



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## AMENDED NOTICE OF ADOPTED AMENDMENT

November 21, 2007

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 012-07



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: December 10, 2007**

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.

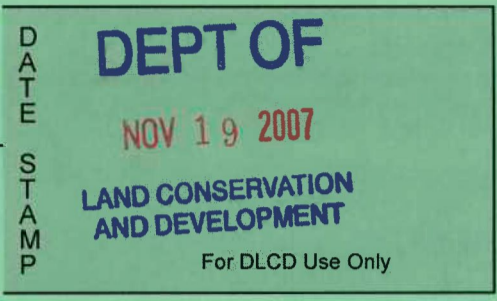
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Judith Moore, City of Salem

<paa> ya/

# 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 07-6  
Date of Adoption: November 6, 2007 Date Mailed: November 13, 2007  
Date this Notice of Proposed Amendment was mailed to DLCD: September 5, 2007

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 "Industrial Commercial" and the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) for property approximately 10.88 acres in size and generally located at 200 Hawthorne Avenue SE.

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: Industrial Commercial  
Zone Map Changed from: IBC (Industrial Business Campus) to: IC (Industrial Commercial)  
Location: 200 Hawthorne Avenue SE Acres Involved: 10.88 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: Judith Moore, Asst Urban Planning Admin. Phone: (503) 588-6173 Extension: 7598  
Address: 555 Liberty Street SE, Room 305 City: Salem  
Zip: 97301 E-Mail Address: jimoore@cityofsalem.net

DLCD File No: 012-07 (16370)

**PLANNING COMMISSION**

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



**RESOLUTION NO.: PC 07-10**

**COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 07-6**

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

and zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial)

for property located at 200 Hawthorne Avenue

was filed by Park 5 Center, LLC

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 November 6, 2007, 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 November 6, 2007, 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 IBC (Industrial Business Campus) to IC (Industrial Commercial) for the above defined area be granted, subject to the following conditions:

**Condition 1:** The following uses shall not be permitted on the subject property, as referenced by industry group or major group number in the Standard Industrial Classification Manual, 1987.

1. Eating and drinking places with drive-through window (5812);
2. Department stores, variety stores, and miscellaneous general merchandise stores (53);
3. Food stores (54);
4. Building materials, hardware, garden supply, and mobile home dealers (52);
5. Gasoline service stations (5541);
6. Motion picture theaters (783);
7. Amusement and recreation services (79).

**Condition 2:** Prior to issuance of a building permit for construction of additional building area within the subject property, construct an arterial half-width boundary improvement on Hawthorne Avenue SE to equal 34 feet from curblineline to centerline where the existing street is underimproved as defined in SRC 77.150(a)(2).

ADOPTED by the Planning Commission this 6<sup>th</sup> day of November 2007.

  
\_\_\_\_\_  
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.

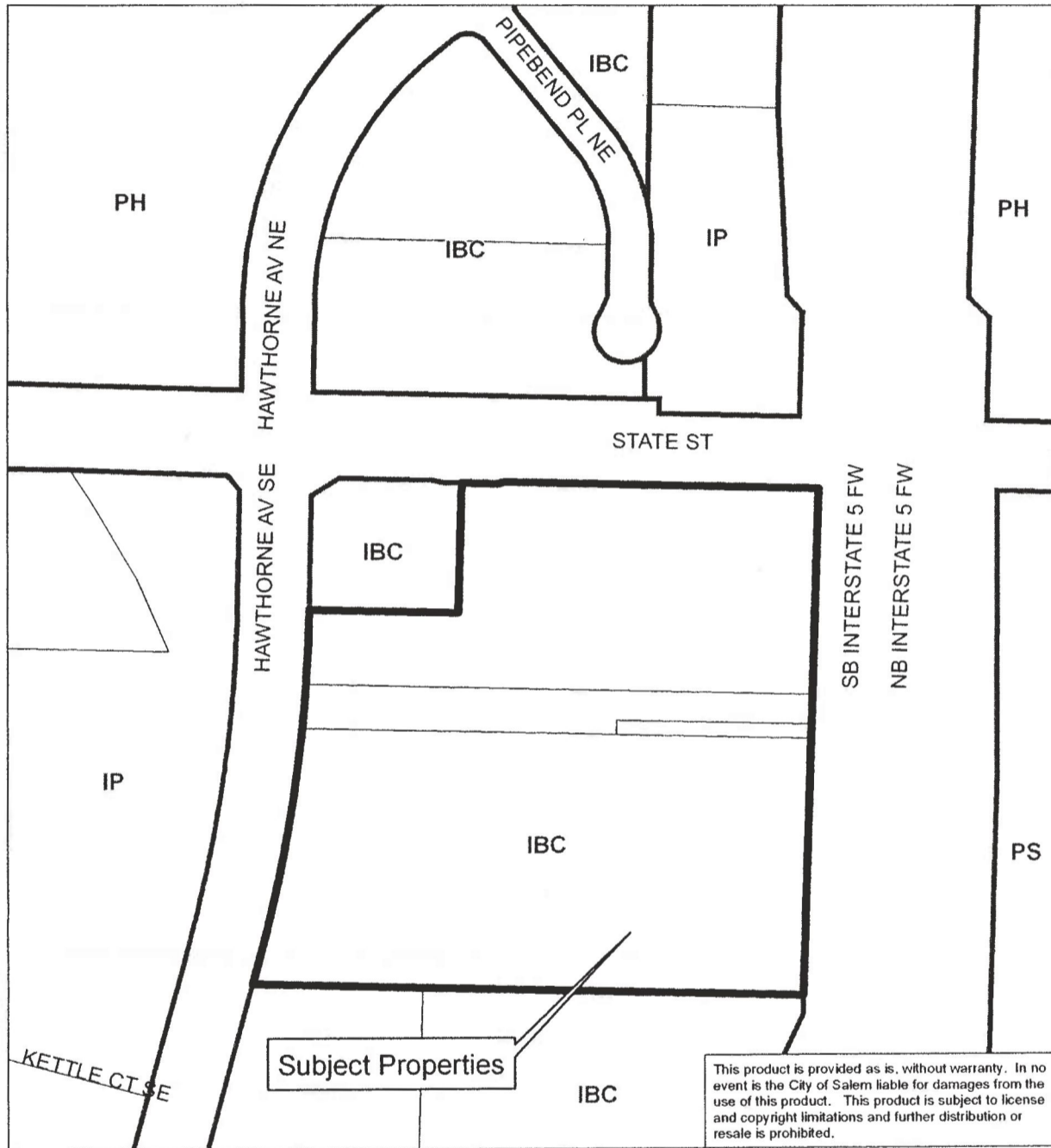
APPEAL PERIOD ENDS: November 21, 2007

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 0    Absent 2** (Goss, Levin)

# Comprehensive Plan Change/Zone Change 07-6



**Legend**

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

0 50 100 200 Feet



CITY OF *Salem* AT YOUR SERVICE  
COMMUNITY DEVELOPMENT  
Planning Division  
555 Liberty St. SE / Room 305  
Salem, OR 97301-3513

X

DEPARTMENT OF LAND CONSERVATION &  
DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 200  
SALEM, OR 97301-2540