



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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



NOTICE OF ADOPTED AMENDMENT

March 10, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist *ZJZ*

SUBJECT: City of Salem Plan Amendment
DLCD File Number 001-08

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: March 25, 2008

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
Thomas Hogue, DLCD Economic Policy Analyst
Bill Holstrom, DLCD Transportation Growth Management Planner
Lisa Anderson, City of Salem Associate Planner

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NOTICE OF ADOPTION

DATE
STAMP

DEPT OF

MAR 04 2008

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

THIS FORM **MUST BE MAILED** BY 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 07-9

Date of Adoption: February 26, 2008 Date Mailed: March 3, 2008

Date this Notice of Proposed Amendment was mailed to DLCD: December 31, 2008

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment 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 map designation from "Industrial" to "Commercial" and the zone district from RA (Residential Agricultural) to CO (Commercial Office) for property approximately 13.81 acres in size and located in the 3400 Block of Kuebler Boulevard SE (Marion County Assessor's map and tax lot number 083W12D / 2501).

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: Industrial to: Commercial

Zone Map Changed from: RA (Residential Agriculture) to: CO (Commercial Office)

Location: 3400 block of Kuebler Boulevard SE Acres Involved: 13.81

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals:

Was an Exception Proposed: YES NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? 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: Lisa Anderson, Associate Planner Phone: (503) 588-6173 Extension: 7581

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

Zip: 97301 E-Mail Address: landerson@cityofsalem.net

DLCD File No: 001-08(16617)

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



PLANNING COMMISSION

RESOLUTION NO.: PC 08-3

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 07-9

WHEREAS, a petition for a Comprehensive Plan change from "Industrial" to "Commercial," and zone change from RA (Residential Agriculture) to CO (Commercial Office) for property located in the 3400 Block of Kuebler Boulevard SE was filed by Eric Rouse, Mountain West Senior Housing LLC, Applicant; Saalfeld Griggs PC, Brian Moore, Representative 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 26, 2008, 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 February 26, 2008, herewith attached and by this reference incorporated herein and the Planning Commission hereby incorporates by reference the Salem Regional Employment Center Economic Opportunities Analysis - October 2004 (revised), which was adopted by the City Council on January 24, 2005, by incorporation into Ordinance 2-05 as Attachment H of the Staff Report. Ordinance 2-05 and its attachments may be reviewed by the public by making a public records request of the City Recorder's Office, City Hall, Room 205, 555 Liberty St. SE, Salem, during regular business hours..


Section 2. ORDER:

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

- (a) The proposed Comprehensive Plan change in this matter from "Industrial" to "Commercial" be granted;
- (b) The zone change from RA (Residential Agriculture) to CO (Commercial Office) for the above defined area be granted, subject to the following condition:
 - 1. The applicant shall record in deed records of Marion County, Oregon, the provisions of a restrictive covenant that adopts the terms of this condition by reference, and shall run with the land. The property subject to the restrictive covenant shall include the property subject to the Comprehensive Plan and zoning map amendments.

This condition shall limit traffic impacts from future development such that a maximum of 7,445 average daily trips are generated by the proposed use or uses. At the time of development review for any proposed use on the property subject to the restrictive covenant, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation manual. No development on the property shall be allowed that causes average daily trips of the property subject to the covenant to exceed 7,445 average daily trips.

ADOPTED by the Planning Commission this 26th day of February 2008.



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: March 13, 2008

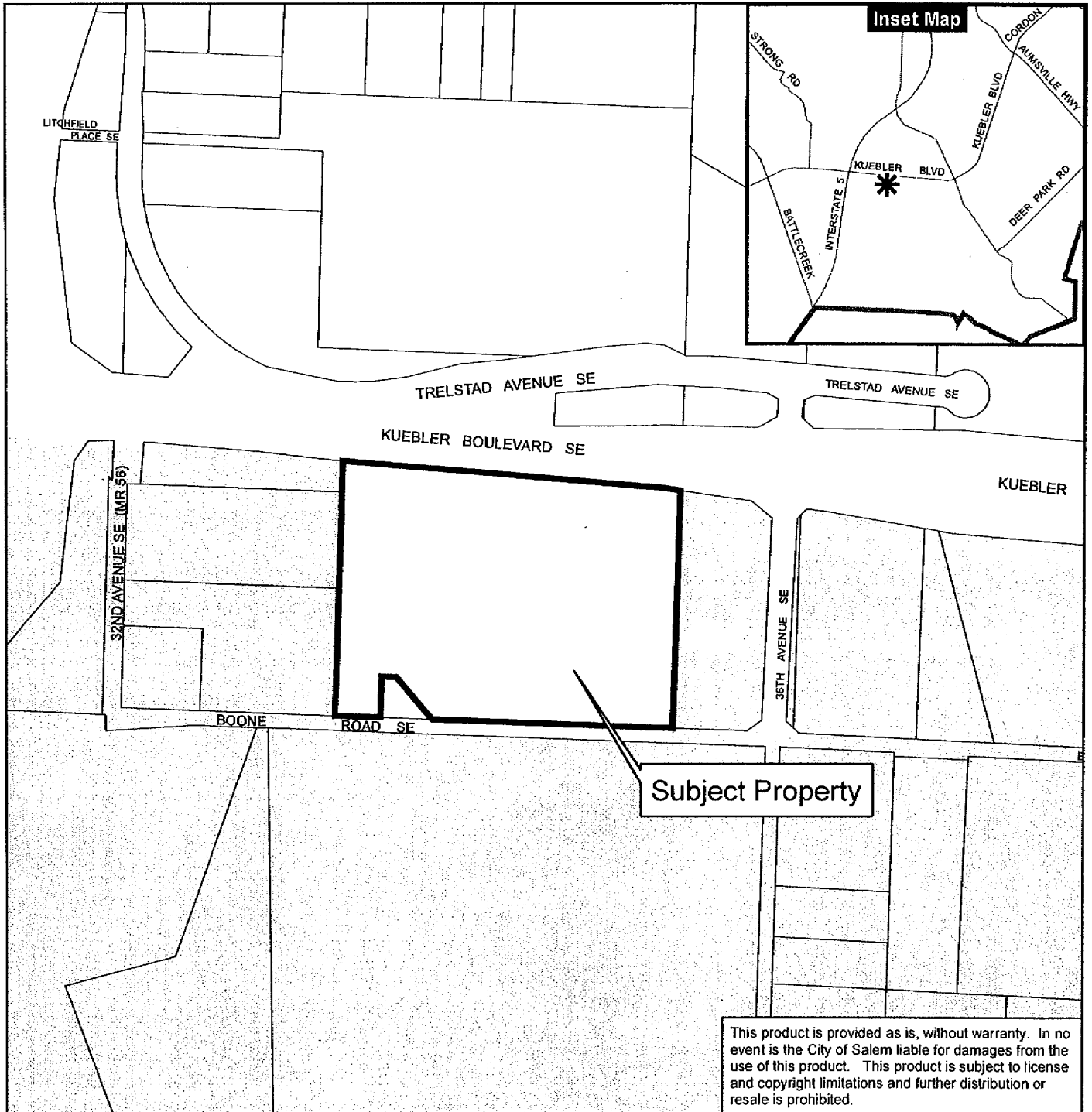
Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

Planning Commission Vote:

Yes 6 No 0 Absent 1 (Goss)







Vicinity Map

Taxlot 083W12D 02501



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Legend

- | | |
|---|---|
|  Outside Salem City Limits |  Historic District |
|  Urban Growth Boundary |  Schools |
|  Taxlots |  Parks |

0 100 200 400 Feet




 CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.