



Oregon

Theodore R. Kubongoski, 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

06/29/2009

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 004-09

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 10, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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: Lisa Anderson-Ogilive, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<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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Jurisdiction: City of Salem

Local File Number: CPC/ZC 09-3

Date of Adoption: June 16, 2009

Date Mailed: June 19, 2009

Date the Notice of Proposed Amendment was Mailed to DLCD: April 30, 2009

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."

Changed the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and the zone district from RM2 (Multiple Family Residential) to CR (Commercial Retail) for property approximately 1.48 acres in size and located at 3130 and 3160 Broadway Street NE (Marion County Assessor's map and tax lot number 073W11CC / 4700 and 4701).

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: "Multi-Family Residential"

To: "Commercial"

Zone Map Changed from: RM2 (Multiple Family Residential)

To: CR (Commercial Retail)

Location: 3130 & 3160 Broadway St NE

Acres Involved: 1.48 acres

Specify Density: Previous: ___

New: ___

Applicable Statewide Planning Goals: 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 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:

LA-0

Local Contact: Lisa Anderson-Ogilvie, Assoc. Planner

Phone: (503) 588-6173 Extension: 7581

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: lmanderson@cityofsalem.net

DLCD File No: 004-09(17562) [15578]

RESOLUTION NO.: PC 09-9

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 09-3

WHEREAS, a petition for a Comprehensive Plan change from Multi-Family Residential" to "Commercial" and the zone district from RM2 (Multiple Family Residential) to CR (Commercial Retail) for property located at 3130 and 3160 Broadway Street NE

was filed by Ernst Properties, LLC (Charles Sides and Chinook Trust), Applicant; Barbara and Keith Whisenhunt, Representatives 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 16, 2009, 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 June 16, 2009, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

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

(a) The Salem Area Comprehensive Plan (SACP) map designation change for the subject property from "Multi-Family Residential" to "Commercial" be granted;

(b) The zone change for the subject property from RM2 (Multiple Family Residential) to CR (Commercial Retail) be granted, subject to the following conditions:

Condition 1: The applicant shall record in deed records of Marion County, Oregon, the provisions of a restrictive covenant that adopts the terms of this condition by reference, and shall run with the land, subject to the amendment or removal only by the City's subsequent amendment or modification of this condition of approval. The property subject to the restrictive covenant shall include the property subject to the zoning map amendment.

This condition shall limit traffic impacts from future development such that a maximum of 340 average daily trips are generated by the proposed use or uses. At the time of development review for any proposed use on the property subject to the restrictive covenant, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation manual. No development on the property shall be allowed that causes average daily trips of the property subject to the covenant to exceed 340 average daily trips.

Condition 2: At the time of development of the subject property as a parking lot to serve 2850 Broadway Street NE the owner shall construct a pedestrian access from the subject property to the 2850 Broadway Street NE. It shall be five feet wide and consist of a striped crosswalk across the parking lot entrance and shall connect to a paved sidewalk on the property addressed 2850 Broadway Street NE. The exact location will be determined at the time of development.

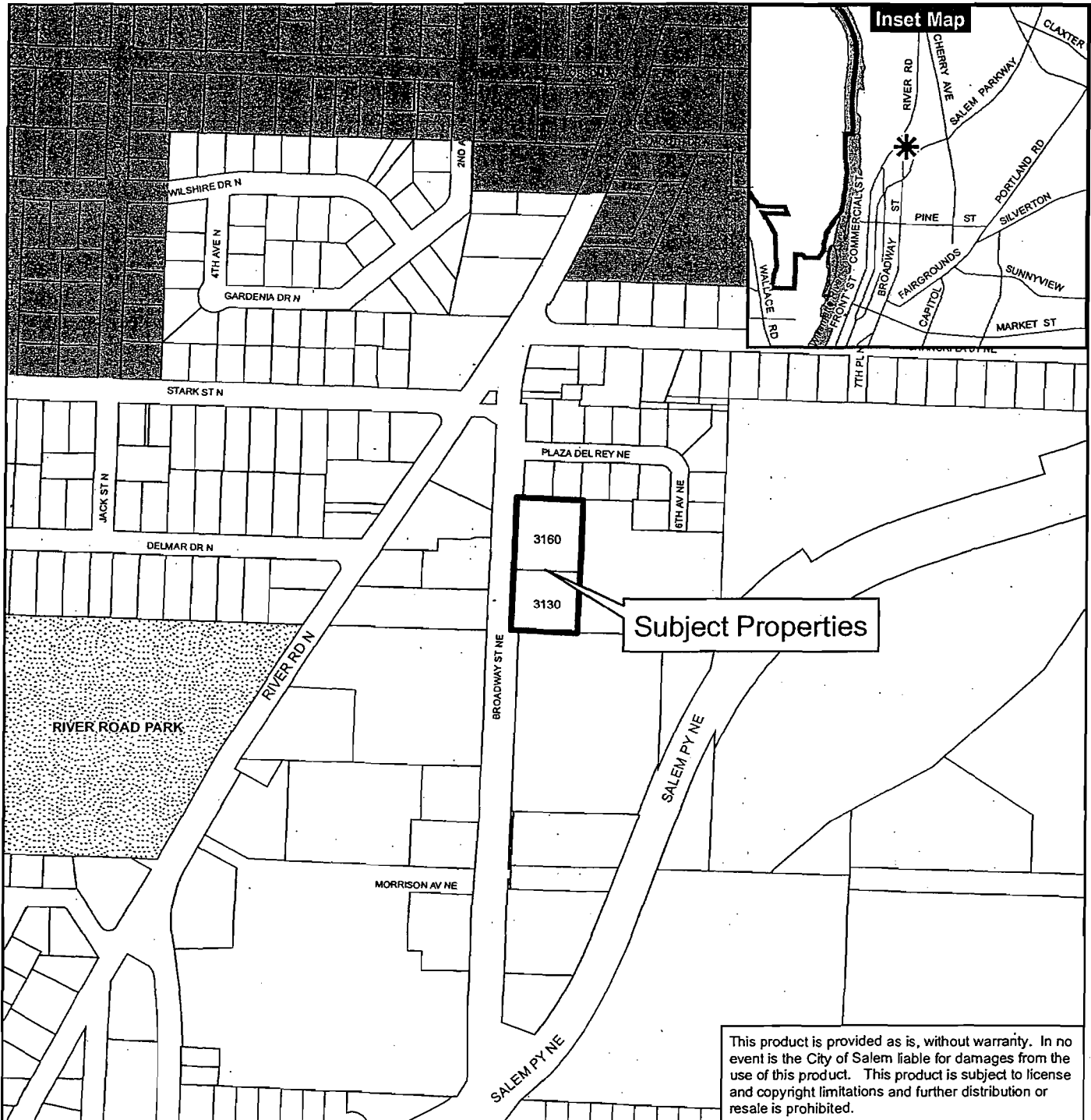
ADOPTED by the Planning Commission this 16th day of June, 2009.



President, Planning Commission







Vicinity Map

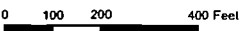
3130 & 3160 Broadway Street NE



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Legend

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



Community Development Dept.

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

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DEVELOPMENT
635 CAPITOL STREET NE, SUITE 200
SALEM, OR 97301-2540