



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

September 11, 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 015-07



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: September 30, 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
Glenn Gross, City of Salem

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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



Jurisdiction: City of Salem

Local File Number: CA 07-5

Date of Adoption: August 4, 2008

Date Mailed: September 9, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: December 19, 2007

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

___ Comprehensive Plan Text Amendment

___ Comprehensive Plan Map Amendment

x 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."

Planned Unit Development (PUD) Code Amendment (SRC 121) including approval criteria, deferred improvement agreements, and clarifying relationships between PUD and Subdivision ordinances.

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: NA

To: NA

Zone Map Changed from: NA

To: NA

Location: NA

Acres Involved: NA

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: Glenn Gross, Urban Planning Administrator

Phone: (503) 588-6173 Extension: 7506

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: ggross@cityofsalem.net

DLCD File No: 015-01 (16531)

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- and the lighting plans;
- (7) The landscaping and tree planting plan with a notation indicating the existing trees and shrubs which are to be retained;
- (8) The common open areas and spaces and the particular uses which are intended for them;
- (9) The areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic ways, playgrounds, schools, public buildings, and similar public and semipublic uses and whether such areas are to be public or private;
- (10) If the planned development is to be constructed in phases, ~~an indication of indicate~~ the area of each phase on the map; and
- (11) A plan showing the following for each existing or proposed building or structure for all sites; except single family lots:
 - (A) Its location on the lot and within the planned development;
 - (B) The intended use;
 - (C) The number of dwelling units in each residential building.
- (b) Elevation drawings of all typical proposed structures except single family residences. The drawings shall be accurate and to scale but need not be the final working drawings.
- (c) The location of all buildings on abutting properties. If accurate information was submitted for the outline plan, this will be sufficient.
- (d) The manner of financing for the planned development.
- (e) The present ownership of all of the land in the planned development.
- (f) A statement from the Department of Public Works ~~and department of public works~~ that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area.
- (g) A development time schedule indicating:
 - (1) The approximate date when construction ~~of the project~~ will begin;
 - (2) ~~If The phases in which~~ the project will be built ~~in phases~~; and the approximate date when construction of each phase will begin;
 - (3) The approximate dates when ~~the project and development~~ of each phase will be completed; and

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(4) The area and location of open space that will be provided at each phase.
(h) If parcels or lots of land are to be sold within the development, any information ~~not required in this section, but~~ required for a subdivision tentative plan under SRC 63.038. 63.040.

Section 3. The following SRC 121.551 is hereby added to SRC Chapter 121:

121.551. Criteria for Planned Unit Development Approval. A tentative plan for a PUD may be approved by the Planning Administrator, if the provisions of this Chapter are met. In approving a PUD, the Planning Administrator shall make specific findings that the PUD is in the public interest because one or more of the following conditions exist:

- (a) The PUD tentative plan includes common open space, which will be improved and intended as a recreational amenity. The open space shall be appropriate to the scale and character of the PUD, considering its size, density, and the number and types of dwellings being proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children’s play areas, picnic and barbeque facilities, and community gardens;
- (b) The PUD tentative plan includes common open space intended to preserve significant natural or cultural features, which would otherwise be lost; or
- (c) The PUD tentative plan includes unique or innovative design concepts that furthers specific goals and policies in the Salem Area Comprehensive Plan.


Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the Council this 4th day of August, 2008.

ATTEST:


DEPUTY

City Recorder

Approved by City Attorney: 

Checked by: G. Gross

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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
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