



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.

Land Use Compatibility Statement

Section 1 – To be completed by the applicant

1A. Applicant Name: Westwood Homes LLC

Contact Name: Todd Boyce

Mailing Address: 12700 NW Cornell Rd.

City, State, Zip: Portland, OR 97227`

Telephone: 503-713-6294

Tax Account #: 532158

1B. Project Name: Coburn Apartments

Physical Address: 4700 Battle Creek Rd.

City, State, Zip: Salem, OR 97302

Tax Lot #: 601

Township: 8S Range: 3W Section: 11D

Latitude: 44.886668

Longitude: -123.013156

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

Site grading activities.

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 officialApplicant name: **Westwood Homes LLC**Project name: **Coburn 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 UGB2B. 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):

RM-II Zoning allows multiple family development; see SRC Table 514-1. Grading work permitted subject to local permits.

☐ 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): SRC 220.005(f)(3); 225.05(e)(1); 250(d); & 800.025(d) - Local Case No. SPR-ADJ-DAP-DR22-17
Relevant specific plan policies, criteria, or standards:

SPR-ADJ-DAP-DR22-17 final decision needed.

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

See attached memo. City grading and erosion control permits are required for ground-disturbing activity.

Planning Official Signature:

Title: **Planner II**Print Name: **Kyle Kearns**Telephone #: **503-540-2313**Date: **04/14/2022**

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.

COMMUNITY DEVELOPMENT DEPARTMENT

TO: State of Oregon Department of Environmental Quality (DEQ)
FROM: Kyle Kearns, PLANNER II
DATE: April 14, 2022
APPLICATION NO.: SPR-ADJ-DAP-DR22-17 (LUCS – 22-107675-ZO)
SUBJECT: LAND USE COMPATIBILITY STATEMENT FOR PROPOSED MULTIPLE FAMILY
DEVELOPMENT (PROPERTY LOCATED AT MARION COUNTY ASSESSOR MAP
AND TAX LOT NUMBER: 083W11D000601)

Additional Requirements. Prior to establishing the proposed use on the property, the following additional requirements may be applicable depending on the nature of any proposed/required improvements to the property:

- **Cultural Resources Protection Zone:** The proposed project is within a known high probability archeological zone. There multiple known archaeological sites (both historic and precontact) within close proximity to the project area. The applicant has not yet completed an archaeological survey of the project area, nor have they initiated consultation with the Oregon SHPO or the Tribes demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed as part of the redevelopment. Prior to issuance of any City building or grading permits which include ground disturbing activity, applicant shall provide evidence of this completed consultation with the SHPO/Tribes and demonstrated compliance with Goal 5. For questions regarding Salem's Cultural Resources Protection Zone contact Kimberli Fitzgerald, Historic Preservation Program Manager (KFitzgerald@cityofsalem.net; 503-540-2397)
- **Land Use Applications:** The subject property is currently under local land use review. The notice for Request for Comments went out to surrounding properties and applicable agencies on March 17, 2022 and the request for comment period ended on March 31, 2022. Prior to issuance of building permits local land use review will need to be concluded.

What is SHPO/Tribal project consultation?

If your project includes ground disturbing activity and is within Salem's Cultural Resource Protection Zone (CRPZ) you may have been directed to initiate project consultation with the Oregon State Historic Preservation Office (SHPO) and the tribes that traditionally occupied what is now the city of Salem. These include: the Confederated Tribes of the Grand Ronde, the Confederated Tribes of the Siletz Indians and the Confederated Tribes of the Warm Springs Reservation.



To initiate consultation with the Oregon SHPO please submit a summary of the proposed scope of work including a site plan and grading plans to ORSHPO.Clearance@oregon.gov along with the appropriate cover sheet. Detailed instructions can be found here: <https://www.oregon.gov/oprd/OH/pages/projectreview.aspx>

To initiate consultation with the Tribes, please submit a summary of the proposed scope of work including a site plan and grading plans to : Confederated Tribes of the Grand Ronde: THPO@grandronde.org ; Confederated Tribes of Siletz: rkentta@ctsi.nsn.us ; Confederated Tribes of the Warm Springs Reservation: christian.nauer@ctwsbnr.org .

If your project is within Salem's CRPZ, evidence of this consultation must be provided prior to the issuance of any building or grading permits which authorize ground disturbing activity for your project. A copy the dated email(s) to the SHPO/THPO with a copy of your proposed scope of work for their review and comment is the minimum required at the time of permit submittal. If additional project information discussions are requested, please contact the City Archaeologist to attend Salem's monthly tribal roundtable.

Contact: Kimberli Fitzgerald, City Archaeologist 503 540-2397 kfitzgerald@cityofsalem.net