

HEARINGS OFFICER

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
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ISSUE: Zone Change Case No. 09-3 - AMENDED

DATE OF DECISION: October 28, 2009

APPLICANT: Jeff Tross, for Pacific Realty Associates, LP (PacTrust)

PURPOSE OF REQUEST: To change the zoning district from CO (Commercial Office) and RA (Residential Agriculture) to CR (Commercial Retail) and CO (Commercial Office) for property approximately 9.96 acres in size and located on the east side of Battle Creek Road SE between Kuebler Boulevard SE and Boone Road SE (Marion County Assessor's map and tax lot number 083W11D 00600 and 083W12C 00702).

ACTION:

The Hearings Officer GRANTS the request to change the zoning district from CO (Commercial Office) and RA (Residential Agriculture) to CR (Commercial Retail) and CO (Commercial Office) for property approximately 9.96 acres in size and located on the east side of Battle Creek Road SE between Kuebler Boulevard SE and Boone Road SE (Marion County Assessor's map and tax lot number 083W11D 00600 and 083W12C 00702) subject to the following conditions of approval:

- Condition 1:** Prior to development obtain a new UGA permit for the subject property.
- Condition 2:** Construct the mitigating street improvements specified in the final approval of Comprehensive Plan Change/Zone Change 06-6.
- Condition 3:** At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned CR (Commercial Retail) and CO (Commercial Office), respectively.

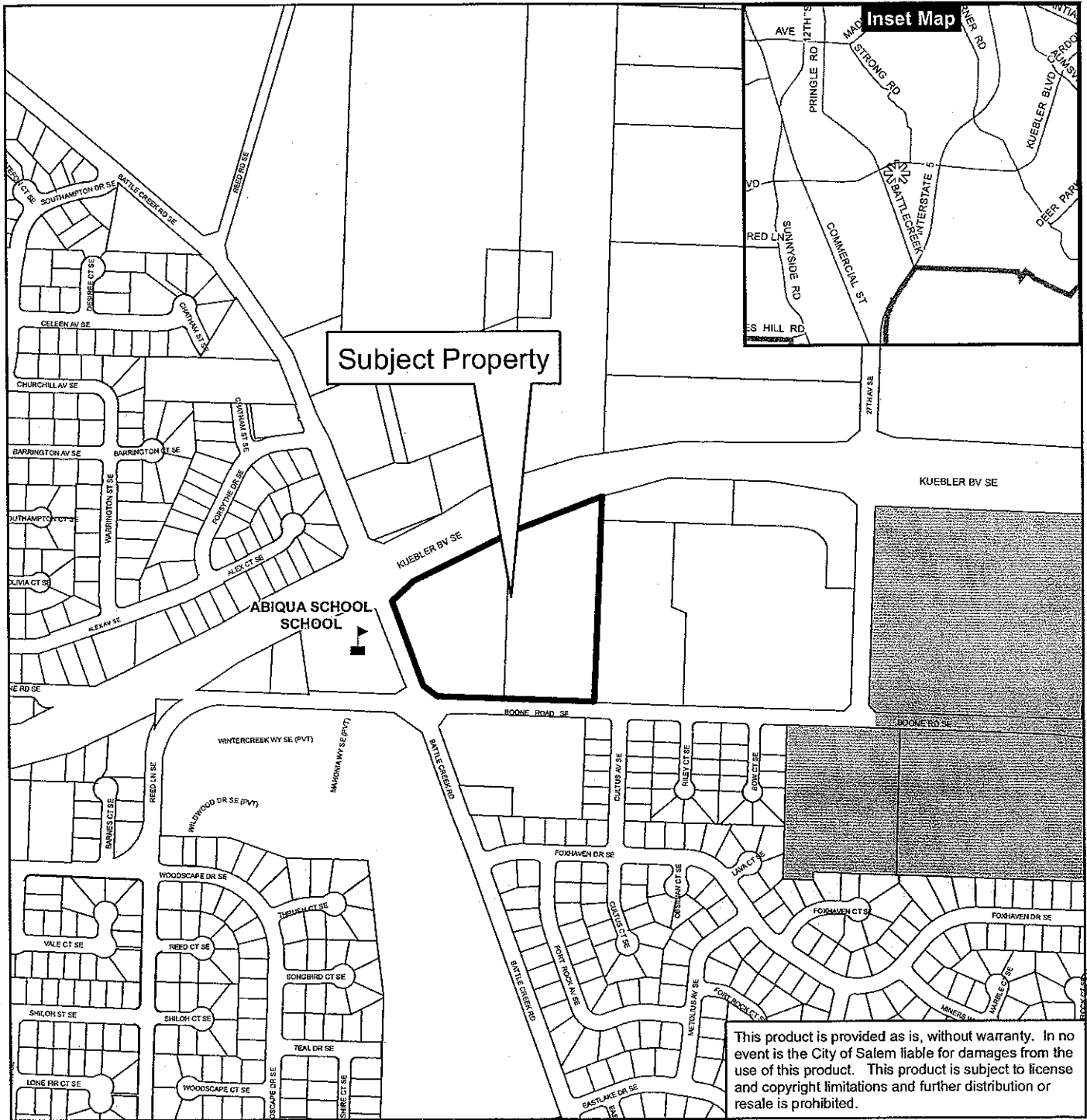
Application Completion Date: August 19, 2009
 Decision Mailing Date: October 28, 2009
 State Mandated Decision Date: December 17, 2009

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than November 12, 2009. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 115. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Planning Commission will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

Case Planner: Lisa Anderson-Ogilvie, Associate Planner; Email: Imanderson@cityofsalem.net

Vicinity Map

East side of Battle Creek Road SE between Kuebler Blvd SE and Boone Road SE



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Legend

- Outside Salem City Limits
- Historic District
- Urban Growth Boundary
- Schools
- Taxlots
- Parks



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

SUMMARY OF ACTION

1. **Case:** Zone Change 09-3
2. **Summary of Issue(s):** To change the zoning district from CO (Commercial Office) and RA (Residential Agriculture) to CR (Commercial Retail) and CO (Commercial Office) for property approximately 9.96 acres in size and located on the east side of Battle Creek Road SE between Kuebler Boulevard SE and Boone Road SE (Marion County Assessor's map and tax lot number 083W11D 00600 and 083W12C 00702).
3. **Staff Recommendation:** Staff recommended that the Hearings Officer GRANT the requested zone change.
4. **Neighborhood Association:** South Gateway Neighborhood Association
Testimony: The Neighborhood Association provided a letter in support of the proposal.
5. **Interested Parties:**
Testimony: The applicant's representative, attorney and traffic engineer spoke in favor of the application. Two parties testified in opposition to the proposal stating traffic concerns and requesting a new TIA for the subject property. They also testified that conditions from a previous zone change on the property had not been fulfilled and needed to be addressed.
6. **Decision:** The Hearings Officer APPROVED the zone change as conditioned.
7. **Basis of Decision:** Based on the Facts and Findings provided by staff and the applicant, and the information provided at the public hearing, the Hearings Officer granted the Zone Change. The Hearings Officer found that the existing TIA that was completed in 2006 included the subject property and anticipated the proposed zone change. The Hearings Officer further found that the previous zone change conditions no longer apply as the SRC clearly states that removing conditions of approval is done through a new zone change application. The Hearings Officer also found that the proposal was consistent with the SACP goals and policies. The development of this property with the adjacent property was anticipated in the 2006 CPC/NPC/ZC approval for the adjacent property. The development on the subject property will be required to comply with the conditions of approval for CPC/NPC/ZC 06-06 relating to street improvements. The properties will be developed together as one development as anticipated in 2006. The decision was amended due to a scrivener's error that stated that the decision would expire in one year. A zone change decision does not expire.

Note: This summary statement is for information only and is not a part of the official record or finding of the case.

Case Planner: Lisa Anderson-Ogilvie, Imanderson@cityofsalem.net