



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

October 24, 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 009-06



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: November 9, 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: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Lisa Van De Water, 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

OCT 19 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Salem

Local File Number CA 06-4

(if no number, use none)

Date of Adoption 9-5-06

Date Mailed 10-13-06

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD 5-4-06

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation

Other: \_\_\_\_\_

(Please specify Type of Action)

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

Amended SRC Chapters 119, 155, 157 and 158 for the purpose of allowing existing legal nonconforming single family dwellings prior to February 1, 1983 to be allowed outright as a special use in the IC (Industrial Commercial), IBC (Industrial Business Campus), IP (Industrial Park), and IG (General Industrial) zone districts.

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: NA

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: Lisa Van de Water, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7581

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip Code+4: 97301-3503

Email Address: lvandewatercityofsalem.net

DLCD File No: 009-06 (15224)

1 **A BILL FOR ORDINANCE NO. 38-06**

2 AN ORDINANCE relating to residential uses as a special use in industrial zones and amending SRC  
3 119.570, SRC 155.030, SRC 156.030, SRC 157.030, and SRC 158.030.

4 THE CITY OF SALEM ORDAINS AS FOLLOWS:

5 **Section 1.** SRC 119.570 is amended to read:

6 **119.570. Single Family Dwelling Units in Commercial and Industrial Zones.** Where  
7 permitted as a special use in commercial and industrial zones, single family dwellings, other  
8 than manufactured dwellings, constructed prior to February 1, 1983, are deemed allowed uses  
9 and conforming structures under the Salem Zoning Code. Abandonment of such structures  
10 shall not preclude future residential use, however, conversion of such structures to  
11 nonresidential use shall thereafter prevent conversion back to a residential use. Such  
12 structures may be structurally altered, enlarged, or rebuilt following damage or destruction  
13 providing that such alteration, enlargement or construction otherwise complies with the  
14 following standards:

- 15 (a) The residence is rebuilt on the same location on the lot or in compliance with the  
16 setback standards of the underlying zone;
- 17 (b) The square footage and the height of the replacement structure does not exceed  
18 the square footage and/or height of the original structure by more than twenty  
19 percent (20%); and
- 20 (c) The replacement structure otherwise complies with the regulations specified by  
21 the Salem Zoning Ordinance, including any design review if required under SRC  
22 Chapter 120, for the zone in which the use is permitted and to all other applicable  
23 provisions of this zoning code and other laws, ordinances and regulations.

24 **Section 2.** SRC 155.030 is amended to read:

25 **155.030. Special Uses.**

- 26 (a) The following uses, when restricted, developed and conducted as required in SRC  
27 Chapter 119, are permitted in an IC district:
- 28 (1) Mobile home as a dwelling for a caretaker;

1 **Section 4.** SRC 157.030 is amended to read:

2 **157.030. Special Uses.**

3 (a) The following uses, when restricted, developed, and conducted as required in SRC  
4 Chapter 119, are permitted in the IP district:

- 5 (1) Gasoline service stations (554);
- 6 (2) Mobile home as a dwelling for a caretaker;
- 7 (3) Antennas attached to existing or approved structures;
- 8 (4) Freestanding support structures 35 feet or less in height and equipment  
9 enclosures; and
- 10 (5) One single family dwelling, other than a manufactured home, per lot.

11 (b) In lieu of establishing any use listed in subsection (a) of this section as a special  
12 use under SRC Chapter 119, the developer may elect to apply for conditional use  
13 approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

14 **Section 5.** SRC 158.030 is amended to read:

15 **158.030. Special Uses.**

16 (a) The following uses, when restricted, developed and conducted as required in SRC  
17 Chapter 119, are permitted in the IG district.

- 18 (1) Scrap and waste materials establishments (5093);
- 19 (2) Mobile home as a dwelling for a caretaker;
- 20 (3) Wildlife rehabilitation facility;
- 21 (4) Mobile food unit;
- 22 (5) Lumber and other building materials;
- 23 (6) Retail nurseries, lawn and garden supply stores;
- 24 (7) Antennas attached to existing or approved structures;
- 25 (8) Freestanding support structures 70 feet or less in height whose base is  
26 greater than 300 feet from an R or CO zone and equipment enclosures;
- 27 (9) Recreational vehicle sales (5561); and
- 28 (10) One single family dwelling, other than a manufactured home, per lot.

CERTIFICATION OF MAILING

STATE OF OREGON )

CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 13<sup>th</sup> day of October 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 06-4- code amendment to SRC Chapters 119, 155, 157 and 158 for the purpose of allowing existing legal nonconforming single family dwellings prior to February 1, 1983 to be allowed outright as a special use in the IC (Industrial Commercial), IBC (Industrial Business Campus), IP (Industrial Park), and IG (General Industrial) zone districts.

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 13<sup>th</sup> day of October 2006

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