

During the open record period staff introduced two alternatives for the Planning Commission to consider should their decision be other than the denial recommended by staff. In addition, the applicant introduced a third alternative for Planning Commission consideration that would have resulted in partial, rather than full, rezoning of the property.

- (f) On August 18, 2020, the Planning Commission reopened the public hearing in response to the new evidence submitted during the open record period. Subsequent to additional questions of the applicant and staff the Planning Commission closed the hearing, conducted deliberations on the proposal, and voted to approve the Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Quasi-Judicial Zone Change subject to the conditions of approval included under Alternative No. 2 as identified by staff. The Planning Commission's decision was issued on August 25, 2020.
- (g) On September 14, 2020, the City Council voted to initiate review of the Planning Commission's decision. The public hearing before the City Council was subsequently scheduled for October 12, 2020.
- (h) On September 22, 2020, notice of the City Council public hearing was provided pursuant to SRC requirements. Notice of the public hearing was also subsequently posted on the subject property by the City's Case Manager for the application on October 2, 2020.
- (i) On October 12, 2020, the City Council conducted a hearing to receive evidence and testimony regarding the Planning Commission's August 25, 2020, decision.
- (j) After receiving evidence and testimony, the City Council conducted deliberations and voted to reverse the Planning Commission's decision and deny the application. The City Council hereby adopts the findings of fact and conclusions of law included in **Exhibit 2**.

SUBSTANTIVE FINDINGS:

The City Council adopts the following findings for this decision:

- (a) As provided in the findings of fact included in **Exhibit 2**, and as demonstrated by the evidence and testimony included in the record, the requested Comprehensive Plan Change, Neighborhood Plan Change, and Zone does not satisfy SRC 64.025(e)(2)(A), (C), (D) and (F), and SRC 265.005(e)(1)(A), (C), (D), and (E).
- (b) The findings of fact, attached hereto as **Exhibit 2**, are incorporated into this decision as if set forth herein.
- (c) The City Council therefore **DENIES** the application for the Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change.

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, Neighborhood Plan Change, and Zone Change Case No. CPC-NPC-ZC20-04 is hereby reversed and the application is 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 26th day of October, 2020.

ATTEST:

City Recorder

Checked by: Bryce Bishop