



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

04/28/2011

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 003-11

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: Monday, May 16, 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

<paa> N



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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

APR 25 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-NPC-ZC11-03**

Date of Adoption: **4/19/2011**

Date Mailed: **4/22/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: **2/18/2011**

☐ 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 "Single Family Residential" to "Commercial" and to change the zone district from RS (Single Family Residential) to CO (Commercial Office) and amend the Northeast Salem Community Association (NESCA) Neighborhood Plan map accordingly, on property 0.27 acre in size and located at 3885 D Street NE (Marion County Assessor's Map and Tax Lot numbers: 72W19CC / 1000).

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **Single Family Residential** to: **Commercial**

Zone Map Changed from: **RS (Single Family Residential)** to: **CO (Commercial Office)**

Location: **3885 'D' Street NE**

Acres Involved: **0.27**

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

DLCD File No. 003-11 (18722) [16622]

DLCD file No. _____

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, Rm 305**

Fax Number: 503-588-6005

City: **Salem**

Zip: 97301-

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

PLANNING COMMISSION

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

City of Salem
AT YOUR SERVICE

RESOLUTION NO.: PC 11-4

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE /
ZONE CHANGE CASE NO. CPC-NPC-ZC11-03

WHEREAS, a petition for a Comprehensive Plan change from "Single Family Residential" to "Commercial", concurrent change to the Northeast Salem Community Association (NESCA) Neighborhood Plan map from "Single Family Residential" to "Office", and zone change from RS (Single Family Residential) to CO (Commercial Office) for property located at 3885 'D' Street NE was filed by Jeffery Tross for Parviz and Maude Samiee 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 April 19, 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 April 19, 2011, herewith attached and by this reference incorporated herein.

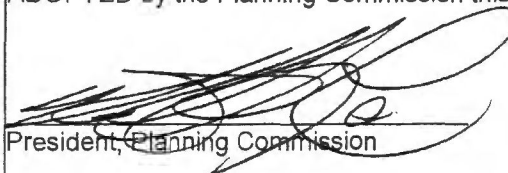
Section 2. ORDER:

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

- (a) The proposed Comprehensive Plan change in this matter from "Single Family Residential" to "Commercial" be GRANTED;
- (b) The Northeast Salem Community Association (NESCA) Neighborhood Plan Map change request covering the above defined area from "Single Family Residential" to "Office" be GRANTED;
- (c) The zone change from RS (Single Family Residential) to CO (Commercial Office) for the above defined area be GRANTED subject to the following condition of approval:

Condition 1: 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 33 average daily trips generated by the proposed use or uses.

ADOPTED by the Planning Commission this 19th day of April, 2011.


President, Planning Commission

The subject property is a 0.27 acre lot with an existing single family dwelling approximately 1,500 square feet in floor area. The property is located on the north side of D Street NE, across from Lancaster Mall. Several other residential properties along the north side of D Street in the vicinity have previously converted to non-single family residential uses, such as a beauty shop to the west and a McDonald's parking lot to the east. The proposed comprehensive plan and neighborhood plan map amendments with zone change to Commercial Office will facilitate the productive reuse of the site for offices, and is consistent with the surrounding land use pattern. Commercial Office zoning will provide an appropriate transition between the single family residential area to the north and the retail uses to the south and east. Future redevelopment of the site for office use must provide landscaped bufferyards and off-street parking, as prescribed in the Salem Revised Code. The decision includes a condition limiting 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 / Neighborhood 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., May 6, 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 for the Comprehensive Plan and Neighborhood Plan changes and Chapter 113 for the zone change. 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: MAY 6, 2011

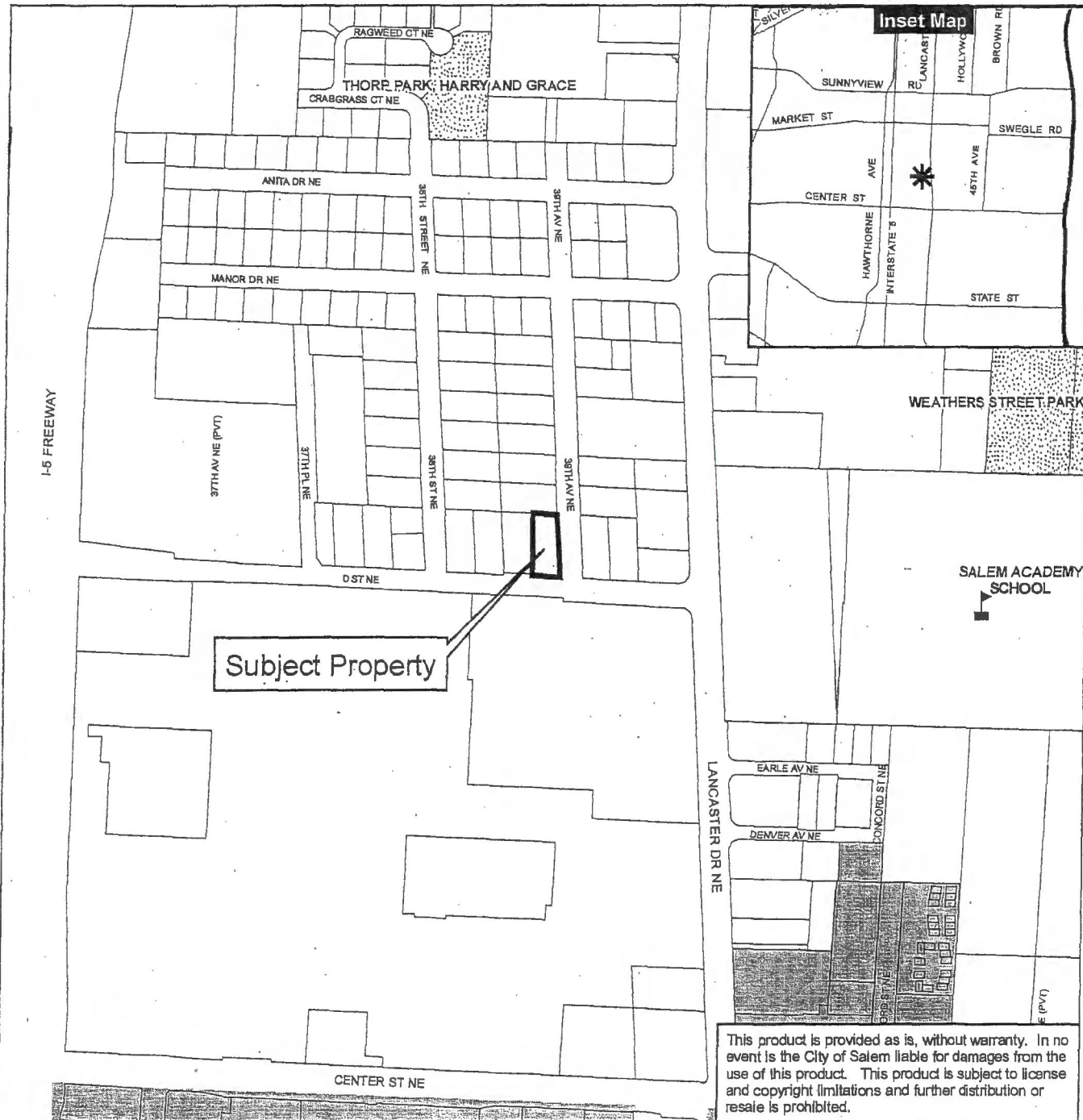
The case file and copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, 555 Liberty St SE, during City business hours, 8:00 a.m. to 5:00 p.m. Please contact Bryan Colbourne, Planner III, at 503-588-6173, Ext 7463 or bcolbourne@cityofsalem.net for assistance.

BC

Planning Commission Vote:

5 Yes 0 No 2 Absent (Gallagher, Lewis)

Vicinity Map 3885 D Street NE



Legend

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

0 100 200 400 Feet



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

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Development Department
y Street SE, Room 305
R 97301

State

DEPT OF

APR 25 2011

LAND CONSERVATION
AND DEVELOPMENT

Dept. of Land Conservation & Dev.
ATTN: Plan Amendment Specialist
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Salem OR 97301-2540