



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 7, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 004-06

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: July 26, 2006

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Klaus Schilde, City of Salem

<paa> ya/

NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

Jurisdiction City of Salem

Local File Number CPC 06-2

~~JUL 05 2006~~

(if no number, use none)

Date of Adoption June 26, 2006

Date Mailed June 30, 2006

LAND CONSERVATION AND DEVELOPMENT

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD March 13, 2006

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation

Other: _____

(Please specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Changed the Comprehensive Plan Designation from "Multiple Family Residential" to "Single Family Residential" for properties approximately 32 acres in size and located on both sides of Chemeketa Street NE and Court Street NE, generally East of 14th Street NE and all within the Chemeketa-Court Street Residential Historic District.

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 Change From Multiple Family Residential to Single Family Residential

Zone Map Change From NA to NA

Location: See attached map Acres Involved: 32 acres

Specify Density: Previous: Multiple Family Residential New: Single Family Residential

Applicable Statewide Planning Goals: Goals 2, 10, 11, and 12 Was an Exception adopted? Yes No

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?** Yes No

If no, do the Statewide Planning Goals apply. Yes No

If no, did the Emergency Circumstances Required immediate adoption. Yes No

Affected State or Federal Agencies, Local Governments or Special Districts: _____

Local Contact: Klaus Schilde, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7574

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip Code+4: 97301-3503

Email Address: kschilde@cityofsalem.net

DLCD File No: 004-06
(15085)

1 A BILL FOR ORDINANCE NO. 30-06

2
3 AN ORDINANCE relating to the Salem Area Comprehensive Plan amending the Plan Map to
4 change the plan designation for all RD zoned properties within the Court/Chemeketa Residential
5 Historic District from Multi-Family Residential to Single Family Residential.

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

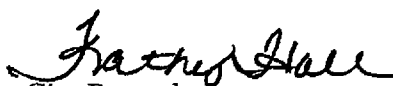
7 **Section 1.** The Salem Area Comprehensive Plan Map is hereby amended by changing the
8 comprehensive plan designation for all RD zoned properties within the Court/Chemeketa Residential
9 Historic District from Multi-Family Residential to Single Family Residential, as more specifically set
10 forth in "Exhibit A" which is attached hereto and incorporated herein by reference.

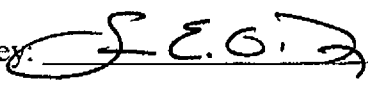
11 **Section 2.** The City Council hereby adopts as findings that certain Planning Commission Action dated
12 May 2, 2006, as more specifically set forth in "Exhibit B" which is attached hereto and incorporated
13 herein by reference.

14 **Section 3. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any
15 part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance
16 shall remain in full force and effect.

17 PASSED by the Council this 26th day of June, 2006 .

18 ATTEST:

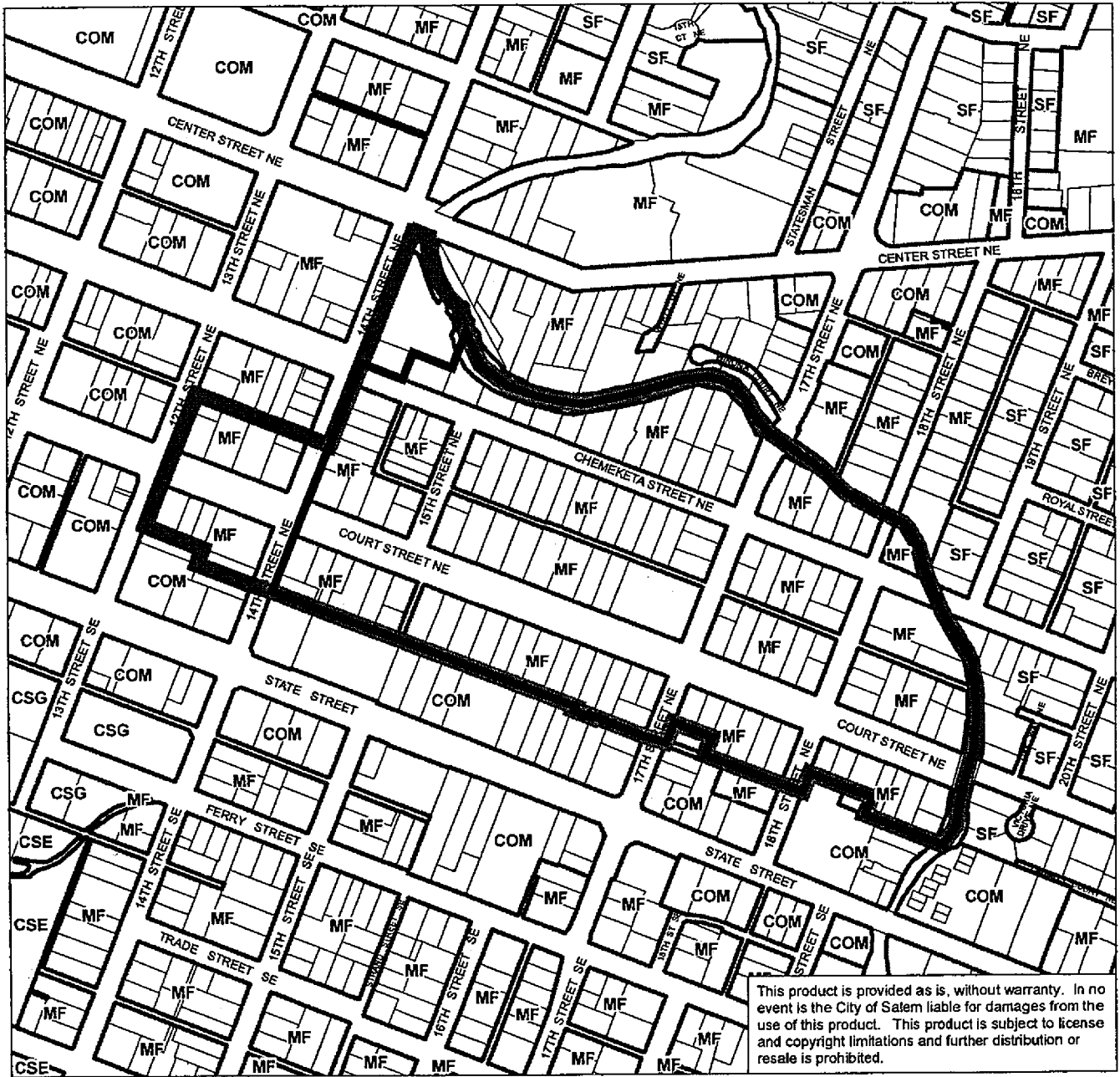
19 
20 City Recorder

21 Approved by City Attorney: 

22
23
24 Checked By: Klaus Schilde

25 G:\Group\LEGAL\Council\061206 Comp Plan Map Change ord.wpd
26
27
28

Court-Chemeketa Comprehensive Plan Change From Multi-Family to Single Family Residential



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Created: 04-25-06

Legend

- Comprehensive Plan Change Boundary (Properties zoned RD)
- Court-Chemeketa Residential Historic District
- Comprehensive Plan
- Taxlots

0 100 200 400 Feet



EXHIBIT A

ISSUE: Council-Initiated Comprehensive Plan Change (CICPC 06-2); Change the Comprehensive Plan Designation for Duplex Residential (RD) Zoned Properties Within the Court/Chemeketa Residential Historic District

DATE OF DECISION: May 2, 2006

APPLICANT: City of Salem

PURPOSE OF REQUEST:

Should the Planning Commission recommend to the City Council the adoption of an ordinance to change the Salem Area Comprehensive Plan (SACP) designation from Multi-Family Residential to Single Family Residential for RD zoned properties within the Court/Chemeketa Residential Historic District?

ACTION:

Planning Commission moved to recommend to City Council adoption of an ordinance to change the Salem Area Comprehensive Plan designation for all RD zoned properties within the Court/Chemeketa Residential Historic District from Multi-Family Residential to Single Family Residential.

The Planning Commission's decision is based upon the following Facts and Findings:

1. The proposed amendment to the SACP map includes property that is entirely within the city limits and does not affect the Urban Growth Boundary and is, therefore, classified as a Category 2 amendment in Subsection 64.050(b) of the Salem Revised Code (SRC).
2. This action is a "Major Plan Change" under SRC 64.040(f) and will be considered under the provisions of SRC 64.070, SRC 64.080, SRC 64.110, SRC 64.210 and SRC 64.217.
3. The District consists of 144 tax lots. One hundred thirty-one (131) of those lots are zoned RD and 13 tax lots are zoned RH (Multiple Family High-Rise Residential). All of these tax lots are designated Multi-Family Residential on the SACP map.
4. The SCAP map change will apply only to those lots that are currently zoned RD within the District. The boundary for the area of the proposed SACP map change will, therefore, exclude the 13 lots within the District that are currently zoned RH (Attachment 4).
5. This amendment requires a 45-day notification to the Director of the Department of Land Conservation and Development (DLCD) pursuant to SRC 64.217. The notice was sent to DLCD on March 13, 2006.
6. Ballot Measure 56 notice was sent to affected property owners on April 12, 2006, pursuant to ORS 227.186.
7. Notice of the Planning Commission hearing was sent to property owners on April 12, 2006, pursuant to SRC 64.090(a). A second notice was sent on April 21, 2006.
8. On April 20, 2006, notices of the Planning Commission hearing were posted in 21 locations throughout the area of the proposed SACP map change to ensure full compliance with notice requirements.

EXHIBIT B

9. A Planning Commission Response Sheet regarding the proposed comprehensive plan change was mailed to neighborhood associations and various agencies. The Northeast Neighborhood Association (NEN) responded and stated that properties within the historic district zoned RH or RM2 were omitted but should be included in the area of the plan change because they have been restored as single family residences. NEN also sent a letter to the Planning Commission that supports the proposal. However, NEN would like to see all properties included in the plan map change, including parcels that are currently zoned RH (High Density Residential). Staff responded to this request by advising NEN that including these properties would necessitate a rezone from RH to RD to maintain consistency between the comprehensive plan and zoning. Affected property owners should petition the City for a concurrent comprehensive plan and zone change and indicate in writing that they support such a "downzone" and potential loss of development potential.
10. Agencies provided comments on the Planning Commission Response Sheet as follows:
 - a. The City of Salem Police Department reviewed the proposal and had no comments.
 - b. The City of Salem Fire Department reviewed the proposal and had no comments.
 - c. The City of Salem Public Works Department reviewed the proposal and had no comments.
 - d. The City of Salem Community Services Department reviewed the proposal and had no comments.
 - e. The City of Salem Building and Safety Division reviewed the proposal and had no comments.
 - f. The Salem-Keizer School District indicated that the area was served by Bush Elementary, Richmond Elementary, Leslie Middle and South High Schools.
 - g. Salem-Keizer Transit reviewed the proposal and had no comments.
11. In response to the hearing notices staff and the Planning Commission received several letters and e-mails predominantly in support of the proposal.
12. After the public hearing, the Commission shall make recommendations to the City Council on what action to take regarding the amendments, pursuant to SRC (Salem Revised Code) 64.080 and SRC 64.110.
13. Following the City Council's public hearing, pursuant to SRC 64.080(b) and SRC 64.110(a) and (b), the Council shall amend the Comprehensive Plan map by ordinance or dismiss the proceeding by resolution. The Urban Planning Administrator shall give notice of the City Council Decision in accordance with SRC 64.217.
14. According to SRC 64.070, "major plan changes are . . . declared to be legislative acts of the common council. No special burden of proof needs to be met by the proponents of such changes, and the criterion used by the common council in making such changes shall be what is, in its opinion, in the best interest of the public health, safety, and welfare of its citizens; provided, however, that the council shall consider and accommodate as much as possible all applicable statewide planning goals."

15. Staff interprets the statewide planning goals that are applicable to this proposal as follows:

Goal 1: Citizen Involvement

Citizen involvement will be accomplished through the City's public hearing and notification process for a comprehensive plan change which affords public participation and comment in the review and decision-making process.

Goal 2: Land Use Planning

The City has an acknowledged comprehensive plan that is in compliance with the Statewide Planning Goals. The proposal will be reviewed for compliance with the intent of the Plan and its applicable goals and policies.

Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

The subject area is located in the Court/Chemeketa Residential Historic District. The District was created in 1987, years after the Salem Area Comprehensive Plan designated this area as Multi-Family Residential. SRC Chapter 120A requires that any changes to the exterior of buildings within the District be reviewed by the Salem Historic Landmarks Commission and meet strict standards intended to conserve historic structures. Demolitions are allowed only after rigorous review and if no alternatives are available. The current Multi-Family Residential designation would allow rezones to the RM2 (Multiple Family Residential 2) zone and the subsequent construction of apartment building with a density of up to 28 dwelling units per acre. This density would be inconsistent with the single family residential character of the District and would continue the potential pressure to modify the exteriors of buildings or demolish existing structures in conflict with the intent of SRC Chapter 120A to "encourage the preservation of certain historic resources which merit official recognition." This would also be inconsistent with the intent of Goal 5 to "conserve scenic, historic, and open space resources for present and future generations." The proposed Single Family Residential plan designation is consistent with the area's designation as a historic district and with the existing RD zone which allows no more than two dwelling units per lot. The existing RD zone will implement the Single Family Residential map designation in this designated historic district.

Goal 10: Housing.

The Salem Multiple Family Residential Land Study (SMFRLS) specifically addressed this goal. Under the Periodic Review order and based on a residential land needs study, the City designated additional land for future multiple family residential development. The State's acknowledged the comprehensive plan and zoning changes adopted by the City. With these actions, the City demonstrated that sufficient land will be available to allow for a full range of housing options adequate to meet a twenty-year supply. The proposed change of the plan designation from Multi-Family to Single Family Residential will not reduce the twenty-year supply because the residential land needs analysis undertaken as part of SMFRLS did not assume any future capacity for additional residential development within the subject area.

Goal 11: Public Facilities and Services

The proposed action will not create a need for additional public facilities and services. The proposed Single Family Residential plan designation recognizes and will be consistent with the area's current development pattern of single-family and duplex residential, historic structures that rely on existing public facilities and services.

Goal 12: Transportation

The City has an acknowledged Transportation System Plan that is in compliance with the Statewide Planning Goals. The proposed change in the comprehensive plan map designation from Multi Family to Single Family Residential will remove the potential for future increases in trip generation within the subject area and therefore will not have an impact on the City's transportation system.

16. The Salem Area Comprehensive Plan contains one goal and two policies that are applicable to this proposal:

"GOAL: To conserve open space, protect natural, historic, cultural and scenic resources, and to protect life and property from natural disasters and hazards." (p. 50)

"Policies: Natural, Ecological, Historic and Scenic Areas

3. Identified areas of significant architectural, archeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources." (p. 51) (Emphasis added)

"Historic Sites and Structures

10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to Salem Revised Code Chapter 56 shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. SRC Chapter 56, the implementing ordinance, provides the process for alteration/ demolition review and limitation, as well as the procedure for making additional designations." (p. 52) (Emphasis added)

The proposal would limit uses such as multiple family residential uses that could conflict with the historic resource and therefore reduce the potential for building alteration or demolition. Consequently, the proposed plan map designation of single family residential is consistent with the policies of the Salem Area Comprehensive Plan.

17. The Single Family Residential plan designation for the subject area is consistent with the existing zoning of RD, the existing character of the neighborhood, and the intent of the historic district designation, and is therefore in the best interest of the public health, safety, and welfare of Salem's citizens.

PLANNING COMMISSION VOTE: YES 6 NO 0 ABSENT 1 (Levin)

CERTIFICATION OF MAILING

STATE OF OREGON)

CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 30th day of June 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for CPC 06-2.

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 30th day of June 2006



Judy Copeland, Staff Assistant