NOTICE OF ADOPTED AMENDMENT

8/16/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment DLCD File Number 009-10

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: Friday, August 27, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lisa Anderson-Ogilvie, City of Salem
    Gloria Gardiner, DLCD Urban Planning Specialist
    Steve Oulman, DLCD Regional Representative
    Bill Holmstrom, DLCD Transportation Planner
    Thomas Hogue, DLCD Regional Representative

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Notice of Adoption

This Form 2 must be mailed to DLCD within 5 Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: City of Salem
Date of Adoption: 8/3/2010
Local file number: CPC/NPC/ZC 10-3
Date Mailed: 8/5/2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☑ Yes ☐ No Date: 6/18/2010
☐ 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”.

Comprehensive Plan change from “Industrial” to “Industrial-Commercial”, and zone change from IP (Industrial Park) to IC (Industrial Commercial) and concurrent change to the Northeast Salem Community Association (NESCA) Neighborhood Plan for property located at 3371 and 3381 ‘D’ Street NE

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: "Industrial" to: "Industrial-Commercial"
Zone Map Changed from: IP (Industrial Park) to: IC (Industrial Commercial)
Location: 3371 & 3381 'D' St NE
Acres Involved: 8.09
Specify Density: Previous: New:

Applicable statewide planning goals:

Was an Exception Adopted? ☐ YES ☑ NO

Did DLCD receive a Notice of Proposed Amendment...

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
Please list all affected State or Federal Agencies, Local Governments or Special Districts:
None

Local Contact: Lisa Anderson-Ogilvie, Planner II
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Fax Number: 503-588-6005
City: Salem       Zip: 97301-3513
E-mail Address: lmanderson@cityofsalem.net
RESOLUTION NO.: PC 10-7

COMPREHENSIVE PLAN CHANGE/NEIGHBORHOOD PLAN CHANGE/
ZONE CHANGE NO. 10-3

WHEREAS, a petition for a Comprehensive Plan change from "Industrial" to "Industrial-Commercial", and zone change from IP (Industrial Park) to IC (Industrial Commercial) and concurrent change to the Northeast Salem Community Association (NESCA) Neighborhood Plan for property located at 3371 and 3381 'D' Street NE was filed by The Hitchman Foundation (c/o Kent Aldrich) 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 August 3, 2010, 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 on this matter dated August 3, 2010, 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 IP (Industrial Park) to IC (Industrial Commercial) for the above defined area be granted,

(c) With a concurrent change to the Northeast Salem Community Association (NESCA) Neighborhood Plan, subject to the following condition:

Condition 1: At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 8,773 average daily trips generated by the proposed use or uses.

ADOPTED by the Planning Commission this 3rd day of August, 2010.

President, Planning Commission

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., August 18, 2010. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 113. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.
APPEAL PERIOD ENDS: August 18, 2010

The case file and 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 (Lewis)

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