



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 31, 2008

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 009-08



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: April 16, 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).

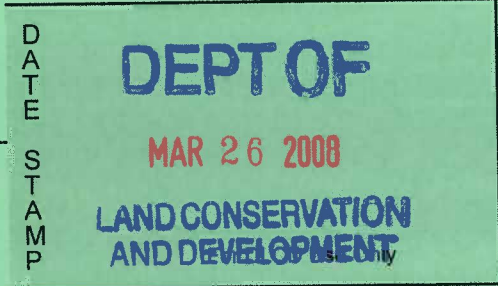
If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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
Darren Nichols, DLCD Community Services Division Manager
Thomas Hogue, Policy Analyst
Bill Holmstrom, DLCD Transportation Planner
Lisa Anderson, City of Salem

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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

Jurisdiction: City of Salem Local File Number: CPC/ZC 08-6
Date of Adoption: March 18, 2008 Date Mailed: March 26, 2008
Date this Notice of Proposed Amendment was mailed to DLCD: January 23, 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 "

To change the Salem Area Comprehensive Plan (SACP) map designation from "Industrial" to "Industrial-Commercial" and to change the zoning district from IG (General Industrial) to IC (Industrial Commercial) for property approximately 4.65 acres in size and located at 3210 Del Webb Avenue NE, in the Cherry Avenue Industrial Center (Marion County Assessor's Map and Tax Lot Numbers 073W11DC00800 and 00300).

Describe how the adopted amendment differs form the proposed amendment. If it is the same, write "SAME." If you did not give notice fo the Proposed Amendment, write "N/A."

Same

Plan Map Changed from: Industrial to: Industrial Commercial
Zone Map Changed from: IG (General Industrial) to: IC (Industrial Commercial)
Location: 3210 Del Webb Avenue NE Acres Involved: 4.65 Acres
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: lmanderson@cityofsalem.net

DLCD File No: 009-08 (16665)

RESOLUTION NO.: PC 08-6

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 08-6

WHEREAS, a petition for a Comprehensive Plan change from "Industrial" to "Industrial-Commercial,"

and zone change from IG (General Industrial) to IC (Industrial Commercial)

for property located at 3210 Del Webb Avenue NE

was filed by 40M LLC and Jack Fox, Applicant, Jeff Tross, 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 March 18, 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 March 18, 2008, 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 "Industrial" to "Industrial-Commercial" be granted;

(b) The zone change from IG (General Industrial) to IC (Industrial Commercial) for the above defined area be granted, subject to the following conditions:

1. All of the uses within the Industrial Commercial (IC) zone shall be allowed except for the following: US Post Office, fast food with drive-thru, supermarket, gasoline service station, discount superstore, and garden supply center.
2. 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 4,405 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 4,405 average daily trips.

3. All conditional uses shall be permitted except for the residential uses listed under SRC 155.040(h).

ADOPTED by the Planning Commission this 18th day of March 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: April 7, 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 4 No 2 Absent 1 (Lewis)

Comprehensive Plan Change/Zone Change 08-6



Legend

- | | |
|---------------------------|---------|
| Base Zoning | Taxlots |
| Urban Growth Boundary | Parks |
| Outside Salem City Limits | Schools |

0 50 100 200 Feet



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