



# 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

05/05/2009

**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 003-08

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: Tuesday, May 19, 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.

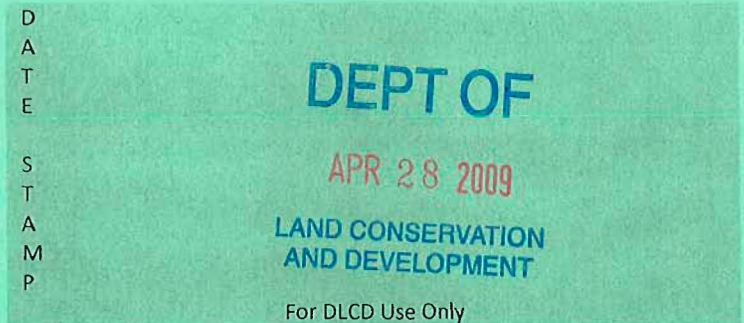
**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**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



Jurisdiction: City of Salem, Oregon

Local File Number: CPC/ZC08-1

Date of Adoption: February 2, 2009 (Ordinance Bill #11-

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:

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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", and change zoning from Marion County "UT-5" to City of Salem "RM1".

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-5

To: City of Salem RM1 (Multiple Family Residential)

Location: 5122 Hayesville DR NE

Acres Involved: 1.5 Acres

Specify Density: Previous: 1 unit per 5 acres

New: 9.3 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 Marion County Fire District #1.

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](mailto:kmoreland@cityofsalem.net)

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DLCD File No: 003-08 (16619) [15501]

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**ORDINANCE BILL NO. 11-09**

AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED AT 5122 HAYESVILLE DRIVE NE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING AND WITHDRAWING THE TERRITORY FROM MARION COUNTY FIRE DISTRICT #1

*The City of Salem ordains as follows:*

**Section 1. Findings.**

**(a) Petition.** The owner of certain real property located at 5122 HAYESVILLE DRIVE NE (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 April 7, 2008, which was continued to April 14, 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 the change in the Territory’s zoning designation from Marion County UT-5 (Urban Transition) 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 Marion County Fire District #1 (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-664 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 2008-100 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 Marion County Fire District #1 (the District) and to  
10 provide the Territory with City services because the public good of the City and the citizens  
11 residing in the Territory would be best served if the citizens residing in the Territory receive  
12 City services without the problems attendant with coordination that would result from the  
13 Territory being subject to the jurisdiction of overlapping urban service providers. It would  
14 not be in the best interest of the City for the citizens residing in the Territory to pay both City  
15 taxes and an additional assessment to the District to receive services that may readily be  
16 supplied by the City without such additional taxation. Since leaving the Territory in the  
17 District would lead to a fragmented approach to delivery of public services, unequal tax  
18 bases and resistance to cooperation, withdrawal would promote efficiency, economy and  
19 sound management in the provision of urban services for the Territory, and the Territory  
20 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 zoning for the Territory is prescribed as RM1  
26 (Multiple Family Residential). The Planning Administrator shall add to the official zoning map  
27 the Territory herein annexed.

28 **Section 4. Withdrawal from Marion County Fire District #1.** The Territory is hereby  
29 withdrawn from Marion County Fire District #1, such withdrawal to be effective upon, and  
30 contemporaneous with, the date of annexation.

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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 2<sup>nd</sup> day of February, 2009.

9 ATTEST:

10 *Kathleen Hall*

11 City Recorder

12 Approved by City Attorney: *[Signature]*

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14. Checked by: K. Moreland

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March 13, 2009

David Tan  
6065 Mission Hills Street SE  
Salem, OR 97306

**NOTICE OF FINAL LAND USE DECISION      Comprehensive Plan Change/Zone  
Change 08-1 for Property located at 5122  
Hayesville Drive NE**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. **10-11-09** at the February 2, 2009 session which changed the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Multi-Family Residential" and the zoning designation from Marion County UT-5 (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: Lee Ann Reed, Chair, Northgate, 3975 Bambi Avenue NE, Salem, OR 97301  
Stan Houck, 3755 Commercial Street SE, Salem, OR 97302  
Norm Hill, 110 Madrona Avenue, Salem, OR 97302  
Lorene Bartell, 4655 Cordon Road NE, Salem, OR 97305  
John Fery, 5072 Hayesville Drive NE, Salem, OR 97305

COMMUNITY DEVELOPMENT

City of Salem  
Community Development Department  
555 Liberty Street SE, Room 305  
Salem, OR 97301

DEPARTMENT OF LAND CONSERVATION &  
DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 200  
SALEM, OR 97301-2540