



Legislation Details (With Text)

File #: 16-276 **Version:** 2

Type: Ordinance Second Reading **Status:** Passed
In control: City Council

On agenda: 10/10/2016 **Final action:** 10/10/2016

Title: Proposed Comprehensive Plan Map Change - "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

Ward(s): Ward 3
 Councilor(s): Nanke
 Neighborhood(s): Faye Wright

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Planning Commission Recommendation, 3. Planning Commission Zone Change Approval, 4. Ordinance 15-16, 5. Ordinance 15-16 Exhibit 1, 6. Ordinance 15-16 Exhibit 2

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|-----------------------------|--------|
| 10/10/2016 | 2 | City Council | adopted | Pass |
| 9/26/2016 | 1 | City Council | introduced on first reading | Pass |

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Glenn W. Gross, Community Development Director

SUBJECT:

Proposed Comprehensive Plan Map Change - "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

Ward(s): Ward 3
 Councilor(s): Nanke
 Neighborhood(s): Faye Wright

ISSUE:

Should the City Council conduct second reading of Ordinance Bill No. 15-16 changing the Comprehensive Plan Map designation from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE?

RECOMMENDATION:

Conduct second reading of Ordinance Bill No. 15-16 changing the Comprehensive Plan Map designation from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 4318 Lone Oak Road SE.

SUMMARY AND BACKGROUND:

On June 30, 2016, the Planning Division received an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Parks, Open Space, and Outdoor Recreation" and to change the zoning from RS (Single Family Residential) to PA (Public Amusement). The consolidated application also included a Site Plan Review request for site improvements to the existing tennis and swim club located at 4318 Lone Oak Road SE (Attachment 1).

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Previously, it was policy of the Salem Planning Commission to make the determination for approval of a Comprehensive Plan Map change. However, in light of a recent decision by the Land Use Board of Appeals (LUBA) *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, in which LUBA concluded that a Comprehensive Plan Map Change must be adopted by a local government's governing body, the City of Salem has adjusted the policy to be consistent with State Law.

Therefore, the Planning Commission is forwarding its recommendation for approval of the proposed Comprehensive Plan Map Change to the City Council (Attachment 2). The Planning Commission has approved the proposed Zone Change and Site Plan Review, subject to the City Council's approval of the proposed Comprehensive Plan Map Change (Attachment 3). The City conducted first reading of this ordinance on September 26, 2016.

FACTS AND FINDINGS:

On June 30, 2016, Mark D. Shipman, Saalfeld Griggs PC, on behalf of applicants Salem Tennis and Swim Club and Ad Out LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Parks, Open Space, and Outdoor Recreation" and to change the zoning from RS (Single Family Residential) to PA (Public Amusement). The consolidated application also includes a Site Plan Review request for a change of use and site improvements to the existing facility.

On September 6, 2016 the Planning Commission held a public hearing on the consolidated application, deliberated and approved the requested Zone Change and Site Plan Review applications and moved to forward a favorable recommendation to the City Council on the Comprehensive Plan Map Change. The facts and findings supported the Comprehensive Plan Map Change can be found in Ordinance No. 15-16.

Aaron Panko
Planner III

Attachments:

1. 4318 Lone Oak Road SE Vicinity Map

2. Planning Commission Recommendation to City Council
3. Planning Commission Decision for Zone Change and Site Plan Review

09/12/2016