



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

February 16, 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 019-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 3, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Rob Hallyburton, DLCD Community Services Division Manager  
Matthew Crall, DLCD Transportation Planner  
Lisa Van de Water, City of Salem

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FEB 14 2006

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

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Salem

Local File Number CA 05-13

(if no number, use none)

Date of Adoption February 6, 2006

Date Mailed February 10, 2006

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD October 20, 2005

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."

Amended Salem Revised Code Chapter 136, Chemawa/I-5 NE Quadrant Gateway Overlay Zone, removing the requirement for property within the overlay to be zoned IP (Industrial Park) prior to development, removing the requirement for a transportation impact analysis at the time of annexation, but retaining the development standards intended to treat this area as a "gateway" to Salem.

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 NA to NA

Zone Map Change From NA to NA

Location: NA

Acres Involved: NA

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

New: \_\_\_\_\_

Applicable Statewide Planning Goals: 1 and 2

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: Lisa Van de Water, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7581

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip Code+4: 97301-3503

Email Address: lvandewater@cityofsalem.net

DLCD File No:

019-05  
(14758)

**A BILL FOR ORDINANCE NO. 5-06**

1 AN ORDINANCE relating to the CHEMAWA/I-5 NORTHEAST QUADRANT  
2 GATEWAY OVERLAY ZONE; amending SRC 136.040 and SRC 136.060; and repealing SRC  
3 136.080.

4 THE CITY OF SALEM ORDAINS AS FOLLOWS:

5 **Section 1.** SRC 136.040 is amended to read:

6 **136.040 USES IN THE CHEMAWA/I-5 NORTHEAST QUADRANT**

7 **GATEWAY OVERLAY ZONE.** ~~The parcels within the overlay district shall be zoned IP~~  
8 ~~(Industrial Park) prior to development.~~ The following uses are prohibited within the overlay zone:

- 9 (a) Gasoline service stations (SIC 554),  
10 (b) Recycling depots,  
11 (c) Crude petroleum and natural gas extraction (131),  
12 (d) Pulp (261), paper (262), and paper board (263) mills,  
13 (e) Chemical and allied products (28),  
14 (f) Leather tanning and finishing (311),  
15 (g) Gas production and distribution (492),  
16 (h) Petroleum and petroleum products (517), and  
17 (g) Solid waste transfer stations.

18 Any use, change of use, or development shall meet the requirements of this chapter.

19 **Section 2.** SRC 136.060 is amended to read:

20 **136.060 DECLARATION OF UTILITY AND TRANSPORTATION DEMANDS.** ~~(a)~~

21 ~~Prior to the annexation to the City of Salem of any property or portion of property in the Chemawa/I-~~  
22 ~~5 Northeast Quadrant Gateway Overlay Zone, the applicant shall provide the City with the following~~  
23 ~~information:~~

24 ~~(1) An analysis that shows that the development for the entire overlay zone can be~~  
25 ~~completed without exceeding the water and sewer utility allocations cited in the water and sewer~~  
26 ~~master plans; and~~

27 ~~(2) A transportation impact analysis (TIA) that shows that the development for~~  
28 ~~the entire overlay zone can be completed without exceeding the design capacity of the I-5/Chemawa~~

~~Interchange and the local and regional transportation network.~~

1 (b) — If an applicant of any property or portion of property in the Chemawa/I-5 Northeast  
2 Quadrant Gateway Overlay Zone proposes a uses which that is different than that presented in the  
3 pre-annexation analysis, the applicant shall provide the City with the following information:

4 (1a) An analysis that shows that the development for the subject overlay zone can be  
5 completed without exceeding the water and sewer utility allocations cited in the water and sewer  
6 master plans; and

7 (2b) A transportation impact analysis (TIA) that shows that development for the entire  
8 overlay zone can be completed without exceeding the design capacity of the I-5/Chemawa  
9 Interchange and the local and regional transportation network.

10 **Section 3.** SRC 136.080 is hereby repealed.

11 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any  
12 part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance  
13 shall remain in full force and effect.

14 PASSED by the Council this 6th day of February, 2006 .

15 ATTEST:

16 *Kathy Hale*  
17 City Recorder

18 Approved by City Attorney:  \_\_\_\_\_  
19

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21 Checked By: Lisa Vandewater (ed)

22 G:\Group\LEGAL\Council\010906 Chemawa\_I5 Overlay Zone ord.wpd  
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CERTIFICATION OF MAILING

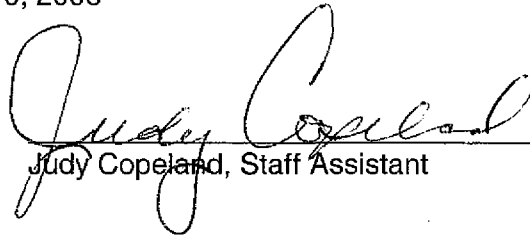
STATE OF OREGON )

CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 10<sup>th</sup> day of February 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 05-13 - Revisions to SRC 136, Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone

A copy of which is filed in the case file.

DATED at Salem, Oregon, this February 10, 2006

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