



# 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

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

<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

AUG 22 2008

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: City of Salem

Local File Number: CPC/ZC 08-9

Date of Adoption: August 19, 2008

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

x  Comprehensive Plan Map Amendment

\_\_\_ Land Use Regulation Amendment

x  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 "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

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: [lmanderson@cityofsalem.net](mailto:lmanderson@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 19<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
President, Planning Commission

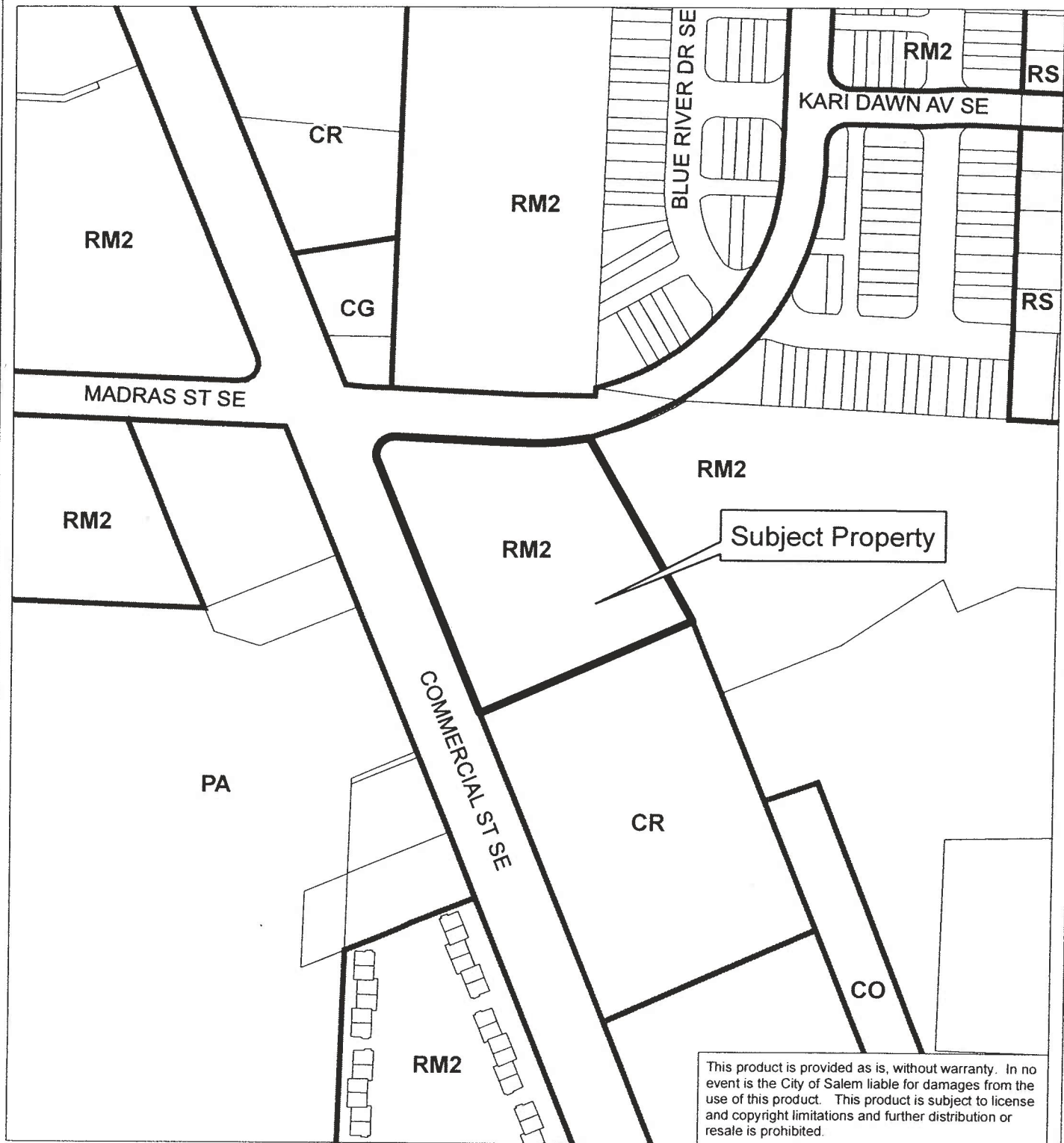
Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Section 114.200 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision. 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)

# Comprehensive Plan Change/Zone Change 08-9



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## Legend

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



Community Development Dept.

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



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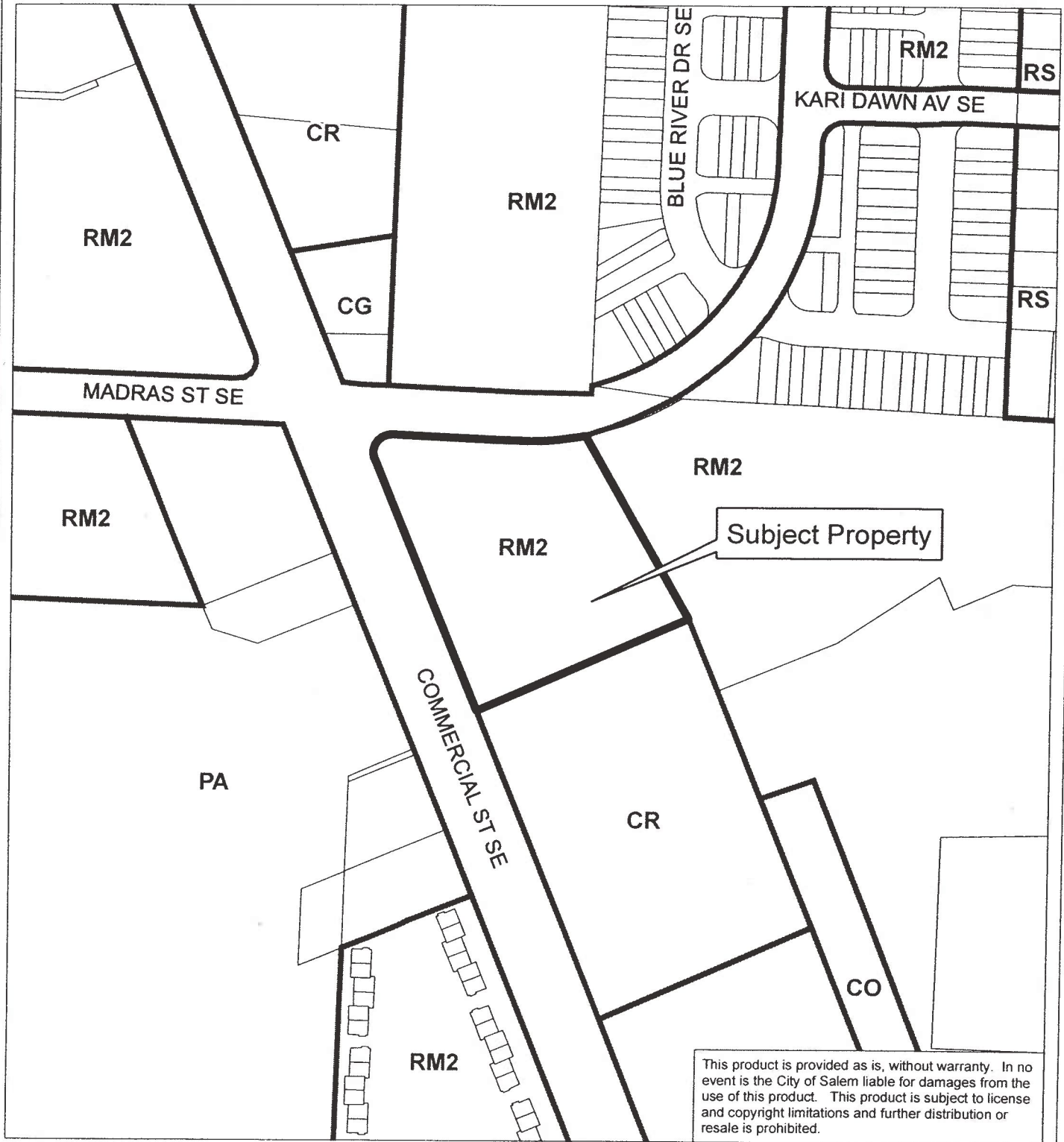
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0 50 100 200 Feet



CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

DEPT OF

AUG 22 2008

LAND CONSERVATION  
AND DEVELOPMENT

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