



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

*Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*

<b>CASE NUMBER:</b>	Comprehensive Plan Map Change / Neighborhood Plan Change / Zone Change Case No. CPC-NPC-ZC19-04
<b>AMANDA APPLICATION NO:</b>	19-107199-ZO & 19-107329-ZO
<b>HEARING INFORMATION:</b>	Salem Planning Commission, Tuesday, May 21, 2019, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301
<b>PROPERTY LOCATION:</b>	865 Hawthorne Avenue SE, Salem, OR 97301
<b>OWNER / APPLICANT (S):</b>	PJS Land Development, LLC (Steven Freeburg)
<b>REPRESENTATIVE(S):</b>	Jeffrey Tross for Tross Consulting Inc.
<b>DESCRIPTION OF REQUEST:</b>	An application to change the Comprehensive Plan Map designation from "Industrial" to "Commercial", the Neighborhood Plan Designation from "Industrial" to "Commercial" to change the zoning from IP (Industrial Park) to CR (Retail Commercial) for property approximately 7.19 acres in size, zoned IP (Industrial Park), and located at 865 Hawthorne Avenue SE / 97301 (073W36A01100).
<b>CRITERIA TO BE CONSIDERED:</b>	<p><b><u>COMPREHENSIVE PLAN CHANGE</u></b></p> <p>Pursuant to SRC 64.025(e) (2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none"><li>(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.</li><li>(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.</li><li>(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ul style="list-style-type: none"><li>(aa) Whether there was a mistake in the application of a land use designation to the property;</li><li>(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;</li><li>(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation;</li></ul>and</li></ul>

(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
- (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
- (E) The amendment is in the public interest and would be of general benefit.

### **ZONE CHANGE**

Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:

1. A quasi-judicial zone change shall be granted if the following criteria are met:
  - A. The zone change is justified based on the existence of one or more of the following:
    - (1) A mistake in the application of a land use designation to the property.
    - (2) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.
    - (3) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
  - B. If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.
  - C. The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.
  - D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
  - E. If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.
  - F. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
  - G. The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

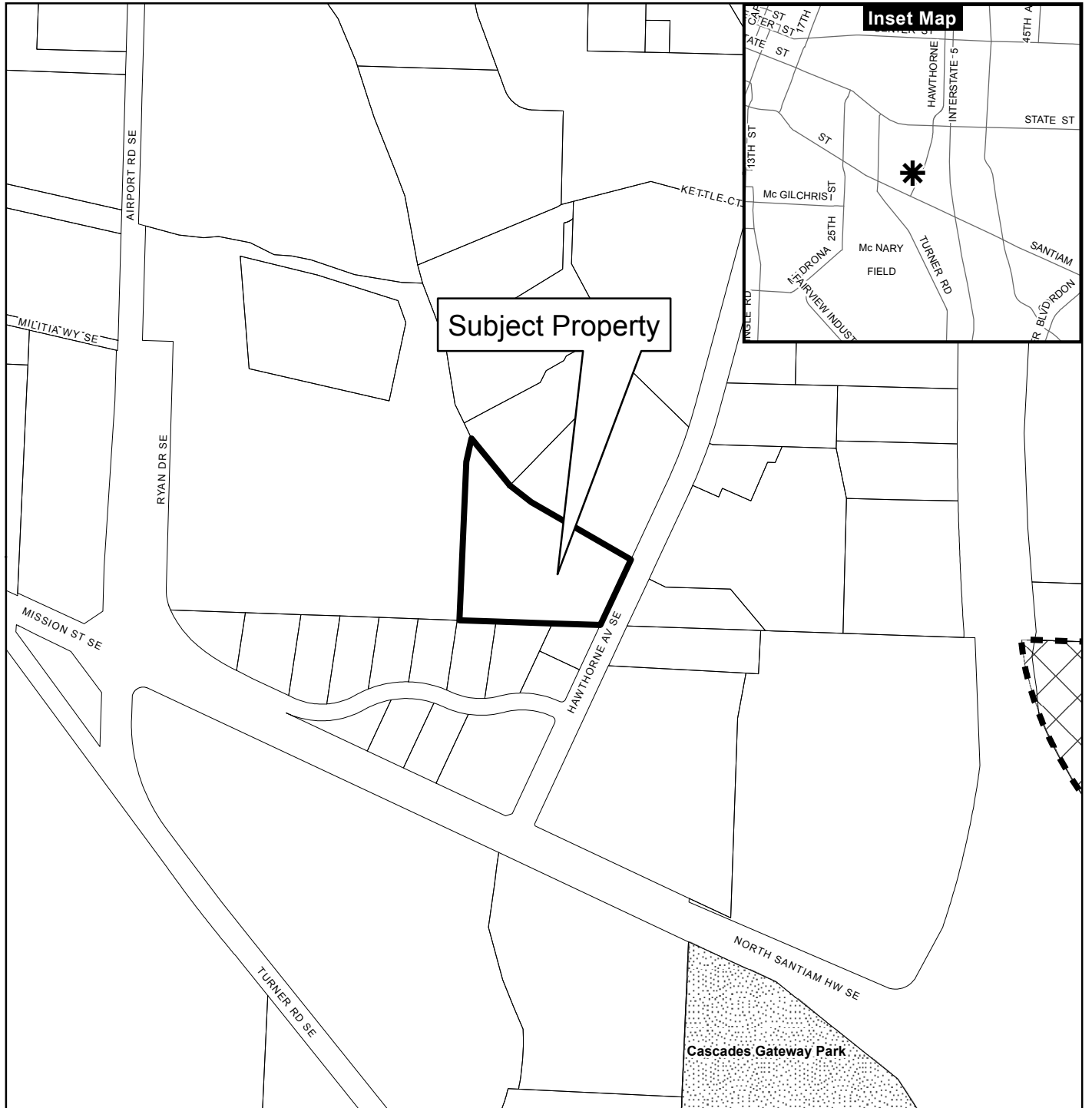
<b>HOW TO PROVIDE TESTIMONY:</b>	Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.
<b>HEARING PROCEDURE:</b>	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.</p> <p>Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.</p>
<b>CASE MANAGER:</b>	<b>Olivia Glantz, Planner III</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2343; E-mail: <a href="mailto:OGlantz@cityofsalem.net">OGlantz@cityofsalem.net</a> .
<b>NEIGHBORHOOD ORGANIZATION:</b>	Southeast Salem Neighborhood Association (SESNA), Darrin Brightman, Land Use Co-Chair; Phone: (503) 586-3964; Email: <a href="mailto:landuse.sesna@gmail.com">landuse.sesna@gmail.com</a> ; Jeff Leach, Land Use Co-Chair; Phone: (503) 508-5499; Email: <a href="mailto:landuse.sesna@gmail.com">landuse.sesna@gmail.com</a> .
<b>DOCUMENTATION AND STAFF REPORT:</b>	Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:  <a href="https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx">https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx</a>
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>NOTICE MAILING DATE:</b>	May 1, 2019

**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.**  
**For more information about Planning in Salem:**  
<http://www.cityofsalem.net/planning>

*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.*

TTD/TTY telephone 503-588-6439 is also available 24/7

# Vicinity Map 865 HAWTHORNE AVE SE



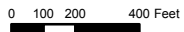
Subject Property

**Inset Map**

**Legend**

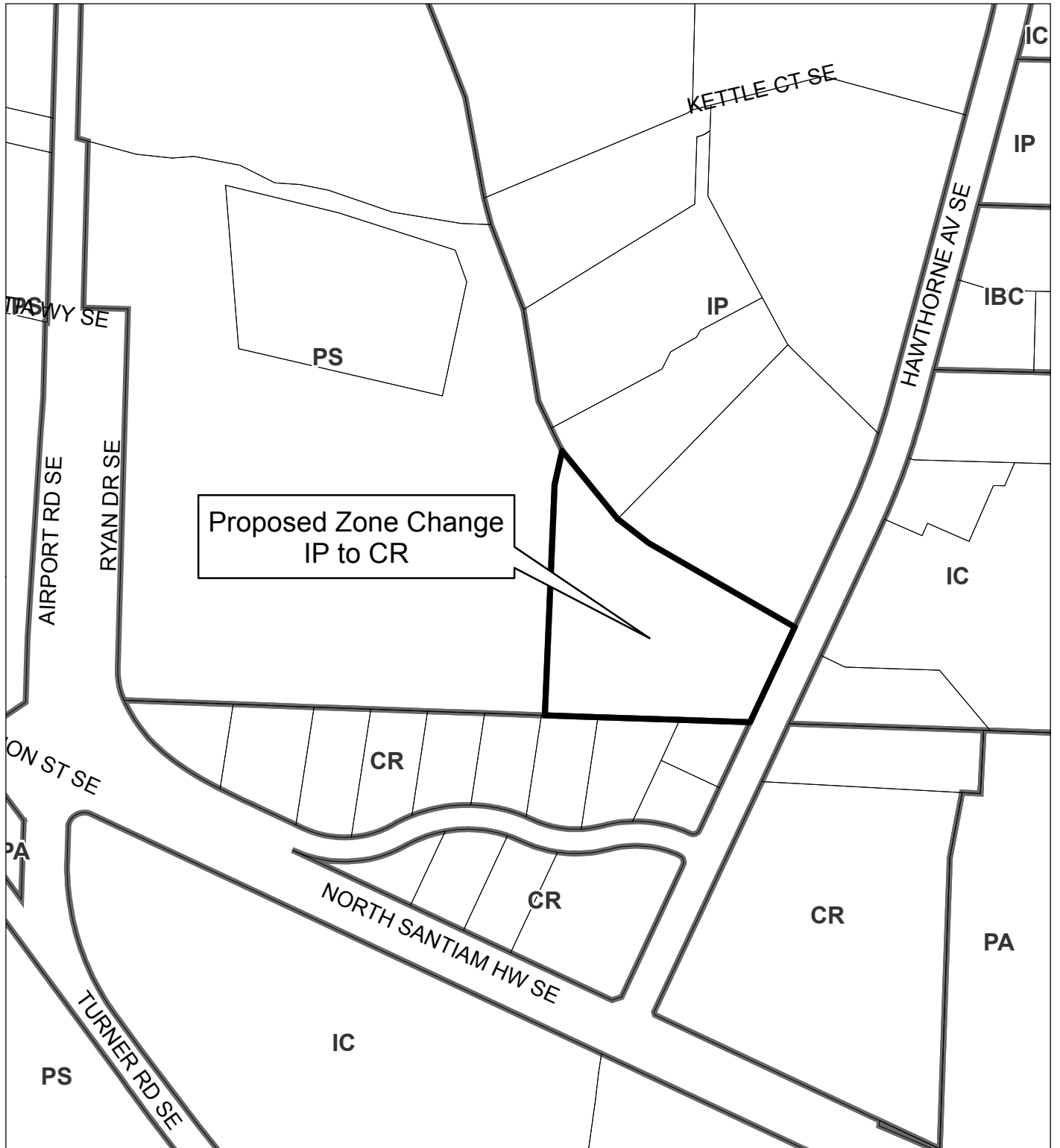
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

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# Vicinity Zoning - 865 Hawthorne Avenue SE



## Legend

- |                           |         |
|---------------------------|---------|
| <b>RS</b> Base Zoning     | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

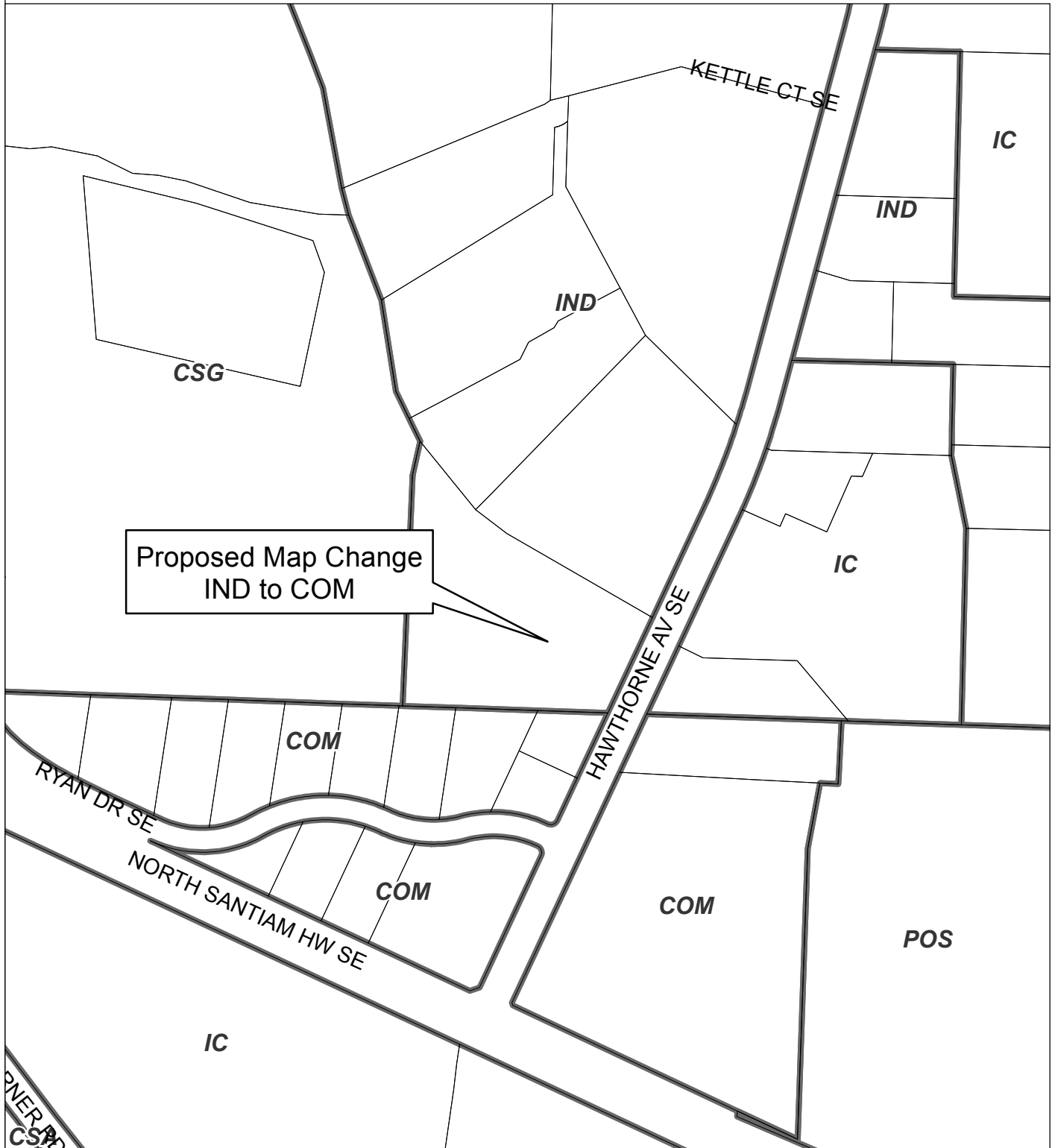
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0 50 100 200 Feet









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# Comprehensive Plan Map - 865 Hawthorne Ave SE



## Legend

-  Comprehensive Plan
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

0 50 100 200 Feet



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