



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

01/03/2011

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 013-10

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: Tuesday, January 18, 2011

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: Amy Dixon, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner
Thomas Hogue, DLCD Regional Representative

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FORM

2

DLCD

Notice of Adoption

In person electronic mailed

DEPT OF

DEC 27 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Salem**

Local file number: **CA 10-06**

Date of Adoption: **12/13/2010**

Date Mailed: **12/22/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/22/2010

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".

Amendment to Salem Revised Code Chapter 143G, McNary Field Overlay Zone, to allow Transportation by Air (45) uses within the Industrial Park (IP) zone. Transportation by Air (45) includes uses such as air transportation, aircraft storage, servicing and hangar operations. These uses are consistent and appropriate for the IP zone at McNary Field and with the Airport Compatibility goal of the Salem Area Comprehensive Plan.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

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
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 No

DLCD file No. _____

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

Local Contact: Amy Dixon, Planner II ASD

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Fax Number: 503-588-6005

City: Salem

Zip: 97301-

E-mail Address: adixon@cityofsalem.net

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- (4D) Automotive Rental and Leasing, Without Drivers (751)
- (5E) Legal services (81)
- (6F) Membership organizations (86)
- (7G) Engineering, Accounting, Research, Management, and Related Services (87)

(b) The following uses when developed under the general development standards in this zoning code, generally, are permitted in the IP (Industrial Park) zone of the McNary Field Overlay Zone.

- (1) Transportation, communications, electric, gas, and sanitary services
 - (A) Transportation by Air (45)

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

PASSED by the City Council this 13th day of December, 2010.

ATTEST:

Kathy Hill
City Recorder

Approved by City Attorney: *[Signature]*

Checked by: A. Dixon

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FUTURE REPORT: November 29, 2010
FOR COUNCIL MEETING OF: December 6, 2010
AGENDA ITEM NO.: 9.1 (a)

TO: **MAYOR AND CITY COUNCIL**

Linda Norris
THROUGH: **LINDA NORRIS, CITY MANAGER**

FROM: **VICKIE HARDIN WOODS, DIRECTOR** *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: **PROPOSED AMENDMENTS TO SALEM REVISED CODE (SRC)
CHAPTER 143G (MCNARY FIELD OVERLAY) TO ALLOW
ADDITIONAL USES IN THE IP (INDUSTRIAL PARK) ZONE (CA 10-06)**

ISSUE

Should the City Council enact Ordinance Bill No. 35-10 amending Salem Revised Code (SRC) Chapter 143G (McNary Field Overlay) to allow additional uses in the IP (Industrial Park) Zone?

RECOMMENDATION

Staff recommends that the City Council advance Ordinance Bill No. 35-10 to second reading for enactment amending SRC Chapter 143G to allow additional uses in the IP (Industrial Park) Zone.

BACKGROUND

The current air related uses in the IP zone of the McNary Overlay district are very limited and allowed only by a Conditional Use permit. The purpose of this amendment is to allow additional air uses that are compatible with operations at the Salem Municipal Airport. The Airport Administrator indicated that he had received inquiries from businesses that are currently not permitted in the IP zone that desire to locate at the airport. These businesses would be of the type associated with an airport such as; aircraft storage, aircraft servicing and hanger operations. Planning staff met with the Airport Administrator to discuss possible permitted uses in the IP zone.

The majority of the property at the Salem Airport is zoned Public Service where the proposed uses are already allowed. These uses are not currently allowed in two smaller areas at the Airport that are zoned IP.

FACTS AND FINDINGS

Procedural Findings

1. The process for amending the zoning code text is outlined in Salem Revised Code (SRC) 300.1110.
2. On September 21, 2010, the Planning Commission initiated a code amendment to SRC Chapter 143G by Resolution 10-06 and directed staff to schedule a public hearing. The Planning Administrator subsequently set a public hearing for November 16, 2010, and caused notice of the hearing to be mailed and published in the newspaper as required by the Salem Revised Code. Public notice of the hearing was mailed to every neighborhood association and to the Boards of Commissioners of Marion and Polk Counties on October 25, 2010. Notice was also published in the newspaper on November 4 and 11, 2010.
3. ORS 197.610 and OAR 660-018-0020 requires that the Department of Land Conservation and Development receive notification of any proposed amendment to a local land use regulation at least 45 days prior to the first public hearing. Such notice was delivered on September 22, 2010.

Public Outreach

4. Staff attended SESNA, SEMCA and Morningside Neighborhood Association meetings to discuss effects of the proposed amendments on the area to gather input on the proposed amendments.

Proposed Code Amendments

5. The proposed amendments would allow uses that would be associated with a municipal airport in the IP zoned portions of the Salem Airport property. The proposed uses (Standard Industrial Classification No. 45) includes:
 - Courier service, air
 - Aircraft cleaning and janitorial services
 - Aircraft servicing and repairing
 - Aircraft storage at airports
 - Hangar operation
 - Hangar rental
6. The operation of the Salem Airport would be enhanced by allowing the proposed uses in the IP portions of the Airport property.
7. Properties effected by this amendment are for all property zoned IP within the McNary Overlay Zone.

Consistency with the Salem Area Comprehensive Plan

8. The Transportation Goal of the Salem Area Comprehensive Plan (SACP) contains three policies related to development at the airport:

- Airport Compatibility
25. Land Uses around McNary Airport shall be required to provide an environment compatible with the airport and its operation and which will not be adversely affected by noise and safety problems. Appropriate development regulations shall be adopted as the City of Salem identifies suitable technical and procedural measures.
26. Because of the potential hazards to airborne aircraft, land uses beneath designated approach surfaces within 10,000 feet of the end of McNary Field runways shall not create water impoundments accessible by waterfowl.
27. Commercial uses and other uses that result in concentrations of people shall be prohibited within the clear zones of the runways at McNary Field, to avoid danger to the public safety by potential aircraft accidents.

The proposed amendment is consistent with the Transportation Goal of the Salem Area Comprehensive Plan relating to development at the airport.

ALTERNATIVES:

The City Council may:

1. Advance Ordinance Bill No. 35-10 to second reading for enactment.
2. Set a public hearing on the proposed amendments.
3. Take no action.



Glenn W. Gross, Urban Planning Administrator

Prepared by Amy J. Dixon, Planner II 

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State

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PLANNING DIVISION
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SALEM, OR 97301-3503

Dept. of Land Conservation & Dev.
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