



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



March 1, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 022-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 15, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Rob Hallyburton, DLCD Community Services Division Manager
Steve Oulman, DLCD Transportation Planner
Bryce Bishop, City of Salem

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NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

Jurisdiction City of Salem

Local File Number CA 05-9

(if no number, use none)

Date of Adoption February 13, 2006

Date Mailed February 17, 2006

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD November 4, 2005

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other: _____

(Please specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Amended the Salem Zoning Code to establish requirements for public school siting under the Fairview Mixed Use zone (SRC Chapter 143C).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice of the proposed amendment, write "N/A."

Same

Plan Map Change From NA to NA

Zone Map Change From NA to NA

Location: NA Acres Involved: NA

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____ Was an Exception adopted? Yes No

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes No

If no, do the Statewide Planning Goals apply. Yes No

If no, did the Emergency Circumstances Required immediate adoption. Yes No

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Bryce Bishop, Associate Planner Area Code + Phone Number: (503) 588-6173, ext. 7599

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip Code+4: 97301-3503 Email Address: bbishop@cityofsalem.net

DLCD File No: 022-05 (14787)

1 **A BILL FOR ORDINANCE NO. 8-06**

2 AN ORDINANCE relating to the FAIRVIEW MIXED-USE ZONE; and creating new
3 provisions.

4 **THE CITY OF SALEM ORDAINS AS FOLLOWS:**

5 **Section 1.** SRC 143C.105 is added to and made a part of the Salem Revised Code, Title X, Chapter
6 143C, Fairview Mixed-Use Zone, as:

7 **143C.105. PUBLIC SCHOOL SITING.** The siting and development of any public school within
8 the FMU zone, shall be determined pursuant to the following criteria:

9 (a) It is the goal of this section to insure that the coordination, of planning, siting, and
10 development of schools is consistent with the plans of the Salem Keizer School District, the
11 needs of the residents in the community, and the Salem Area Comprehensive Plan.

12 (b) Planning for school location and siting should be done in close coordination with the
13 Salem Keizer School District's ongoing comprehensive planning, taking into consideration the
14 following factors:

- 15 (1) The neighborhoods the schools are to serve; and
- 16 (2) Any site limitations; and
- 17 (3) The impact upon the transportation system; and
- 18 (4) Pedestrian access, and
- 19 (5) Projected residential growth patterns in and near the FMU zone; and
- 20 (6) Schools should be located to avoid serious distractions to study or classroom
21 activity; and
- 22 (7) Acquisition of school sites should be coordinated with the city to further the joint
23 acquisition and development of park and school sites and to permit the joint use of
24 school and park facilities; and
- 25 (8) Each school should be located to provide the best possible access to the student
26 population served; and
- 27 (9) Elementary schools should be located:
 - 28 (i) In the center of existing or future residential neighborhoods in the school's

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potential attendance area within safe and reasonable walking distance of as many students as possible; and

(ii) Should be located in such a way that their attendance areas will be bounded, rather than intersected, by barriers presenting obstacles or dangers to children walking to and from school. Such barriers include major streets and highways, railroads, waterways and heavy industrial areas; and

(iii) Should, whenever possible, be on residential streets which provide sufficient access for buses and other necessary traffic but have a minimum of non-school related vehicle activity.

(10) Secondary schools should be located:

(i) Should have adequate, safe and direct access from the community's principal street network; and

(ii) Should be in locations which are geographically central to the population served; and

(iii) Should be designed, sited and constructed to encourage the use of walkways, bikeways and public transit.

(c) Elementary and Secondary Schools shall be allowed in all overlay zones.

(d) Future public school siting is taken into account in all Refinement Plans so that an appropriate site for a public school will be available to serve the future school attendance area when needed. In no event shall any standards or processes stipulated in a Refinement Plan modify, change or otherwise affect the standards and criteria for the siting of a public school (8211) contained in this Chapter. In addition to the criteria set forth in subsection (a) of this section, potential public school site or sites shall consider the impact and affect on the existing public secondary school sites directly adjacent to the FMU zone, to ensure that future development within the FMU zone takes into account the existing adjacent public secondary school site which will serve the school attendance area of which the FMU zone is a part.

(e) Notwithstanding SRC 143C.120, a public school located in the MI area may have a building footprint greater than 6000 square feet.

1 (f) The school district shall be notified in advance of any Refinement Plan, or amendment
2 thereto that may be filed, and be given an opportunity to comment thereon, and if such comment
3 is made, shall have standing to appeal the Refinement Plan.

4 **Section 2. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any
5 part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance
6 shall remain in full force and effect.

7 PASSED by the Council this 13th day of February, 2006 .

8 ATTEST:

9 *Kathleen Hall*
10 City Recorder

11 Approved by City Attorney: *[Signature]*

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14 Checked By: B. Bishop

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CERTIFICATION OF MAILING

STATE OF OREGON)

CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 17th day of February, 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 05-9 - Amending SRC Chapter 143C to establish requirements for public school siting under FMU (Fairview Mixed Use) zone.

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 17th day of February 2006



Judy Copeland, Staff Assistant