



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

06/28/2011

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 008-11

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: Thursday, July 14, 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: Bryan Colbourne, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

Thomas Hogue, 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

DEPT OF LAND CONSERVATION AND DEVELOPMENT

In person electronic mailed

DATE STAMP: JUN 23 2011

HAND DELIVERED
For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC11-05**

Date of Adoption: **6/21/2011**

Date Mailed: **6/23/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/6/2011

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 "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property 4.84 acres in size and located at 3831,3841, & 3871 Fairview Industrial Drive SE (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 01300 & 01400.)

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: "**Industrial**"

to: "**Industrial Commercial**"

Zone Map Changed from: **IBC (Industrial Business Campus)** to: **IC (Industrial Commercial)**

Location: **3831,3841, & 3871 Fairview Industrial Drive SE**

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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" 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. 008-11 (18820) [16684]

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

Local Contact: **Bryan Colbourne, Planner III**

Phone: (503) 588-6173 Extension: 7463

Address: **555 Liberty St SE, Room 305**

Fax Number: 503-588-6005

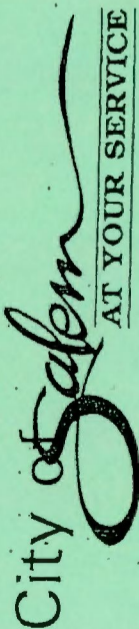
City: **Salem**

Zip: **97301-**

E-mail Address: **bcolbourne@cityofsalem.net**

PLANNING COMMISSION

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



RESOLUTION NO.: PC 11-5

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE NO. CPC-ZC11-05

WHEREAS, a petition for a Comprehensive Plan change from "Industrial" to "Industrial Commercial" and change the zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) for property located at 3831, 3841 and 3871 Fairview Industrial Drive SE was filed by Steve Ward for N & N Investments Co., LLC 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 June 21, 2011, 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 report on this matter dated June 21, 2011, herewith attached and by this reference incorporated herein.

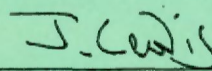
Section 2. ORDER:

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 "Industrial" to "Industrial Commercial" be GRANTED.
- (B) That the zone change request for the subject property from IBC (Industrial Business Campus) to IC (Industrial Commercial) be GRANTED, subject to the following conditions of approval:

- Condition 1** All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.
- Condition 2:** Future uses permitted shall be limited to the following uses identified in Exhibit 1. The uses identified as conditional uses under the IC zone shall apply with the exclusion of residential care facilities, single-family dwellings and manufactured homes.
- Condition 3:** At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then current Institute of Transportation Engineers (ITE) Trip Generation Manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 1,611 average daily trips generated by the proposed use or uses.

ADOPTED by the Planning Commission this 21st day of June, 2011.



President, Planning Commission

The subject property contains three flex-space office/industrial/warehouse buildings, containing a total of 41,782 square feet of building floor area and a central parking lot. The proposed comprehensive plan and zoning map amendment to Industrial Commercial will facilitate a wider range of uses at the site. The previously approved plan amendment and zone change of the nearby 646-acre Mill Creek Corporate Center site to 'Employment Center (EC)' zoning was a major change in circumstances affecting a significant number of properties in the area. The EC zoning of the Mill Creek Corporate Center allows for a wide range of industrial uses. That change was large enough in scope that the existing industrial designations for many other properties in the area, such as the subject property, are no longer appropriate. The proposal is a logical change given the surrounding mix of uses and economic pattern along Fairview Industrial Drive SE, which is transitioning from higher-impact manufacturing uses to a mix of commercial and industrial uses. The decision includes a condition that limits the number of daily vehicle trips generated by future uses at the site. This condition will limit the transportation impacts of the plan and zoning map change. Based on this, and based upon the facts and findings provided in the staff report and the information provided at the public hearing, the Planning Commission found that the proposal satisfies the applicable approval criteria and approved the Comprehensive Plan Change/Zone Change.

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m. on July 8, 2011. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 64 and 113. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

APPEAL PERIOD ENDS: July 8, 2011

The case file and 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. For assistance, please contact Bryan Colbourne, case manager, at 503-588-6173, Ext. 7463 or bcolbourne@cityofsalem.net.

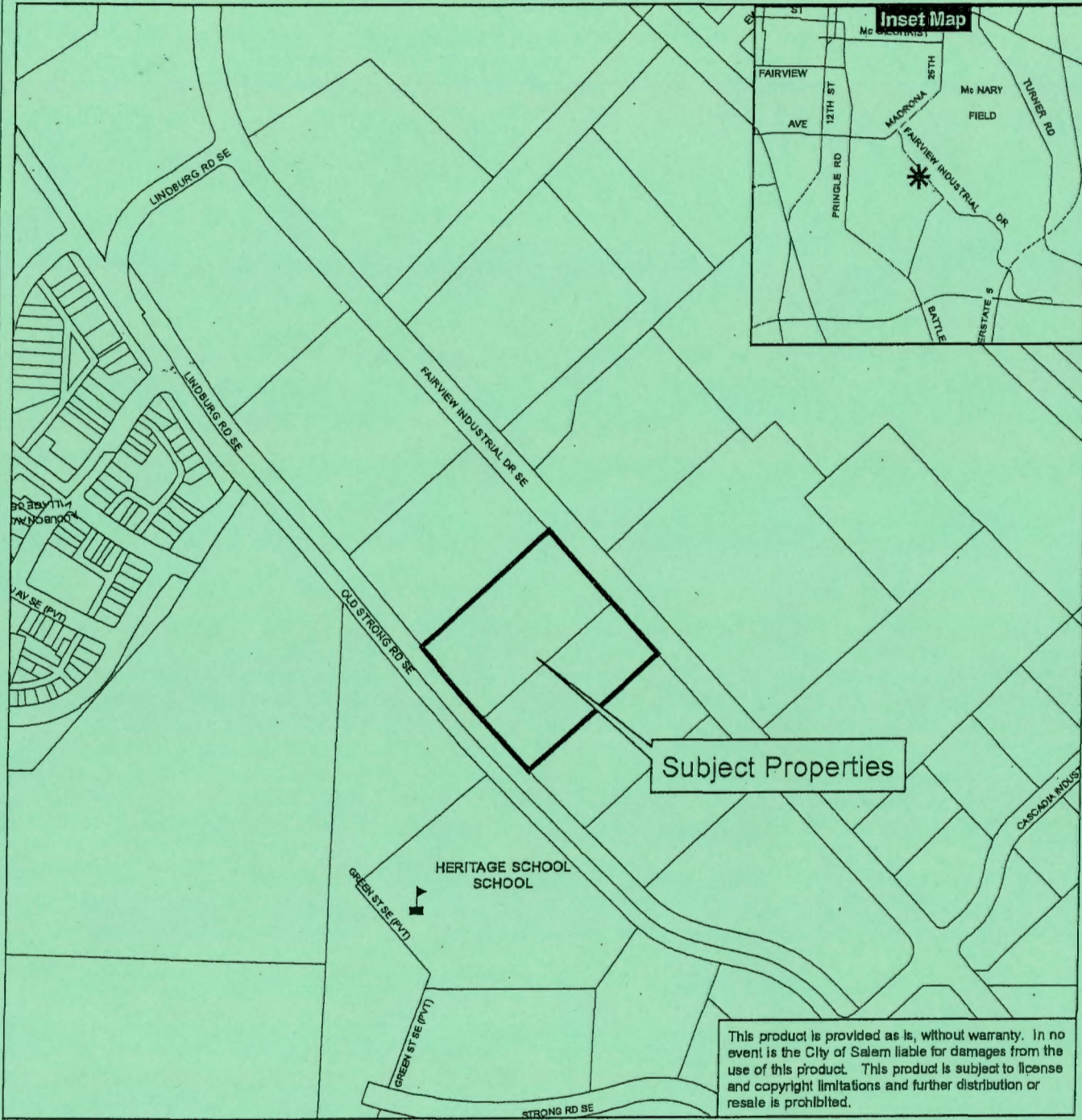
Planning Commission Vote:

6 Yes 0 No 1 Absent (Schmidtke)

Vicinity Map

3831, 3841 & 3871 Fairview Industrial Drive SE

Taxlot: 083W02 01300 and 01400



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Legend

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

0 100 200 400 Feet



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.