



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/25/2011

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 015-10

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, March 11, 2011

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: Bryan Colbourne, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

HAND DELIVERED

electronic mailed

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**

Local file number: **CPC-ZC10-05**

Date of Adoption: **2/15/2011**

Date Mailed: **2/18/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/29/2010

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".

To change the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and the zone district from RM2 (Multiple Family Residential) to CO (Commercial Office) for property approximately 0.44 acres in size and located at 3800 Liberty Road S (Marion County Assessor's Map and Tax Lot Number 083W04DD / 2400).

Does the Adoption differ from proposal? Please select one
No.

Plan Map Changed from: "Multi-Family Residential" to: "Commercial"

Zone Map Changed from: **RM2 (Multiple Family Residential)** to: **CO (Commercial Office)**

Location: **3800 Liberty Rd S**

Acres Involved: **0.44 acres**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Bryan Colbourne, Planner III** *BC* Phone: (503) 588-6173 Extension: 7463
Address: **555 Liberty St SE, Rm 305** Fax Number: 503-588-6005
City: **Salem** Zip: **97301-3513** E-mail Address: **bcolbourne@cityofsalem.net**

RESOLUTION NO.: PC 11-1

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE 10-05

WHEREAS, a petition for a Comprehensive Plan change from "Multi-Family Residential" to "Commercial" and zone change from RM2 (Multiple Family Residential) to CO (Commercial Office) for property located at 3800 Liberty Road S was filed by Anthony R. Kreitzberg for Capital Warehouse Co. 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 15, 2011, 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 February 15, 2011, 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 CO (Commercial Office) for the above defined area be GRANTED, subject to the following conditions:

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 60 average daily trips generated by the proposed use or uses.

Condition 2: Replace the existing sidewalk along the entire frontage of Liberty Road S, including the wheelchair ramp at the Ewald Avenue S intersection and the existing driveway on Liberty Road S.

Condition 3: Construct landscaping or other acceptable barrier along Ewald Avenue S to delineate the driveway approach(es). Driveway access shall be limited to one two-way or two one-way driveways in conformance with SRC Chapter 80.

Condition 4: Construct a sidewalk along the entire frontage of Ewald Avenue S. If the applicant chooses to enter into a construction deferral agreement for the sidewalk improvements under the provisions of SRC 78.192, the applicant shall delineate a pathway for safe pedestrian access along Ewald Avenue S to the satisfaction of the Public Works Director.

ADOPTED by the Planning Commission this 15th day of February, 2011.



President, Planning Commission

The subject property has historically operated as a commercial use. The Liberty Road corridor, in the general vicinity of the site, is characterized by a variety of residential, office, and retail uses. The proposed comprehensive plan and zoning map amendment to commercial is consistent with the surrounding land use pattern, and is a logical change given the surrounding mix of uses and the historical use of the site. The decision includes a condition that limits the number of daily vehicle trips generated by future uses at the site. This condition will limit the transportation impacts of the plan and zoning map change. Based on this, and based upon the facts and findings provided in the staff report and the information provided at the public hearing, the Planning Commission found that the proposal satisfies the applicable approval criteria and approved the Comprehensive Plan Change/Zone Change with conditions.

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., March 4, 2011. 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 (Comprehensive Planning) and 113 (Land Use Zones). 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: March 4, 2011

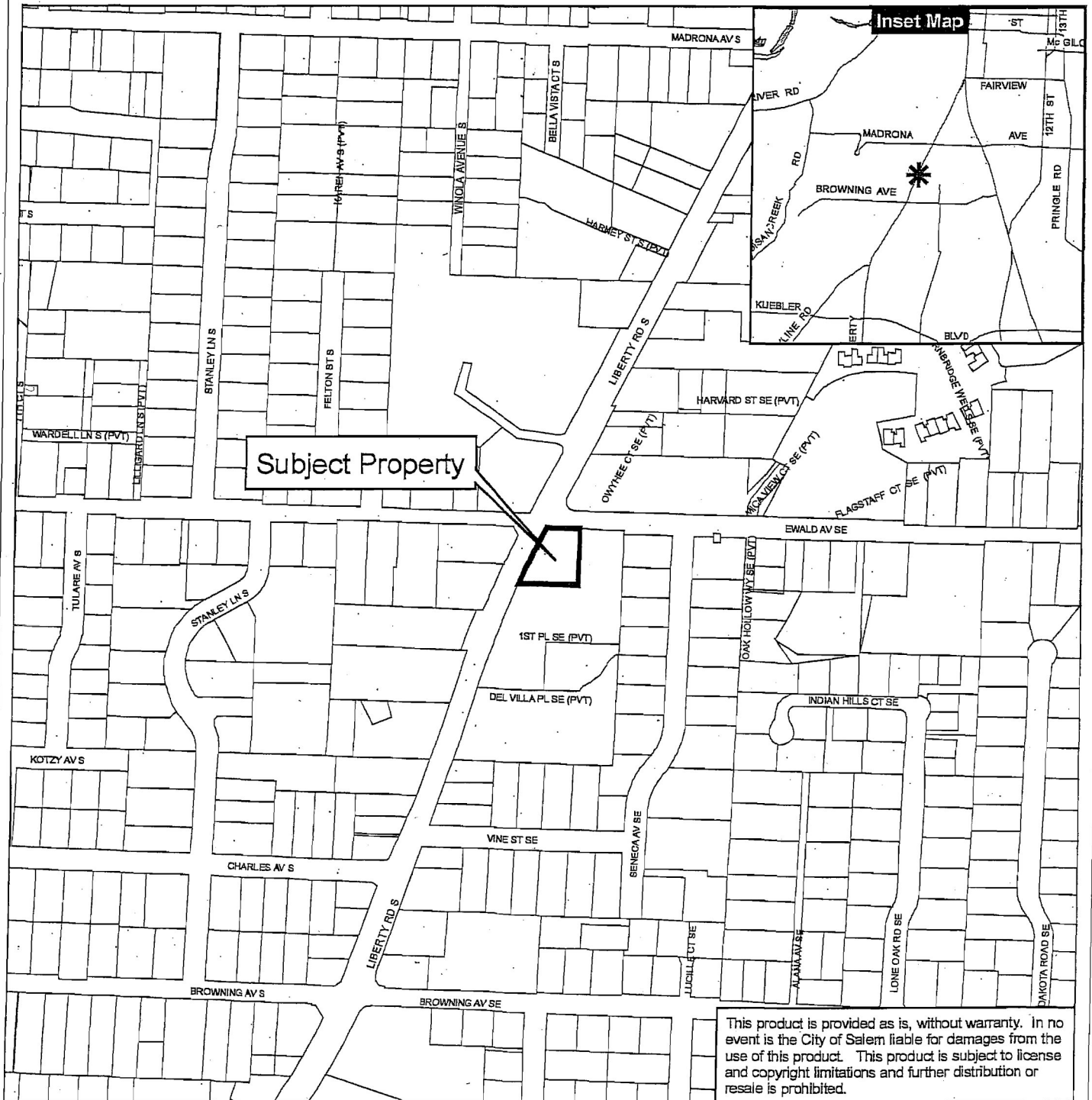
The case file and copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

Planning Commission Vote:

7 Yes 0 No 0 Absent







Vicinity Map 3800 Liberty Road S

Taxlot: 083W04DD02400



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Legend

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



0 100 200 400 Feet

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

DEPT OF

FEB 18 2011

LAND CONSERVATION
AND DEVELOPMENT

DEPT OF

FEB 18 2011

LAND CONSERVATION
AND DEVELOPMENT

Dept. of Land Conservation & Dev.
ATTN: Plan Amendment Specialist
635 Capitol St NE, Suite 150
Salem OR 97301-2540