



State of Oregon Department of Environmental Quality

# Land Use Compatibility Statement

## What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

## Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

## When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

## How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

## Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

## Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.



## Section 1 – To be completed by the applicant

1A. Applicant Name: I & E Construction, Inc.

Contact Name: Jeff Bivens

Mailing Address: 27357 SW Parkway Ave

City, State, Zip: Wilsonville, OR 97070

Telephone: 360.635.8044

Tax Account #: 519279 & 519287

1B. Project Name: Northplace Apartments

Physical Address: 4650 & 4680 Hazelgreen Rd

City, State, Zip: Salem, OR

Tax Lot #: 97301

Township: 32 Range: 6S Section: 2W

Latitude: 45° 0'15.63"N

Longitude: 122°57'55.74"W

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

Mass grading in preparation for development (UGA-SPR-ADJ-DAP-DR-PLA24-03) Notice of Decision attached.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

☐ Air Quality Notice of Construction

☐ Air Contaminant Discharge Permit

☐ Air Quality Title V Permit

☐ Air Quality Indirect Source Permit

☐ Parking/Traffic Circulation Plan

☐ Solid Waste Land Disposal Site Permit

☐ Solid Waste Treatment Facility Permit

☐ Solid Waste Composting Facility Permit  
(includes Anaerobic Digester)

☐ Conversion Technology Facility Permit

☐ Solid Waste Letter Authorization Permit

☐ Solid Waste Material Recovery Facility Permit

☐ Solid Waste Energy Recovery Facility Permit

☐ Solid Waste Transfer Station Permit

☐ Waste Tire Storage Site Permit

☐ Pollution Control Bond Request

☐ Hazardous Waste Treatment, Storage or  
Disposal Permit

☐ Clean Water State Revolving Fund Loan  
Request

☐ Wastewater/Sewer Construction Plan/  
Specifications (includes review of plan  
changes that require use of new land)

☐ Water Quality NPDES Individual Permit

☐ Water Quality WPCF Individual Permit (for  
onsite construction-installation permits use  
the DEQ [Onsite LUCS form](#))

☒ Water Quality NPDES Stormwater General  
Permit (1200-A, 1200-C, 1200-CA,  
1200-COLS, and 1200-Z)

☐ Water Quality General Permit (all general  
permits, except 600, 700-PM, 1700-A, and  
1700-B when they are mobile)

☐ Water Quality 401 Certification for federal  
permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:



**Section 2 – To be completed by city or county planning official**

Applicant name: I &amp; E Construction, Inc.

Project name: Northplace Apartments

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☒ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use): City of Salem

2C. ☒ This project is not within the jurisdiction of any other land use, zoning, or planning entity☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity \_\_\_\_\_2D. Is the activity allowed under Measure 49 (2007)? ☒ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:☐ Express; approved by DLCD order #:☐ Conditional; approved by DLCD order #:☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?

☒ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):☒ Yes, the activity or use is allowed outright by (provide reference for local ordinance):

Salem Revised Code Chapters 533 (Mixed Use-I) and 514 (Multi-Family Residential-II) zones, multi-family residential is a permitted use.

☐ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.☐ Yes, the activity or use is allowed; findings are attached.☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.☐ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

City of Salem Erosion Control and Grading Permits are required and have not been issued to date. See attached memo.

Planning Official Signature:

Aaron Panko

Digitally signed by Aaron Panko  
DN: E=APanko@cityofsalem.net, CN=Aaron Panko,  
OU=Dept\_Users, OU=Community Development, OU=Departments,  
OU=ActiveDirectory, DC=cityofsalem, DC=net  
Date: 2024.06.26 09:15:04-07'00'

Title: Planner III

Print Name: Aaron Panko

Telephone #: 503-540-2356

Date: 06/26/2024

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

**Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).





# MEMORANDUM

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## COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**TO:** OREGON DEQ  
**FROM:** AARON PANKO, PLANNER III  
**DATE:** JUNE 26, 2024  
**APPLICATION NO.:** 24-111946-PLN  
**SUBJECT:** DEQ WATER QUALITY NPDES STORMWATER GENERAL PERMIT – NORTHPLACE APARTMENTS

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The subject property is located at 4650 Hazelgreen Road NE. The Salem Area Comprehensive Plan Map designation and zoning for the property are as follows:

<b>Comprehensive Plan Designation</b>	Mixed-Use Multiple Family Residential
<b>Zoning</b>	MU-I (Mixed Use-I) RM-II (Multiple-Family Residential)
<b>Overlay Zone</b>	none

On February 29, 2024, the Planning Administrator issued a decision approving development of a new 405-unit multi-family residential development, the decision was appealed to the City Council. On May 13<sup>th</sup> the City Council conducted a public hearing, received testimony, and closed the public hearing. They conducted deliberations and voted to affirm and modify the Planning Administrator's decision. A final order was adopted by the City Council on May 30, 2024 (see Order 2024-1-UGA-SPR-ADJ-DAP-DR-PLA24-03).

On June 12, 2024, the City received a notice of intent to appeal before the Land Use Board of Appeals of the State of Oregon.

City of Salem Erosion Control and Grading Permits are required and have not been issued to date. Permits are currently under review by the City of Salem (24 111702 00 GD).

Aaron Panko, Planner III  
503-540-2356  
[apanko@cityofsalem.net](mailto:apanko@cityofsalem.net)