



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

6/29/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment  
DLCD File Number 008-10

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: Tuesday, July 13, 2010

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Amy Dixon, City of Salem  
Gloria Gardiner, DLCD Urban Planning Specialist

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FORM **2****DLCD****Notice of Adoption**☐ In person ☐ electronic ☐ mailedDATE  
STAMP**DEPT OF****JUN 22 2010****LAND CONSERVATION  
AND DEVELOPMENT**  
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Salem**Local file number: **CA 10-2**Date of Adoption: **6/14/2010**Date Mailed: **6/18/2010**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/16/2010☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **Sign Code**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Creating a Public Mural ordinance where approval process is exempt from Salem Revised Code (SRC) Chapter 62, Sign Code. But Public Murals will be approved by Salem Public Arts Commission under SRC Chapter 15.

Does the Adoption differ from proposal? Please select one

Yes. Amended Section 4, SRC 15.090(c) to read: "No public murals shall be allowed on single family dwellings, duplexes, or multi-family dwellings. As used in this subsection, single family dwellings, duplexes, or multi-family dwellings does not include mixed-use buildings which contain a single family dwelling, duplex, or multi-family dwellings.

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

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 ☐ NoDLCD file No. 008-10 (18181) [16183]



Please list all affected State or Federal Agencies, Local Governments or Special Districts:

None.

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Local Contact: Amy Dixon, Planner II *AD*

Phone: (503) 588-6173 Extension: 7404

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005

City: Salem

Zip: 97301-

E-mail Address: [adixon@cityofsalem.net](mailto:adixon@cityofsalem.net)

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1 **ENGROSSED**

2 **ORDINANCE BILL NO. 10-10**

3 AN ORDINANCE RELATING TO PUBLIC ART; AMENDING SRC CHAPTER 15, AND  
4 SRC 62.020; CREATING NEW PROVISIONS

5 *The City of Salem ordains as follows:*

6 **Section 1.** SRC 15.010 is amended to read as follows:

7 **SRC 15.010. Definitions.** Unless the context otherwise specifically requires, for purposes  
8 of this Chapter, the following words and phrases mean:

9 (a) Alteration means any change to a public mural, including but not limited to any  
10 change to the image(s), materials, colors or size of the public mural. Alteration does  
11 not include naturally occurring changes to the public mural caused by exposure to the  
12 elements or the passage of time, or maintenance or repair of the public mural that  
13 includes slight and unintended deviations from the original image, colors or materials  
14 that occur when the public mural is repaired due to the passage of time, or after  
15 damage resulting from vandalism.

16 ~~(a)~~(b) Artist means a practitioner in the visual arts, generally recognized by critics  
17 and peers as a professional of serious intent, who produces works of art, and who is  
18 not a member of the improvement project's architectural firm or the Salem Public  
19 Arts Commission. The term "artist" shall include an artist's agent and a  
20 representative of the estate of an artist.

21 ~~(b)~~(c) City building means any building owned or leased by the City, or area therein,  
22 which is open to the public; provided, however, "City building" does not include  
23 motor pools, surface parking lots, roads, bridges, utility lines, service facilities,  
24 maintenance sheds, pump stations, treatment plants and utility facilities, or buildings  
25 that have the primary purpose of displaying historical artifacts, cultural items, or  
26 works of art.

27 ~~(e)~~(d) City Manager means the City Manager of the City of Salem, or the City  
28 Manager's designee.

29 ~~(d)~~(e) Deaccessioning means relinquishing title to a work of public art.  
30

1           ~~(e)~~(f) Eligible costs means the costs for completion of an improvement project,  
2           including costs for capitalized tenant improvements, that are paid from eligible funds.  
3           Eligible costs does not include costs for: land acquisition, design and engineering,  
4           administration, fees and permits, building demolition, relocation of tenants,  
5           environmental testing, environmental remediation, non-construction contingency or  
6           indirect costs, such as interest during construction, advertising and legal fees.

7           ~~(f)~~(g) Eligible funds means any funds expended by the City, from whatever source,  
8           for an improvement project and for which public art is not precluded as an object of  
9           expenditure in connection with the improvement project.

10          ~~(g)~~(h) Improvement project means any project paid for wholly or in part by the City  
11          where the amount of eligible funds equals \$100,000.00 or more for the construction,  
12          rehabilitation, remodeling, improvement or purchase of a City building. An  
13          improvement project does not include maintenance and repair projects or remodeling  
14          or renovation projects in which more than seventy-five percent of the project cost  
15          represents improvements to mechanical systems.

16          ~~(h)~~(i) Oregon artist means an artist that makes Oregon his or her primary residence  
17          or principal place of business.

18          ~~(i)~~(j) Public art means original works of art that are accessible to the public and/or  
19          public employees, and the acquisition by the City has been approved by the Salem  
20          Public Arts Commission.

21          (k) Public mural means an original, two-dimensional work of visual art, comprised  
22          of paint or ceramic or glass tiles or tesserae, executed by hand directly upon, or  
23          affixed directly to an exterior wall of a building, which has been approved by the  
24          Salem Public Arts Commission and accepted by the City into its public art collection  
25          pursuant to this Chapter. A public mural is not an original work of visual art if it is  
26          mechanically reproduced or computer generated and printed on a base that will be  
27          attached to the wall, such as, by way of illustration but not limitation, limited images  
28          digitally printed on vinyl.

29          ~~(j)~~(l) Works of art means all forms of original creations of visual art, including and  
30          not limited to, painting, sculpture, prints, ceramics, drawings, stained glass, mosaics,

1           photography, fiber and textiles, calligraphy, mixed media, and any combination of  
2           media, including collage.

3    **Section 2.** The following SRC 15.070 is added to SRC Chapter 15:

4       **SRC 15.070. Public Mural Program Intent and Purpose.** The intent and purpose of SRC  
5       15.070-15.100 is to encourage the production of public murals for acquisition by the City.  
6       Public murals are a medium of expression which serves the public interest in unique ways,  
7       including, but not limited to: enhancing the aesthetics of the City; providing avenues for  
8       original artistic expression in the City; providing public edification through access to original  
9       works of public art; encouraging community participation in the creation of original works of  
10      art; and reducing the incidence of graffiti and other crime. Public murals can increase  
11      community identity and foster a sense of place if they are located at heights and scales visible  
12      to pedestrians, are retained for longer periods of time and include a neighborhood  
13      involvement process.

14   **Section 3.** The following SRC 15.080 is added to SRC Chapter 15:

15      **SRC 15.080. Public Murals; Creation; Approval by Salem Public Arts Commission.**

16      No person shall commence creation of any public mural without first obtaining approval  
17      from the Salem Public Arts Commission, and agreeing to donate the public mural to the  
18      City's public art collection, as provided in SRC 15.090. Murals that are created without  
19      approval from the Salem Public Arts Commission or are inconsistent with the conditions of  
20      approval from the Salem Public Arts Commission are not public murals and are subject to  
21      SRC Chapter 62. Notwithstanding Chapter 120A, Table 120A-1, approval of a public mural  
22      does not require historic design review.

23   **Section 4.** The following SRC 15.090 is added to SRC Chapter 15:

24      **SRC 15.090. Procedures, Mandatory Criteria for Public Murals.** The Salem Public Arts  
25      Commission shall adopt procedures and standards setting forth the requirements for creation,  
26      approval, donation, and acceptance of public murals into the City's public art collection. At  
27      a minimum, the standards shall include the following:

- 28           (a) Public murals shall remain in place, without alterations, for a period of not less  
29           than seven years, except as may specified by the Salem Public Arts Commission in  
30           the conditions of approval.

1 (b) In historic districts, public murals may only be allowed on buildings that are non-  
2 historic non-contributing buildings or structures, as defined by SRC 120A.015(h).

3 Murals in historic districts shall not be allowed on a building façade. For purposes of  
4 this paragraph, the building façade is defined as the wall that contains the main  
5 entrance onto the premises.

6 (c) No public murals shall be allowed on single family dwellings, duplexes, or multi-  
7 family dwellings. As used in this subsection, single family dwellings, duplexes, or  
8 multi-family dwellings does not include mixed-use buildings which contain a single  
9 family dwelling, duplex, or multi-family dwellings.

10 (d) No public mural may contain electrical components, three dimensional structural  
11 elements; employ electrical lights as part of the image, moving structural elements,  
12 flashing or sequential lighting, interior lighting elements, any automated method that  
13 causes movement, or any method that causes periodic changes in the appearance of  
14 the public mural or changes the mural image or message.

15 (e) Public murals shall be located in a manner that is accessible to the public.

16 (f) The approval and acceptance of each public mural shall be contingent upon the  
17 conveyance of a public mural easement to the City from the owner of the building  
18 upon which the mural will be located, in a form approved by the City Attorney. The  
19 terms of the easement shall grant the right to create the public mural on the wall of  
20 the building and provide that the person granting the easement will maintain and  
21 restore the public mural in its original condition for the period of the easement, and  
22 state that upon termination of the easement the mural shall be removed and the  
23 building restored to its prior condition.

24 **Section 5.** The following SRC 15.100 is added to SRC Chapter 15:

25 **SRC 15.100. Public Mural Neighborhood Involvement.** Prior to approving a public mural  
26 for the City's public art collection, the Salem Public Arts Commission shall hold a public  
27 hearing at which interested members of the public may review and comment upon the  
28 proposed public mural. Written notice of the hearing shall be provided to the neighborhood  
29 association in which the public mural is proposed to be located, and public notice given no  
30 later than thirty days before the hearing.

1 **Section 6.** SRC 62.020 is amended to read:

2 **62.020. Exempt Signs.** The following signs are exempt from the provisions of this Chapter:

- 3 (a) Official traffic signs, signals, and notices.
- 4 (b) Directional signs erected by proper public authority.
- 5 (c) A warning sign erected on private property to warn the public of a danger on or
- 6 prohibiting or limiting access to the premises on which the sign is located, provided
- 7 such sign does not exceed four square feet in area and six feet in height and is not
- 8 located in the vision clearance area.
- 9 (d) Permanent building plaques, corner stones, name plates, and similar building
- 10 identifications.
- 11 (e) House and building numbers, provided that the height of the numerals does not
- 12 exceed six inches.
- 13 (f) Historical markers erected or maintained by public authority or by a recognized
- 14 historical society or organization identifying sites, buildings, or structures of
- 15 recognized historical value and not located in the vision clearance area.
- 16 (g) Notices and signs erected by public officers performing official duties including
- 17 those erected pursuant to law, administrative order, or court order.
- 18 (h) One non-illuminated sign per single family dwelling unit, or per dwelling unit in
- 19 a duplex, in a residential zone not exceeding one square foot in sign area.
- 20 (i) Non-illuminated signs not visible from a public sidewalk, street, highway, or
- 21 alley.
- 22 (j) Interior signs.
- 23 (1) Non-illuminated interior signs in commercial and industrial zones designed
- 24 primarily to be viewed from a sidewalk or street when erected and maintained
- 25 inside a building, including, but not limited to, signs attached to or painted on the
- 26 inside of a window.
- 27 (2) Electrical interior signs intended to be viewed from the public right-of-way,
- 28 provided such sign: is plugged into an approved grounded outlet; is not animated;
- 29 does not flash; burns steady; conforms to the illumination requirements of this
- 30 Chapter; does not exceed eight square feet in sign area. (Note: If a sign is wired



1 in with a building's approved electrical wiring in conduit and connected to a  
2 power source, an electrical permit must be obtained.)

3 (3) Electrical interior signs not intended to be viewed from the public right-of-  
4 way. (Note: If a sign is wired in with a building's approved electrical wiring in  
5 conduit and connected to a power source, an electrical permit must be obtained.)

6 (k) On-premise directional signs designed primarily to be read by a person on the  
7 premises on which the sign is located and used only to identify and locate an office,  
8 entrance, exit, telephone, or similar place, service, or route, and limited to eight  
9 square feet in area.

10 (l) Directional signs in commercial and industrial districts, designating an automobile  
11 service entrance onto the premises, limited to a maximum sign area of twenty-two  
12 square feet for freestanding signs. Such signs shall be limited to one per business per  
13 premise. Other vehicle directional signs designating an automobile entrance onto or  
14 exits from the property limited to eight square feet in area. If located on a building  
15 where projecting signs would be permitted, for a principal sign under SRC 62.390,  
16 such directional sign may project not more than four feet six inches over public  
17 property.

18 (m) For businesses with canopies, including but not limited to gasoline stations,  
19 twenty-four square feet of sign area per canopy for the display of temporary signs,  
20 such signs may be attached to the supporting structure of the canopy providing that  
21 they are not installed in any manner that would present a hazard to vehicles driving  
22 under said canopy.

23 (n) Temporary signs located in Wallace Marine Park's Sports Field Complex erected  
24 pursuant to a park use permit with the City.

25 (o) Temporary signs authorized by a park use permit issued under SRC 94.200.

26 (p) Public murals, as defined by SRC 15.010, and regulated under the provisions of  
27 SRC Chapter 15, and any rules adopted thereunder.

28 /////


29 /////

30 /////

1 **Section 7. Severability.** Each section of this ordinance, and any part thereof, is severable, and  
2 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of  
3 this ordinance shall remain in full force and effect.

4 PASSED by the City Council this 14<sup>th</sup> day of June, 2010.

5 ATTEST:

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7 City Recorder

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9 Approved by City Attorney:  \_\_\_\_\_

10 Checked by: A. Dixon

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CITY OF SALEM  
PLANNING DIVISION  
655 LIBERTY ST. 3E ROOM 306  
SALEM, OR 97301-3603

Dept. of Land Conservation & Dev.  
ATTN: Plan Amendment Specialist  
635 Capitol St NE, Suite 150  
Salem OR 97301-2540

State