



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



NOTICE OF ADOPTED AMENDMENT

10/08/2013

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 009-13

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: Wednesday, October 23, 2013

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: Jason Richling, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



PROF 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
S
T
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M
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DEPT OF
OCT 03 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CA13-07**

Date of Adoption: **9/23/2013**

Date Mailed: **09/30/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/5/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☐ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Amendment to Salem Revised Code (SRC) Chapter 149 (RH - Multiple Family High Rise Residential Zone) adding replacement of an existing single-family dwelling as a permitted use within the zone.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
☒ ☒ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

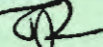
If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

009-13 (19955) [17628]

DLCD file No. _____

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

Local Contact: **Jason Richling, Planner II** 

Phone: (503) 540-2326 Extension:

Address: **555 Liberty St SE, Rm 305**

Fax Number: **503-588-6005**

City: **Salem**

Zip: **97301-**

E-mail Address: **jrichling@cityofsalem.net**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

September 30, 2013

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173.

**NOTICE OF FINAL DECISION: Ordinance No. 29-13
Amending SRC Chapter 149, Multiple Family High-Rise Residential
Zone**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 29-13 at the September 23, 2013 session. Ordinance No. 29-13 adds replacement of an existing single-family dwelling as a permitted use within the zone. A copy of the ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days** after September 30, 2013. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Jason Richling, 
AIC Urban Planning Administrator

cc: See Attached List

<http://www.cityofsalem.net/planning>

**Ordinance No. 29-13
(Code Amend. CA13-07)**

Rebekah Engle
Chair, CAN-DO
610 Commercial St NE, No. 1
Salem OR 97301

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Chair / Land Use / Watershed
2797 Islander Ave NW
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Salem OR 97301

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NEN Land Use Comm.
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NE Salem Community Assoc.
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Salem OR 97304

Marion Co. Brd of Commissioners
P.O. Box 14500
Salem Oregon 97309-5036

Polk Co Brd of Commissioners
Polk County Courthouse
850 Main St
Dallas OR 97338

Salem-Keizer Transit District
ATTN: Chris French
925 Commercial St SE, Ste 100
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2011-On\CODE AMENDMENTS\CA13-07 - Ch
149 Amendment - Replacement of SF dwellings in
RH Zone (Jason)\CA13-07 MAILING MATRIX for
Ord 29-13.doc

2 AN ORDINANCE RELATING TO MULTIPLE FAMILY HIGH-RISE RESIDENTIAL ZONE;
3 AMENDING SRC 149.020 AND SRC 149.040

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 149.020 is amended to read as follows:

6 **149.020. Permitted Uses.** The following uses, when developed under the general
7 development standards in this zoning code applicable to the RH district and to all such uses,
8 generally, are permitted in the RH district:

9 (a) Replacement of one single-family dwelling existing within the zone on [effective
10 date of ordinance], other than a manufactured home, per lot;

11 ~~(ah)~~ One duplex per lot;

12 ~~(bc)~~ Unlimited number of dwelling units and guest rooms in apartment houses,
13 court apartments, condominiums, and residential hotels; room and board facilities
14 serving five or fewer persons;

15 ~~(ed)~~ Bed and breakfast establishments;

16 ~~(de)~~ Residential care (836), except homeless shelters serving more than five people;

17 ~~(ef)~~ Planned Unit Developments approved under SRC chapter 121.

18 ~~(fg)~~ The following agricultural uses:

19 (1) Agricultural production - crops (01) with no retail sales area;

20 (2) Timber tracts (081);

21 (3) Forest nurseries and tree seed gathering and extracting;

22 ~~(gh)~~ Playgrounds, parks.

23 ~~(hi)~~ Public buildings and structures, such as libraries, fire stations.

24 ~~(ij)~~ Rights-of-way for:

25 (1) Electric service lines;

26 (2) Gas mains, oil and gas transmission lines;

27 (3) Communications and CATV lines;

28 (4) Water lines;

29 (5) Sewer lines.

30 ~~(jk)~~ Public utility structures and buildings such as pump stations, reservoirs,

radiomicrowave relay stations, telephone substations, and electric substations;

~~(kl)~~ Transit stop shelters.

~~(lm)~~ Accessory uses and structures such as:

(1) Customary residential accessory buildings and structures for private use of the property and its occupants;

(2) Storage for not more than one commercial vehicle per dwelling unit;

(3) Sleeping quarters for domestic employees of the resident of the main building;

(4) Guest houses and guest quarters not in the main building;

(5) Home occupations;

(6) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit;

(7) A private garage or parking area.

~~(mn)~~ Swimming pools, whether or not open to the public for a fee;

~~(no)~~ Community or neighborhood clubs.

~~(op)~~ Civic, social, and fraternal organizations (864).

~~(pq)~~ Transitional Uses: Where the side of a lot abuts property other than a street or alley in any C or I district, and the entire lot is within 165 feet of the C or I district:

(1) Public parking areas when developed as provided in SRC chapter 133.

~~(qr)~~ Child day care homes and babysitting (SIC 835).

~~(rs)~~ Adult day care home.

~~(st)~~ On-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and containinants.

Section 2. SRC 149.040 is amended to read as follows:

149.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the RH district:

(a) Those uses listed in SRC 149.030, at the developer's option, as provided in subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

- 1 (c) Electric services (491).
2 (d) Gas production and distribution (492).
3 (e) Water supply (494).
4 (f) Beauty shop (723).
5 (g) Barber shop (724).
6 (h) Membership sports and recreation clubs (7997).
7 (i) New Single family dwellings other than replacement of one single-family dwelling
8 existing in the zone on [effective date of ordinance], per lot.
9 (j) Child day care centers as specific conditional uses under SRC Chapter 118.
10 (k) Homeless shelters and room and board facilities serving six to ten persons.

11 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the City
12 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
13 limitations, may:


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

22 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and
23 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
24 this ordinance shall remain in full force and effect..

25 PASSED by the City Council this 23rd day of September, 2013.

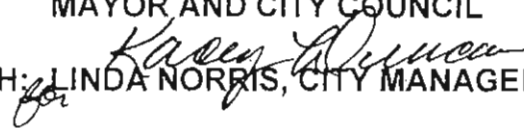

26 ATTEST:

27 
28 City Recorder

29 Approved by City Attorney: 

30 Checked by: J. Richling

g:\group\legnl\council\2013\090913 multiple family high-rise residential zone ord 29-13 engrossed.doc

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER 
FROM: GLENN W. GROSS, INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE AMENDMENT
TO SALEM REVISED CODE CHAPTER 149, RH – MULTIPLE FAMILY
HIGH-RISE RESIDENTIAL ZONE, TO ALLOW REPLACEMENT OF
EXISTING SINGLE FAMILY DWELLINGS AS A PERMITTED USE (CA
13-07)

ISSUE:

Should the City Council amend Ordinance Bill No. 29-13, as set forth in proposed Engrossed Ordinance Bill No. 29-13, which is attached to this staff report as "Attachment 2," and advance Engrossed Ordinance Bill 29-13, amending SRC Chapter 149 (Multiple Family High-Rise Residential Zone RH) to allow replacement of existing single-family dwellings as a permitted use within the zone, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 29-13, as set forth in proposed Engrossed Ordinance Bill No. 29-13, which is attached to this staff report as "Attachment 2," and advance Engrossed Ordinance Bill 29-13, amending SRC Chapter 149 (Multiple Family High-Rise Residential Zone RH) to allow replacement of existing single-family dwellings as a permitted use within the zone, to second reading for enactment.

FACTS AND FINDINGS:

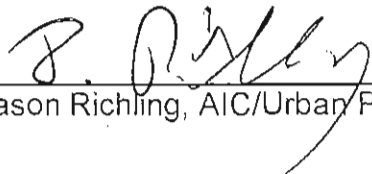
The purpose of this report is to explain proposed changes to Ordinance Bill No. 29-13. A Future Report containing facts and findings supporting the Planning Commission recommendation was made available on August 5, 2013, and is incorporated herein by reference.

Following the initiation of Code Amendment Case No. 13-07 by City Council on August 12, 2013, staff received feedback from several real estate professionals regarding the proposed code language. Specifically, concerns were expressed that the amendment may result in ambiguity as to what would constitute *replacement* of an existing single-family dwelling, proposed as an outright permitted use with this code amendment, and

construction of a *new* single-family dwelling, which would remain a Conditional Use in the RH - Multiple Family High-Rise Residential zone.

In response, the text of Ordinance Bill 29-13 has been modified to specify that *replacement* of a single-family dwelling "existing on [effective date of ordinance]..." is allowed as an outright permitted use in the zone, and that construction of a *new* single-family dwelling, "other than replacement of a single-family dwelling existing on [effective date of ordinance]...", would continue to require Conditional Use approval.

With these minor changes, the intent of the proposed amendment as described in the Future Report dated August 5, 2013, is achieved while providing clarification to address the concerns raised by real estate professionals as to applicability of the amended code language. The original ordinance text can be seen in Attachment 1 with deleted portions shown as strikethroughs and new language double underlined. The full engrossed ordinance is included as Attachment 2.



Jason Richling, AIC/Urban Planning Administrator

- Attachments: 1. Ordinance Bill No. 29-13
2. Engrossed Ordinance Bill No. 29-13

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA13-07 - Ch 149 Amendment - Replacement of SF dwellings in RH Zone (Jason)\ CA 13-07 (CC Supplemental Report 9-09-2013)_1.doc

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The City of Salem ordains as follows:

Section 1. SRC 149.020 is amended to read as follows:

149.020. Permitted Uses. The following uses, when developed under the general development standards in this zoning code applicable to the RH district and to all such uses, generally, are permitted in the RH district:

~~(a)~~ One duplex per lot;

(~~ed~~) Bed and breakfast establishments;

(de) Residential care (836), except homeless shelters serving more than five people;

(ef) Planned Unit Developments approved under SRC chapter 121.

(fg) The following agricultural uses:

- (1) Agricultural production - crops (01) with no retail sales area;
- (2) Timber tracts (081);
- (3) Forest nurseries and tree seed gathering and extracting;

(gh) Playgrounds, parks.

(hi) Public buildings and structures, such as libraries, fire stations.

(ii) Rights-of-way for:

- (1) Electric service lines;
- (2) Gas mains, oil and gas transmission lines;
- (3) Communications and CATV lines;
- (4) Water lines;
- (5) Sewer lines.

(k) Public utility structures and buildings such as pump stations, reservoirs,

radiomicrowave relay stations, telephone substations, and electric substations;

~~(kl)~~ Transit stop shelters.

~~(lm)~~ Accessory uses and structures such as:

(1) Customary residential accessory buildings and structures for private use of the property and its occupants;

(2) Storage for not more than one commercial vehicle per dwelling unit;

(3) Sleeping quarters for domestic employees of the resident of the main building;

(4) Guest houses and guest quarters not in the main building;

(5) Home occupations;

(6) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit;

(7) A private garage or parking area.

~~(mn)~~ Swimming pools, whether or not open to the public for a fee;

~~(no)~~ Community or neighborhood clubs.

~~(op)~~ Civic, social, and fraternal organizations (864).

~~(pq)~~ Transitional Uses: Where the side of a lot abuts property other than a street or alley in any C or I district, and the entire lot is within 165 feet of the C or I district:

(1) Public parking areas when developed as provided in SRC chapter 133.

~~(qr)~~ Child day care homes and babysitting (SIC 835).

~~(rs)~~ Adult day care home.

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Section 2. SRC 149.040 is amended to read as follows:

149.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the RH district:

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(b) Crude petroleum and natural gas extraction (131).

- (c) Electric services (491).
- (d) Gas production and distribution (492).
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- (h) Membership sports and recreation clubs (7997).
- (i) New Single family dwellings.
- (j) Child day care centers as specific conditional uses under SRC Chapter 118.
- (k) Homeless shelters and room and board facilities serving six to ten persons.

Section 3. 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 4. 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 _____ day of _____, 2013.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: J. Richling

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2 AN ORDINANCE RELATING TO MULTIPLE FAMILY HIGH-RISE RESIDENTIAL ZONE;
3 AMENDING SRC 149.020 AND SRC 149.040

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 149.020 is amended to read as follows:

6 **149.020. Permitted Uses.** The following uses, when developed under the general
7 development standards in this zoning code applicable to the RH district and to all such uses,
8 generally, are permitted in the RH district:

9 (a) Replacement of one single-family dwelling existing within the zone on [effective
10 date of ordinance], other than a manufactured home, per lot;

11 ~~(ab)~~ One duplex per lot;

12 ~~(bc)~~ Unlimited number of dwelling units and guest rooms in apartment houses,
13 court apartments, condominiums, and residential hotels; room and board facilities
14 serving five or fewer persons;

15 ~~(ed)~~ Bed and breakfast establishments;

16 ~~(de)~~ Residential care (836), except homeless shelters serving more than five people;

17 ~~(ef)~~ Planned Unit Developments approved under SRC chapter 121.

18 ~~(fg)~~ The following agricultural uses:

19 (1) Agricultural production - crops (01) with no retail sales area;

20 (2) Timber tracts (081);

21 (3) Forest nurseries and tree seed gathering and extracting;

22 ~~(gh)~~ Playgrounds, parks.

23 ~~(hi)~~ Public buildings and structures, such as libraries, fire stations.

24 ~~(ij)~~ Rights-of-way for:

25 (1) Electric service lines;

26 (2) Gas mains, oil and gas transmission lines;

27 (3) Communications and CATV lines;

28 (4) Water lines;

29 (5) Sewer lines.

30 ~~(jk)~~ Public utility structures and buildings such as pump stations, reservoirs,

1 radiomicrowave relay stations, telephone substations, and electric substations;

2 ~~(kl)~~ Transit stop shelters.

3 ~~(lm)~~ Accessory uses and structures such as:

4 (1) Customary residential accessory buildings and structures for private use of
5 the property and its occupants;

6 (2) Storage for not more than one commercial vehicle per dwelling unit;

7 (3) Sleeping quarters for domestic employees of the resident of the main
8 building;

9 (4) Guest houses and guest quarters not in the main building;

10 (5) Home occupations;

11 (6) The taking of boarders or leasing of rooms by a resident family, providing
12 the total number of boarders and roomers does not exceed two in any dwelling
13 unit;

14 (7) A private garage or parking area.

15 ~~(mn)~~ Swimming pools, whether or not open to the public for a fee;

16 ~~(no)~~ Community or neighborhood clubs.

17 ~~(op)~~ Civic, social, and fraternal organizations (864).

18 ~~(pq)~~ Transitional Uses: Where the side of a lot abuts property other than a street or
19 alley in any C or I district, and the entire lot is within 165 feet of the C or I district:

20 (1) Public parking areas when developed as provided in SRC chapter 133.

21 ~~(qr)~~ Child day care homes and babysitting (SIC 835).

22 ~~(rs)~~ Adult day care home.

23 ~~(st)~~ On-site response actions in accordance with applicable law to discharges of oil
24 and releases of hazardous substances, pollutants, and contaminants.

25 **Section 2.** SRC 149.040 is amended to read as follows:

26 **149.040. Conditional Uses.** The following uses, with conditional use approval as provided in
27 SRC Chapter 240 or 118, as applicable, are permitted in the RH district:

28 (a) Those uses listed in SRC 149.030, at the developer's option, as provided in
29 subsection (b) of that section.

30 (b) Crude petroleum and natural gas extraction (131).

- (c) Electric services (491).
- (d) Gas production and distribution (492).
- (e) Water supply (494).
- (f) Beauty shop (723).
- (g) Barber shop (724).
- (h) Membership sports and recreation clubs (7997).
- (i) New Ssingle family dwellings other than replacement of one single-family dwelling existing in the zone on [effective date of ordinance], per lot.
- (j) Child day care centers as specific conditional uses under SRC Chapter 118.
- (k) Homeless shelters and room and board facilities serving six to ten persons.

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- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
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- (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 4. 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 _____ day of _____, 2013.

ATTEST:

City Recorder

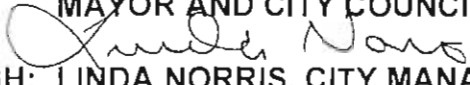
Approved by City Attorney: _____


Checked by: J. Richling

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FOR COUNCIL MEETING OF: August 12, 2013
AGENDA ITEM NO.: 8.1 (a)

September 9, 2013
4 (c)

TO: MAYOR AND CITY COUNCIL

THROUGH: LINDA NORRIS, CITY MANAGER

FROM: GLENN GROSS, INTERIM DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE AMENDMENT TO
SALEM REVISED CODE CHAPTER 149, RH – MULTIPLE FAMILY HIGH-
RISE RESIDENTIAL ZONE, TO ALLOW REPLACEMENT OF EXISTING
SINGLE FAMILY DWELLINGS AS A PERMITTED USE (CA 13-07)

ISSUE:

Should the City Council initiate an amendment to SRC Chapter 149 (Multiple Family High-Rise Residential Zone RH) to allow replacement of existing single-family dwellings as a permitted use within the zone by conducting first reading of Ordinance Bill No. 29-13, schedule a public hearing on the Ordinance Bill, and after the hearing, advance the Ordinance Bill to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council initiate an amendment to SRC Chapter 149 (Multiple Family High-Rise Residential Zone RH) to allow replacement of existing single-family dwellings as a permitted use within the zone by conducting first reading of Ordinance Bill No. 29-13, schedule a public hearing on the Ordinance Bill, and after the hearing, advance the Ordinance Bill to second reading for enactment.

BACKGROUND:

The purpose of this supplemental staff report is to clarify the issue and recommendation statements contained in a Future Report concerning Code Amendment Case No. 13-07 that was made available on August 5, 2013, which is incorporated herein by reference.

The issue and recommendation statements contained in the Future Report did not specify that the Council *initiate* the proposed code amendment amendment to SRC Chapter 149, in accordance with SRC 300.1110(a). The issue and recommendation statements contained in this supplemental report are intended to clarify that the proposed amendment will be initiated at the time of first reading of Ordinance Bill No. 29-13.

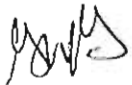

Jason Richling, AIC/Urban Planning Administrator

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA13-07 - Ch 149 Amendment - Replacement of SF dwellings in RH Zone (Jason)\ CA 13-07 (CC Supplemental Report 8-12-2013).doc

FUTURE REPORT FOR: August 5, 2013
FOR COUNCIL MEETING OF: August 12, 2013
AGENDA ITEM NO.: 8.1 (a)

September 9, 2013
4 (c)

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: GLENN GROSS, INTERIM DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENT TO SALEM REVISED CODE CHAPTER 149, RH –
MULTIPLE FAMILY HIGH-RISE RESIDENTIAL ZONE, TO ALLOW
REPLACEMENT OF EXISTING SINGLE FAMILY DWELLINGS AS A
PERMITTED USE (CA 13-07)

ISSUE:

Should the City Council schedule a public hearing on Ordinance Bill No. 29-13 and after such hearing, advance Ordinance Bill No. 29-13, amending SRC Chapter 149 (RH – Multiple Family High-Rise Residential Zone) to allow replacement of existing single-family dwellings as a permitted use within the zone, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council schedule a public hearing on Ordinance Bill No. 29-13 and after such hearing, advance Ordinance Bill No. 29-13, amending SRC Chapter 149 (RH – Multiple Family High-Rise Residential Zone) to allow replacement of existing single-family dwellings as a permitted use within the zone, to second reading for enactment.

BACKGROUND:

On July 22, 2013, the City Council adopted a motion directing staff to prepare a staff report and ordinance amending Salem Revised Code (SRC) Chapter 149 (RH – Multiple Family High-Rise Residential Zone) to allow replacement of existing single-family dwellings as a permitted use within the zone.

Single-family dwellings are currently classified as a Conditional Use in the RH zone. A Conditional Use is a quasi-judicial land use procedure which requires notification to surrounding property owners and a public hearing, and is subject to appeal or call-up by the City Council. The lack of certainty about whether an existing home may be replaced or rebuilt on a lot in accordance with the Conditional Use approval procedure in this zone has resulted in difficulties in obtaining financing at the time of sale for existing single-family dwellings, and represents a significant impediment to rebuilding an existing home in the case of substantial damage or destruction.

The RH zoning district is primarily located within Salem's older, central, residential neighborhoods – in the vicinity of the North Broadway corridor and near the intersection of 14th Street NE and Center Street NE. Several outlying RH-zoned properties are also located near Willamette University and in West Salem (Capital Manor). Approximately 63 RH-zoned properties are currently developed with single-family dwellings, with several dwellings located within the Court-Chemeketa Residential Historic District.

The proposed amendment is intended to address concerns that have been raised regarding the ability of owners of existing single-family dwellings located on lots within the RH - Multiple Family High-Rise Residential zone to sell, refinance or replace existing single-family dwellings within this zone.

Staff has identified this issue for resolution through the Unified Development Code (UDC) project. However, the UDC ordinance which currently proposes such a code amendment is not slated for consideration by the City Council until late 2013. Given the concerns raised and in an effort to respond to this issue in an expeditious manner, the July 22, 2013, City Council motion directs staff to bring this specific code amendment forward for consideration ahead of the bulk of the UDC.

FACTS AND FINDINGS:

1. SRC 300.1110(a)(3) permits City staff to initiate a legislative land use proceeding by preparing an ordinance bill and placing it on the City Council agenda for first reading. City Council may schedule a public hearing to consider the proposal, refer the matter to the appropriate review authority for hearing, refer the matter to a City Council subcommittee for further review, or decline to advance the ordinance to second reading. Staff recommends the City Council direct staff to schedule a public hearing before City Council to consider the proposal.
2. SRC 300.1110(d) requires the City to send notice to DLCD 35 days prior to conducting a hearing to consider an amendment to the Salem Area Comprehensive Plan or the City's land use regulations. Notice was sent to DLCD on August 5, 2013.
3. SRC Chapter 300 requires a public hearing prior to adopting any change to the Salem Area Comprehensive Plan or the City's land use regulations.

Proposed Amendments

4. Salem Revised Code Chapter 149 currently requires approval of a Conditional Use Permit for replacement of existing single-family dwellings located within the RH (Multiple Family High-Rise Residential) zone. Uncertainty related to the Conditional Use approval requirement has resulted in difficulties in obtaining financing for the purchase, refinance or replacement of existing single-family dwellings in the RH zone.

The proposed amendment would assist property owners and prospective home buyers in their ability to purchase, refinance or replace existing single-family dwellings in the RH zone.

Consistency of the Proposed Amendments with the Salem Area Comprehensive Plan (SACP)

1. The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area. In addition, the comprehensive plan establishes the following intent statements and policies encouraging the retention of housing stock in established residential neighborhoods, and the conservation of historic resources:

Residential Intent Statement No. 3.a.2): *The Single Family Residential designation reflects the predominate use pattern in that category. Multi-Family Residential is characterized by a mixture of housing types.*

The Single Family and Multi-Family Residential categories of use encompass all types of housing, for example, single family detached, single family attached, manufactured homes, garden apartments, and row houses. The location, density, and style of housing is governed by the zoning code of each local jurisdiction. Changes in use designation to permit higher residential densities is governed by the goals and policies of this Plan and the local rezoning process... The intent of the residential designations is to:

- a) *To retain and conserve the existing sound housing stock;*

Residential Development Policy No. 4 (Rehabilitation): *Rehabilitation and maintenance of housing in existing neighborhoods shall be encouraged to preserve the housing stock and increase the availability of safe and sanitary living units.*

Scenic and Historic Areas, Natural Resources and Hazards Policy No. 10 (Historic Sites and Structures): *The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to Salem Revised Code Chapter 56 shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. SRC Chapter 56, the implementing ordinance, provides the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.*

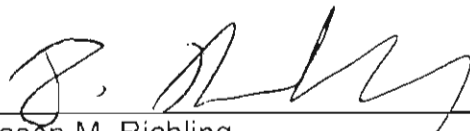
The Comprehensive Plan provides that a key purpose of residential lands is to retain and conserve existing sound housing stock in established neighborhoods. The Comprehensive Plan also emphasizes the preservation of identified historic resources. Allowing the replacement of existing single-family dwelling units as a permitted use in the RH zone will more closely align SRC Chapter 149 with the residential land and historic resource policies of the Comprehensive Plan while

maintaining the ability of RH-zoned lands to be developed with higher density multi-family residential dwellings.

ALTERNATIVES:

The City Council may:

- A. Set a public hearing on the proposed amendments.
- B. Refer the proposed amendments to the Planning Commission for further deliberation.
- C. Take no action.



Jason M. Richling
Urban Planning Administrator/A.I.C.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA13-07 - Ch 149 Amendment - Replacement of SF dwellings in RH Zone (Jason)\ CA 13-07 (CC Future Report 8-12-2013).doc

ORDINANCE BILL NO. 29-13

AN ORDINANCE RELATING TO MULTIPLE FAMILY HIGH-RISE RESIDENTIAL ZONE;
AMENDING SRC 149.020 AND SRC 149.040

The City of Salem ordains as follows:

Section 1. SRC 149.020 is amended to read as follows:

149.020. Permitted Uses. The following uses, when developed under the general development standards in this zoning code applicable to the RH district and to all such uses, generally, are permitted in the RH district:

(a) Replacement of one existing single-family dwelling, other than a manufactured home, per lot;

~~(ab)~~ One duplex per lot;

~~(bc)~~ Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels; room and board facilities serving five or fewer persons;

~~(ed)~~ Bed and breakfast establishments;

~~(de)~~ Residential care (836), except homeless shelters serving more than five people;

~~(ef)~~ Planned Unit Developments approved under SRC chapter 121.

~~(fg)~~ The following agricultural uses:

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~~(jk)~~ Public utility structures and buildings such as pump stations, reservoirs,

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~~(st)~~ On-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

Section 2. SRC 149.040 is amended to read as follows:

149.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the RH district:

(a) Those uses listed in SRC 149.030, at the developer's option, as provided in subsection (b) of that section.

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- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 4. 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 _____ day of _____, 2013.

ATTEST:

City Recorder

Approved by City Attorney: 

Checked by: J. Richling

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Kathy Hall - NEN support for Ordinance Bill no. 29-13

DOCUMENT FILED

From: <jello_878@comcast.net>
To: <khall@cityofsalem.net>, Anna Peterson-mayor <AMPeterson@cityofsalem.net>
Date: 9/4/2013 6:20 AM
Subject: NEN support for Ordinance Bill no. 29-13
CC: Lisa Anderson <lmanderson@cityofsalem.net>, abatee <abatee@cityofsale...>

Mayor Peterson and City Councilors,

On September 3, 2013, Northeast Neighbors voted unanimously to support Ordinance Bill no. 2913 to allow replacement of existing single-family dwellings as a permitted use within Multiple Family High-Rise Residential Zone RH.

Joan Lloyd, NEN Chair

CITY OF SALEM
COMMUNITY DEVELOPMENT DEPARTMENT
555 LIBERTY ST. S.E. - ROOM 305
SALEM, OR 97301

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AND DEVELOPMENT

Land Conservation & Development
Department
635 Capitol St NE, Suite 150
Salem OR 97301