

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

Sarah Deumling, Linda Wallmark,)
Gary Wallmark, Linda Bierly, Ken Bierly,)
James Scheppke, Robert Cortright, and)
Doug Parrow,)

Petitioners,)

vs.)

City of Salem)

Respondent.)

LUBA No. _____

NOTICE OF INTENT TO APPEAL

I.

Petitioners hereby give notice they intend to appeal respondent’s land use decision entitled, Ordinance No. 14-16, AN ORDINANCE MAKING MAJOR COMPREHENSIVE PLAN AMENDMENTS PERTAINING TO THE SALEM RIVER CROSSING PREFERRED ALTERNATIVE TO AMEND THE SALEM TRANSPORTATION SYSTEM PLAN; MODIFY THE URBAN GROWTH BOUNDARY AND MAKE ASSOCIATED AMENDMENTS TO THE COMPREHENSIVE PLAN MAP; TAKE AN EXCEPTION TO STATEWIDE PLANNING GOAL 15 (WILLAMETTE RIVER GREENWAY), AND AN AMENDMENT TO CHAPTER 64 OF THE SALEM REVISED CODE TO AMEND THE DEFINITIONS OF THE SALEM TRANSPORTATION SYSTEM PLAN, THE WILLAMETTE RIVER GREENWAY PLAN, AND THE URBAN GROWTH BOUNDARY, which became final on December 5, 2016. A copy of the ordinance is attached as Exhibit A.

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II.

Attorney John Gear represents the petitioners. John Gear Law Office, LLC, 161 High ST SE, Ste 208B, Salem, OR 97301, 503-339-7787.

III.

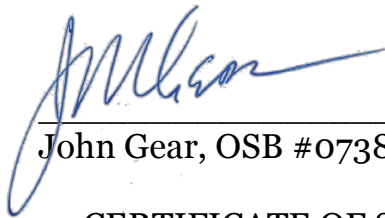
Respondent, City of Salem, has as its mailing address and telephone number: 555 Liberty Street SE, Salem, OR 97301, 503 588-6255; and has, as its legal counsel: Daniel B. Atchison, City Attorney's office, 555 Liberty Street SE, Ste 205, Salem, OR 97301, 503-588-6003.

IV.

Other persons mailed written notice of the land use decision or limited land use decision by city of Salem, as indicated by its records in this matter, are listed in attached Exhibit B.

NOTICE:

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.



John Gear, OSB #073810, Attorney for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on 30 December 2016, I served a true and correct copy of this Notice of Intent to Appeal on all persons listed in paragraphs III and IV of this Notice pursuant to OAR 661-010-0015(2) by first class mail.

Dated: 30 December 2016



John Gear OSB# 073810, Attorney for petitioners

ENGROSSED ORDINANCE BILL NO. 14-16

1
2 AN ORDINANCE MAKING MAJOR COMPREHENSIVE PLAN AMENDMENTS
3 PERTAINING TO THE SALEM RIVER CROSSING PREFERRED ALTERNATIVE TO
4 AMEND THE *SALEM TRANSPORTATION SYSTEM PLAN*; MODIFY THE URBAN
5 GROWTH BOUNDARY AND MAKE ASSOCIATED AMENDMENTS TO THE
6 COMPREHENSIVE PLAN MAP; TAKE AN EXCEPTION TO STATEWIDE PLANNING
7 GOAL 15 (WILLAMETTE RIVER GREENWAY), AND AN AMENDMENT TO CHAPTER
8 64 OF THE SALEM REVISED CODE TO AMEND THE DEFINITIONS OF THE SALEM
9 TRANSPORTATION SYSTEM PLAN, THE WILLAMETTE RIVER GREENWAY PLAN,
10 AND THE URBAN GROWTH BOUNDARY

11 *The City of Salem ordains as follows:*

12 **Section 1. Findings.** The amendments to the *Salem Area Comprehensive Plan*, *Salem*
13 *Transportation System Plan*, Urban Growth Boundary, *Willamette River Greenway Plan*, and the
14 Salem Revised Code (SRC) Chapter 64 are consistent with the applicable criteria as set forth in
15 “Exhibit 1,” and “Exhibit 2,” which is are attached hereto and incorporated herein by reference.

16 **Section 2.** The *Salem Transportation System Plan*, Introduction, Street System Element, Bicycle
17 System Element, Pedestrian System Element, Long-Range Transportation Strategy Element,
18 Issues Requiring Future Study, Appendix D, and Appendix G are hereby amended as set forth in
19 “Exhibit 2 3,” which is attached hereto and incorporated herein by reference.

20 **Section 3.** The *Willamette River Greenway Plan*, is hereby amended to as set forth in “Exhibit 3
21 4,” which is attached hereto and incorporated herein by reference.

22 **Section 4.** The portion of the Salem Urban Growth Boundary located in Polk County, is hereby
23 amended to incorporate the three areas as set forth in “Exhibit 4 5,” which is attached hereto and
24 incorporated herein by reference.

25 **Section 5.** The Salem Area Comprehensive Plan Map, is hereby amended as set forth in
26 “Exhibit 5 6,” which is attached hereto and incorporated herein by reference.

27 **Section 6.** SRC 64.005(c), SRC 64.005(l), SRC 64.005(o), and SRC 64.005(r) are hereby
28 amended as set forth in “Exhibit 6 7,” which is attached hereto and incorporated herein by
29 reference.

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Section 7. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 8. 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 City Council this 5th day of December, 2016.

ATTEST:

City Recorder *[Signature]*
 Approved by City Attorney: *[Signature]*

Checked by: J. Warncke

Code Amendment CA16-04
Salem River Crossing
Code Amendments
DECISION

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C/O KEIZER PLANNING DEPT.
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KEIZER OR 97303

KEIZER CITY COUNCIL
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C/O POLK COUNTY PLANNING DEPT.
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G:\CD\PLANNING\CASE APPLICATION Files
2011-On\CODE AMENDMENTS\CA16-04 Salem
River Crossing Land Use Actions (Bryan)\CA16-
04 MAILING LABELS\CA16-04 DECISION
MAILING MATRIX with email addresses.doc