



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

November 19, 2007



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 010-07

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 30, 2007

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.

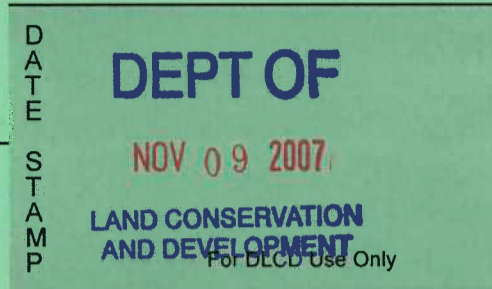
***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Bryce Bishop, City Of Salem

<paa> ya/l

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



Jurisdiction: City of Salem Local File Number: CA 07-3
Date of Adoption: October 1, 2007 Date Mailed: November 8, 2007
Date this Notice of Proposed Amendment was mailed to DLCD: July 27, 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."

Amended Salem Revised Code (SRC) Chapter 143B (Portland/Fairgrounds Road Overlay Zone), specifically Area 1: the Pine Street Mixed-Use Area, and SRC Chapter 121 (Planned Unit Developments) allowing planned unit developments as a permitted use within the overlay zone and address development density requirements within the same area.

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

Same

Plan Map Changed from: NA to: NA
Zone Map Changed from: NA to: NA
Location: NA 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? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? 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: 010-07 (16268)

1 **A BILL FOR ORDINANCE NO. 114-07**

2 AN ORDINANCE RELATING TO THE PINE STREET MIXED-USE AREA (AREA 1) OF THE
3 PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE, AMENDING SRC 121.520; SRC
4 121.600; SRC 121.660; SRC 143B.080; AND SRC 143B.170; AND CREATING NEW
5 PROVISIONS.

6 *The City of Salem ordains as follows:*

7 **Section 1.** SRC 121.520 is amended to read:

8 **121.520. UNLIMITED UNITS IN A BUILDING.** The number of dwelling units in a
9 building is not limited in the RA, RS, RD, RM, and RH districts or within the Portland/Fairgrounds
10 Road Overlay Zone under the provision of the planned development.

11 **Section 2.** SRC 121.600 is amended to read:

12 **121.600. PARKING.**

13 (a) For RA and RS single family districts:

14 (1) A garage or carport shall be provided for each dwelling unit except the
15 planning commission may permit uncovered parking areas in appropriate situations
16 instead of the garage or carport. The parking areas must then be well landscaped,
17 designed to minimize the effect of a large number of cars in one area, effectively
18 screened with ornamental evergreens or architectural features, such as fences and
19 walls, and the total design of the area is done in a manner satisfactory to the planning
20 commission.

21 (2) Two guest parking spaces per dwelling unit shall be provided and shall be
22 located as set forth in paragraph (d) below.

23 (b) For RD, RM, RH districts, two and one-half parking spaces shall be provided
24 per dwelling unit for the first ten dwelling units and two parking spaces for each
25 additional dwelling unit in the same area. These amounts include both tenant and
26 guest parking and the parking spaces shall be located as set forth in paragraph (d)
27 below.

28 (c) Within the Portland/Fairgrounds Road Overlay Zone, a minimum of one parking

1 space per dwelling unit shall be provided and shall be located as set forth in paragraph (d)
2 below. There shall be no limit on the maximum number of parking spaces provided.

3 (cd) Location:

4 (1) One-half of the spaces required in (a), and (b), and (c) above shall be located
5 within 300 feet of the dwelling unit they are to serve. The balance of the spaces may
6 be located up to 500 feet distance from the dwelling unit.

7 (2) The parking spaces may be located either on or off of the thoroughfare.
8 Parallel parking spaces located on the thoroughfare shall be at least seven feet in
9 width by 22 feet in length.

10 (3) Notwithstanding any other provisions of this section, garages or carports
11 having a vehicle entrance facing a street shall be set back at least 20 feet from either:

12 A. The right-of-way line or easement line;

13 B. The outside curblineline; or

14 C. The edge of the sidewalk furthest from the street; whichever produces
15 the greatest setback.

16 **Section 3.** SRC 121.660 is amended to read:

17 **121.660. BUILDING HEIGHT.** The following maximum building heights shall apply:

18 (a) RA, RS, RD, and RM districts - 35 feet.

19 (b) RH districts - not limited.

20 (c) **Portland/Fairgrounds Road Overlay Zone - 70 feet.**

21 **Section 4.** SRC 143B.080 is amended to read:

22 **AREA 1 - PINE STREET MIXED-USE AREA**

23 **143B.080. PERMITTED USES - PINE STREET CG MIXED-USE AREA.** The following
24 uses, when developed under the general development standards in this zoning code, generally, are
25 permitted in the Pine Street Mixed-Use Area within a Commercial General underlying zone:

26 (a) **Agriculture and forestry:**

27 (1) Veterinary services (0742); and

28 (2) Landscape and horticultural services (0781 - offices only);

- 1 (b) **Construction:**
- 2 (1) Building construction - general contractors and operative builders (15) offices
- 3 only;
- 4 (2) Construction other than building construction - general contractors (16)
- 5 offices only; and
- 6 (3) Construction - special trade contractors (17) offices only.
- 7 (c) **Printing and publishing:**
- 8 (1) Commercial Printing (275);
- 9 (2) Periodicals: publishing, publishing and printing (272);
- 10 (3) Newspapers: publishing, publishing and printing (271);
- 11 (4) Greeting card publishing (277); and
- 12 (5) Bookbinding and related work (2789).
- 13 (d) **Transportation, communication, electric, gas, and sanitary services:**
- 14 (1) Local and suburban transit and interurban highway passenger transportation
- 15 (4111);
- 16 (2) U.S. Postal Service (431);
- 17 (3) Transportation services (472,473); and
- 18 (4) Communication (481;482) with retail or office uses only.
- 19 (e) **Wholesale trade:** The following uses are permitted provided more than 40 percent
- 20 of the building square footage is for the sale of merchandise for household or personal
- 21 consumption by the general public:
- 22 (1) Motor vehicle supplies and new parts (5013);
- 23 (2) Tires and tubes (5014);
- 24 (3) Furniture and home furnishings (502);
- 25 (4) Professional and commercial equipment and supplies (504);
- 26 (5) Electrical goods (506);
- 27 (6) Hardware, and plumbing and heating equipment and supplies (507);
- 28 (7) Industrial supplies (5085);

- 1 (8) Service establishment equipment and supplies (5087);
- 2 (9) Sporting and recreational goods and supplies (5091);
- 3 (10) Toys and hobby goods and supplies (5092);
- 4 (11) Jewelry, watches, diamonds, and other precious stones (5094);
- 5 (12) Printing and writing paper (5111);
- 6 (13) Stationery and office supplies (5112);
- 7 (14) Drugs, drug proprietaries, and druggists' sundries (512);
- 8 (15) Apparel, piece goods, and notions (513);
- 9 (16) Confectionery (5145);
- 10 (17) Meats and meat products (5147);
- 11 (18) Fresh fruits and vegetables (5148);
- 12 (19) Groceries and related products, not elsewhere classified (5149);
- 13 (20) Beer, wine, and distilled alcoholic beverages (518); and
- 14 (21) Nondurable goods, not elsewhere classified (5199) BUT EXCLUDING
- 15 baling of wood shavings for mulch, cordwood, animal and vegetable greases, nursery
- 16 stock, animal and vegetable oils (except cooking), rennet, crude rubber, and every
- 17 other use which may be classifiable under this SIC industry number but is not
- 18 specifically listed in the description or descriptive list for industry 5199.
- 19 (f) **Retail trade:**
- 20 (1) Building materials, hardware, garden supply, and mobile home dealers (52);
- 21 Excluding 527 (Mobile Homes Dealers);
- 22 (2) General merchandise stores (53);
- 23 (3) Grocery stores (541);
- 24 (4) Meat and fish (seafood) markets (5421) provided there are no live animals or
- 25 slaughtering of live animals permitted on site;
- 26 (5) Fruit stores and vegetable markets (543);
- 27 (6) Candy, nut, and confectionery stores (544);
- 28 (7) Dairy products store (545) provided there is no processing and sales on

- 1 premises only;
- 2 (8) Retail bakeries (546);
- 3 (9) Miscellaneous food stores (549);
- 4 (10) Apparel and accessories stores (56);
- 5 (11) Furniture, home furnishings, and equipment stores (57);
- 6 (12) Eating and drinking places (58);
- 7 (13) Drug stores and proprietary stores (591);
- 8 (14) Liquor stores (592);
- 9 (15) Miscellaneous shopping goods stores (594);
- 10 (16) Nonstore retailers (596); and
- 11 (17) Retail stores, not elsewhere classified (599) including, in addition to uses
- 12 specifically listed in SIC group 599, electrical and lighting shops, office machines and
- 13 equipment stores, and tractor and farm equipment shop.
- 14 (g) **Finance, insurance, and real estate:**
- 15 (1) Depository Institutions (60);
- 16 (2) Nondepository Credit Institutions (61);
- 17 (3) Security and commodity brokers, dealers, exchanges and services (62);
- 18 (4) Insurance carriers (63);
- 19 (5) Insurance agents, brokers, and service (64);
- 20 (6) Real estate (65); and
- 21 (7) Holding, and other investment offices (67)
- 22 (h) **Services:**
- 23 (1) Hotels and motels (701) BUT EXCLUDING casino hotels;
- 24 (2) Bed and breakfast establishments;
- 25 (3) Room and board facilities serving five or fewer persons.
- 26 (4) Personal services (72); BUT EXCLUDING carpet and upholstery cleaning
- 27 (7217) and Industrial launderers (7218);
- 28 (5) Business services (73); BUT EXCLUDING Outdoor Advertising (7312); Pest

- 1 control services (7342); Heavy equipment rental and leasing(7353); Airplane rental,
2 oil field/well drilling equipment, portable toilets and vending machines (7359);
3 Automobile recovery/repossession services; auto shows; drive away automobile
4 service, repossession service; field warehousing; gas services; racetrack cleaning;
5 salvaging of damaged merchandise and scrap steel cutting;
- 6 (6) Automobile Parking (752);
- 7 (7) Miscellaneous repair services (76) BUT EXCLUDING motorcycle repair
8 service; vehicle upholstery; agricultural equipment repair; farm machinery and tractor
9 repair;
- 10 (8) Motion picture distribution and allied services (782);
- 11 (9) Motion picture theaters, except drive-in (7832);
- 12 (10) Amusement and recreation services, except motion pictures (79) BUT
13 EXCLUDING casinos, racing, including track operation (7948); commercial sports
14 (794), racing (7992, 7993, 7996) golf courses, coin operated amusement devices,
15 amusement parks and entertainment establishments, except as permitted as a special
16 use;
- 17 (11) Health services (80) BUT EXCLUDING hospitals (806);
- 18 (12) Legal services (81);
- 19 (13) Educational services (82);
- 20 (14) Social services (83) BUT EXCLUDING residential care (836) and homeless
21 shelters serving five or fewer persons;
- 22 (15) Museums, art galleries, botanical and zoological gardens (84);
- 23 (16) Membership organizations (86);
- 24 (17) Engineering, Accounting, Research, Management, and Related Services (87);
25 and
- 26 (18) Services not elsewhere classified (899).
- 27 (i) **Public administration:**
- 28 (1) Executive offices (911);

- 1 (2) General government, not elsewhere classified (919);
- 2 (3) Fire protection (9224);
- 3 (4) Public Finance, taxation, and monetary policy (93);
- 4 (5) Administration of human resources programs (94);
- 5 (6) Administration of environmental quality and housing programs (95);
- 6 (7) Administration of economic programs (96);
- 7 (8) National security and international affairs (97); and
- 8 (9) Emergency Management Administration.
- 9 (j) **Dwellings, dwelling units, and temporary accommodations:**
- 10 (1) Townhouses (as defined in SRC 139.020(c)); ~~AND~~
- 11 (2) Apartment houses, condominiums, and court apartments when constructed as
- 12 a part of a mixed-use development as defined in this chapter; and
- 13 ~~(3) Planned unit developments approved under SRC Chapter 121.~~
- 14 (k) **Other uses:**
- 15 (1) Mixed-use developments with uses as defined in this chapter;
- 16 (2) Accessory buildings and uses normal and incidental to the uses permitted in
- 17 this district;
- 18 (3) Transit stop shelters; and
- 19 (4) On-site response actions in accordance with applicable law to discharges of oil
- 20 and releases of hazardous substances, pollutants, and contaminants.

21 **Section 5.** SRC 143B.170 is amended to read:

22 **143B.170. DEVELOPMENT DENSITY.**

- 23 (a) Non-residential uses and mixed-use developments shall be developed at a minimum
- 24 Floor Area Ratio (FAR) of .50 within defined mixed-use areas.
- 25 (b) Residential uses, ~~except planned unit developments~~, shall be developed at a minimum
- 26 density of 20 dwelling units per acre, except where the second floor of a mixed-use building
- 27 is entirely used for housing. Residential density shall be a non-variable standard.
- 28 ~~(c) Planned unit developments shall be developed at a minimum density of 14 dwelling~~


1 units per acre. Planned unit development density is variable pursuant to the requirements of
2 SRC Chapter 115.

3 **Section 6. Severability.** Each section of this ordinance, and any part thereof, is severable, and if
4 any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this
5 ordinance shall remain in full force and effect.

6 PASSED by the Council this 22nd day of October, 2007.

7 ATTEST:

8 *Kathryn Hall*
9 City Recorder

10 Approved by City Attorney: 
11 Checked by: B. Bishop

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ORDINANCE BILL NO. 124-07

AN ORDINANCE AMENDING ORDINANCE BILL NO. 114-07, RELATING TO THE PINE STREET MIXED-USE AREA (AREA 1) OF THE PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE, TO MAKE THE PROVISIONS OF ORDINANCE BILL NO. 114-07 RETROACTIVE FROM AND AFTER OCTOBER 1, 2007, AND DECLARING AN EMERGENCY.

Whereas, the Council of the City of Salem passed Ordinance Bill No. 114-07 relating to the Pine Street Mixed-Use Area (Area 1) of the Portland/Fairgrounds Road Overlay Zone on October 22, 2007; and

Whereas, staff received correspondence from the attorney representing the developers of the northern two lots of certain real property in the area commonly known as "the Hollywood Station site" requesting that Ordinance Bill No. 114-07 be made retroactive; and

Whereas, it is in the public interest to make Ordinance Bill No. 114-07 retroactive from and after October 1, 2007;

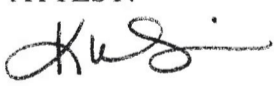
The City of Salem ordains as follows:

Section 1. The following is added to Ordinance Bill No. 124-07 as:

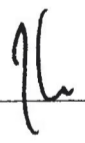
"Section 7. Retroactive Effect. The provisions of this ordinance are and shall be retroactive from and after October 1, 2007."

Section 2. This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the Council this 5th day of November, 2007.

ATTEST:


DEPUTY City Recorder

Approved by City Attorney: 

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CERTIFICATION OF MAILING

STATE OF OREGON)

CITY OF SALEM)

I, Judy Copeland, do hereby certify that I, on the 8th day of November 2007 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 07-3

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 8th day of November 2007



Judy Copeland, Staff Assistant