



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

06/14/2011

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 002-11

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. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, June 29, 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

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FORM

2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed

DEPT OF

JUN 08 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

DATE STAMP

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: **CPC-VAR-SPR11-02**Date of Adoption: **4/5/2011**Date Mailed: **6/7/2011**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:☐ 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".

A consolidated application for a proposed building and parking lot expansion of an existing orthodontics office that contains:

(1) A request to change the Salem Area Comprehensive Plan Map designation from "Single Family Residential" to "Commercial" to make the plan designation consistent with the property's existing CO (Commercial Office) zoning GRANTED;

(2) A Variance request to reduce the 10-foot Category "B" landscaped bufferyard along the south property line GRANTED; and

(3) A Type II Site Plan Review GRANTED;

For property zoned CO (Commercial Office), approximately 0.19 acre in size, and located at 1810 East Nob Hill Street SE.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Single Family Residential** to: **Commercial**Zone Map Changed from: **NA** to:Location: **1810 East Nob Hill St SE**Acres Involved: **0.19 acres**

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

DLCD File No. 002-11 (18721) [16664]

If no, do the statewide planning goals apply?

☐ Yes

☐ No

If no, did Emergency Circumstances require immediate adoption?

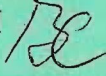
☐ Yes

☐ No

DLCD file No. _____

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

Local Contact: 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: 97301-3513

E-mail Address: bcolbourne@cityofsalem.net

RESOLUTION NO.: PC 11-03

COMPREHENSIVE PLAN CHANGE / VARIANCE / SITE PLAN REVIEW
CASE NO. CPC-VAR-SPR11-02

WHEREAS, a petition for a consolidated Comprehensive Plan Change from "Single Family Residential" to "Commercial"; Variance to reduce the 10-foot Category "B" landscaped bufferyard along the south property line to approximately 5 feet for a proposed building addition; Variance to reduce the 10-foot Category "B" landscaped bufferyard along the south property line to approximately 3 feet for a proposed parking lot expansion; and Type II Site Plan Review for property zoned CO (Commercial Office) and located at 1810 East Nob Hill Street SE, was filed by John Brosy for Dr. Reid Amborn 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 5, 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 5, 2011, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

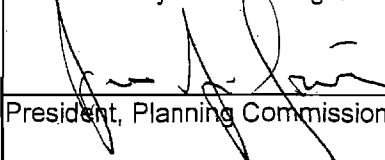
Based upon the foregoing findings and conclusions, it is hereby ordered:

- (A) The proposed Salem Area Comprehensive Plan change in this matter from "Single Family Residential" to "Commercial" be GRANTED.
- (B) That a Variance request to reduce the 10-foot Category "B" landscaped bufferyard along the south property line to approximately 5 feet for a proposed building addition be GRANTED;
- (C) That a Variance request to reduce the 10-foot Category "B" landscaped bufferyard along the south property line to approximately 3 feet for a proposed parking lot expansion be GRANTED.
- (D) That a Type II Site Plan Review be GRANTED subject to the following conditions of approval:

Condition 1: Prior to obtaining certificate of final occupancy for the building permits associated with the proposed building addition and parking lot expansion, the applicant will construct a 6-foot-tall, sight-obscuring fence or wall within the south bufferyard, pursuant to SRC Chapter 132.

Condition 2: Prior to obtaining certificate of final occupancy for the building permits associated with the proposed building addition and parking lot expansion, the applicant will construct a 6-foot-tall sight-obscuring fence or wall within the east bufferyard, pursuant to SRC Chapter 132. The fence or wall shall not infringe upon vision clearance areas as prescribed in SRC Chapter 76.

ADOPTED by the Planning Commission this 5th day of April, 2011.



President, Planning Commission

The site is zoned CO (Commercial Office), but designated Single Family Residential on the Comprehensive Plan map. The existing medical office was constructed on the site in 1972, under the CO zoning. The owner now proposes a building addition, exterior remodel, and small parking area expansion. In order to approve this work, the comprehensive plan map designation must first be changed to Commercial, so that it is consistent with the CO zoning. In this way, the comprehensive plan map change will facilitate the improvements to this existing office use. The proposal is a logical change given the site's location within a long-standing Commercial Office corridor. The requested bufferyard setback variances were approved based on their small scale and minimal impact to abutting properties. The decision includes conditions requiring a 6-foot-tall screening fence or wall within the south and east bufferyards, to ensure compliance with the screening standards of the Landscaping Code. 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/Variance/Site Plan Review.

The Variance Review rights granted by this decision must be exercised by April 23, 2013, or this approval shall be null and void.

The Site Plan Review rights granted by this decision must be exercised by April 23, 2015, or this approval shall be null and void.

This decision for all three requests 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., April 22, 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, Salem Revised Code Chapters 64 for the Comprehensive Plan Map Amendment, Chapter 115 for the Variance, and Chapter 163 for Site Plan Review. 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: April 22, 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. Contact Bryan Colbourne, Case Manager, at 503-588-6173, Ext 7463 or bcolbourne@cityofsalem.net to review the case file.

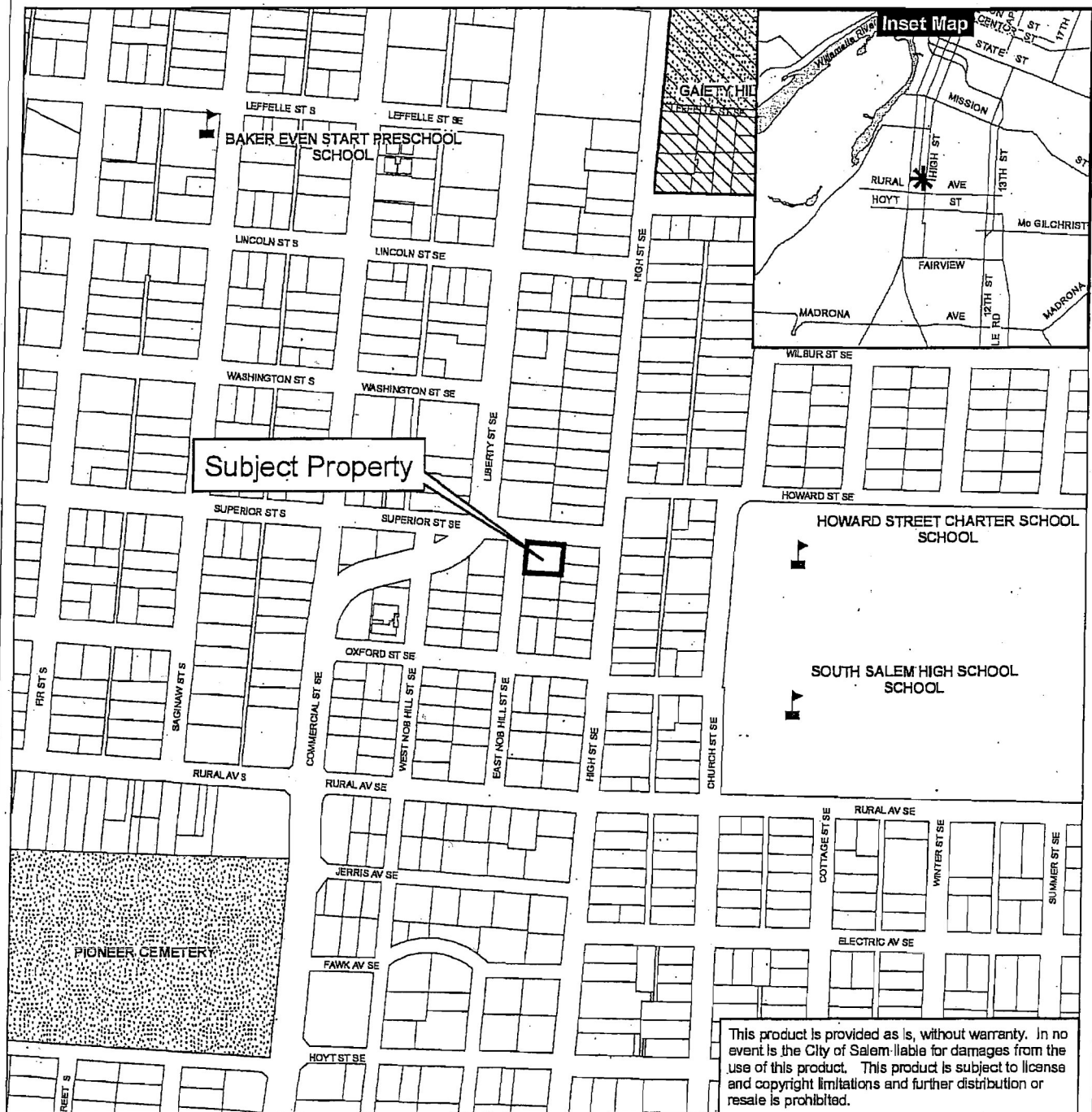
BC

Planning Commission Vote:

6 Yes 0 No 1 Absent (Schmidtke)

Vicinity Map

1810 East Nob Hill Street SE



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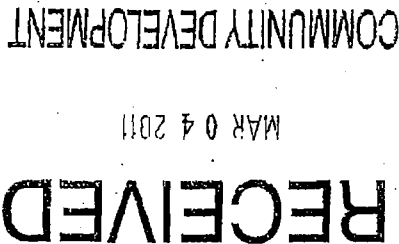
Legend

- 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.



MAR 04 2011

PROPOSED LANDSCAPE
AREA: 2616 SF
(32% OF TOTAL AREA)

 CARLSON VETT ARCHITECTS PC ARCHITECTURE • INTERIOR DESIGN 505-382-0231 • FAX 505-382-0455 • WWW.CARLSONVETT.COM 2008 RIVERS ROAD NORTH, SALEM, OREGON 97303 MEMBER AMERICAN INSTITUTE OF ARCHITECTS	project AMBORN ORTHODONTICS ADDITION & REMODEL 1810 EAST NOB HILL STREET SE SALEM, OREGON	date: 3-3-11 project: 05010 drawn by: EP, AK checked by: CC copyright © 2011 Carlson Vett Architects PC	SITE PLAN sheet: A-101 of: 1
	1/8" = 1'-0"		

COMMUNITY DEVELOPMENT

ARCHITECT PROJECT 1810 EAST 108th AVE SALEM, OREGON 97302	PROJECT ANBORN ORTHODONTICS ADDITION & REMODEL	PRELIMINARY DATE:	CARLSON VEIT ARCHITECTS P.C. ARCHITECTURE • INTERIOR DESIGN 825-230-0221 • FAX 825-230-2456 • WWW.CVARCHITECTS.COM 3065 RIVER ROAD NORTHLI, SALEM, OREGON 97303 MEMBER AMERICAN INSTITUTE OF ARCHITECTS

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

Land Conservation & Development
Department
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