



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

July 24, 2007

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 005-07



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: August 8, 2007

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
Kevin Russell, City of Salem

<paa> ya/email

NOTICE OF ADOPTION

THIS FORM MUST BE MAILED BY DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF LAND CONSERVATION AND DEVELOPMENT
DATE JUL 18 2007
For DLCD Use Only

Jurisdiction: City of Salem Local File Number: CPC/ZC 07-3
Date of Adoption: July 3, 2007 Date Mailed: July 17, 2007
Date this Notice of Proposed Amendment was mailed to DLCD: May 4, 2007

Comprehensive Plan Text Amendment X Comprehensive Plan Map Amendment
Land Use Regulation Amendment X Zoning Map Amendment
New Land Use Regulation Other:

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

Changed the Salem Area Comprehensive Plan designation from "Multi-Family Residential" to "Commercial" and changed the zoning designation from RM2 (Multiple Family Residential) to CR (Retail Commercial) for property approximately 5.85 acres in size and located at 5800 Commercial Street SE and 1821 Wiltsey 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 to the Proposed Amendment, write "N/A."

Same

Plan Map Changed from: Multi-Family Residential to: Commercial
Zone Map Changed from: RM2 (Multiple Family Residential) to: CR (Retail Commercial)
Location: 5800 Commercial St. SE & 1821 Wiltsey Road SE Acres Involved: 5.84
Specify Density: Previous: New:
Applicable Statewide Planning Goals:

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:

Local Contact: Kevin Russell, Associate Planner Phone: (503) 588-6173 Extension: 7597
Address: 555 Liberty Street SE, Room 305 City: Salem
Zip: 97301 E-Mail Address: krussell@cityofsalem.net

DLCD File No: 005-07 (16088)

CERTIFICATION OF MAILING

STATE OF OREGON)
CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 17th day of July 2007 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Comprehensive Plan Change/Zone Change 07-3

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 17th day of July 2007



Judy Copeland, Staff Assistant

PLANNING COMMISSION

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



RESOLUTION NO.: PC 07-6

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 07-3

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

and zone change from

RM2 (Multiple Family Residential) to CR (Retail Commercial)

for property located at

5800 Commercial Street SE and 1821 Wiltsey Road SE

was filed by

Tom Moyer Theaters

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 July 3, 2007, 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 July 3, 2007 and July 17, 2007, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

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

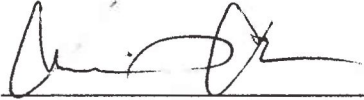
(a) The proposed Comprehensive Plan change in this matter from Multi-Family Residential to Commercial be granted;

(b) The zone change from RM2 (Multiple Family Residential) to CR (Retail Commercial) for the above defined area be granted, subject to the following conditions:

1. The developer shall construct an additional northbound travel lane on Commercial Street SE from approximately 300 feet south of Wiltsey Road SE to approximately 950 feet north of Wiltsey Road SE at the point where the two northbound travel lanes currently exist. Improvements to Commercial Street south of the subject property would be only asphalt widening for the purpose of creating an additional northbound travel lane.
2. The developer shall construct an eastbound left turn lane on Wiltsey Road SE for vehicles turning into the proposed development. A full access driveway will be allowed on Wiltsey Road SE. The driveway shall be no closer than 340 feet from the intersection with Commercial Street SE.

3. Access to Commercial Street SE shall be limited to one right in/right out driveway controlled with a median. The location shall be approved by the City Traffic Engineer.
4. The applicant shall enter into an agreement with the City of Salem Public Works Department which specifies the required improvements to the transportation system prior to issuance of a building permit.

ADOPTED by the Planning Commission this 17th day of July 2007.



President, Planning Commission

Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Section 114.200 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision. Salem Revised Code 114.210 states that whether or not an appeal is filed, the Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 114.200.

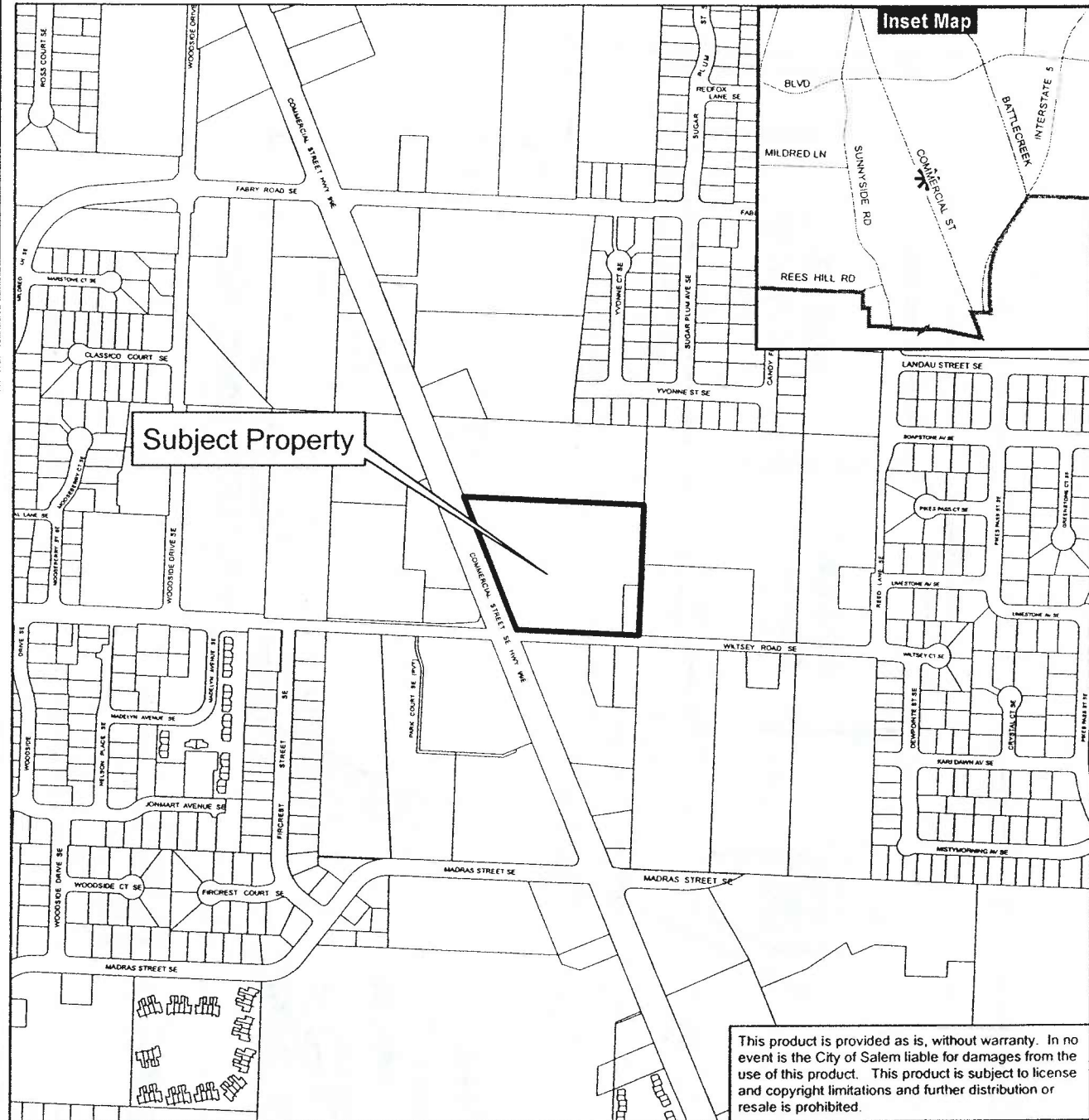
APPEAL PERIOD ENDS: July 31, 2007

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 6 No 0 Absent 1 (Wiles)

Vicinity Map 5800 Commercial Street SE



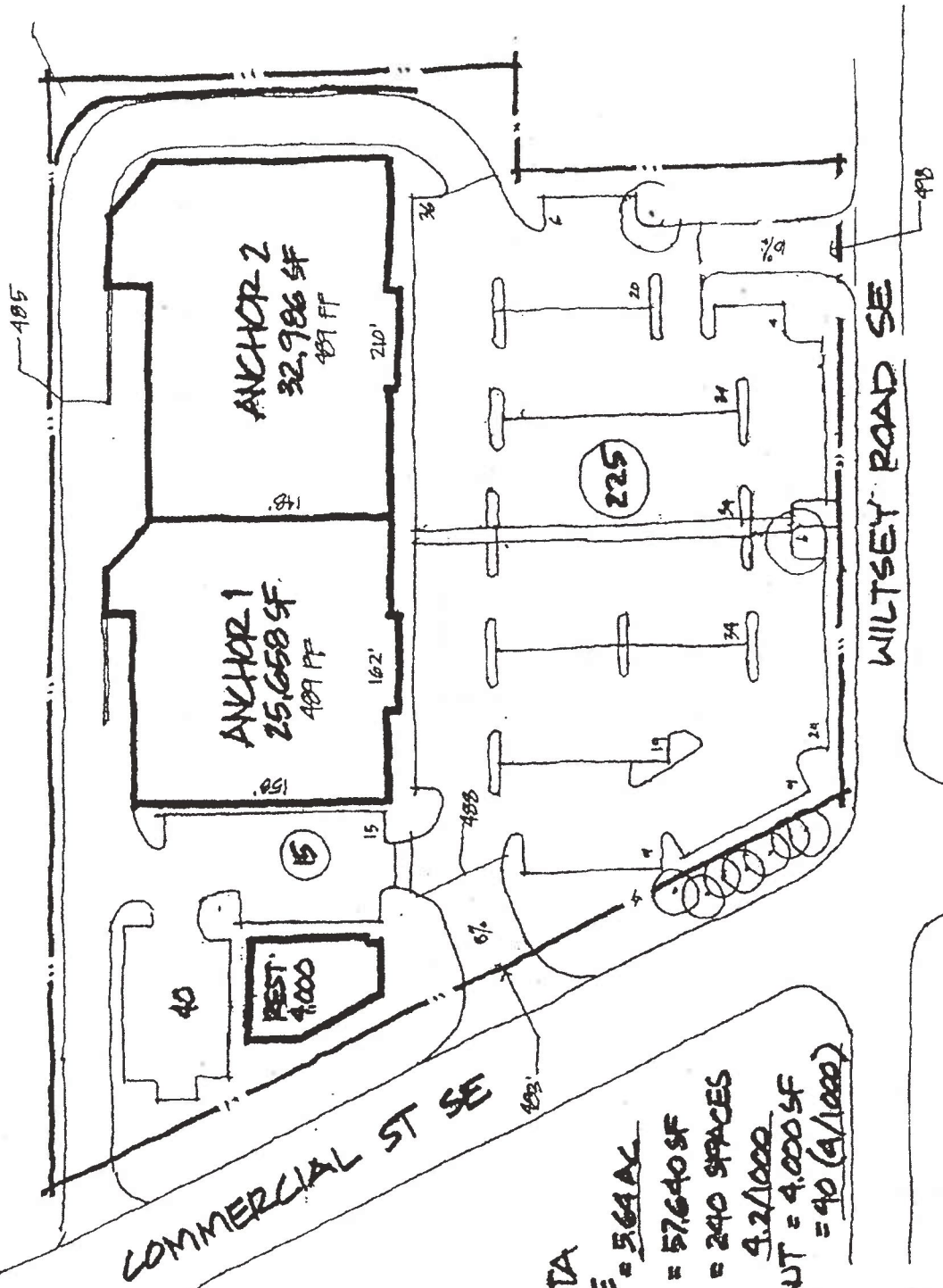
Legend

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

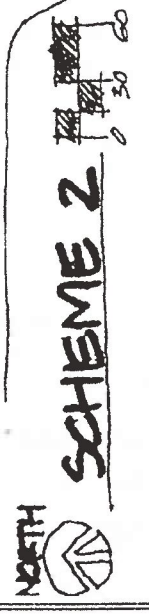
0 100 200 400 Feet



ATTACHMENT 1



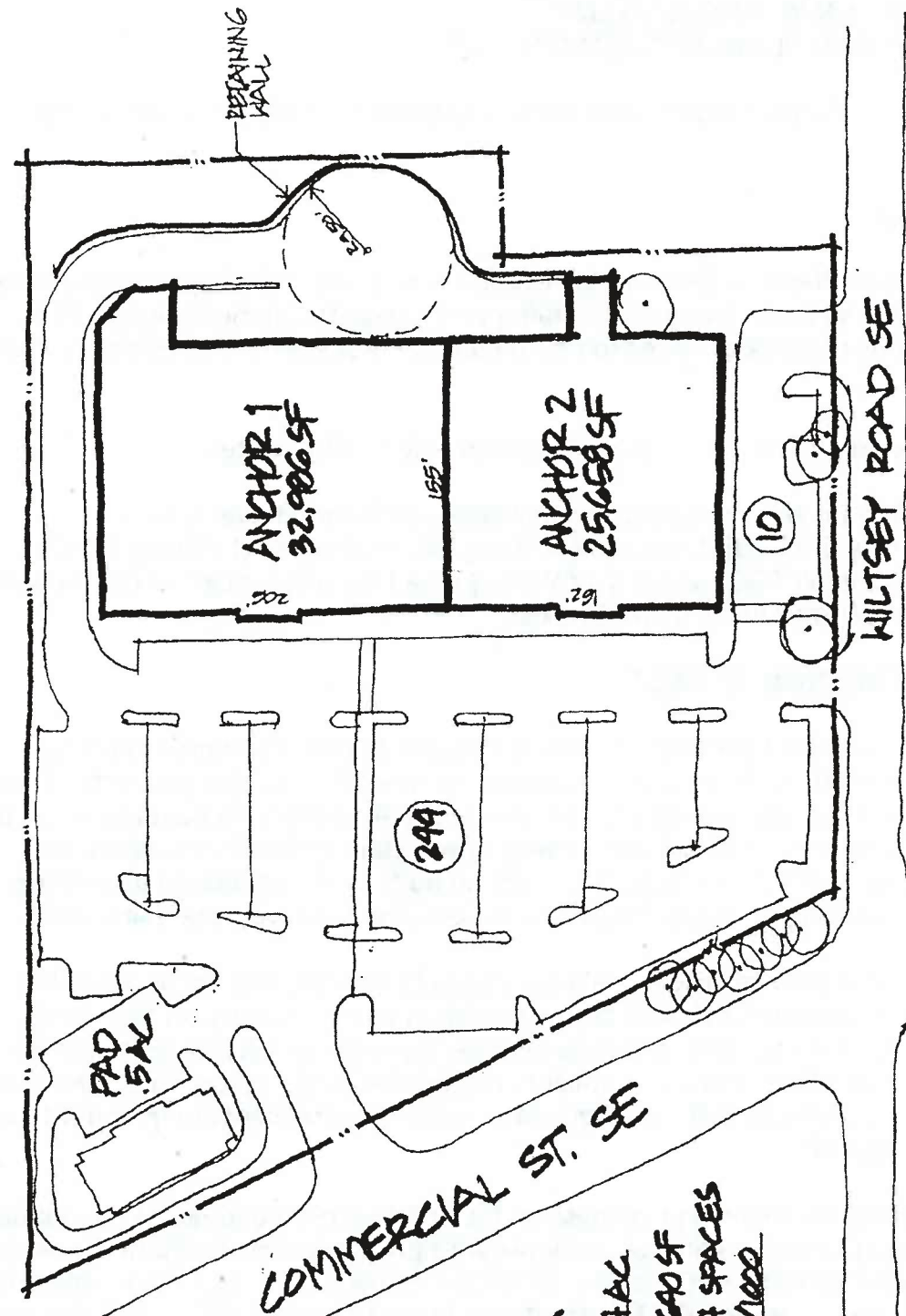
SITE DATA
TOTAL SITE AREA = 564 AL
BUILDING AREA = 57,640 SF
PARKING = 240 SPACES
9,210,000
RESTAURANT = 4,000 SF
PARKING = 40 (4/1000)



SCHEME 2

B

TMT Development
Scheme Commercial Part B
Project Number: TMT06109
RESURFACE ARCHITECTS PC
10000 Blvd. Ave. East, Suite 200, Denver, CO 80231
© 2006 Resurface Architects PC



SITE DATA
TOTAL SITE AREA = 5.64 AC
BUILDING AREA = 57,640 SF
PARKING = 254 SPACES
9.9/1000

Scheme 7a

FOR MEETING OF: JULY 17, 2007
AGENDA ITEM NO.: _____

TO: PLANNING COMMISSION

FROM: GLENN W. GROSS 
URBAN PLANNING ADMINISTRATOR

SUBJECT: CPC/ZC 07-3 SUPPLEMENTAL FINDINGS/REVISED CONDITION

BACKGROUND

At the July 3, 2007 Planning Commission public hearing, the Planning Commission adopted additional findings to those found in the staff report presented at the hearing. The additional findings described the reason for modification of staff's recommended condition of approval #1.

Proposed Condition #1 on the Staff Report dated July 3, 2007 states:

The developer shall construct an additional northbound travel lane on Commercial Street SE from approximately 500 feet south of Wiltsey Road SE to approximately 950 feet north of Wiltsey Road SE at the point where the two northbound travel lanes currently exist.

ADDITIONAL FINDINGS OF FACT

The purpose of proposed condition #1 was to mitigate the transportation impacts to Commercial Street SE of the proposed commercial use of the subject property. The condition required the applicant to provide an additional northbound travel lane through the intersection of Commercial Street and Wiltsey Road, starting 500 feet south of and extending 950 north of Wiltsey Road SE. With an additional northbound travel lane, the transportation impacts potentially caused by the development would be mitigated.

During testimony at the Planning Commission's public hearing, the applicant stated that the widening south of Wiltsey Road was already required of the property on the south side of Wiltsey Road SE as a condition of a zone change approved in 1998 (Resolution No. 98-8). The applicant stated they believed it unfair to require the subject property's owner to widen in front of another property that was required to make improvements to their frontage along Commercial Street SE.

Staff indicated and the Planning Commission found that the second northbound lane is necessary to mitigate the impacts of the applicant's proposed development. Improvements north of the subject property will include complete improvements, including sidewalks and gutters. Based on the applicant's Transportation Impact Analysis (TIA), staff determined the applicant should construct the improvements at the time of development of the subject property because of the projected impacts to the City's transportation system explained in the TIA.

City Engineering staff indicated it is feasible to reduce the length of the recommended street widening south of Wiltsey Road to 300 feet from 500 feet. Staff indicated the street widening of the minimum 300 feet would ensure the additional lane would function correctly. The Planning Commission further found that the improvements to Commercial Street SE south of the subject property (south of Wiltsey Street SE) would be only asphalt (pavement) widening for the purpose of creating an additional northbound travel lane. Curbs and sidewalks would be the responsibility of the adjacent property owner at the time of development of the property south of Wiltsey Street SE. Extending the second northbound lane 500 feet south of Wiltsey Road was desirable to enhance traffic dispersion; however, a 300-foot extension was acceptable and would still provide use of the additional through lane.

The Planning Commission discussed the possibility of TSDC (Transportation System Development Charge) reimbursements or credit for work that exceeds the code requirements for the proposed development. City staff recommended and the Planning Commission found that the developer should not be provided reimbursement or credit for the required boundary street improvements on their frontage since this is a requirement of the zone change. In addition, staff recommended and the Planning Commission found that the pavement-only widening south of Wiltsey Road shall be treated as a development exaction and that it cannot be reimbursed. The Planning Commission found, however, that the developer may be eligible to receive reimbursements or credit for additional widening exceeding the standard boundary street requirement. All credits or reimbursements will be calculated and disbursed as allowed by Salem Revised Code and Public Works policies.

RECOMMENDATION

The Planning Commission moved that Condition #1 be modified to state the following:

The developer shall construct an additional northbound travel lane on Commercial Street SE from approximately 500 ~~500~~ **300** feet south of Wiltsey Road SE to approximately 950 feet north of Wiltsey Road SE at the point where the two northbound travel lanes currently exist. **Improvements to Commercial Street south of the subject property would be only asphalt widening for the purpose of creating an additional northbound travel lane.**

Attachment: 1. Resolution 98-8

PLANNING COMMISSION

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



RESOLUTION NO.: PC 98-8

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 97-27

WHEREAS, a petition for a Comprehensive Plan change from
"Multi-Family Residential" to "Commercial",
and zone change from
RM (Multiple Family Residential) to CR (Commercial Retail)

for property located in the
5900 Block of Commercial Street SE

was filed by
Jeff Tross, on behalf of Paul Freeburg

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 February 17, 1998, 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 March 3, 1998, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

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

- A. The Salem Area Comprehensive Plan change from "Multi-Family Residential" to "Commercial" is **GRANTED**;
- B. The zone change from RM (Multiple Family Residential) to CR (Retail Commercial) is **GRANTED**; and
- C. The variance request to reduce the number of required parking spaces from 270 to 184 for a hotel and a meeting facility is **GRANTED**, subject to the following conditions:
 - 1. The applicant shall be required to construct a half-street improvement along Commercial Street to measure 34 feet between the centerline of the right-of-way and the east curbline. Sidewalks shall be constructed as a part of the street improvement.
 - 2. The applicant shall be required to dedicate an additional 10 feet of right-of-way adjacent to the subject property to equal 30 feet measured between the centerline of the right-of-way and the south right-of-way line of Wiltsey Road. The traffic impact of the proposed development at 338 trips per day warrants the dedication of the additional right-of-way.

ATTACHMENT 1

3. The applicant shall be required to construct a half-street improvement along Wiltsey Road to measure 17 feet between the centerline of right-of-way and the south curbline. Sidewalks shall be constructed as a part of the street improvement.
4. As a condition of development, only one driveway shall be allowed from the subject property with access to Commercial Street. The driveway shall be located approximately 400 feet to the south of the Commercial Street - Wiltsey Road intersection to meet the spacing requirements for an arterial street in accordance with the Salem Transportation Plan.
5. The driveway proposed to be located near the southwest property corner with access to Commercial Street shall not be allowed.
6. The driveway proposed to be located near the northeast property corner with access to Wiltsey Road shall be allowed as shown on the proposed site plan.

ADOPTED by the Planning Commission this 3rd day of March, 1998.



President, Planning Commission

APPEAL PERIOD ENDS: March 20, 1998

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.