

Land Use Compatibility Statement



State of Oregon
Department of
Environmental
Quality

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.

Land Use Compatibility Statement

SECTION 1 - TO BE COMPLETED BY APPLICANT			
1A. Applicant Name: JMI Investment Properties LLC	1B. Project Name: South Liberty Road Mixed Use Development		
Contact Name: Jim Iverson	Physical Address: SE Corner of Liberty Rd S & Hrubetz Rd SE		
Mailing Address: 9742 Liberty Road South #182	City, State, Zip: Salem, OR 97302		
City, State, Zip: Salem, OR 97302	Tax Lot #: 400, 500, 600, 1000		
Telephone: 503-209-3680	Township: 08S Range: 03W Section: 09DB		
Tax Account #:	Latitude: 44.890300		
	Longitude: -123.059500		
<p>1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):</p> <p>The phased project scope is to redevelop the project site for mixed use with construction of three new buildings. The first phase includes constructing one building and infrastructure for the entire site. The second phase will construct two additional buildings. Refer to the Civil Drawings for the proposed phasing. The project includes site preparation and construction of the facilities.</p>			
<p>1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Air Quality Notice of Construction <input type="checkbox"/> Air Contaminant Discharge Permit (<i>excludes portable facility permits</i>) <input type="checkbox"/> Air Quality Title V Permit <input type="checkbox"/> Air Quality Indirect Source Permit <input type="checkbox"/> Parking/Traffic Circulation Plan <input type="checkbox"/> Solid Waste Land Disposal Site Permit <input type="checkbox"/> Solid Waste Treatment Facility Permit <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) <input type="checkbox"/> Conversion Technology Facility Permit <input type="checkbox"/> Solid Waste Letter Authorization Permit <input type="checkbox"/> Solid Waste Material Recovery Facility Permit <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit <input type="checkbox"/> Solid Waste Transfer Station Permit <input type="checkbox"/> Waste Tire Storage Site Permit </td> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> Pollution Control Bond Request <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit <input type="checkbox"/> Clean Water State Revolving Fund Loan Request <input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (<i>includes review of plan changes that require use of new land</i>) <input type="checkbox"/> Water Quality NPDES Individual Permit <input type="checkbox"/> Water Quality WPCF Individual Permit (<i>for onsite construction-installation permits use the DEQ Onsite LUCS form</i>) <input checked="" type="checkbox"/> Water Quality NPDES Stormwater General Permit (<i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i>) <input type="checkbox"/> Water Quality General Permit (<i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i>) <input type="checkbox"/> Water Quality 401 Certification for federal permit or license </td> </tr> </table>		<input type="checkbox"/> Air Quality Notice of Construction <input type="checkbox"/> Air Contaminant Discharge Permit (<i>excludes portable facility permits</i>) <input type="checkbox"/> Air Quality Title V Permit <input type="checkbox"/> Air Quality Indirect Source Permit <input type="checkbox"/> Parking/Traffic Circulation Plan <input type="checkbox"/> Solid Waste Land Disposal Site Permit <input type="checkbox"/> Solid Waste Treatment Facility Permit <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) <input type="checkbox"/> Conversion Technology Facility Permit <input type="checkbox"/> Solid Waste Letter Authorization Permit <input type="checkbox"/> Solid Waste Material Recovery Facility Permit <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit <input type="checkbox"/> Solid Waste Transfer Station Permit <input type="checkbox"/> Waste Tire Storage Site Permit	<input type="checkbox"/> Pollution Control Bond Request <input type="checkbox"/> Hazardous Waste Treatment, Storage, or Disposal Permit <input type="checkbox"/> Clean Water State Revolving Fund Loan Request <input type="checkbox"/> Wastewater/Sewer Construction Plan/Specifications (<i>includes review of plan changes that require use of new land</i>) <input type="checkbox"/> Water Quality NPDES Individual Permit <input type="checkbox"/> Water Quality WPCF Individual Permit (<i>for onsite construction-installation permits use the DEQ Onsite LUCS form</i>) <input checked="" type="checkbox"/> Water Quality NPDES Stormwater General Permit (<i>1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z</i>) <input type="checkbox"/> Water Quality General Permit (<i>all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile.</i>) <input type="checkbox"/> Water Quality 401 Certification for federal permit or license
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<p>1E. This application is for: <input type="checkbox"/> Permit Renewal <input checked="" type="checkbox"/> New Permit <input type="checkbox"/> Permit Modification <input type="checkbox"/> Other:</p>			
SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL			
<p>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.</p>			
<p>2A. The project proposal is located: <input checked="" type="checkbox"/> Inside city limits <input type="checkbox"/> Inside UGB <input type="checkbox"/> Outside UGB</p>			
<p>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</p>			

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SECTION 2 - TO BE COMPLETED BY CITY OR COUNTY PLANNING OFFICIAL		
Applicant Name: JMI Investment Properties LLC	Project Name: South Liberty Road Mixed Use Development	
2C. Is the activity allowed under Measure 49 (2007)? <input type="checkbox"/> No, Measure 49 is not applicable <input type="checkbox"/> Yes; if yes, then check one:		
<input type="checkbox"/> Express; approved by DLCD order #:		
<input type="checkbox"/> Conditional; approved by DLCD order #:		
<input type="checkbox"/> Vested; approved by local government decision or court judgment docket or order #:		
2D. Is the activity a composting facility? <input type="checkbox"/> No <input type="checkbox"/> Yes; Senate Bill 462 (2013) notification requirements have been met.		
2E. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031? <i>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 1.C. For example, if the applicant's project is described in 1.C 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.</i>		
<input type="checkbox"/> The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:		
<input type="checkbox"/> Yes , the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):		
<input type="checkbox"/> Yes , the activity or use is allowed outright by (provide reference for local ordinance):		
<input type="checkbox"/> Yes , the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.		
<input type="checkbox"/> Yes , the activity or use is allowed; findings are attached.		
<input type="checkbox"/> No , see 2.C above, activity or use allowed under Measure 49; findings are attached.		
<input type="checkbox"/> No , (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined): <div style="margin-left: 20px;">Relevant specific plan policies, criteria, or standards:</div> <div style="margin-left: 20px; height: 40px; border: 1px solid black;"></div> <div style="margin-left: 20px;">Provide the reasons for the decision:</div> <div style="margin-left: 20px; height: 40px; border: 1px solid black;"></div>		
Additional comments (attach additional information as needed):		
Planning Official Signature:		Title:
Print Name:	Telephone #:	Date:
If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:		
Planning Official Signature:		Title:
Print Name:	Telephone #:	Date: