

## Legislation Details (With Text)

<b>File #:</b>	16-367	<b>Version:</b>	2
<b>Type:</b>	Ordinance Second Reading	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	12/12/2016	<b>Final action:</b>	12/12/2016
<b>Title:</b>	Proposed Comprehensive Plan Map Change - “Residential” to “Commercial” for a 0.2-acre property located at 3211 Duncan Avenue NE.		
	Ward(s): Ward 5		
	Councilor(s): Dickey		
	Neighborhood(s): Northgate		

**Sponsors:**

## Indexes:

### Code sections:

**Attachments:** 1. Vicinity Map, 2. Planning Commission Recommendation, 3. Ordinance 25-16, 4. Ordinance 25-16 Exhibit 1, 5. Ordinance 25-16 Exhibit 2

Date	Ver.	Action By	Action	Result
12/12/2016	2	City Council	approved	Pass
12/5/2016	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 - "Residential" to "Commercial" for a 0.2-acre property located at 3211 Duncan Avenue NE.

Ward(s): Ward 5  
Councilor(s): Dickey  
Neighborhood(s): Northgate

**ISSUE:**

Should the City Council conduct second reading of Ordinance Bill No. 25-16 changing the Comprehensive Plan Map designation from "Residential" to "Commercial" for a 0.2-acre property located at 3211 Duncan Avenue NE?

**RECOMMENDATION:**

Conduct second reading of Ordinance Bill No. 25-16 changing the Comprehensive Plan Map designation from "Residential" to "Commercial" for a 0.2-acre property located at 3211 Duncan Avenue NE.

## **SUMMARY AND BACKGROUND:**

On July 18, 2016, the Planning Division received an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 0.2-acre property from "Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CR (Retail Commercial) (Attachment 1).

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Previously, the Salem Planning Commission made 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, subject to the City Council's approval of the proposed Comprehensive Plan Map Change (Attachment 3). The City conducted its first reading of this ordinance on December 5, 2016

## **FACTS AND FINDINGS:**

On July 18, 2016, Geoffrey James, on behalf of applicant Mitchell Erwin, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of a 0.2-acre property from "Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CR (Retail Commercial).

On November 15, 2016 the Planning Commission held a public hearing on the consolidated application, deliberated and approved the requested Zone Change application 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. 25-16.

Olivia Glantz  
Planner II

### **Attachments:**

1. Vicinity Map
2. Planning Commission Recommendation

12/06/2016