NOTICE OF ADOPTED AMENDMENT

August 29, 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 016-08

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: September 12, 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
    Steve Oulman, DLCD Regional Representative
    Bill Holmstrom, DLCD Transportation Planner
    Lisa Anderson-Ogilvie, City of Salem

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NOTICE OF ADOPTION

Jurisdiction: City of Salem
Date of Adoption: August 19, 2008

Local File Number: CPC/ZC 08-9
Date Mailed: August 21, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: June 18, 2008

Is this a REVISED Proposal previously submitted to DLCD: YES x NO Date Submitted:

_____ Comprehensive Plan Text Amendment
_____ Land Use Regulation Amendment
_____ New Land Use Regulation

Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

Summarize the adopted amendment. Do not use technical terms. Do no write “See Attached.”

Changed the Salem Area Comprehensive Plan Map designation from “Multi-Family Residential” to “Commercial” and the zone district from RM2 (Multiple Family Residential) to CR (Commercial Retail) for property approximately 2.46 acres in size and located at the SE Corner of Madras and Commercial Street SE (Marion County Assessor’s map and tax lot number 083W23A 0802).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write “SAME.” If you did not give notice of 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 (Commercial Retail)
Location: SE Corner of Madras St. SE & Commercial St. SE
Acres Involved: 2.46 acres

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: Lisa Anderson-Ogilvie, Associate Planner
Phone: (503) 588-6173 Extension: 7581
Address: 555 Liberty Street SE, Room 305
City: Salem
Fax Number: (503) 588-6005
Zip: 97301
E-Mail Address: Imanderson@cityofsalem.net

DLCD File No: 016-08 (16953)
RESOLUTION NO.: PC 08-11

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 08-9

WHEREAS, a petition for a Comprehensive Plan change from “Multi-Family Residential” to “Commercial,”
and zone change from RM2 (Multiple Family Residential) to CR (Commercial Retail)
for property located at the southeast corner of Madras Street SE and Commercial Street SE
was filed by Dav II Investment Group LLC, 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 August 19, 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 August 19, 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 “Multi-Family
Residential” to “Commercial” be granted;
(b) The zone change from RM2 (Multiple Family Residential) to CR (Commercial Retail)
for the above defined area be granted.

ADOPTED by the Planning Commission this 19th day of August, 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: September 5, 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 (Gallagher)
RESOLUTION NO.: PC 08-11

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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

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Planning Commission Vote:
Yes 6  No 0  Absent 1  (Gallagher)
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