



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

July 28, 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 014-08

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: August 11, 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
Bryce Bishop, City of Salem

<paa> ya/

NOTICE OF ADOPTION

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

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DEPT OF

JUL 21 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Salem

Local File Number: CPC/ZC 08-8

Date of Adoption: July 15, 2008

Date Mailed: July 18, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: April 25, 2008

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

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 "Single Family Residential" to "Commercial" and the zone district from RS (Single Family Residential) to CO (Commercial Office) for property approximately 0.66 acres in size and located at 725 Winding Way SE (Marion County Assessor's map and tax lot number: 083W10AB/1700).

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: Single Family Residential

To: Commercial

Zone Map Changed from: RS (Single Family Residential)

To: CO (Commercial Office)

Location: 725 Winding Way SE

Acres Involved: 0.66 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: Bryce Bishop, Interim Senior Planner

Phone: (503) 588-6173 Extension: 7599

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: bbishop@cityofsalem.net

DLCD File No: D14-08 (16873)

RESOLUTION NO.: PC 08-8

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 08-8

WHEREAS, a petition for a Comprehensive Plan change from "Single Family Residential" to "Commercial,"

and zone change from RS (Single Family Residential) to CO (Commercial Office)

for property located at 725 Winding Way SE

was filed by Winding Way LLC c/o Cory Redding

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 July 15, 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 July 15, 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 "Single Family Residential" to "Commercial" be granted;

(b) The zone change from RS (Single Family Residential) to CO (Commercial Office) for the above defined area be granted, subject to the following conditions:

- Condition 1:** The parking lot for the site shall be designed and constructed as illustrated in the applicant's response memorandum to the City Traffic Engineer dated April 14, 2008. The parking lot shall be designed to allow ingress only from Winding Way SE and egress via the driveway that connects to the parcel north of the subject property, located on Marion County Assessor's Map and Tax Lot No. 083W03DC/4600).
- Condition 2:** Replacement of the existing structure shall be consistent with the site plan submitted with the application and conform to the bufferyard requirements of SRC 132.
- Condition 3:** The existing trees on the property shall be preserved unless determined to be "hazardous" as defined in the Salem Revised Code. Removal of hazardous trees shall be undertaken pursuant to a permit as provided in the Salem Revised Code. A tree may also be removed if the removal is necessary to effect emergency actions which must be undertaken immediately, pursuant to the Salem Revised Code.

ADOPTED by the Planning Commission this 15th day of July 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.

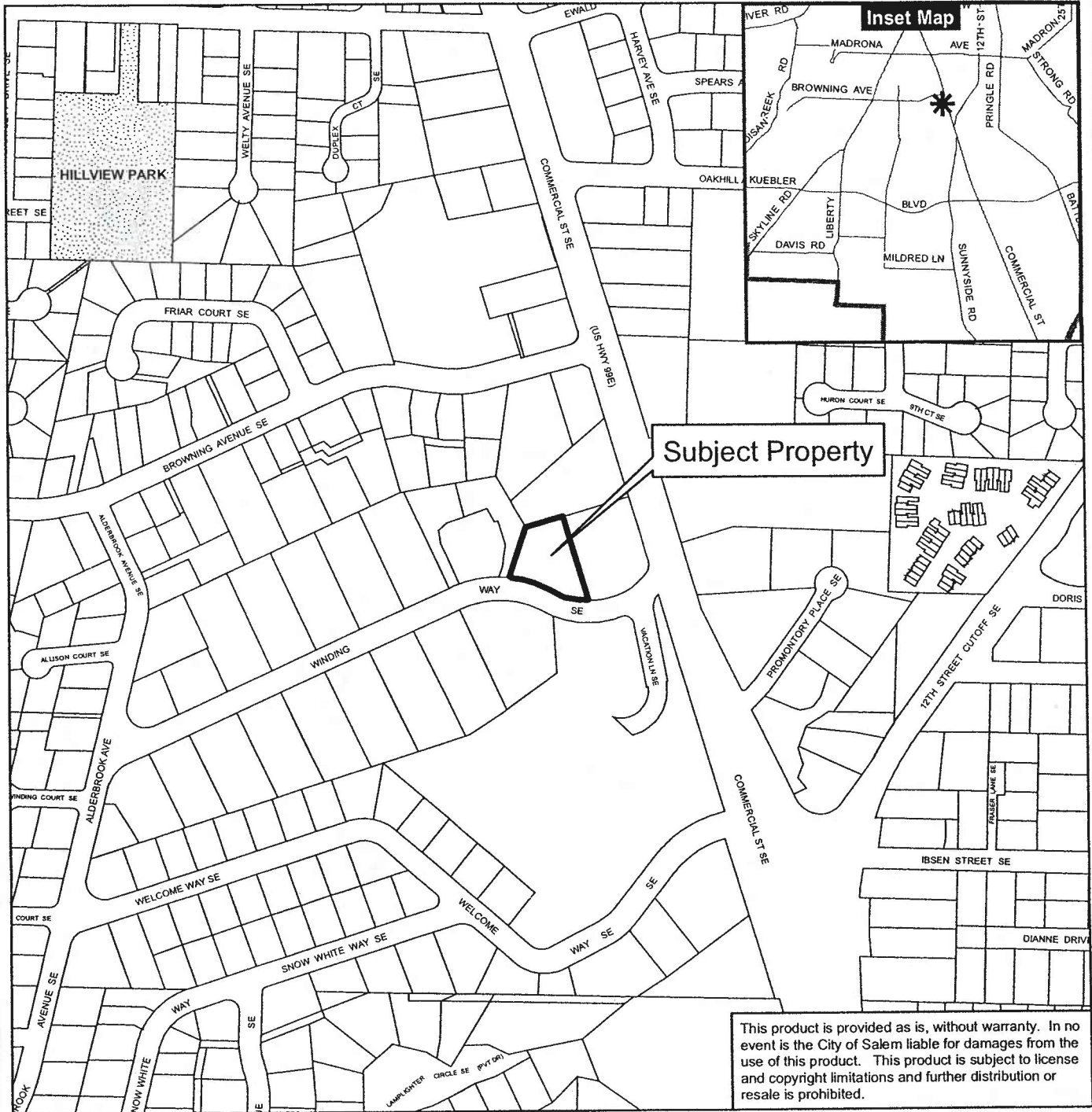
APPEAL PERIOD ENDS: August 4, 2008

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 5 No 1 Absent 1 (Levin)

Vicinity Map 725 Winding Way SE



Subject Property

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Legend

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

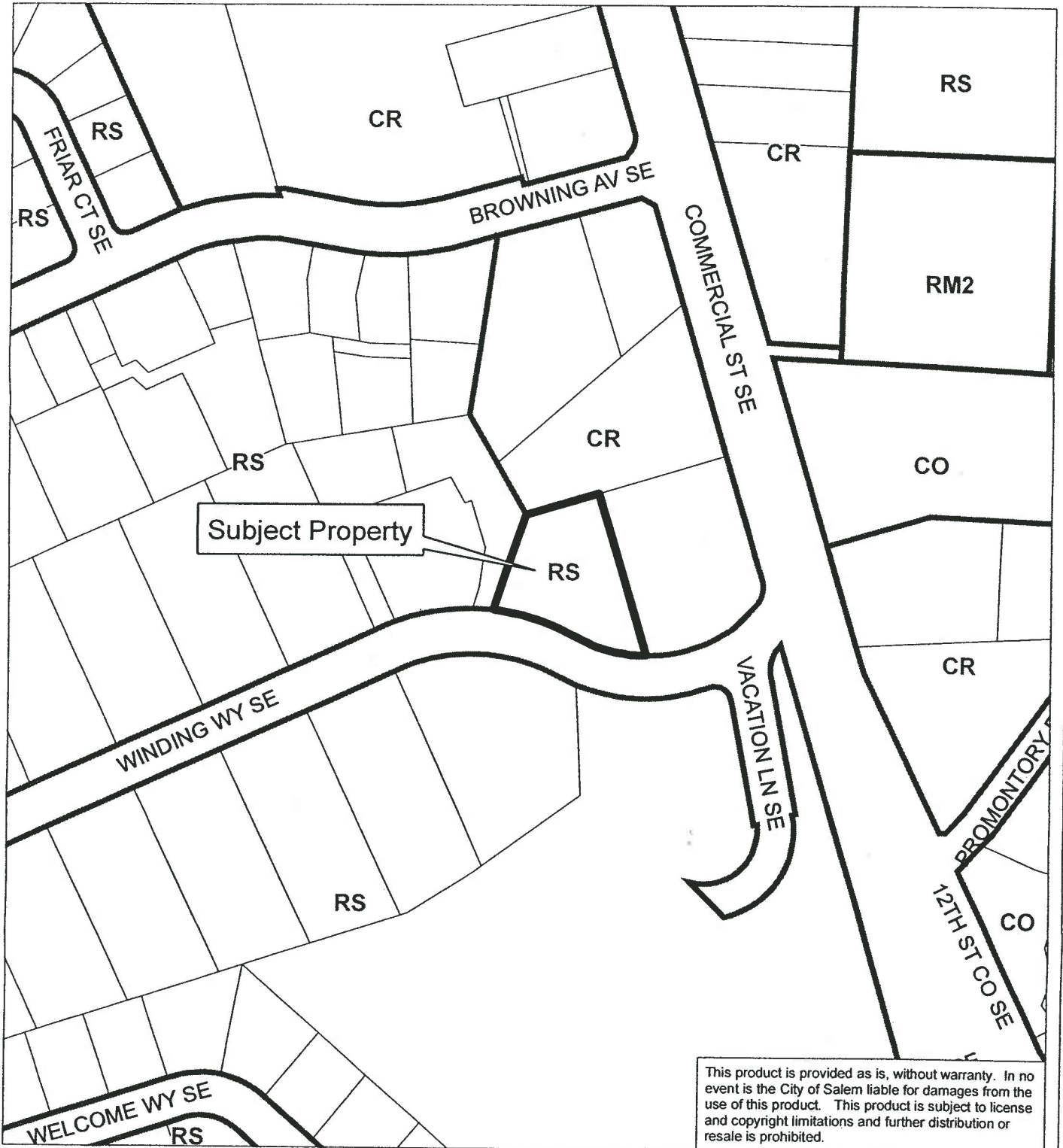
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CITY OF *Salem*
AT YOUR SERVICE

Community Development Dept.

Comprehensive Plan Change/Zone Change 08-8



Subject Property

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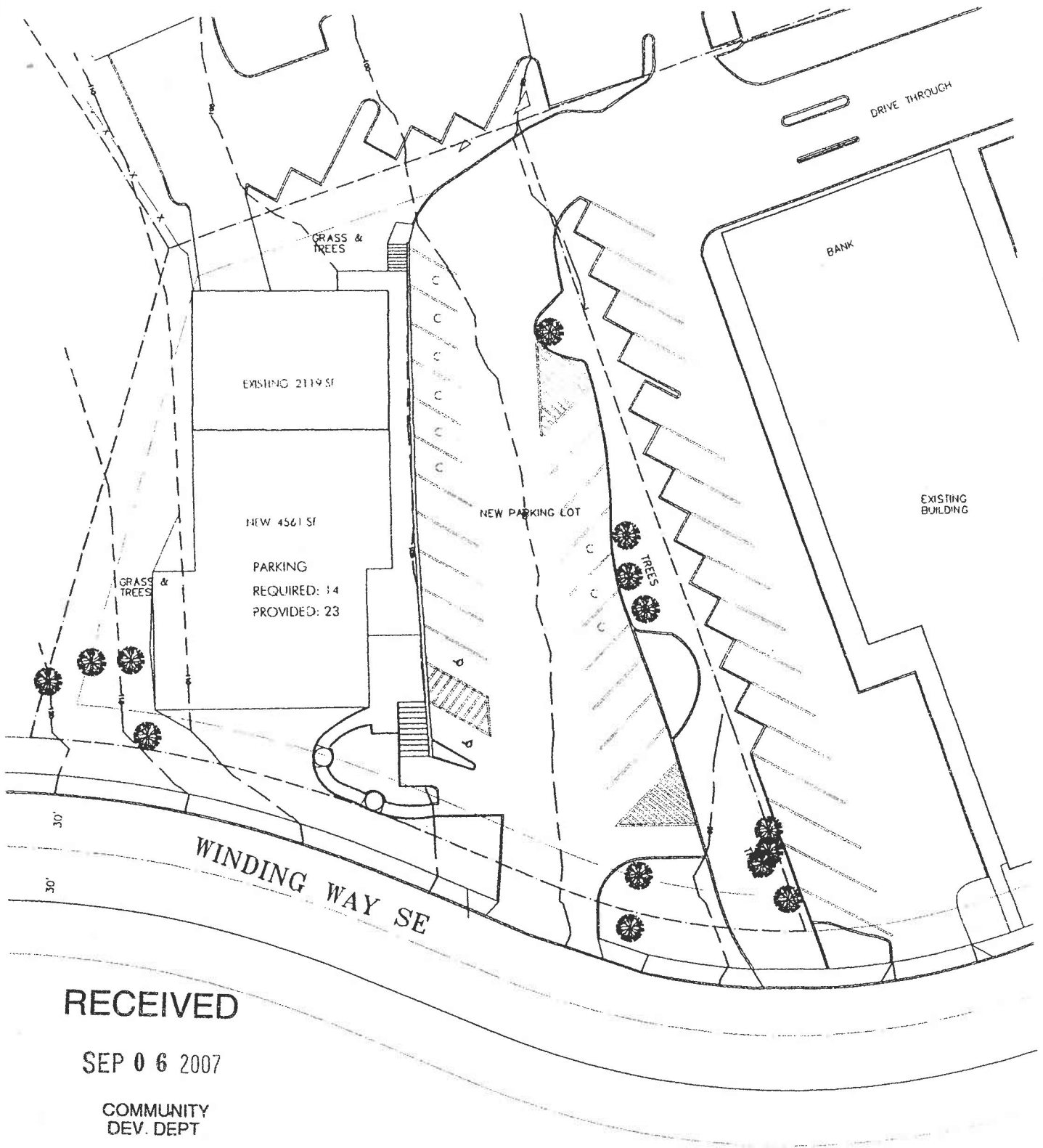
Legend

- 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 Dept.



NEW OFFICE AND ADDITION

STUDIO

WINDING WAY, LLC

3

725 WINDING WAY SE, SALEM, OREGON 08-1

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

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

X