

## Staff Report

---

**File #:** 22-135**Version:** 1**Date:** 3/28/2022**Item #:** 4.d.

---

**TO:** Mayor and City Council  
**THROUGH:** Kristen Retherford, Interim City Manager  
**FROM:** Norman Wright, Community Development Director

**SUBJECT:**

SUPPLEMENTAL REPORT for 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

**SUMMARY:**

On February 3, 2022, the Planning Commission issued a decision approving a request to change the 24.66-acres subject property from RA (Residential Agriculture) to CR (Retail Commercial), subject to conditions of approval. (**Attachment 1**).

The South Gateway Neighborhood Association filed an appeal on February 7, 2022 (**Attachment 2**).

On March 21, 2022, a staff report was issued and can be found [here](https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near-kuebler-blvd-and-27th-ave.aspx)  
<<https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near-kuebler-blvd-and-27th-ave.aspx>> (File 22-76).

On March 21, 2022, the applicant provided a request to change the proposal to reduce the amount of commercially zoned property. The proposal includes 14.55 acres of Commercial designation with Commercial Retail (CR) zoning and 9.8 acres of Mixed-Use designation with Mixed-Use II (MU-II) zoning, as shown in **Attachment 3**.

**ISSUE:**

Shall the City Council affirm, amend, or reverse the Planning Commission's decision for Comprehensive Plan Map Designation and Zone change, Case No. CPC-ZC21-04?

## RECOMMENDATION:

City Council open the public hearing, take no testimony, and continue until **May 9, 2022**, to allow Staff and the public adequate time to review the new proposal submitted by the applicant for Case No. CPC-ZC21-04.

## FACTS AND FINDINGS:

### Procedural Findings

1. On August 25, 2021, an application was filed for a Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change by Mark Shipman of Saalfeld Griggs PC, on behalf of Boone Road Commercial LLC, to change the 24.66-acres subject property from RA (Residential Agriculture) to CR (Retail Commercial).
2. On June 10, 2021, the applicant's representative attended the South Gateway Neighborhood Association meeting, held virtually, to present their proposal, meeting the open house requirements of SRC 300.320.
3. The consolidated application was deemed complete for processing on September 23, 2021, and a public hearing to consider the application was scheduled for November 2, 2021. On September 24, 2021, notice was sent pursuant to ORS 197.610 and SRC 300.620(b)(1) to Oregon Department of Land Conservation and Development (DLCD). On October 13, 2021, notice of the consolidated application was provided to surrounding property owners, tenants and Neighborhood Associations, pursuant to Salem Revised Code (SRC) requirements.
4. On February 1, 2022, after conducting a public hearing on November 2, 2021, November 16, 2021, and December 21, 2021, the Planning Commission voted to approve the applications with conditions.
5. On January 25, 2022, the Planning Commission considered an Order with attached Facts and Findings prepared by staff. The applicant submitted an objection to the proposed Facts and Findings. The Commission voted to open the written record to review the applicant's objections to the written findings.
6. On February 1, 2022, the Planning Commission voted to approve the Order and Facts and Findings prepared by staff after reviewing all evidence submitted into the record.
7. On February 7, 2022, the South Gateway Neighborhood Association filed an appeal. A hearing was scheduled before the City Council on March 28, 2022.
5. On March 8, 2022, notice of the hearing was sent to the South Gateway Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code

requirements. Notice of the hearing was posted on the subject property on March 14, 2022.

6. Applicant submittals for case number CPC-ZC21-04, including the Transportation Planning Rule Analysis, all evidence and testimony submitted into the record can be found [here](https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near-) <https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near->
7. Planning Commission decision, Staff Reports, Supplemental Staff reports and all comments submitted for case number CPC-ZC21-04 submitted into the record can be found [here](https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near-) <https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-near->
8. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. Pursuant to ORS 227.178(10), the additional applications have been filed concurrently, are being considered jointly with the proposed comprehensive plan amendment and are not subject to the 120-day rule.

### Substantive Findings

The applicant originally proposed to change the Comprehensive Plan to a Commercial designation and Commercial Retail (CR) zoning for a commercial retail development consisting of office, hotel, retail and housing.

On March 15, 2022, applicant submitted a letter changing the proposed Comprehensive Plan Change and Zone Change to 14.55 acres of Commercial designation with Commercial Retail (CR) zoning and 9.8 acres of Mixed-Use designation with Mixed-Use II (MU-II) zoning, which is shown in **Attachment 3**. The applicant's submittal includes additional findings and updated Transportation Planning Rule analysis, which includes a Traffic Impact Analysis.

In order to allow Staff and the public adequate time to review the applicant's new submittal, staff has recommended that City Council open the public hearing, not take testimony and continue the public hearing until **May 9, 2022**.

Olivia Dias  
Current Planning Manager

### Attachments:

1. Vicinity Maps
2. South Gateway Neighborhood Association appeal
3. Applicant's New Proposal