



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/17/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 013-09

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: Wednesday, March 03, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lisa Anderson-Ogilvie, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Thomas Hogue, DLCD Regional Representative
Angela Lazarean, DLCD Regional Representative

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	FEB 10 2010
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Salem**Local file number: **CPC/ZC 09-8**Date of Adoption: **2/2/2010**Date Mailed: **2/8/2010**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/10/2010☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

To change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Industrial-Commercial" and the zone district from RA (Residential Agriculture) to IC (Industrial Commercial) for property approximately 21.22 acres in size and located at 3425 and 3505 Litchfield Place SE and 4686 32nd Avenue SE (Marion County Assessor's map 083W12D, tax lots 2100 and 2300 and map 082W07C and tax lot 2000).

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Developing Residential** to: **Industrial-Commercial**Zone Map Changed from: **RA (Residential Agriculture)** to: **IC (Industrial Commercial)**

Location:

Acres Involved: **21.22**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ NoDLCD file No. 013-09 (17762) [15983]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

Local Contact: Lisa Anderson-Ogilvie

Phone: (503) 588-6173 Extension: 7581

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005 *LA*

City: Salem

Zip: 97301

E-mail Address: lmanderson@cityofsalem.net

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

PLANNING COMMISSION



RESOLUTION NO.: PC 10-2

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE NO. 09-8

WHEREAS, a petition for a Comprehensive Plan map change from "Developing Residential" to "Industrial-Commercial" and zone change from RA (Residential Agriculture) to IC (Industrial Commercial) for property located at 3425 and 3505 Litchfield Place SE and 4686 32nd Avenue SE, was filed by Multi/Tech Engineering for Jeff Megy, Applicant with the Planning Commission of the City of Salem; and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on December 1, 2009, January 5, 2010, and February 2, 2010 at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff reports on this matter dated December 1, 2009, January 5, 2010 and February 2, 2010 herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Developing Residential" to "Commercial" be GRANTED.
- B. That the zone change request for the subject property from RA (Residential Agriculture) to IC (Industrial Commercial) be GRANTED subject to the following conditions of approval:

- Condition 1:** Construct a separate southbound right-turn lane on 36th Avenue SE at the intersection of Kuebler Boulevard SE. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 300. The right-turn lane improvement must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 300 PM Peak Hour Trips.
- Condition 2:** Construct a second eastbound left-turn lane (for eastbound to northbound traffic), for a dual left-turn lane, on Kuebler Boulevard SE at the intersection with 36th Avenue SE. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 500. The dual left-turn lane improvements must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 500 PM Peak Hour Trips.
- Condition 3:** Construct an additional northbound through-lane on the arterial street between Kuebler Boulevard SE and the development entrance near the Interstate 5 overcrossing. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 500. The additional northbound, through-lane improvement must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 500 PM Peak Hour Trips.
- Condition 4:** Construct a second northbound left-turn lane (for northbound to westbound traffic) for a dual left-turn lane, on Turner Road SE at the intersection with Kuebler Boulevard SE. The

public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 500. The dual left-turn lane improvements must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 500 PM Peak Hour Trips.

- Condition 5:** Construct a second southbound right-turn lane on 36th Avenue SE at the intersection of Kuebler Boulevard SE to provide dual right-turn lanes. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 700. The additional right-turn lane improvement must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 700 PM Peak Hour Trips.
- Condition 6:** Construct an additional southbound through-lane on the arterial street between Kuebler Boulevard SE and the development entrance near the Interstate 5 overcrossing. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 700. The additional southbound through lane improvement must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 700 PM Peak Hour Trips.
- Condition 7:** Construct an additional through-lane on Kuebler Boulevard SE between 36th Avenue SE and the northbound Interstate 5 ramp. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 700. The additional westbound, through-lane improvement must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 700 PM Peak Hour Trips.
- Condition 8:** Construct a second westbound left-turn lane (for westbound to southbound traffic), for a dual left turn lane, on Kuebler Boulevard SE at the intersection with 27th Avenue SE and necessary receiving lane. The public construction plans must be approved and secured prior to the issuance of a building permit that will cause the total number of PM Peak Hour Trips to exceed 700. The dual left turn lane improvements must be completed and accepted by the City prior to issuance of final occupancy of the building that would cause more than 700 PM Peak Hour Trips.

ADOPTED by the Planning Commission this 2nd day of February, 2010.



President, Planning Commission

Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Section 114.200 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision. Salem Revised Code 114.210 states that whether or not an appeal is filed, the Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 114.200.

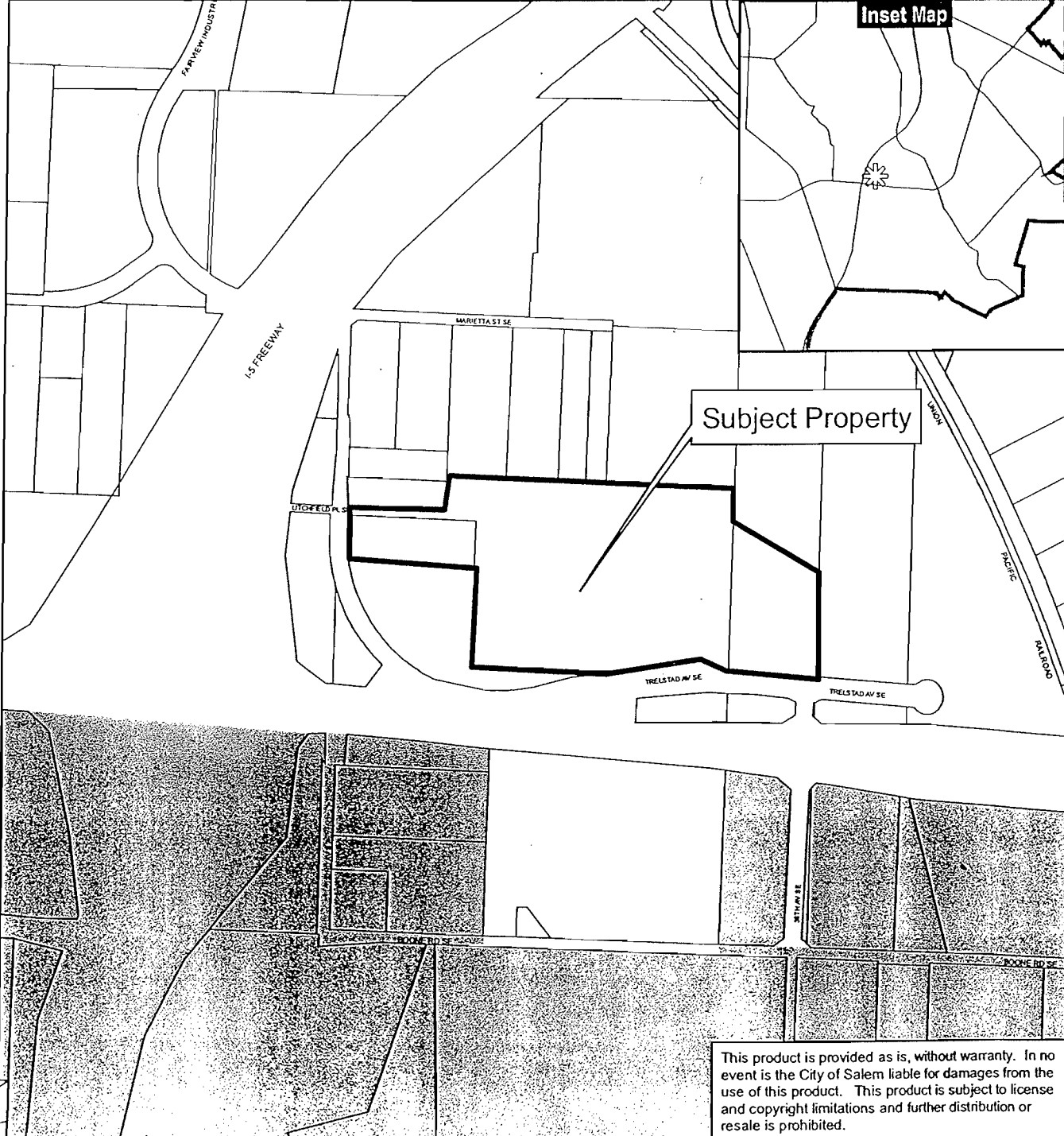
APPEAL PERIOD ENDS: February 17, 2010

Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

Planning Commission Vote:

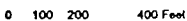
5 Yes 0 No 1 Absent (Gallagher)

3425, 3505 Litchfield Pl SE and 4686 32nd Av SE



Legend

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



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dep

CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

STP

DEPT OF
FEB 10 2010
LAND CONSERVATION
AND DEVELOPMENT

Dept. of Land Conservation & Dev.
ATTN: Plan Amendment Specialist
635 Capitol St NE, Suite 150
Salem OR 97301-2540