



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

8/30/2010

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 018-09

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: Friday, September 10, 2010

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 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  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, 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

In person  electronic  mailed

DATE STAMP

LAND CONSERVATION AND DEVELOPMENT

AUG 23 2010

DEPT OF For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CA 09-9**

Date of Adoption: **08/16/2010**

Date Mailed: **8/20/2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 11/24/2009

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".

Amending Salem Revised Code Chapter 130, Development Standards, to implement Solid Waste Service Area Design Standards to provide better accessibility for solid waste haulers and eliminate unsafe conditions encountered by franchise personnel and general public.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. \_\_\_\_\_

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

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Local Contact: **Lisa Anderson-Ogilvie**

Phone: **(503) 588-6173** Extension: **7581**

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

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

City: **Salem**

Zip: **97301-3513**

E-mail Address: **lmanderson@cityofsalem.net** <sup>LA</sup>

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**ORDINANCE BILL NO. 18-10**

AN ORDINANCE RELATING TO GENERAL DEVELOPMENT STANDARDS; CREATING  
NEW PROVISIONS

*The City of Salem ordains as follows:*

**Section 1.** The following SRC Chapter 130.601 is added to SRC Chapter 130:

**130.601. Solid Waste Service Areas, Generally.** Solid waste service areas shall provide for the safe and convenient collection of solid waste, recyclable and compostable materials by the local solid waste collection franchisee.

**Section 2.** The following SRC Chapter 130.602 is added to SRC Chapter 130:

**130.602. Applicability.** Solid waste service area design standards shall apply to all new solid waste, recycling and compostable service areas, where use of a solid waste, recycling and compostable receptacle one cubic yard or larger is proposed, and to any change to an existing solid waste service area for receptacles one cubic yard or larger that requires a building permit.

**Section 3.** The following SRC Chapter 130.603 is added to SRC Chapter 130:

**130.603. Definitions.** The following terms are hereby defined, consistent with the provisions of the City of Salem Solid Waste Management Ordinance (SRC Chapter 47) and the City of Salem Property Maintenance Code (SRC Chapter 50). Definitions in SRC Chapters 47 and 50 shall prevail for those terms not specifically defined in these provisions.

- (a) **Compactor** means any self-contained, power-driven, mechanical equipment designed for the containment and compaction of solid waste or recyclable materials.
- (b) **Drop Box** means a single container designed for the storage and collection of large volumes of solid waste or recyclable materials, which is usually 10 cubic yards or larger in size, and requires a special vehicle for pick up.
- (c) **Enclosure** means structure built consistent with the State of Oregon Structural Specialty Code designed to provide screening for permanent compactors, receptacles, drop boxes, or any other solid waste, recycling and compostable containment facilities.
- (d) **Receptacle** means any vessel approved by the City Manager and used for the storage of solid waste, recycling, and compostable material, excluding drop boxes and compactors.

1 (e) **Solid Waste Service Area** means an area designed and established for the purpose of  
2 satisfying the local collection franchise service requirements for servicing receptacles,  
3 drop boxes, and compactors singularly or collectively.

4 **Section 4.** The following SRC Chapter 130.604 is added to SRC Chapter 130:

5 **130.604. Solid Waste Receptacle Placement Standards.** All receptacles shall be placed at  
6 grade on a concrete pad, a minimum of four inches thick, or an asphalt pad, a minimum of  
7 six inches thick, with no more than a three percent slope and designed to discharge storm  
8 runoff consistent with the overall stormwater management plan for the site approved by the  
9 Public Works Department.

10 (a) Pad Area or Pad Area within an Enclosure. In determining the total concrete pad area  
11 for any solid waste service area:

12 (1) A minimum one foot shall be added to each side and rear of the overall receptacle  
13 size; and

14 (2) A minimum three foot depth shall be added to the front of the overall receptacle  
15 size.

16 (3) In situations where receptacles are to face each other, a minimum four feet of pad  
17 area shall be allowed between the fronts of the facing receptacles.

18 (4) A minimum of one and one half feet of space shall be provided between any  
19 receptacle and the side wall and between any two receptacles.

20 (b) Receptacles shall be a minimum distance of five feet from combustible walls,  
21 openings or combustible roof eave lines.

22 (c) Receptacles two cubic yards or less in size shall be provided with a minimum eight  
23 feet of unobstructed overhead or vertical clearance for servicing.

24 (d) Receptacles greater than two cubic yards in size shall be provided with a minimum 14  
25 feet of unobstructed overhead or vertical clearance for servicing.

26 **Section 5.** The following SRC Chapter 130.605 is added to SRC Chapter 130:

27 **130.605. Permanent Drop Box and Compactor Placement Standards.**

28 (a) All permanent compactors shall be placed on a concrete pad that is structurally  
29 engineered or in compliance with the manufacturer specifications, with no more than a  
30 three percent slope and designed to discharge storm runoff consistent with the overall

1 stormwater management plan for the site approved by the Public Works Department.

2 (b) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six  
3 inches thick, with no more than an one percent slope and designed to discharge storm  
4 runoff consistent with the overall stormwater management plan for the site approved by  
5 the Public Works Department.

6 (c) Pad Area or Pad Area Within an Enclosure. The pad area shall be at least twelve feet  
7 wide. The pad should be at least five feet longer than the length of the permanent drop  
8 box or compactor.

9 (d) Permanent drop boxes or compactors shall be located a minimum distance of five feet  
10 from combustible walls, openings or combustible roof eave lines.

11 **Section 6.** The following SRC Chapter 130.606 is added to SRC Chapter 130:

12 **130.606. Solid Waste Service Area Screening Standards.**

13 (a) Solid waste, recycling and compostable service areas shall be screened from all  
14 streets abutting the property and from all abutting residentially zoned property by a  
15 minimum six foot high sight obscuring fence or wall, except where receptacles, drop  
16 boxes and compactors are within an enclosure. For the purpose of this standard, abutting  
17 property shall also include any residentially zoned property located across an alley from  
18 the property.

19 (b) Existing screening at the property line, provided it includes a six foot high sight  
20 obscuring fence or wall, shall satisfy the screening requirement.

21 **Section 7.** The following SRC Chapter 130.607 is added to SRC Chapter 130:

22 **130.607. Solid Waste Service Area Enclosure Standards. When enclosures are used for**  
23 **required screening or aesthetics, such enclosures shall conform to the following**  
24 **standards:**

25 (a) The front opening width of the enclosure shall be a minimum of twelve feet, and be  
26 unobstructed.

27 (b) Enclosures constructed of wood or chain link fencing material shall contain a  
28 minimum four inch nominal high bumper curb at ground level located twelve inches  
29 inside the perimeter of the outside walls of the enclosure or fencing to prevent damage  
30 from receptacle impacts. Enclosures constructed of concrete, brick, and masonry block or

1 similar type materials shall contain a bumper curb described in subsection (b), above, or a  
2 fixed bumper rail to prevent damage from receptacle impacts.

3 (c) The requirements of subsection (b) above shall not apply if the enclosure is designed  
4 to be at least two feet away from the sides of the container or receptacles and at least  
5 three feet away from the rear.

6 (d) Any gate across the front opening of an enclosure shall swing freely without  
7 obstructions. For any opening that is less than fifteen feet wide, the gates shall open a  
8 minimum of 120 degrees. For any opening that is fifteen feet or greater the gates shall  
9 open a minimum of ninety degrees. All gates shall have restrainers in the open and closed  
10 positions.

11 (e) Receptacles shall not be stored in buildings or entirely enclosed structures unless such  
12 receptacles are:

13 (1) Stored in areas protected by an automatic sprinkler system approved by the City  
14 Fire Marshall; or

15 (2) Stored in a building or structure that is a fire resistive Type I or Type IIA  
16 construction, located not less than ten feet from other buildings and used exclusively  
17 for solid waste receptacle storage.

18 **Section 8.** The following SRC Chapter 130.608 is added to SRC Chapter 130:

19 **130.608. Solid Waste Service Area Vehicle Access.**

20 (a) Vehicle Operation Area.

21 (1) For the operation of solid waste collection service vehicles, an area, free of  
22 obstructions, no less than forty-five feet in length and twelve feet in width shall be  
23 made available in front of every receptacle. In the case of multiple receptacles, this  
24 area shall be made available in front of every enclosure opening and is not required in  
25 front of every receptacle.

26 (2) For solid waste service areas having receptacles of a size two cubic yards or less,  
27 the vehicle operation area may be directly in front of the permanent location of the  
28 receptacle, on a pad or in an enclosure, or the vehicle operation area shall be in such a  
29 location that the receptacle can be safely maneuvered manually not more than forty-  
30 five feet into a position at one end of the vehicle operation area for receptacle

1 servicing.

2 (3) The vehicle operation area may be coincident with a parking lot drive aisle or  
3 driveway, provided that such area is kept free of parked vehicles and other  
4 obstructions at all times except for the normal ingress and egress of vehicles.

5 (4) In the event that access to the vehicle operation area is not a direct approach into  
6 position for operation of the service vehicle, a turnaround, designed and constructed  
7 pursuant to the Public Works Department Design Standards, is required to allow safe  
8 and convenient access for collection service.

9 (b) During the servicing of an individual solid waste area, service vehicle operators shall  
10 not be required to back onto a public street or leave the premises.

11 (c) The vehicular access to a pad or enclosure shall be paved with asphalt, concrete or  
12 other hard surfacing approved by the Public Works Director, and shall be adequately  
13 designed, graded, and drained to the approval of the Public Works Director.

14 (d) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure or  
15 painted on the pavement in front of the enclosure or receptacle, to provide unobstructed  
16 and safe access for the servicing of receptacles.

17 **Section 9.** The following SRC Chapter 130.609 is added to SRC Chapter 130:

18 **130.609. Administrative Relief.** When special circumstances or exceptional site  
19 characteristics are applicable to the property involved, the requirements of SRC 130.604 to  
20 130.608 may be modified, except as otherwise limited in the zoning code, through a Type II  
21 Site Plan Review process pursuant to SRC Chapter 163 upon finding that each of the  
22 following criteria is met:

23 (a) There are special conditions applying to the land, buildings, or use referred to in the  
24 application, which circumstances or conditions do not apply generally to land, buildings,  
25 or uses in the same district, and which create unreasonable hardships or practical  
26 difficulties, which can be most effectively relieved, modifying the standards in this  
27 section. Nonconforming land, uses, or structures in the vicinity shall not in themselves  
28 constitute such special conditions, nor shall the purely economic interests of the  
29 applicant. The potential for economic development of the subject property itself may,  
30 however, be considered among the factors specified in this subsection;



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(b) Granting the modification will not be unreasonably detrimental to the public welfare or to property or improvements in the neighborhood of the subject property;  
(c) Granting the modification will not, under the circumstances of the particular case, unreasonably affect the health or safety of persons working or residing in the neighborhood of the subject property.

Upon receipt of a Type II Site Plan Review application that seeks to modify the requirements of SRC 130.604 to 130.608, notification and an opportunity to comment shall be provided to the applicable solid waste collection franchisee. This notice shall be in addition to any notification required of a Type II Site Plan Review application identified in SRC Chapter 163.

**Section 10. 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 16<sup>th</sup> day of August, 2010.

ATTEST:

*Kathy Hall*  
City Recorder

Approved by City Attorney:         *W*        

Checked by: L. Anderson-Ogilvie

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CITY OF SALEM  
PLANNING DIVISION  
555 LIBERTY ST. SE ROOM 305  
SALEM, OR 97301-3503

FIRST CLASS



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0004290686 AUG 20 2010  
MAILED FROM ZIP CODE 97301

Dept. of Land Conservation & Dev.  
ATTN: Plan Amendment Specialist  
635 Capitol St NE, Suite 150  
Salem OR 97301-2540