



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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## NOTICE OF ADOPTED AMENDMENT

July 13, 2006



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 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 31, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 DATE SPECIFIED ABOVE.**

Cc: Klaus Schilde, City of Salem

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NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

JUL 10 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Salem

Local File Number CA 06-1  
(if no number, use none)

Date of Adoption June 12, 2006  
(must be filled in)

Date Mailed July 6, 2006  
(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD February 16, 2006

- Comprehensive Plan Text Amendment
  - Comprehensive Plan Map Amendment
  - Land Use Regulation Amendment
  - Zoning Map Amendment
  - New Land Use Regulation
  - Other: Zone Code Amendment
- (Please specify Type of Action)

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

Amended Salem Revised Code 145.100, 146.100, and 147.100 and any related code sections, to change the rear yard setback requirements in single family residential and duplex zones. The proposal also included a new definition of "story."

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

Same

Plan Map Change From NA to NA

Zone Map Change From NA to NA

Location: City wide Acres Involved: NA

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ Was an Exception adopted?  Yes  No

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?**  Yes  No

If no, do the Statewide Planning Goals apply.  Yes  No

If no, did the Emergency Circumstances Required immediate adoption.  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: Klaus Schilde, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7574

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip Code+4: 97301-3503 Email Address: kschilde@cityofsalem.net

DLCD File No: 002-06(15022)

1 **A BILL FOR ORDINANCE NO. 27-06**

2 AN ORDINANCE relating to the definition of a story and interior rear yards in single family  
3 zones; amending SRC 111.200, SRC 145.100 and SRC 146.100.

4 THE CITY OF SALEM ORDAINS AS FOLLOWS:

5 **Section 1.** SRC 111.200 is amended to read:

6 **111.200. "S" DEFINITIONS.**

7 (a) **Side lot line.** See "lot line, side."

8 (b) **Slope** means an inclined earth surface, the inclination of which is expressed as the ratio  
9 of horizontal distance to vertical distance. Slopes are expressed as a percentage and measured  
10 across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

11 (c) **Solid waste transfer station** means a fixed or mobile facility normally used as an  
12 adjunct of a solid waste collection system or resource recovery system between a collection route  
13 and a disposal site, including but not limited to a large hopper, railroad gondola, or barge. See  
14 ORS chapter 459, and OAR 340-61-065.

15 (d) **Special use** means a use which is permitted in a particular zoning district conditioned  
16 upon compliance with either the applicable standards of SRC chapter 119, or any conditions  
17 imposed under conditional use approval. See SRC 119.010.

18 (e) **Specific conditional use** means any use which is permitted in a particular zoning district  
19 only after review and approval by the commission as provided in SRC chapter 118.

20 (f) **Standard Industrial Classification Manual (SIC)** means the document so entitled,  
21 adopted by SRC 113.090.

22 (g) **Story** means the horizontal division of a building, making up the area between two  
23 adjacent levels, but excluding that portion of the building that comprises the horizontal division  
24 that is the roof, unless that area includes living space.

25 (g)(h) **Stream enhancement** means to modify the stream channel width, length, depth,  
26 alignment, location, profile, bank shape, or in-stream structures for the purpose of improving  
27 ecological or habitat functions determined by the city to be degraded or lost in the immediate  
28 project area, specific stream corridor or watershed.

1 (h)(i) **Structural alteration** means any alteration, addition, or removal of any structural member  
2 of a building, other than a minor alteration. As used in this subsection:

3 (1) "Minor alteration" means the alteration, replacement, or repair of a structural  
4 member so as not to alter structural integrity or the manner in which structural integrity  
5 was achieved before the alteration, replacement, or repair;

6 (2) "Structural integrity" means the capacity of the building and its component parts,  
7 other than non-bearing walls, fixtures, electrical systems, plumbing systems, mechanical  
8 systems, openings, and ornamental appendages, to withstand the forces, stresses, and loads  
9 which are contemplated in the Uniform Building Code for the type of construction  
10 involved; and

11 (3) "Structural member" means any component part of a building which contributes to  
12 structural integrity.

13 (i)(j) **Structure** means that which is built or constructed, an edifice or building of any kind, or  
14 any piece of work artificially built up or composed of parts joined together in some definite  
15 manner; any of which is an addition to or fixture on real property. Such term does not include  
16 paving, or mobile homes.

17 (j)(k) **Subject property** means the real property subject of any land use proceeding.

18 (k)(l) **Substantial conformance** means that comparison of the final plan with an approved site  
19 plan complies with the standards established under SRC 121.330(b)(1)-(4).

20 **Section 2.** SRC 145.100 is amended to read:

21 **145.100 INTERIOR REAR YARDS.** Within an RA district:

22 (a) Each lot having an interior rear lot line shall have a minimum required yard of:

23 (1) Fourteen feet for any portion of a main building not more than ~~15 feet~~ one story in height;  
24 and

25 (2) Twenty feet for any portion of a main building greater than ~~15 feet~~ one story in height.

26 (b) Setbacks for accessory structures shall meet the requirements of SRC 131.060.

27 (c) A duplex located on a corner lot with each unit facing a different street may, at the option of  
28 the developer, designate the required rear yard.

1 **Section 3.** SRC 146.100 is amended to read:

2 **146.100 INTERIOR REAR YARDS.** Within an RS district:

3 (a) Each lot having an interior rear lot line shall have a minimum required yard of:

4 (1) Fourteen feet for any portion of a main building not more than ~~15 feet~~ one story in height;

5 and

6 (2) Twenty feet for any portion of a main building greater than ~~15 feet~~ one story in height.

7 (b) Setbacks for accessory structures shall meet the requirements of SRC 131.060.

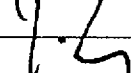
8 (c) A duplex located on a corner lot with each unit facing a different street may, at the option of  
9 the developer, designate the required rear yard.

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

13 PASSED by the Council this 12th day of June, 2006 .

14 ATTEST:

15   
16 City Recorder

17 Approved by City Attorney:   
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20 Checked by: Klaus Schilde

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CERTIFICATION OF MAILING

STATE OF OREGON )

CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 6th day of July, 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 06-1 - amending Salem Revised Code 145.100, 146.100, and 147.100 and any related code sections, if necessary, to change the rear yard setback requirements in single family residential and duplex zones. The proposal also included a new definition of "story."

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 6<sup>th</sup> day of July 2006

  
\_\_\_\_\_  
Judy Copeland, Staff Assistant