



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

March 6, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 017-06 R

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: March 21, 2008

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Bryce Bishop, City of Salem

<paa> ya/

NOTICE OF ADOPTION

THIS FORM **MUST BE MAILED** BY DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE
STAMP

DEPT OF
FEB 29 2008
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Salem Local File Number: CA 06-7
Date of Adoption: February 11, 2008 Date Mailed: February 27, 2008
Date this Notice of Proposed Amendment was mailed to DLCD: September 20, 2006/June 21, 2007

☐ 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 SRC Chapter 143D, the Edgewater Street/Wallace Road Area Overlay Zone to prohibit automobile related uses and certain other uses that are not consistent with the West Salem Neighborhood Plan within the Edgewater Street Corridor (Area 5 of the Edgewater Street/Wallace Road Area Overlay Zone).

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice to the Proposed Amendment, write "N/A."

The approved amendment differs from the original presented version by 1) giving existing uses that would become prohibited under the amendment a permitted use status; 2) shortening the definition of a "drive-through" use; and 3) removing forestry services, retail nurseries, lawn and garden supply stores, and on-site and off-site response actions to discharge or spill and releases of hazardous substances, pollutants and contaminants from the list of prohibited uses.

Plan Map Changed from: NA to: NA
Zone Map Changed from: NA to: NA
Location: West Salem Acres Involved: NA
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: _____

Was an Exception Proposed: ☐ YES ☒ NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing?

If no, do the statewide planning goals apply?

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ No

☐ Yes ☐ No

☐ Yes ☐ No

Affected State of Federal Agencies, Local Governments or Special Districts:

Local Contact: Bryce Bishop, Interim Senior Planner Phone: (503) 588-6173 Extension: 7599
Address: 555 Liberty Street SE, Room 305 City: Salem
Zip: 97301 E-Mail Address: bbishop@cityofsalem.net

DLCD File No: 017-062(15573) 1st adoption submitted on 2/14/08
ORD # 127-07 2/4/08

1 **ENGROSSED**

2 **ORDINANCE NO. 88-07**

3 AN ORDINANCE RELATING TO PROHIBITING CERTAIN USES NOT CONSISTENT WITH THE
4 WEST SALEM NEIGHBORHOOD PLAN WITHIN THE EDGEWATER STREET CORRIDOR
(AREA 5) OF THE EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE;
5 AMENDING SRC 143D.190; AND CREATING NEW PROVISIONS.

6 *The City of Salem ordains as follows:*

7 **Section 1.** SRC 143D.190 is amended to read:

8 **143D.190. Uses.**

- 9 (a) Except as provided in subsection (b) ~~and (c)~~ of this section, no building or structure shall
10 be used, erected, structurally altered or enlarged, or any land used, for any use not
11 allowed as a permitted, special, administrative conditional, or conditional use in the
12 underlying zone. ~~Otherwise permitted uses in Area 5 may not be conducted as drive-~~
13 ~~through uses, defined as business activities typically involving queuing lanes, service~~
14 ~~windows, service islands, and service bays. The additional prohibited uses, identified~~
15 ~~under subsection (c) of this section that existed within Area 5 as of February 11, 2008~~
16 ~~are deemed permitted uses within Area 5 on the lot or parcel where they are located on~~
17 ~~such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded~~
18 ~~onto another lot or parcel within Area 5 that were not previously utilized for such use.~~
- 19 (b) The following uses are permitted uses in Area 5:
- 20 (1) Mixed use developments as defined in this chapter; and
- 21 (2) Dwellings meeting the density standards of Section 143D.210.

22 ~~(c) In addition to the prohibited uses in the underlying zone, the following uses that are~~
23 ~~allowed in the underlying zone are prohibited in Area 5:~~

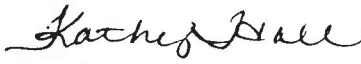
- 24 ~~(1) Agricultural production - crops (01);~~
- 25 ~~(2) Landscape and horticultural services (078), but excluding landscape counseling~~
26 ~~and planning (0781);~~
- 27 ~~(3) Timber tracts (081);~~
- 28 ~~(4) Forest nurseries and gathering of forest products (0831);~~

- 1 (5) ~~Crude petroleum and natural gas extraction (131);~~
2 (6) ~~Gas production and distribution (492);~~
3 (7) ~~Lumber and other building materials dealers (521);~~
4 (8) ~~Automotive dealers and gasoline service stations (55); but excluding auto and~~
5 ~~home supply stores (retail sales only, no service or installation) (5531);~~
6 (9) ~~Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;~~
7 (10) ~~Camps and recreational vehicle parks (703);~~
8 (11) ~~Carpet and upholstery cleaning (7217);~~
9 (12) ~~Equipment Rental and Leasing (7359);~~
10 (13) ~~Automotive rental and leasing, without drivers (751);~~
11 (14) ~~Automotive repair shops (753);~~
12 (15) ~~Automotive services, except repair (754);~~
13 (16) ~~Motorcycle repair service;~~
14 (17) ~~Professional sports clubs and promoters (7941);~~
15 (18) ~~Temporary motor vehicle and recreational vehicle sales;~~
16 (19) ~~Utilities - secondary truck parking and material storage yard;~~
17 (20) ~~Recycling depots;~~
18 (21) ~~Solid waste transfer stations;~~

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

22 PASSED by the Council this 11th day of February, 2008 .

23 ATTEST:

24 
25 City Recorder

26 Approved by City Attorney: 

27 Checked by: B. Bishop

28 G:\GROUP\LEGAL\1\Council\021108 Engrossed west salem plan ord FINAL.wpd