



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

10/10/2011

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 004-11

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, October 24, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative

<paa> YA



FORM 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

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	OCT 03 2011
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Salem**

Local file number: **CA 11-01**

Date of Adoption: **9/26/2011**

Date Mailed: **9/29/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/25/2011

☐ 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".

To amend the zoning code (SRC 154 - Central Business District and 230 - Historic Preservation) to allow new banks and credit unions to have drive-throughs in the downtown Historic district.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved:

Specify Density: Previous: **N/A**

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...

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 ☐ No

DLCD file No. 004-11 (18767) [16790]

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

Local Contact: **Lisa Anderson-Ogilvie**

Phone: (503) 588-6173 Extension: 7581

Address: **555 Liberty St SE**

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

City: **Salem**

Zip: **97301**

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

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1 (p) Drive-through for a bank or credit union in the downtown Historic Core District,
2 where construction of the bank or credit union is commenced on or after October 1, 2011
3 and adequate measures are taken to ensure pedestrian safety.

4 **Section 2.** SRC 154.050 is amended to read:

5 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be
6 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020
7 to 154.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or
8 allowed as a nonconforming use pursuant to SRC Chapter 112.

9 Otherwise permitted uses in the downtown Historic Core District, other than banks
10 and credit unions where construction of the bank or credit union is commenced on or after
11 October 1, 2011, may not be conducted as drive-through uses, defined as business activities
12 involving the buying and selling of goods or the provision of services to a motorist customer
13 or the customer's motor vehicle and typically involving queuing lanes, service windows,
14 service islands, and service bays.

15 **Section 3.** SRC 230.050 is amended to read:

16 **230.050. Standards for New Construction in Commercial Historic Districts.** New
17 buildings may be constructed in commercial historic districts, subject to the following
18 standards:

19 **(a) Materials.**

20 (1) The primary façade shall be constructed of traditional building materials such as
21 brick or stone. Stucco or pre-cast concrete block shall not be used in the primary
22 façade.

23 (2) Materials used in the construction shall be identical or similar to those available
24 for similar buildings or structures built during the period of significance.

25 (3) Materials shall be similar in scale, proportion, texture, and finish to those found
26 on nearby historic structures.

27 **(b) Design.**

28 (1) The design shall be compatible with the general character of historic contributing
29 buildings in the historic district. Factors in evaluating compatibility include, but are
30 not limited to:

- 1 (A) The height, width, proportions, size and scale is consistent with those used in
2 similar historic contributing buildings in the district generally.
- 3 (B) The design reflects, but does not replicate, the architectural style of historic
4 contributing buildings in the district.
- 5 (C) Architectural elements that are similar to those found on historic contributing
6 buildings in the historic district are used.
- 7 (D) Architectural elements such as lintels, cornices, doors, storefronts and
8 windows reflect the spacing, placement, scale, orientation and proportion of
9 buildings in the district.
- 10 (E) The front façade is designed with human-scaled proportions that are
11 compatible with adjacent buildings and the district as a whole.
- 12 (2) Buildings shall be placed contiguous with the right-of-way line.
- 13 (3) Buildings shall be designed without above-ground pedestrian walkways which
14 are prohibited across any public street.
- 15 (4) Walls shall include storefronts along each ground floor that is adjacent to a public
16 street. Windows shall not be tinted, mirrored or treated in such a way as to block
17 views into the interior.
- 18 (5) Parking within a building on the ground floor shall only be allowed behind
19 secondary façades. Commercial storefronts or office uses shall be provided between
20 any ground floor parking area and the primary façades fronting the public street.
21 Parking is prohibited between the building and the street.
- 22 (6) No new building shall be designed to allow drive-through uses, except banks and
23 credit unions where construction of the bank or credit union is commenced on or after
24 October 1, 2011 may include a drive-through use as a conditional use subject to the
25 following standards:
- 26 (A) All components of the drive-through, including kiosk, structure, and drive
27 aisle, shall be located on a secondary façade, not visible from the right-of-way,
28 other than an alley.
- 29 (B) Queuing lanes shall not be permitted between the building and the right-of-
30 way, other than an alley.

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- (C) Up to two queuing lanes may be permitted.
- (D) If the subject property abuts an alley, access to and from the drive-through from the alley is encouraged.

(7) Manufactured dwelling units are prohibited

(c) **Mechanical Equipment and Service Areas.** Mechanical equipment, including, but not limited to heating and cooling systems, solar panels and telecommunications equipment, and service areas including, but not limited to dumpster enclosures, shall meet the following standards:

- (1) **Materials.** Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
- (2) **Design.**
 - (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
 - (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from the street.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) Skylights and vents shall be placed behind and below the parapet level.

(d) **Awnings and Canopies.** Awnings and canopies on new construction shall meet the following standards:

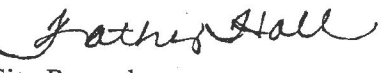
- (1) **Materials.**
 - (A) Materials that are compatible with the character of the district shall be used.
 - (B) Canvass is an approved material for awnings and canopies.
- (2) **Design.**
 - (A) Awnings shall be located within window openings, and below transoms.

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- (B) Umbrella-type awnings and non-historic forms are not permitted.
- (C) Marquees may be used where compatible with the building and neighboring buildings.
- (D) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
- (E) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.

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 26th day of September, 2011.

ATTEST:

City Recorder
Approved by City Attorney: 

Checked by: L. Anderson-Ogilvie
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CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

State

DEPT OF
OCT 03 2011
LAND CONSERVATION
AND DEVELOPMENT

Land Conservation & Development
Department
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