



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

### NOTICE OF ADOPTED AMENDMENT

October 13, 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 015-06



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: October 30, 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  
Bryce Bishop, City of Salem

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DEPT OF

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 **OCT 09 2006**

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Salem Local File Number CPC/ZC 06-9

(if no number, use none)

Date of Adoption 10-3-06 Date Mailed 10-5-06

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD 8-15-06

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 Salem Area Comprehensive Plan map designation from Single Family Residential to Commercial and the zone district from RM2 (Multiple Family Residential) to CO (Commercial Office) for property approximately 0.71 acres in size and located at 1130-1150 McGilchrist Street SE (Marion County Assessor's map and tax lot number: 73W34DA/1000).

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 Single Family Residential to Commercial

Zone Map Change From RM2 (Multiple Family Residential) to CO (Commercial Office)

Location: 1130-1150 McGilchrist Street SE Acres Involved: .71 acres

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ 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: Bryce Bishop, Associate Planner Area Code + Phone Number: (503) 588-6173, ext. 7599

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip Code+4: 97301-3503 Email Address: bbishop@cityofsalem.net

DLCD File No: 015-06 (15465)



**PLANNING COMMISSION**

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



**RESOLUTION NO.: PC 06-14**

**COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 06-9**

WHEREAS, a petition for a Comprehensive Plan change from Single Family Residential to Commercial,

and zone change from RM2 (Multiple Family Residential) to CO (Commercial Office)

for property located at 1130-1150 McGilchrist Street SE

was filed by Boulder Creek LLC

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 October 3, 2006, 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(s) on this matter dated October 3, 2006, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

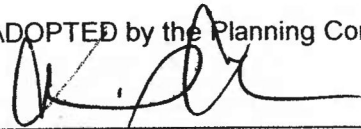
Based upon the foregoing findings and conclusions, it is hereby ordered:

- (a) The proposed Comprehensive Plan change in this matter from Single Family Residential to Commercial be granted;
- (b) The zone change from RM2 (Multiple Family Residential) to CO (Commercial Office) for the above defined area be granted, subject to the following conditions:

Condition 1: The applicant may be required to provide a Transportation Impact Analysis (TIA) to identify the impacts of the proposed development on the transportation system. The applicant shall construct any necessary mitigation measures identified in the TIA. The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site, and review and approve the TIA for conformance with City Standards. Construction plans for the development will not be reviewed without an approved TIA or a waiver from the City Traffic Engineer.

Condition 2: Access to the subject property shall be limited to 12th Street SE at McGilchrist Street SE and to Cannon Street SE, as approved by the City Traffic Engineer.

ADOPTED by the Planning Commission this 3<sup>rd</sup> day of October 2006.

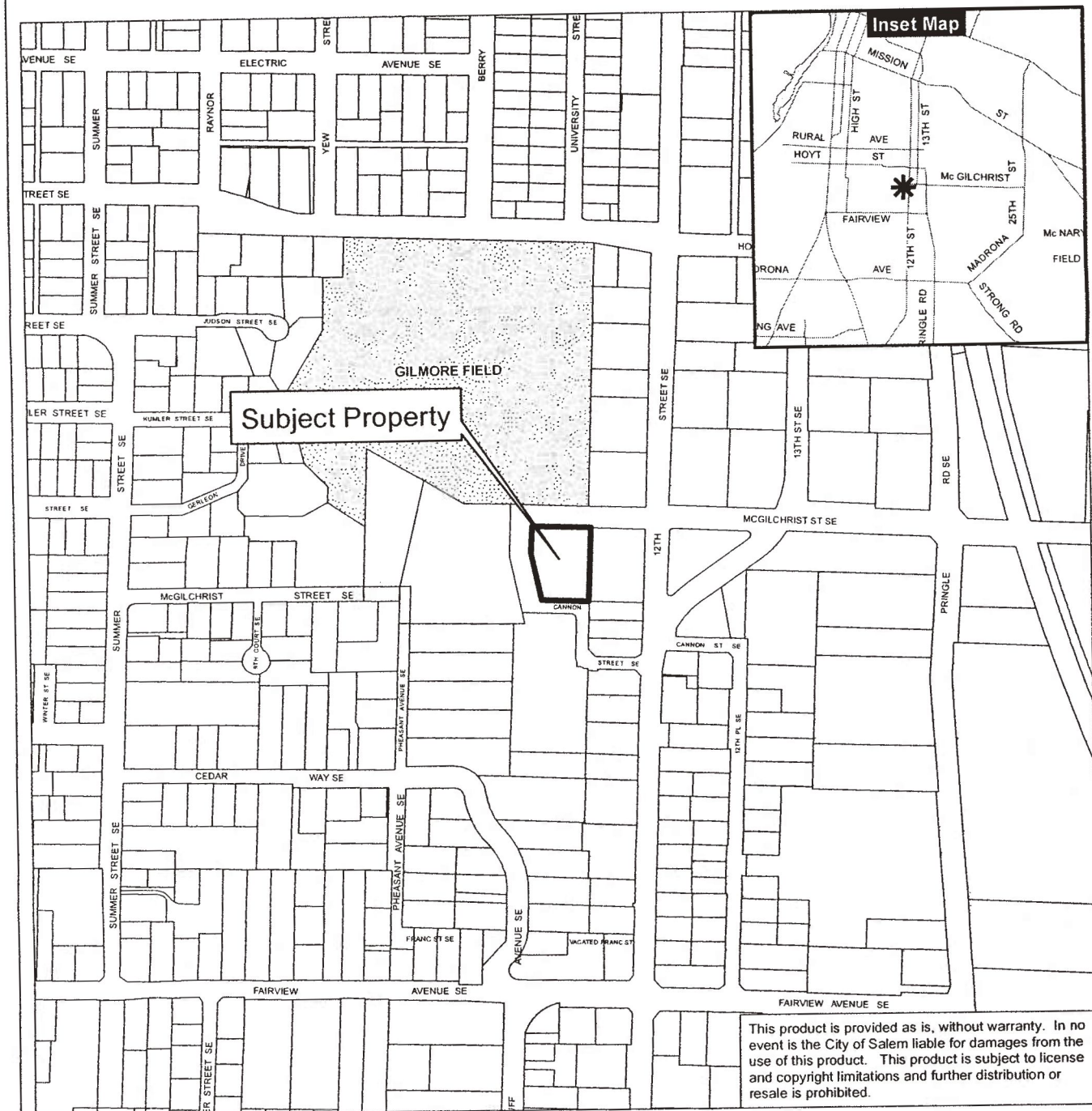
  
\_\_\_\_\_  
President, Planning Commission

APPEAL PERIOD ENDS: October 19, 2006

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.

**Planning Commission Vote: Yes 5 No 0 Absent 2 (Bennett, Wiles)**

## Vicinity Map 1130-1150 McGilchrist Street SE



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**Legend**

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

0 100 200 400 Feet

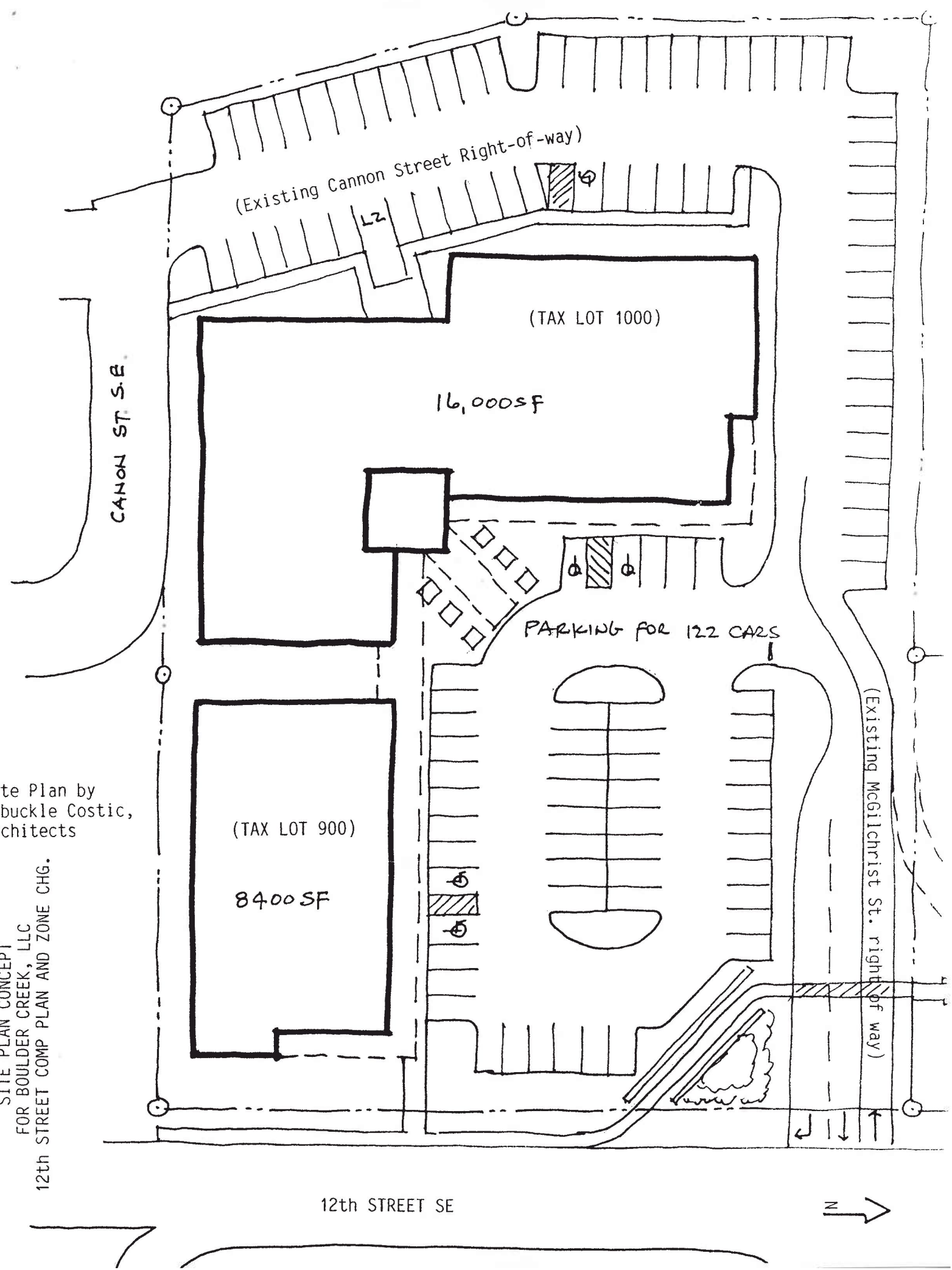


**CITY OF Salem**  
 AT YOUR SERVICE  
 Community Development Dept.



Site Plan by  
Buckle Costic,  
Architects

SITE PLAN CONCEPT  
FOR BOULDER CREEK, LLC  
12th STREET COMP PLAN AND ZONE CHG.



12th STREET SE



CERTIFICATION OF MAILING

STATE OF OREGON )

CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 5<sup>th</sup> day of October 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for CPC/ZC 06-9

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 5<sup>th</sup> day of October 2006

  
\_\_\_\_\_  
Judy Copeland, Staff Assistant