



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

12/24/2012

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 001-12

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: Monday, January 07, 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: Lisa Anderson-Ogilvie, City of Salem
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



FORM

2

DLCD

Notice of Adoption

☐ In person ☐ electronic ☐ mailed
DATE
STAMP

SHUTTLE

DEPT OF

DEC 17 2012

For Office Use Only
LAND CONSERVATION
AND DEVELOPMENT

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: **CA11-03**Date of Adoption: **12/10/2012**Date Mailed: **12/14/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/1/2012☐ 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".

Changes to add alternative Design Review standards for the Edgewater St/Wallace Rd Overlay zone - Area 5. The alternative standards allow for improvements to existing buildings of windows, doors, and awnings as a Type I review that are less onerous than those applied to new development. The amendment also adjusts the parking standards in Area 5 for existing sites by not requiring any new parking except when new residential units are added. It also prohibits the reduction of existing parking.

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

DLCD file No. 001-12 (19160) [17283]

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

Local Contact: **Lisa Anderson-Ogilvie, Planner III**

Phone: (503) 540-2381 Extension:

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

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

City: **Salem**

Zip: **97301-**

E-mail Address: **lmanderson@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.

ORDINANCE BILL NO. 33-12

AN ORDINANCE RELATING TO THE EDGEWATER STREET/WALLACE ROAD AREA
OVERLAY ZONE; CREATING NEW PROVISIONS; AND ADOPTING REVISIONS TO
THE CITY OF SALEM DEVELOPMENT DESIGN HANDBOOK

The City of Salem ordains as follows:

Section 1. The following SRC Chapter 143D.200 is added to SRC Chapter 143D:

143D.200 Parking. Except for new residential units, within Area 5 there is no minimum off-street parking requirement for sites with buildings in existence as of January 9, 2013, provided there is no increase in building square footage and any existing parking is not reduced except as necessary to comply with state and federal law, including the Americans with Disabilities Act.

Section 2. Pages 95 and 96 of "City of Salem Development Design Handbook" are amended to read as set forth in "Exhibit 1," which is attached hereto, and incorporated herein by this reference.

Section 3. 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 10th day of December, 2012.

ATTEST:

Ruth Ann Stellmacher
acting

City Recorder

Approved by City Attorney: h

Checked by: L. Anderson-Ogilvie

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SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements (cont.)

2. Building Orientation and Design

a. Guidelines:

- 1) Design and construct buildings facing the Edgewater Street right-of-way that create safe, pleasant and active pedestrian environments.
- 2) Design and construct ground floor facades along the Edgewater Street right-of-way that provide views into shops and offices.
- 3) Reinforce the human scale of development and avoid buildings with long monotonous exterior walls. To minimize the appearance of bulk, a building offset interval shall be established and repeated along structure facades.
- 4) Provide weather protection on building facades adjacent to sidewalks or pedestrian connections in the form of awnings or canopies appropriate to the design of the structure.

b. Standards:

- 1) Design and construct a primary building entrance for each building facade facing a public right-of-way. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.
 - 1a) Alternative Standard for existing buildings
Notwithstanding section 8(B)(2)(b)(1) a primary building entrance facing a public right-of-way on a building existing on January 9, 2013 may be relocated but not eliminated.
 - 2) Incorporate a minimum of sixty-five (65) percent window along the ground floor facade for buildings facing the Edgewater Street right-of-way. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurement used to make the determination area T-V is equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
 - 2a) Alternative Standard for existing buildings
Notwithstanding section 8(B)(2)(b)(2) where the ground floor facade of a building existing on January 9, 2013 facing Edgewater Street does not include transparent windows along at least 65 percent of the ground floor facade, the percentage of transparent windows existing along the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection 8(B)(2)(b)(2) may be added without meeting the minimum ground floor facade window percentage of 65 percent.
 - 3) Design and construct building frontages greater than seventy-five (75) feet with offset jogs, using elements such as bay windows and recessed entrances that reinforce pedestrian scale; building frontages two or more stories in height may be built without offset intervals on the first floor, but all additional floors shall be extended or recessed a minimum of four (4) feet horizontally from the exterior vertical plane of the first story. Such extensions may extend into required yards notwithstanding SRC 76.170(a).

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements (cont.) 2. Building Orientation and Design

b. Standards:

- 4) Design and construct building facades adjacent to sidewalks or pedestrian connections to include weather protection in the form of canopies or awnings along at least ninety (90) percent of the length of the ground floor facade. Such weather protection may encroach into the public right-of-way subject to SRC 76.160 (Encroachment into Public Right-of-Way). Weather protection shall be placed at least eight (8) feet above any public sidewalk.

4a) Alternative Standard for existing buildings

Notwithstanding section 8(B)(2)(b)4) where the ground floor façade of a building existing on January 9, 2013 abutting a street does not include weather protection in the form of awnings or canopies along a minimum of 90 percent of the length of a ground floor façade abutting a street, the percentage of weather protection along the ground floor façade shall not be reduced and additional weather protection meeting the dimensional and sidewalk clearance requirements of section 8(B)(2)(b)4) may be added without meeting the 90 percent minimum.

**FUTURE REPORT:
FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:**

November 26, 2012

December 3, 2012

8.1 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER
FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PROPOSED AMENDMENTS TO SALEM REVISED CODE (SRC)
CHAPTER 143D (EDGEWATER/WALLACE ROAD OVERLAY ZONE)
TO ALTER THE MINIMUM PARKING REQUIREMENTS FOR NEW
USES IN EXISTING BUILDINGS AND AMENDMENTS TO THE
DEVELOPMENT DESIGN HANDBOOK TO PROVIDE ALTERNATIVE
STANDARDS FOR MODIFICATION TO EXISTING BUILDINGS
AFFECTING DOORS, WINDOWS AND WEATHER PROTECTION
FOR AREA 5 OF THE EDGEWATER/WALLACE ROAD OVERLAY
ZONE (CA 11-03)

ISSUE:

Should the City Council advance to second reading for enactment Ordinance Bill No. 33-12 amending SRC Chapter 143D (Edgewater/Wallace Road Overlay zone) to alter the minimum parking requirements for new uses in existing buildings and amend the Development Design Handbook to provide alternative standards for modification to existing buildings affecting doors, windows and weather protection for Area 5 of the Edgewater/Wallace Road Overlay zone?

RECOMMENDATION:

Staff recommends that the City Council advance to second reading for enactment Ordinance Bill No. 33-12, amending SRC Chapter 143D (Edgewater/Wallace Road Overlay zone) to alter the minimum parking requirements for new uses in existing buildings and amend the Development Design Handbook to provide alternative standards for modification to existing buildings affecting doors, windows and weather protection for Area 5 of the Edgewater/Wallace Road Overlay zone.

SUMMARY:

The proposed amendments will alter the parking requirements for existing buildings and will make it easier for property owners to make small changes to the outside of their buildings for windows, doors and awnings without having to seek approval from the Planning Commission, in Area 5 of the Edgewater/Wallace Overlay zone.

BACKGROUND:

The Community Development Department and the Urban Renewal Agency completed the Edgewater/2nd Street NW Streamline Zoning and Parking Study in June of 2011. The purpose of the study was to identify conflicts and barriers to development in the Edgewater/ 2nd Street Area, particularly to evaluate the existing zoning, parking and Development Design Handbook requirements in order to further enhance redevelopment along Edgewater/2nd Street NW.

The proposed amendments only affect Area 5 of the Edgewater/Wallace Road Overlay Zone (Attachment 1).

FACTS AND FINDINGS:

Procedural Findings

1. The proposed amendments were initiated by the Planning Commission with the approval of Resolution No. 11-04. A public hearing was held before the Planning Commission on March 20, 2012 to receive testimony and consider the proposed amendments.

Subsequent to the close of the public hearing, the Planning Commission voted to approve the amendments and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending the code and the Development Design Handbook.

Proposed Code Amendments

2. The study included a parking utilization survey to assess how many on-street parking spaces were available and how they were utilized. The study found a 35% utilization rate meaning that on average only 35%, or 180 of the 509 on-street stalls, were utilized during peak hours. Therefore, the study concluded that there is an abundance of on-street parking that can offset developments that do not meet the minimum parking standards.

This is the basis for the proposed code amendment which will allow buildings that are in existence as of the date of the ordinance to be occupied by new tenants without the new use having to provide the parking required for their use in SRC Chapter 133, Table 133-1. Many of the existing buildings in Area 5 were built with little to no parking and do not have room to provide additional parking.

When a new use is proposed for a building a change of use permit is required. A change of use permit requires that the parking requirements of SRC Chapter 133 be met. If a site does not have adequate parking the owner or tenant has the option to add parking to the site, lease parking from a neighboring property within 500 feet or apply for a zoning adjustment or variance to reduce the number of spaces required. Many sites do not have room to add any parking or to expand the existing parking because of how small the lots are. Often there is no parking available within 500 feet to lease and if there is it can be cost prohibitive while providing uncertainty for a business owner as the lease may not be renewed or the cost may increase substantially over time. A parking adjustment or variance

adds time and cost for the business owner without any guarantee that the land use action will be approved.

The proposed amendment will not apply to any new residential units that may be added to existing buildings. Residents tend to park long term without the type of vehicle turnover of patrons to area businesses. Requiring new residential units to provide the required parking will ensure that they always have a parking space and are not preventing customers from parking in the area. The proposed amendment to SRC Chapter 143D aims to address these issues.

The exception in the ordinance allows the parking lot to be altered to provide the required disabled spaces even if it requires the elimination of existing parking. This is the only exception to the rule that all existing parking must remain.

3. The Development Design Handbook contains design standards or guidelines for development in the Edgewater/Wallace Road Overlay. If a development (which includes all new development and some redevelopment) meets the standards it can be reviewed administratively. If the standards cannot be met the applicant can choose to meet the guidelines which requires a public hearing before the Planning Commission. This has led to some minor improvement projects having to appear before the Planning Commission to receive approval because they cannot meet the design standards.

The streamlined zoning and parking study that was completed for Edgewater/2nd Street last summer recommended allowing existing buildings to make improvements without going to Planning Commission as long as the improvements were bringing the building closer to the standard for doors, windows and weather protection

For example the standard requires 65% of the ground floor façade of a building to be windows. If a current building only had 25% and the owner wanted to add new windows and bring it up to 45% that would not meet the standards under the code today and the owner would have to seek approval from the Planning Commission. The proposed code amendment would allow staff to approve it because it is becoming more aligned with the standard.

This amendment will allow property owners to make small improvements with less cost and uncertainty in the approval process while also maintaining the standards of the overlay which seek to achieve a pedestrian friendly area with a main street feel.

The amendment proposes having alternative standards for doors, windows and weather protection. The applicant would have the choice of meeting the regular standard or the alternative standard both of which can be reviewed and approved administratively.

Consistency with the Salem Area Comprehensive Plan

5. 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 meets the needs of present and future residents of the Salem urban area.

The design standards in the Edgewater/Wallace Road Overlay zone seek to promote a mixture of activities, including retail, commercial, and residential development within close proximity to one another in order to facilitate walking and produce less reliance on the automobile. This is consistent with the SACP mixed-use policies calling for developments that are "designed for safe, comfortable and attractive to pedestrian". Additionally the SACP policies call for flexibility for "redevelopment to respond to changes in the marketplace." The proposed amendments will allow property owners flexibility to make small improvements to their property affecting the doors, windows and weather protection without excessive time for review and approval. Allowing existing buildings to use the existing parking without having to add parking for new uses will allow vacant buildings to be more easily occupied. Therefore, the proposed amendment is consistent with the SACP.

ALTERNATIVES:

The City Council may:

1. Advance Ordinance Bill No. 33-12 to second reading for enactment.
2. Set a public hearing on the proposed amendments.
3. Take no action.



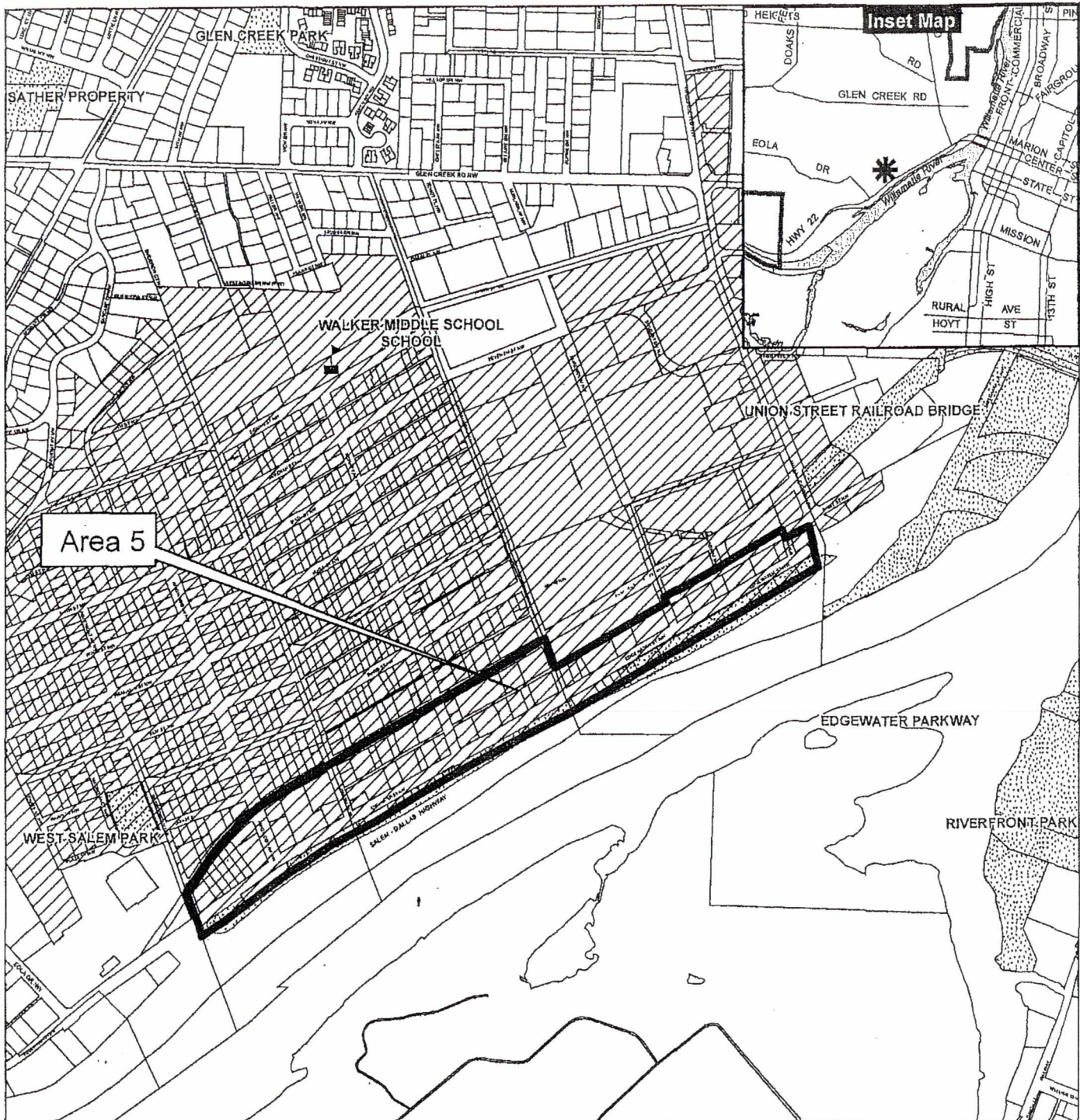
Glenn W. Gross, Urban Planning Administrator

Attachment: 1. Map of Edgewater/Wallace Road Overlay Zone – Area 5

Prepared by Lisa Anderson-Ogilvie, Planner III

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Edgewater / Wallace Road Overlay Zone Area 5



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Edgewater/Wallace Road Overlay

Schools

Parks

CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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ATTACHMENT 1