



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/Coastal Fax: (503) 378-6033

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

Third Floor/Measure 37 Fax: (503) 378-5318

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

NOTICE OF ADOPTED AMENDMENT

December 8, 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 020-06



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: December 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
Matthew Crall, DLCD Transportation Planner
Kevin Russell, 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

Jurisdiction City of Salem

Local File Number CPC/ZC 06-14

(if no number, use none)

Date of Adoption November 21, 2006

Date Mailed November 30, 2006

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD September 22, 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."

To change the Salem Area Comprehensive Plan Map designation from "Developing Residential" to "Commercial" and to change the zoning designation from RA (Residential Agriculture) to CR (Commercial Retail) for an 18.4-acre site located in the 2500 Block of Boone Road SE.

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 Developing Residential to Commercial

Zone Map Change From RA (Residential Agriculture) to CR (Retail Commercial)

Location: 2500 Block of Boone road SE ? Acres Involved: 2.19 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: Kevin Russell, Associate Planner Area Code + Phone Number: (503) 588-6173, ext. 7597

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

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

DLCD File No: 020-06 (15587)

RESOLUTION NO.: PC 06-20

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 06-14

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

and zone change from RS (Single Family Residential) to CR (Retail Commercial)

for property located in the 3800 block of commercial Street SE

was filed by Donald R. Wyant

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 November 21, 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 November 21, 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 RS (Single Family Residential) to CR (Retail Commercial) for the above defined area be granted, subject to the following 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.

(2) The applicant be required to construct a ten foot wall within 12 months of finalization of zone change, on north and west sides of the property.

ADOPTED by the Planning Commission this 21st day of November 2006.



President, Planning Commission

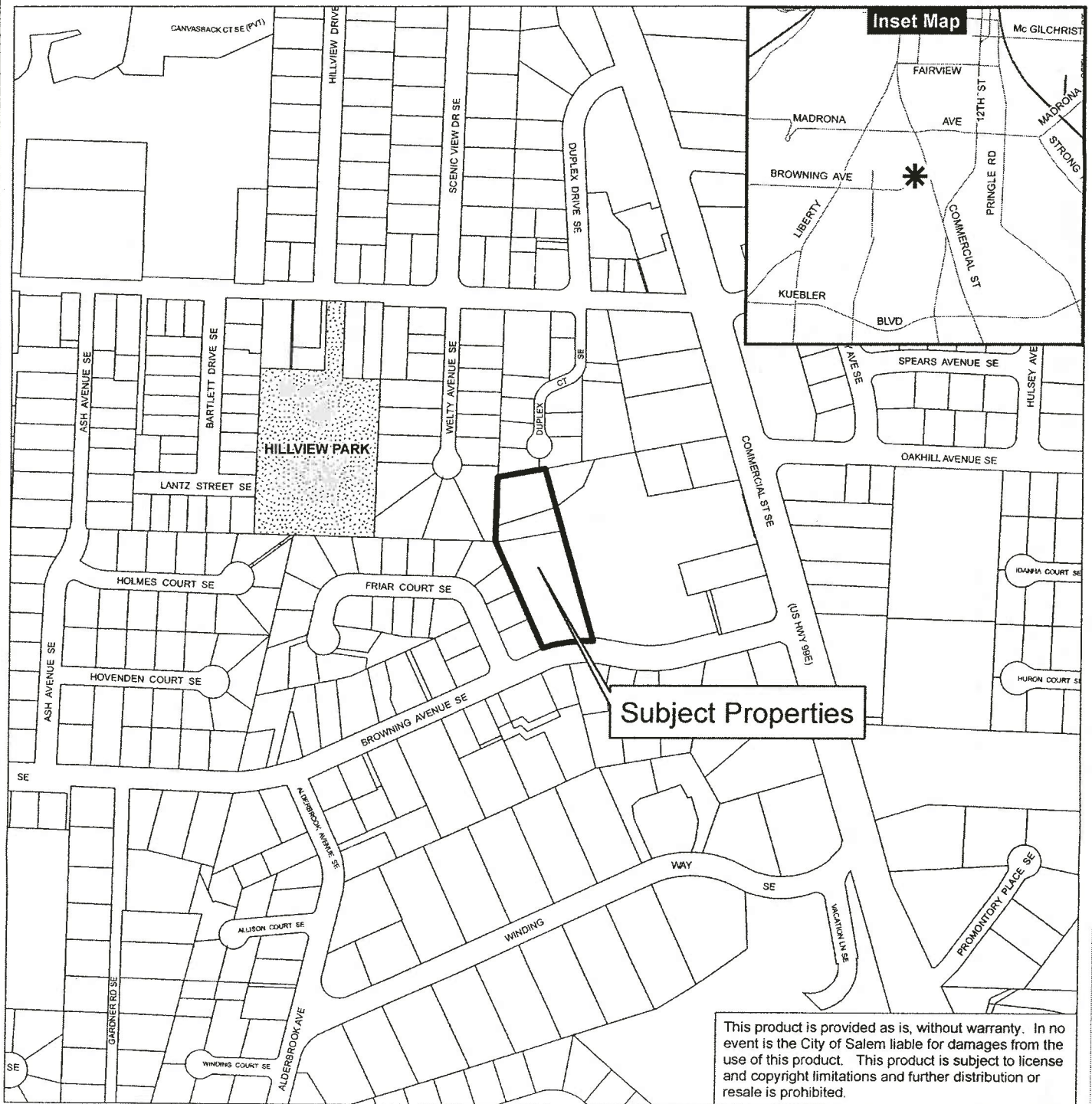
APPEAL PERIOD ENDS: December 15, 2006

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 7 No 0

Vicinity Map

3800 Block of Commercial Street SE

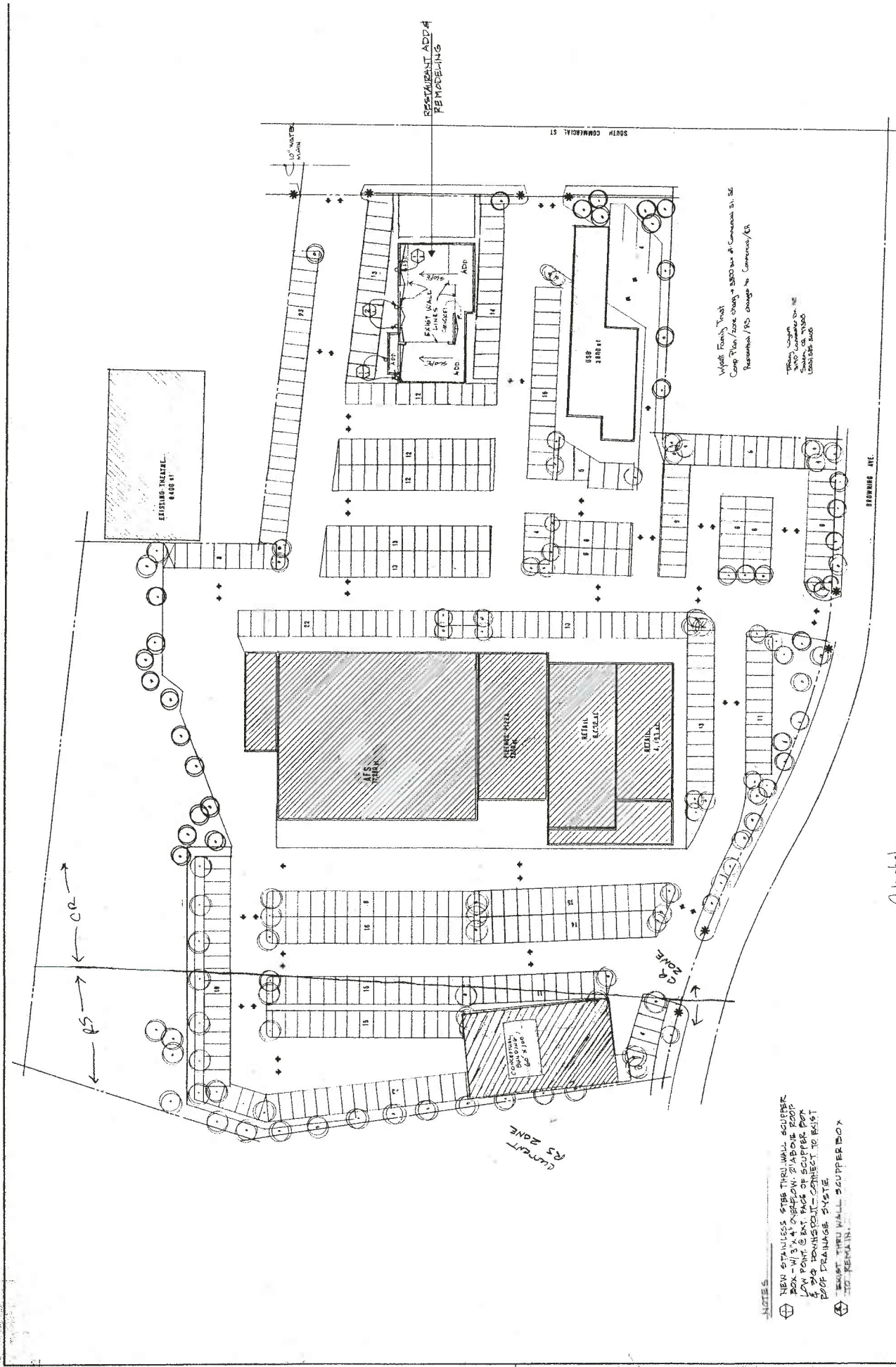


Legend

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

0 100 200 400 Feet





RESTAURANT ADD +
REMODELING

Village Family Trust
Comp Plan / zone change + 2000 sq ft Commercial in SE
Permitted / RS change to Commercial / R1

There is a
water line on the
corner of 17500
located 100' SW

EXISTING THEATRE -
8400 sq ft

CUMMINS
R3 ZONE

- NOTES
- 1. NEW STAINLESS STEEL THRU WALL SCUPPER BOX - 18" x 18" OVERFLOW: 2" ABOVE ROOF LOW POINT @ EXT. FACE OF SCUPPER BOX
 - 2. 2" DIA DOWNSPOUT - CONNECT TO EXIST ROOF DRAINAGE SYSTEM
 - 3. SCUPPER THRU WALL SCUPPER BOX TO REMAIN.

Conceptual

SITE DEVELOPMENT PLAN

SCALE



CERTIFICATION OF MAILING

STATE OF OREGON)
CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 30th day of November 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for CPC/ZC 06-14

A copy of which is filed in the case file.

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



Judy Copeland, Staff Assistant

From: "Kevin Russell" <KRussell@cityofsalem.net>
To: ULLOA Mara <Mara.Ulloa@state.or.us>
Date: 12/6/06 7:29 AM
Subject: Re: Notice of Adoption

It is for the 3800 Block of Commercial....I will fax over a corrected notice.

Regards,

Kevin Russell

>>> "Mara Ulloa" <Mara.Ulloa@state.or.us> 12/5/2006 7:58 PM >>>
Kevin,

I received a notice of Adoption for Local file number CPC/ZC 06-14 and Resolution No. PC 06-20. They have conflicting locations and I want to make sure of what you are adopting. I think it was intended to adopt a Comprehensive Plan Map and Zoning Map change for property located on 3800 Commercial St. NE, but the Notice reads: 2500 Block of Boone Road SE.

Would you be able to please fax over a corrected Notice or Resolution, so that they both match. You can get new forms at:
<http://www.lcd.state.or.us/LCD/forms.shtml>

Thanks for your help,

Mara Ulloa
Plan Amendment Specialist
Department of Land Conservation and Development
635 Capitol St NE, Ste 200
Salem OR 97301-2524

503-373-0050 x238 503-378-5518 Fax
mara.ulloa@state.or.us

<http://www.oregon.gov/LCD/index.shtml>