliminary Declaration Case No: UGA 18-01, Application No. 18-107978-LD. Alpha3 LLC Appeals the Decision in this Case for specific reasons, summarized below, and this letter is provided as a part of that Appeal.

The date of the Decision approving the (Revised) Urban Growth Preliminary Declaration was June 21, 2018. The Appeal period extends to 5:00 p.m. on July 6, 2018. The Appeal is timely filed within the stated Appeal period. As the owner of the property that is subject to the application, and the Applicant, Alpha3 LLC has standing to Appeal the Decision consistent with SRC 300.1010.

The approval of the Urban Growth Preliminary Declaration is subject to SRC Chapter 200, and for this Appeal more specifically SRC 200.025(d) and (e) and 200.055. The Appellant objects to Conditions of Approval 1., 2., 3., and 4. A summary of the reasons for this Appeal is as follows:

The Urban Growth Preliminary Declaration does not include or provide for access from the property to Cordon Road SE. The property has frontage on Cordon Road, and was granted access to Cordon Road in stipulated final judgments No. 88-c-11419 and No. 88-c-11420, at the time right of way was acquired by the Oregon Department of Transportation (ODOT), in 1990. Copies of these judgments are attached.

The property has no other public road frontage or means of access to a public street or road. According to the Decision, Condition 1., access must be provided from the east side of the property, which will require the Applicant to acquire land for a public right of way or a private driveway access from property that the Applicant does not own.

At the same time, the Conditions of Approval require the property owner to dedicate right of way along the property's Cordon Road frontage (Condition 3.), and to construct improvements to Cordon Road consisting of a "parkway boundary street improvement, widening the street to 40' from centerline" (Condition 4). These requirements place a substantial burden on the property owner, but afford no benefit to the use of the property since the City has stated that access to Cordon Road will be prohibited.

The Appellant requests that the property be allowed access to Cordon Road as provided by the 1990 stipulated final judgments. If access to Cordon Road is not allowed, then the City must provide alternative access to the property and the dedication of right of way and the improvements along the property's Cordon Road frontage should not be required.

We will look forward to presenting this information at a public hearing. In order to allow sufficient time to conduct the Appeal procedure, the Applicant/Appellant agrees to extend the time for the review process for an additional 60 days.

Sincerely,



Jeffrey R. Tross

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cc: Alpha3, LLC