



# 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)

## NOTICE OF ADOPTED AMENDMENT

October 7, 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 020-08



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: October 21, 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.

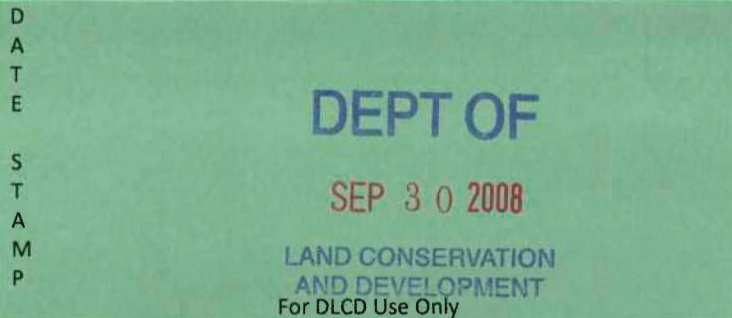
**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Thomas Hogue, DLCD Policy Analyst  
Bill Holmstrom, DLCD Transportation Planner  
Pamela Cole, City of Salem

<paa> y/

**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: CPC/ZC 08-13

Date of Adoption: September 23, 2008

Date Mailed: September 29, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: July 9, 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."

Changed the Salem Area Comprehensive Plan designation from "Industrial" to "Industrial Commercial" and changed the zoning from IG (General Industrial) to IC (Industrial Commercial) for property approximately 9.98 acres in size and located at 3585 Del Webb Avenue NE, 1410 Tandem Avenue NE, and 1430A Tandem Avenue NE (Marion County Assessor's Map 073W11DA, tax lots 00700, 0801, 01702 and 01703).

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."

Plan Map changed from: Industrial

To: Industrial Commercial

Zone Map Changed from: IG (General Industrial)

To: IC (Industrial Commercial)

Location: 3585 Del Webb Avenue NE, 1410 Tandem Avenue NE and 1430A Tandem Avenue NE

Acres Involved: 9.98 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: Pamela Cole, Associate Planner

Phone: (503) 588-6173 Extension: 7509

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: [pcole@cityofsalem.net](mailto:pcole@cityofsalem.net)

DLCD File No:

*020-08(17001)*



**PLANNING COMMISSION**

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



**RESOLUTION NO.: PC 08-14**

**COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 08-13**

WHEREAS, a petition for a Comprehensive Plan change from "Industrial" to "Industrial Commercial," and zone change from IG (General Industrial) to IC (Industrial Commercial) for property located at the 3585 Del Webb Avenue NE, 1410 Tandem Avenue NE, and 1430A Tandem Avenue NE

was filed by Cascadia Canyon LLC and Joseph Fox/Fox 1410 Tandem LLC, Applicants; 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 September 23, 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 September 23, 2008, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

- (a) A. That the Salem Area Comprehensive Plan (SACP) map designation change for the subject property from "Industrial" to "Industrial-Commercial" be GRANTED.
- (b) That the zone change for the subject property from IG (General Industrial) to IC (Industrial Commercial) be GRANTED subject to the following conditions:

**ZONE CHANGE CONDITIONS OF APPROVAL**

1. All of the uses within the Industrial Commercial (IC) zone shall be allowed except for the following: fast food with drive-thru, supermarket, gasoline service station, discount superstore, and garden supply center.
2. Traffic impacts from future development shall be limited such that a maximum of 2,600 average daily trips are generated by the proposed use or uses. At the time of development review for any proposed use on the property subject to the restrictive covenant, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual. No development on the property shall be allowed that causes average daily trips of the property subject to the covenant to exceed 2,600 average daily trips.
3. No residential uses shall be permitted.
4. The property owner of the subject property shall record in the land records of Marion County, in a form approved by the Salem City Attorney, restrictive covenants that substantively comply with the following restrictions:

All of the uses within the Industrial Commercial (IC) zone shall be allowed except for the following: fast food with drive-thru, supermarket, gasoline service station, discount superstore, and garden supply center.

No development on the property shall be allowed that causes average daily trips from the development to exceed 2,600 average daily trips, as calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

No residential uses shall be permitted.

These covenants shall run with the land.

These covenants may only be amended or terminated upon the written approval of the City of Salem.

ADOPTED by the Planning Commission this 23rd day of September, 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.

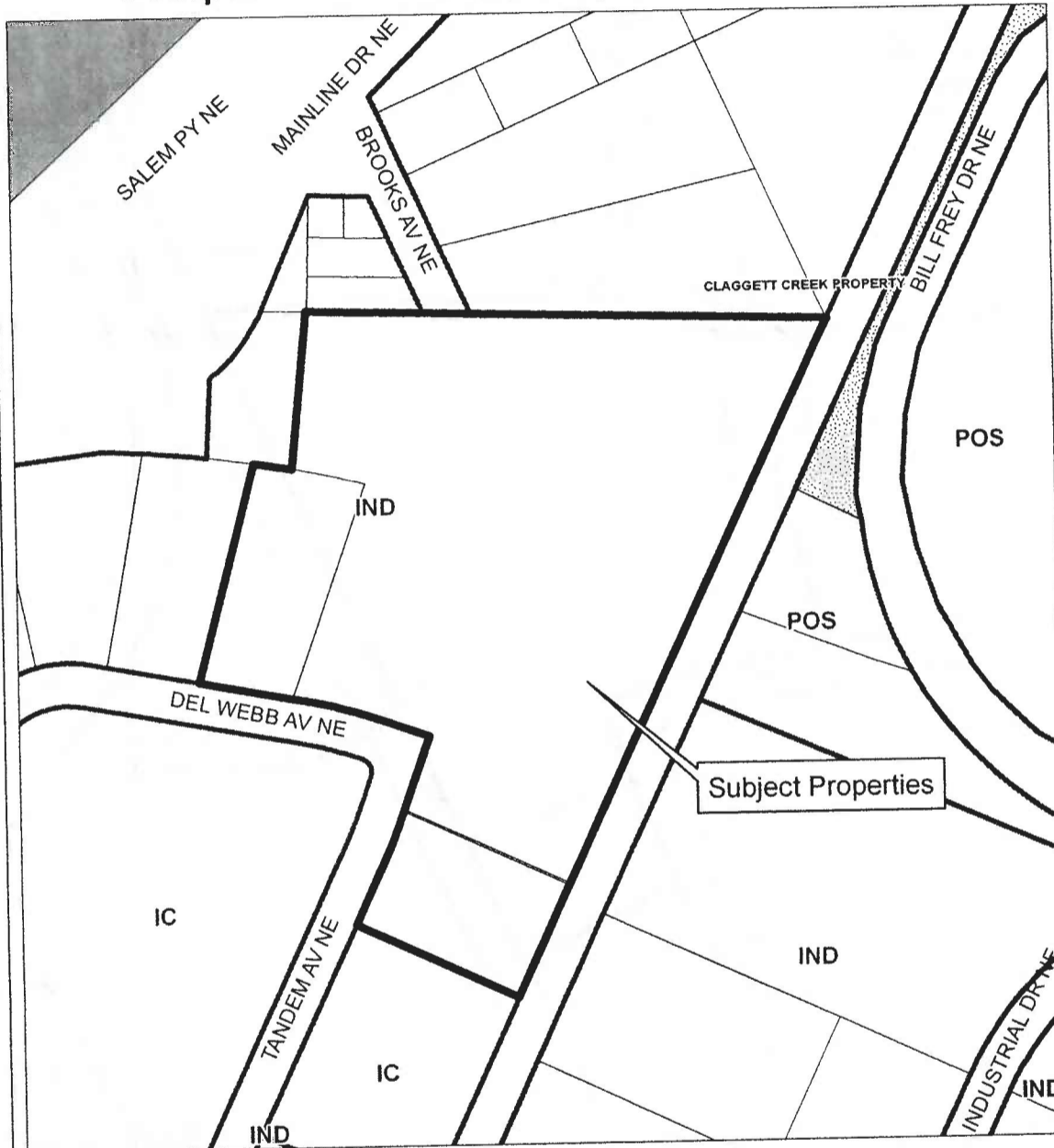
APPEAL PERIOD ENDS: October 13, 2008

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.

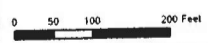
**Planning Commission Vote:**

**Yes 6 No 0 Abstained 1 (Levin)**

# Comprehensive Plan Map (CPC/ZC 08-13)



- Legend**
- Comprehensive Plan
  - Urban Growth Boundary
  - Outside Salem City Limits
  - Taxlots
  - Parks
  - Schools

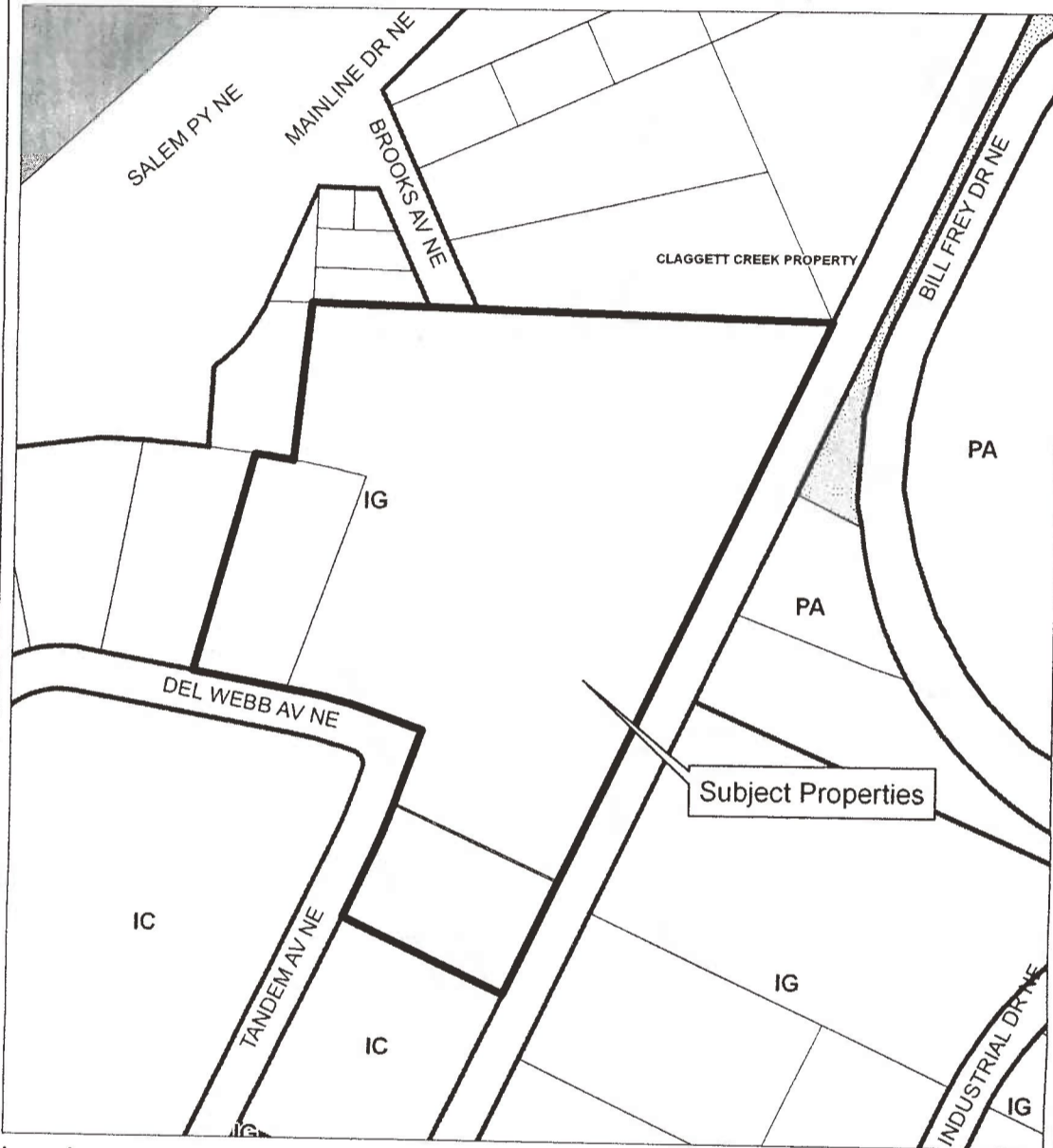


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### Zoning Map (CPC/ZC 08-13)



**Legend**

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

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0 50 100 200 Feet



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

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