

Legislation Details (With Text)

File #: 17-430 **Version:** 1

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

On agenda: 8/28/2017 **Final action:** 8/28/2017

Title: Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Industrial" to "Industrial Commercial" for a 7.97-acre site partially bounded by Strong Road SE, Fairview Industrial Drive SE, and Reed Road SE.

Ward(s): Ward 3
Councilor(s): Nanke
Neighborhood(s): Morningside

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Vicinity Map, 2. Attachment 2 - Vicinity Comprehensive Plan Map, 3. Attachment 3 - Vicinity Zoning Map, 4. Attachment 4 - Ordinance 20-17, 5. Attachment 5 - Ordinance 20-17 Exhibit 1, 6. Attachment 6 - Ordinance 20-17 Exhibit 2

Date	Ver.	Action By	Action	Result
8/28/2017	1	City Council	approved	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Lisa Anderson-Ogilvie, AICP, Interim Community Development Director

SUBJECT:

Proposed Comprehensive Plan Map Change and Neighborhood Plan Change - "Industrial" to "Industrial Commercial" for a 7.97-acre site partially bounded by Strong Road SE, Fairview Industrial Drive SE, and Reed Road SE.

Ward(s): Ward 3
Councilor(s): Nanke
Neighborhood(s): Morningside

ISSUE:

Should the City Council conduct second reading of Ordinance Bill No. 20-17 changing the Comprehensive Plan Map designation and Neighborhood Plan Map designation from "Industrial" to "Industrial Commercial" for a 7.97-acre site partially bounded by Strong Road SE, Fairview Industrial Drive SE, and Reed Road SE?

RECOMMENDATION:

Conduct second reading of Ordinance Bill No. 20-17 changing the Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" for a 7.97-acre site partially bounded by Strong Road SE, Fairview Industrial Drive SE, and Reed Road SE.

SUMMARY AND BACKGROUND:

On May 26, 2017, the Planning Division received an application for a Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change to change the Comprehensive Plan Map designation of an approximately 7.97-acre site partially bounded by Strong Road SE, Fairview Industrial Drive SE, and Reed Road SE from "Industrial" to "Industrial Commercial," to change the Neighborhood Plan map from "Industrial" to "Industrial Commercial" and to change the zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial) (Attachment 1).

The Planning Commission recommends approval of the proposed Comprehensive Plan Map Change (Attachment 2). The Planning Commission has approved the proposed Zone Change subject to conditions of approval and the City Council's approval of the proposed Comprehensive Plan Map Change. The City Council conducted its first reading of this ordinance on August 14, 2017.

FACTS AND FINDINGS:

On May 26, 2017, Jeff Tross of Tross Consulting, on behalf of applicants Five07 Investors, LLC, Swamp Cat Investments LLC, and Shangri-La Corporation (Michael Rohwer, Nate Perrizo, Dean Andretta, Chad Casady, Holly Tindall, Jeff Raines, Karen Rutledge, Ross Stout and Nicole Titus, principals), filed an application for a Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change to change the Comprehensive Plan Map and Neighborhood Plan Map designation of an approximately 7.97-acre site from "Industrial" to "Industrial Commercial" and to change the zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial). The consolidated application was deemed complete for processing on June 12, 2017.

On July 18, 2017, the Planning Commission held a public hearing on the consolidated application, deliberated, approved the requested Zone Change, and moved to forward a favorable recommendation to the City Council on the Comprehensive Plan Map Change and Neighborhood Plan Change. The facts and findings supporting the Comprehensive Plan Map Change and Neighborhood Plan Change can be found in Ordinance No. 20-17.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by City Council. Previously, the Salem Planning Commission made the determination for approval of a Comprehensive Plan Map change. The Land Use Board of Appeals (LUBA) in *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, concluded that a Comprehensive Plan Map Change must be adopted by a local government's governing body. House Bill 3425, which permits cities to authorize the planning commission or hearings officer to conduct hearings and make final decisions on applications for amendments to the city comprehensive plan map, as Salem had done prior to LUBA's decision in the *Happy Valley* case, will become effective on January 1, 2018. Until that time,

the City of Salem will continue to adopt Comprehensive Plan Map changes by City Council ordinance.

Christopher Green, AICP
Planner II

Attachments:

1. 2425 Strong Road SE et al Vicinity Map
2. Planning Commission Recommendation to City Council
3. July 24, 2017 Planning Commission Decision regarding Zone Change
4. Ordinance Bill 20-17 with Exhibits

08/18/2017