



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/04/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 008-08

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: Monday, May 18, 2009

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 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kimberly Moreland, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA/

NOTICE OF ADOPTION

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

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LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Salem, Oregon

Local File Number: CPC/ZC08-5

Date of Adoption: February 2, 2009 (Ordinance Bill #10-

Date Mailed: March 13, 2009

09) Effective Date of Annexation was March 10, 2009

Date the Notice of Proposed Amendment was Mailed to DLCD: January 3, 2008

Is this a **REVISED** Proposal previously submitted to DLCD: YES X NO Date Submitted:

 Comprehensive Plan Text Amendment

 X Comprehensive Plan Map Amendment

 Land Use Regulation Amendment

 X Zoning Map Amendment

 New Land Use Regulation

 Other:

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

The adopted comprehensive plan and zone change amendments were considered concurrently with a petitioner-initiated annexation. The amendments included changing the Salem Area Comprehensive Plan designation from "Developing Residential" to "Multi-Family Residential", change the Sunnyslope Neighborhood Plan designation from "Single-Family" to "Multifamily", and change zoning from Marion County "UT-10 (Urban Transitional)" to City of Salem "RM1 (Multiple-Family Residential)".

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 changed from: Developing Residential

To: Multi-Family Residential

Zone Map Changed from: Marion County UT-10(Urban Transitional)

To: City of Salem RM1 (Multiple Family Residential)

Location: 1976 Davis Road South

Acres Involved: 3.75 Acres

Specify Density: Previous: 1 unit per 10 acres

New: 12 units/acres

Applicable Statewide Planning Goals: 10, 11, 12, and 14

Was an Exception Proposed: YES X NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment

Forty-five (45) days prior to first evidentiary hearing?

 X Yes No

If no, do the statewide planning goals apply?

 Yes No

If no, did Emergency Circumstances require immediate adoption?

 Yes No

Affected State of Federal Agencies, Local Governments or Special Districts: City of Salem, Marion County, and Salem Suburban Rural Fire Protection District

DLCD FILE No. 008-08(16653) [15490]

Local Contact: Kimberly Moreland, Senior Planner

Phone: (503) 588-6173 Extension: 7511

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: Kmoreland@cityofsalem.net

DLCD File No: **See First Page**

ORDINANCE BILL NO. 10-09

AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED
AT 1976 DAVIS ROAD S, ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING
AND WITHDRAWING THE TERRITORY FROM SALEM SUBURBAN RURAL FIRE
PROTECTION DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

(a) **Petition.** The owner of certain real property located at 1976 DAVIS ROAD S (the Territory) submitted a petition for the annexation of the Territory into the City of Salem (the City), as more particularly described in Exhibit 1, which is attached hereto and incorporated herein by reference.

(b) **Hearing and Decision.** The Council held a duly advertised public hearing on June 2, 2008 and received evidence and testimony regarding: referral to a vote of the people (as required by Salem City Charter Section 61) of the proposed annexation of the Territory, including whether the public interest would be served; whether the proposed annexation of the Territory, including the proposed change in the Territory's designation in the Sunnyslope Neighborhood Plan designation from "Single Family" to "Multifamily" and in the zoning designation from Marion County UT-10 (Urban Transitional) to City RM1 (Multiple Family Residential) and the proposed change in the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Multi-Family Residential" upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable land use and other criteria; and whether the withdrawal of the Territory from Salem Suburban Rural Fire Protection District (the District) upon annexation would be in the best interest of the City. At the conclusion of the public hearing, after due consideration of the evidence and testimony, the Council adopted Order No. 08-C-663 as its final decision and findings determining that the public interest would be furthered by the referral of the proposed annexation of the Territory to the voters of the City; the proposed annexation of the Territory, including land use designations, complied with SRC Chapter 165 and the applicable land use and other criteria; and, the withdrawal of the Territory from the District would be in the best interest of the City.

1 **(c) Referral and Elector Approval.** On July 28, 2008 the Council adopted Resolution No.
2 2008-99 approving referral of the proposed annexation of the Territory to the electors of the
3 City at the November 4, 2008 election, as required by Salem City Charter Section 61. At the
4 election a majority of the votes cast by the electors residing in the City favored annexation of
5 the Territory into the City. This election result is set forth in the canvass of votes from the
6 election reviewed by the Council at its December 15, 2008 meeting and proclaimed by the
7 Mayor.

8 **(d) Withdrawal from Special District.** The Council finds it is in the best interest of the
9 City to withdraw the Territory from Salem Suburban Rural Fire Protection District (the
10 District) and to provide the Territory with City services because the public good of the City
11 and the citizens residing in the Territory would be best served if the citizens residing in the
12 Territory receive City services without the problems attendant with coordination that would
13 result from the Territory being subject to the jurisdiction of overlapping urban service
14 providers. It would not be in the best interest of the City for the citizens residing in the
15 Territory to pay both City taxes and an additional assessment to the District to receive
16 services that may readily be supplied by the City without such additional taxation. Since
17 leaving the Territory in the District would lead to a fragmented approach to delivery of
18 public services, unequal tax bases and resistance to cooperation, withdrawal would promote
19 efficiency, economy and sound management in the provision of urban services for the
20 Territory, and the Territory should be withdrawn from the District.

21 **Section 2. Annexation.** The City Council of the City of Salem declares and proclaims that the
22 Territory described in Exhibit 1, which is attached hereto and incorporated herein by reference, is
23 hereby annexed to the City of Salem, Oregon.

24 **Section 3. Zoning.** The Territory is designated "Multi-Family Residential" in the Salem Area
25 Comprehensive Plan, and on the Plan Map. The Territory is designated in the Sunnyslope
26 Neighborhood Plan as "Multifamily." The zoning for the Territory is prescribed as RM1
27 (Multiple Family Residential). The Planning Administrator shall add to the official zoning map
28 the Territory herein annexed.

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1 **Section 4. Withdrawal from Salem Suburban Rural Fire Protection District.** The Territory
2 is hereby withdrawn from Salem Suburban Rural Fire Protection District, such withdrawal to be
3 effective upon, and contemporaneous with, the date of annexation.

4 **Section 5. Direction.** The City Recorder shall submit a copy of this ordinance and such other
5 information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the
6 notice and reports required by ORS 222.005(1) and ORS 222.010 to the persons or entities
7 described therein.

8 PASSED by the City Council this 2nd day of February, 2009.

9 ATTEST:

10 *Kathryn Hall*

11 City Recorder

12 Approved by City Attorney: *[Signature]*

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14 Checked by: K. Moreland

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1976 Davis Road S

Beginning at the point of intersection of the South Line of County Road No. 813 (commonly known as Davis Road S) and the East Line of that tract of land described in that instrument recorded in Reel 2642, Page 128, Deed Records, Marion County, Oregon; said point being 1,578.47 feet North 00° 07' 40" West, 275.09 feet South 89° 53' 30" East, and 20 feet South 00° 07' 40" East from the section corner common to Sections 16, 17, 20, and 21, Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; said point also being on the now existing City Limits Line; and running thence:

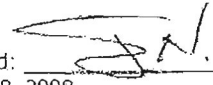
South 00° 07' 40" East 743.00 feet along the East Line of said Reel 2642, Page 128, and the East Line of that tract of land described in Reel 2712, Page 98, Deed Records, Marion County, Oregon, and the now existing City Limits Line to the southeast corner thereof;

thence North 89° 53' 30" West 214.09 feet along the South Line of said tract;

thence North 00° 07' 40" West 743.00 feet along the West Line of said Reel 2712, Page 98, and the West Line of said Reel 2642, Page 128, to a point on the South Line of said Davis Road S; said point also being on the now existing City Limits Line;

thence South 89° 53' 30" East 214.09 feet along the South Line of said Davis Road S and the now existing City Limits Line to the Point of Beginning.

EXHIBIT 1

Approved: 

January 8, 2008

Annexation No.: C-663

DOR No.: 24-P160-2008

DOR Date: 1/24/2008



March 13, 2009

Richard Kansky
P. O. Box 3230
Salem, OR 97302

**NOTICE OF FINAL LAND USE DECISION Comprehensive Plan Change/
Neighborhood Plan Change/Zone
Change 08-5 for Property located at 1976
Davis Road S**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. **10-09** at the February 2, 2009 session which changed the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Multi-Family Residential," the Sunnyslope Neighborhood Plan designation from "Single Family" to "Multifamily," and the zoning designation from Marion County UT-10 (Urban Transition) to City of Salem RM1 (Multiple Family Residential). A copy of the Ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals **not later than 21 days** after **March 13, 2009**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

If you have any further questions, you may contact Kim Moreland, Senior Planner, City of Salem Planning Division at 503-588-6173, Ext. 7511.

Glenn W. Gross
Urban Planning Administrator

Attachment

cc: CC & E Sales Consultants, Earl Kirk, 4787 Lisa Street, Salem, OR 97305
 Alan Alexander, Chair, Sunnyslope, 4389 Oakman Street S, Salem, OR 97302
 Peter Appleton, 1978 Davis Road S, Salem, OR 97306
 Cindy Williamson, 2880 Davis Road S, Salem, OR 97306
 Alex Beamer, 2076 Davis Road S, Salem, OR 97306

COMMUNITY DEVELOPMENT