



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

April 5, 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 024-05



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: April 24, 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  
Rob Hallyburton, DLCD Community Services Division Manager  
Lisa Van de Water, City of Salem

<paa> ya/

NOTICE OF ADOPTION

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

DEPT OF

APR 03 2006

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction City of Salem

Local File Number CA 05-12

(if no number, use none)

Date of Adoption March 20, 2006

Date Mailed March 31, 2006

(must be filled in)

(Date mailed or sent to DLCDC)

Date the Notice of Proposed Amendment was mailed to DLCDC November 4, 2005

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 Salem Revised Code Chapters 120, 137, 138, 143, and 148 to reflect the Creation of a new Historic Landmarks and Design Review Commission.

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: lvandewater@cityofsalem.net

DLCD File No:

024-05  
(14806)



1 architecture, historic landscape architecture, historic preservation, historic preservation  
2 planning, and history. The remaining commissioners shall consist of one registered architect,  
3 one registered landscape architect, one licensed contractor and one citizen who may be  
4 appointed at large.

5 (c) When making appointments to the commission, the mayor may also consider  
6 applicants' qualifications in the fields of construction, restoration, real estate, local history,  
7 and architecture as these fields are directly related to the routine functions of the commission.

8 **Section 3.** SRC Chapter 20F is repealed.

9 **Section 4** SRC 120.010 is amended to read:

10 **120.010. Design Review.**

11 (a) The design review process authorizes the Salem ~~Historic Landmarks and Design Review~~  
12 ~~Board Commission~~ created by SRC 20FC.0320 or the Planning Administrator or the  
13 ~~Administrator's designee~~ to review certain development applications not within the purview  
14 of the ~~Historic Landmarks Commission~~ for conformance with development design guidelines  
15 or standards. The ~~Historic Landmarks Commission, or the Planning Administrator, or the~~  
16 ~~Administrator's designee,~~ shall review applications for all individually listed historic  
17 properties and all properties within the ~~Historic Core area or a designated historic district~~ for  
18 conformance with development design guidelines or standards.

19 (b) Design review actions performed by the Planning Administrator or the ~~Administrator's~~  
20 ~~designee~~ shall be considered administrative review and shall not require public notice or  
21 hearing.

22 (c) Design review actions performed by the ~~Historic Landmarks and Design Review Board~~  
23 ~~Commission~~ shall be considered discretionary and shall require public notice and opportunity  
24 for appeal hearing.

25 (d) The ~~Historic Landmarks and Design Review Board Commission~~ by DRB Resolution 99-  
26 2, granted the Planning Administrator authority to decide certain minimally discretionary  
27 design reviews which would otherwise require review by the ~~Historic Landmarks and Design~~  
28 ~~Review Board Commission~~. The Planning Administrator may decide design review for:

1 (1) Modifications to an application previously approved by the Design Review Board  
2 and which complies with SRC 111.200(1); or

3 (2) A proposed project which is a building addition utilizing the building setback,  
4 building materials, and window and facade designs of the existing building.

5 (e) Notwithstanding subsection (d) of this section, the Planning Administrator has the  
6 discretion to refer any application to the ~~Historic Landmarks and Design Review Board~~  
7 Commission for full review.

8 **Section 5.** SRC 120.020 is amended to read:

9 **120.020. ADMINISTRATIVE DESIGN REVIEW.**

10 (a) Applications subject to administrative design review shall be evaluated based on design  
11 standards contained in the Zoning Code and City of Salem Development Design Handbook.

12 (b) Within ten (10) working days after the application and submittal requirements are  
13 deemed complete by the Administrator, the Administrator shall approve or deny the  
14 application based on compliance or non-compliance with all design standards applicable to  
15 the type of development proposed.

16 (c) Where the ~~DR Board or HLC~~ ~~Historic Landmarks and Design Review Commission~~ has  
17 delegated to the Planning Administrator authority to review certain applications under SRC  
18 120.010 (d), review shall proceed as provided in SRC 120.030.

19 **Section 6.** SRC 120.030 is amended to read:

20 **120.030. Discretionary Review.**

21 (a) Projects subject to review by the ~~Historic Landmarks and Design Review Commission~~  
22 ~~DR Board or HLC~~ shall be evaluated based on design guidelines contained in the City of  
23 Salem Development Design Handbook.

24 (b) The ~~Historic Landmarks and Design Review Commission~~ ~~DR Board or HLC~~ shall  
25 approve, conditionally approve, or deny the application on the basis of the project's  
26 conformity with the design guidelines. Conditions of approval, if any, shall be limited to  
27 project modifications required to enable the project to better meet the intent of the design  
28 guidelines.

1 (c) The ~~Historic Landmarks and Design Review Commission DR Board or HLC~~ shall render  
2 its decision not more than sixty (60) calendar days after the application is filed with the  
3 ~~Commission R Board or HLC~~ and the submittal requirements deemed complete by the  
4 Administrator. The ~~Historic Landmarks and Design Review Commission DR Board's or~~  
5 ~~HLC's~~ decision shall be supported by findings that:

- 6 (1) Explain conformance or lack thereof with relevant design guidelines;
- 7 (2) State the facts relied upon in rendering a decision; and
- 8 (3) Explain the justification for the decision.

9 **Section 7.** SRC SRC 120.070 is amended to read:

10 **120.070. ~~Historic Landmarks and Design Review Board Commission~~ Actions, Notice and**  
11 **Participation.**

12 (a) Written notice of the ~~Historic Landmarks and Design Review Commission DR Board~~  
13 ~~and HLC~~ meetings shall:

14 (1) In the case of the ~~DR Board design review matters~~, be provided to the applicant,  
15 any neighborhood organization whose boundaries include the site; the Downtown  
16 Development Advisory Board for property within the boundaries of the ~~Historic Core~~  
17 ~~Area~~, Riverfront-Downtown Urban Renewal Area and North Downtown Planning  
18 District; and owners of property within 250 feet of the entire contiguous site for  
19 which the application is made as shown on the most recent property tax assessment  
20 roll;

21 ~~(2) In the case of the HLC, be provided to the applicant, any neighborhood~~  
22 ~~organization whose boundaries include the site, the Downtown Development~~  
23 ~~Advisory Board for property within the boundaries of the Historic Core Area, the DR~~  
24 ~~Board, and owners of property within 250 feet of the entire contiguous site for which~~  
25 ~~the application is made as shown on the most recent property tax assessment roll.~~

26 ~~(23)~~ Provide a 14-day period for submission of written comments prior to the  
27 decision;

28 ~~(34)~~ State that issues which may provide the basis for an appeal to the Land Use

1 Board of Appeals shall be raised in writing prior to the expiration of the comment  
2 period. Issues shall be raised with sufficient specificity to enable the decision maker  
3 to respond to the issue;

4 (45) List, by commonly used citation, the applicable criteria for the decision;

5 (56) Set forth the street address or other easily understood geographical reference to  
6 the subject property;

7 (67) State the place, date and time that comments are due;

8 (78) State that copies of all evidence relied upon by the applicant are available for  
9 review, and that copies can be obtained at cost; and

10 (89) Include the name and phone number of a local government contact person;

11 (9) State that notice of the decision will be provided to the applicant and any person  
12 who submits comments under subsection (a)(2) of this section; and

13 (10) Briefly summarize the local decision making process for the decision being  
14 made.

15 (b) The ~~Historic Landmarks and Design Review Commission DR Board or HLC~~ shall  
16 provide notice of its decision to the applicant and any person who submits comments, briefly  
17 explaining appeal rights.

18 **Section 8.** SRC 120.080 is amended to read:

19 **120.080. Validity of Approvals.** Approval of the ~~Historic Landmarks and Design Review~~  
20 ~~Commission DR Board, HLC, Administrator, or Planning Commission~~ decision shall be valid for  
21 two (2) years from the date of the decision. The Administrator may extend the approval for two (2)  
22 additional years, upon good cause shown.

23 **Section 9.** SRC 120.090 is amended to read:

24 **120.090. Appeal and Review of Design Review Decisions.**

25 (a) A decision of the ~~Historic Landmarks and Design Review Commission DR Board or~~  
26 ~~HLC~~ may be appealed to the Planning Commission by the applicant or any party to the  
27 ~~Historic Landmarks and Design Review Commission DR Board or HLC~~ decision. A written  
28 notice of appeal shall be filed with the Administrator within 15 days after the date of the

1 decision and shall contain reference to the action appealed from, by its assigned number and  
2 the title or caption of the decision, and include the name and mailing address of the  
3 appellants.

4 (b) Appeal of the ~~Historic Landmarks and Design Review Commission DR Board or HLC~~  
5 decision shall be limited to review on the record. The appellant shall submit, not less than  
6 ten (10) days prior to the date set for Planning Commission hearing, a written statement  
7 setting forth in detail the basis and issues raised in the appeal. The statement shall  
8 specifically refer to design guidelines which support the appellant's position.

9 (c) The Planning Commission may affirm, reverse or modify the decision which is appealed.

10 (d) An application denied by the Administrator may be resubmitted pursuant to SRC  
11 110.250.

12 (e) A decision by the ~~Historic Landmarks and Design Review Commission DR Board, HLC,~~  
13 Planning Commission or Administrator acting for the ~~Historic Landmarks and Design~~  
14 ~~Review Commission DR Board or HLC~~ may be reviewed by the City Council pursuant to  
15 SRC 114.210.

16 (f) Unless reviewed by the City Council, a decision by the ~~Historic Landmarks and Design~~  
17 ~~Review Commission DR Board, HLC,~~ Planning Commission, or Administrator acting for  
18 the ~~Historic Landmarks and Design Review Commission DR Board or HLC~~ shall be the final  
19 local determination.

20 **Section 10.** SRC 120.100 is amended to read:

21 **120.100. Adoption of Development Design Handbook.** That certain document entitled "City of  
22 Salem Development Design Handbook," kept on file in the office of the City Recorder, adopted on  
23 November 13, 1998, and amended on November 13, 2000, October 8, 2001, and November 19,  
24 2001, December 16, 2002, and April 19, 2006 is by this reference adopted and made part of this  
25 Code as if fully reproduced herein.

26 **Section 11.** SRC 120A.020 is amended to read:

27 **120A.020. Designation of Historic Districts.**

28 (a) Requests for historic district designation shall be on application forms prescribed by the



1 Historic Landmarks and Design Review Commission:

2 (b) Upon receipt of a complete application accompanied by a petition signed by not less than  
3 fifty-one percent of the owners of properties lying within the area of the proposed district, or  
4 upon direction by the City Council upon its own motion, the Historic Landmarks and Design  
5 Review Commission shall evaluate the proposed district, utilizing National Register Historic  
6 Review criteria, and make a recommendation to the City Council as to whether the proposed  
7 district should be formed.

8 (c) Within sixty days of receipt of a complete application and petition, a public hearing shall  
9 be set before the City Council. Owners of property within the proposed district shall be  
10 notified of the hearing by first class mail at least ten days prior to the hearing.

11 (d) If, after hearing, the City Council determines that an area proposed to be designated as a  
12 historic district meets the historic resource criteria set forth under 120A.040, the City Council  
13 shall by ordinance designate the area as a historic district.

14 (e) In order for a proposed district to receive designation, not all sites or buildings within a  
15 proposed district need to be historically significant, and historic district designation may  
16 occur if the City Council finds that 75 percent of the properties contribute to the historical  
17 significance of the proposed district. The City Council shall, in the ordinance creating the  
18 district, designate the historic contributing, historic non-contributing, and non-historic non-  
19 contributing properties.

20 (f) Any historic district listed in the National Register of Historic Places shall automatically  
21 be deemed a historic district.

22 **Section 12.** SRC 120A.040 is amended to read:

23 **120A.040. Designation of Historic Resources and Removal of Historic Resource Designation.**

24 (a) **Resource Designation Criteria.** The City Council may designate historic resources. A  
25 proposed historic resource must meet the following criteria for designation:

26 (1) **Age.** The historic resource must be at least fifty years old or demonstrate  
27 exceptional significance if less than fifty years of age.

28 (2) **Significance.**

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**(A) Architectural Significance.**

- (i) The historic resource is significant as an example of a particular architectural style, building type, structural type, or method of construction; or
- (ii) The historic resource possesses distinctive characteristics of a type, period, or method of construction, or is the work of an acknowledged master, or possesses high artistic values.

**(B) Human Significance.**

- (i) The historic resource is associated historically with the life or activities of a person, group, organization or institution that has made a significant contribution to the local community;
- (ii) The historic resource is associated with events that have made a significant contribution to the broad patterns of local history;
- (iii) The historic resource is associated with the lives of persons significant in our past; or
- (iv) The historic resource has yielded, or may be likely to yield, important information concerning prehistory or history.

**(C) Environmental significance.** The historic resource contributes to the character and identity of the neighborhood or city; or the site development or landscape features make a contribution to the historic character of a historic resource, neighborhood, district, or the city as a whole.

**(3) Integrity.** The historic resource retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, structural type, or style.

**(b) Initiation of Process.** Historic resource designation or removal may be initiated by the City Council, the Historic Landmarks and Design Review Commission, or the owner of the structure or site. Any other person interested in the designation of a historic resource that is not the subject of a pending application for alteration or demolition may petition the City

1 Council or Historic Landmarks and Design Review Commission for designation.

2 (c) **Hearing.** Historic resource designation or removal shall be made by the City Council  
3 following notice and hearing pursuant to SRC Chapter 114 and shall be processed as a  
4 comprehensive plan map amendment. The Historic Landmarks and Design Review  
5 Commission shall, prior to hearing, forward to the City Council its recommendation, along  
6 with findings of fact addressing the criteria set forth under subsection (a) of this section.

7 (d) **Designation Removal.** The City Council may consider removal of the historic resource  
8 local designation. Upon finding that criteria set forth under subsection (a) of this section are  
9 no longer met, historic resource local designation shall be removed.

10 **Section 13.** SRC 102A.050 is amended to read:

11 **120A.050. Demolition Review.**

12 (a) Prior to the issuance of a permit for the demolition of one-half or more of the ground  
13 floor square footage of a building or structure designated as an individually-listed historic  
14 resource, or historic contributing building or structure within a historic district, but excepting  
15 dangerous buildings as defined in SRC 56.230, the following criteria shall be met:

16 (1) The Historic Landmarks and Design Review Commission has reviewed the  
17 demolition permit application and determined:

18 (A) The applicant has demonstrated, through the presentation of at least three  
19 rehabilitation options, that the building or structure cannot reasonably be  
20 restored or repaired in situ; and

21 (B) The designation, as demonstrated by verifiable evidence provided by the  
22 applicant:

23 (i) In the case of a for-profit ownership, prevents any viable economic  
24 use of the property; or

25 (ii) In the case of ownership by a governmental unit or non-profit  
26 corporation, prevents any substantial beneficial use of the property.

27 (2) The Building Official has determined, based on evidence submitted by the  
28 applicant, whether the building or structure can reasonably be moved, based upon the

1 following criteria:

2 (A) Structural integrity of the building or structure;

3 (B) Ability of the building or structure to be transported across a public right-  
4 of-way.

5 (3) If the building or structure can reasonably be moved, the applicant has advertised  
6 the building or structure for sale as provided in subsection (b) of this section and has  
7 not rejected the highest bona fide offer for sale and removal following the bid process.

8 (4) Unless an appeal to the City Council is timely filed, the demolition permit shall  
9 be issued thirty-one days from the date of such determination. Determinations by the  
10 Historic Landmarks and Design Review Commission or the Building Official under  
11 this subsection are reviewable under SRC ~~4.040-4.070~~56.029.

12 (b) If the Building Official determines the building or structure can reasonably be moved  
13 pursuant to subsection (a)(2) of this section, the applicant shall advertise the building or  
14 structure for sale by sealed bid process as follows:

15 (1) By publication of a legal notice in a newspaper of general circulation in the Salem  
16 area at least once a week for the first thirty days the property is posted; and

17 (2) By posting a notice in a prominent and conspicuous place on the premises where  
18 the building or structure is located visible from the public right-of-way for a period of  
19 one hundred and twenty days preceding bid opening with the legend, "THIS  
20 HISTORIC BUILDING WILL BE DEMOLISHED IN THE ABSENCE OF  
21 ACCEPTABLE BIDS" in letters at least two inches in height, together with a  
22 statement concerning the terms of the bid process, including a contact person for bid  
23 documents and requirements.

24 (3) Sealed Bid Process.

25 (A) The sealed bid process shall be specified in the advertisement. Prior to  
26 the bid deadline for receipt of bids, the applicant shall make reasonable  
27 arrangements for inspection of the building or structure by prospective bidders  
28 and their representatives.

1 (B) The building or structure will be sold to the highest bidder. Negative  
2 bids, i.e., bids for a sum to be paid by the applicant to the bidder for removal,  
3 will be considered. The successful bidder will be required to enter into a  
4 removal agreement as provided in subsection (b)(3)(D) of this section. Costs  
5 of the auction shall be borne by the applicant.

6 (C) The owner of the building or structure may enter a protective bid which,  
7 if a negative bid, shall be not lower than the sum of the cost of the auction and  
8 the lowest of at least two bona fide bids submitted to the applicant for the  
9 demolition of the building or structure. If the applicant submits a protective  
10 bid higher than ninety percent of the lowest allowable protective bid the  
11 applicant shall be required to enter into a removal agreement with the city  
12 substantially the same as provided in subsection (b)(3)(D) of this section.

13 (D) As a condition of sale, the successful bidder shall enter into a contract,  
14 specifically enforceable by the city, binding the bidder to 1) secure a City of  
15 Salem moving permit; 2) remove the building or structure from its present  
16 site; and, 3) relocate the building or structure to a new site in conformance  
17 with all applicable building and housing codes, maintaining the architectural  
18 integrity of the building or structure, all within one hundred and twenty days  
19 from the date of sale. Extensions of such one hundred and twenty day period  
20 may be granted in the sole discretion of the City Council. The contract shall  
21 provide that in the event of default title to the building or structure shall revert  
22 to the owner.

23 (c) If the Building Official determines after applying the criteria set forth under subsection  
24 (a)(2) of this section, the building or structure cannot reasonably be moved, the applicant  
25 shall post a notice of such determination in a prominent and conspicuous place, within ten  
26 feet of the public street or streets abutting the premises on which the building or structure is  
27 located, for a continuous period of thirty days from the date of such determination. The  
28 notice shall contain the legend "THIS HISTORIC BUILDING TO BE DEMOLISHED" in

1 letters at least two inches in height, together with a statement that the Building Official has  
2 determined that the building or structure cannot reasonably be moved and that any person  
3 affected by such determination may appeal to the Historic Landmarks and Design Review  
4 Commission by filing written notice of appeal with the Planning Administrator on or before  
5 the end of the thirty day notice period.

6 **Section 14.** SRC 120A.060 is amended to read:

7 **120A.060. Historic Design Review.**

8 (a) No development permit may be issued which allows the alteration of the exterior of any  
9 historic resource, property pending nomination, or vacant property within a historic district,  
10 or for the construction of a building, structure, or object in a historic district, without first  
11 obtaining historic design approval pursuant to this SRC 120A.060-120A.100. Such  
12 development permit applications shall be referred to the Historic Landmarks and Design  
13 Review Commission. The design of streetscape elements within the public right-of-way shall  
14 be coordinated with applicable public agencies and the Historic Landmarks and Design  
15 Review Commission.

16 (b) The Historic Landmarks and Design Review Commission or Planning Administrator  
17 shall review development permit applications for conformance with applicable design review  
18 criteria pursuant to SRC 120A.070-SRC 120A.100, and Table 120A-1. Development permit  
19 review shall be classified as follows:

20 (1) Type I: Historic Design review performed by the Planning Administrator or  
21 designee shall be administrative and shall not require public hearing.

22 (2) Type II: Historic Design review performed by the Historic Landmarks and Design  
23 Review Commission based upon the standards in the Development Design Handbook  
24 shall be considered administrative and shall not require a public hearing.

25 (3) Type III: Historic Design review performed by the Historic Landmarks and  
26 Design Review Commission based upon the guidelines in the Development Design  
27 Handbook shall be considered discretionary and shall require a public hearing, notice  
28 and opportunity for appeal.

1 (c) The Historic Landmarks and Design Review Commission may, by resolution, grant  
2 authority to decide certain minimally discretionary alteration/design review which would  
3 otherwise require Commission review to the Planning Administrator.

4 **Section 15.** SRC 120A.070 is amended to read:

5 **120A.070. Establishment of Supplemental Standards and Guidelines for Historic Design**

6 **Review.** For the review of exterior alterations of historic resources the Planning Administrator and  
7 Historic Landmarks and Design Review Commission shall apply the standards and guidelines listed  
8 in the Development Design Handbook, and use, as supplemental information for clarification  
9 purposes, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for  
10 Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Park  
11 Service.

12 **Section 16.** SRC 120A.090 is amended to read:

13 **120A.090. Administrative Review.**

14 (a) Applications subject to Type I and Type II Historic Design Review shall be evaluated  
15 based on standards outlined in the zoning code and the City of Salem Development Design  
16 Handbook.

17 (b) Within thirty working days after the application and submittal requirements prescribed by  
18 the Historic Landmarks and Design Review Commission and set forth in Table 120A-1 are  
19 deemed complete by the Planning Administrator, the Planning Administrator shall schedule  
20 administrative review based upon criteria applicable to the proposed development.

21 (c) TYPE I: Projects that are limited in scope to the alterations set forth in Table 120A-1  
22 may be administratively reviewed by the Planning Administrator. Notice of the decision  
23 shall be sent to property owners within 250 feet of the subject property, as shown on the most  
24 recent property tax assessment roll.

25 (d) TYPE II: Where an application is submitted based on the standards in the Development  
26 Design Handbook, the applicable standards shall be applied by the Historic Landmarks and  
27 Design Review Commission. Notice of the meeting shall be posted on the property pursuant  
28 to SRC 114.070 and written notice shall be provided to the applicant and all property owners

1 within 250 feet of the subject property, as shown on the most recent property tax assessment  
2 roll, unless the proposed project consists of either an addition that increases the gross square  
3 footage of the structure by more than 50 percent or new construction in a historic district, in  
4 which case notice shall be sent to all property owners within the district.

5 **Section 17.** SRC 120A.100 is amended to read:

6 **120A.100. Discretionary Review.**

7 (a) TYPE III: Where an application does not meet the criteria for a Type I or Type II review,  
8 the Historic Landmarks and Design Review Commission shall apply the guidelines listed in  
9 the Development Design Handbook.

10 (b) Plan Submittal Requirements. The application shall contain, at a minimum, plan and  
11 elevation drawings of the existing structure and proposed changes, including materials  
12 proposed to be used, photographs of the existing structure, and any historic photos if  
13 available. Additions that will increase the gross square footage of the structure by more than  
14 50 percent, or new construction in a historic district shall include plan and elevation drawings  
15 or photo-simulation of adjacent properties. Additional information may be required by the  
16 Historic Landmarks Design Review Commission.

17 (c) Notice Historic Landmarks and Design Review Commission Hearing. Notice of the  
18 hearing shall be posted on the property pursuant to SRC 114.070, and written notice shall be  
19 provided pursuant to SRC 114.050 to the applicant, any neighborhood organization, any  
20 watershed council whose boundaries include the site, and, if applicable, owners of property  
21 within the historic district in which the property is located, as shown on the most recent  
22 property tax assessment roll.

23 (d) The Historic Landmarks and Design Review Commission shall approve, conditionally  
24 approve, or deny the application, based on the project's conformity with the guidelines.  
25 Conditions of approval, if any, shall be limited to project modifications required to enable the  
26 project to better meet the intent of the guidelines.

27 (e) The Historic Landmarks and Design Review Commission shall render its decision not  
28 more than sixty calendar days after the application is deemed complete by the Planning



1 Administrator. The Historic Landmarks and Design Review Commission decision shall be  
2 supported by findings that:

- 3 (1) Explain conformance or lack thereof with relevant guidelines;
- 4 (2) State the facts relied upon in rendering a decision; and
- 5 (3) Explain the justification for the decision.

6 **Section 18.** SRC 120A.110 is amended to read:

7 **120A.110. Appeal and Review of Historic Design Review Decisions.**

8 (a) **Type I.** A decision by the Planning Administrator may be appealed to the Historic  
9 Landmarks and Design Review Commission pursuant to this section. Appeals from the grant  
10 or denial of an administrative decision shall be heard by the Historic Landmarks and Design  
11 Review Commission as provided in SRC Chapter 114 upon the filing with the Planning  
12 Administrator of a written notice of appeal by any of the following:

- 13 (1) The applicant;
- 14 (2) Any person owning property within the notification area; or
- 15 (3) Any affected neighborhood organization.

16 (b) **Type II and III.** A decision of the Historic Landmarks and Design Review Commission  
17 may be appealed to the City Council pursuant to this section. A written notice of appeal shall  
18 be filed with the Planning Administrator within fifteen days after the date of the decision  
19 which shall identify the decision being appealed by its assigned number and the title or  
20 caption of the decision and include the name and mailing address of the appellant.

21 (1) Not less than ten days prior to the date set for hearing, the appellant shall submit a  
22 written statement setting forth in detail the basis for the appeal and how the Historic  
23 Landmarks and Design Review Commission erred. The statement shall specifically  
24 identify the applicable alteration/design guidelines which support the appellant's  
25 position.

26 (2) The City Council may affirm, reverse or modify the decision which is appealed.

27 (c) An application for which a denial has been issued by the Planning Administrator may be  
28 resubmitted pursuant to SRC 110.250.

1 **Section 19.** SRC 120A.120 is amended to read:

2 **120A.120. Validity of Approvals.** Historic Design Review approvals by the Planning  
3 Administrator, the Historic Landmarks and Design Review Commission, or City Council shall be  
4 valid for two years from the date of decision. The Planning Administrator may extend approval for  
5 two additional years, upon good cause shown, provided, however, a request for such an extension is  
6 submitted, in writing, prior to the expiration date.

7 **Section 20.** SRC Chapter 120A, Table 120A-1, Alteration/Design Review Chart, is amended to  
8 read as set forth in Exhibit 1 which is attached hereto and incorporated herein by reference.

9 **Section 21.** SRC 137.040 is amended to read:

10 **137.040. Approval Process.**

11 (a) Application for development within the North Downtown Riverfront Overlay Zone  
12 shall conform to either 1) the prescriptive design standards or 2) design guidelines or the  
13 intent of such guidelines contained in the City of Salem Development Design Handbook.  
14 Both the design standards and guidelines found in the City of Salem Development Design  
15 Handbook are in addition to all other applicable city code requirements.

16 (b) Industrial uses existing within the Overlay Zone area that conform to the zoning code  
17 on December 1, 1998 are exempt from the approval process and requirements contained in  
18 this section and the Development Design Handbook. The requirements of this section and  
19 the Development Design Handbook shall apply upon abandonment of industrial uses or  
20 structures or change of an industrial use to a non-industrial use.

21 (c) Approval of development applications that conform to prescriptive design standards are  
22 processed by the City administratively. Approval of development applications that  
23 conform to performance design guidelines are processed through the City's design review  
24 program with required review and approval by the ~~Historic Landmarks and Design Review~~  
25 ~~Board Commission~~. A pre-application conference with city staff is required prior to  
26 submittal of application materials to provide the applicant an opportunity to discuss with  
27 city staff development review procedures, requirements and options early in the  
28 development process.

1 **Section 22.** SRC 138.040 is amended to read:

2 **138.040. Approval Process.**

3 (a) An application for development within the Broadway/High Street Overlay Zone shall  
4 conform to either the prescriptive design standards or performance design guidelines  
5 contained in the City of Salem Development Design Handbook. Both the design standards  
6 and guidelines found in the City of Salem Development Design Handbook are in addition  
7 to all other applicable city code requirements.

8 (b) Approval of development applications that conform to prescriptive design standards  
9 are processed by the City administratively. Approval of development applications that  
10 conform to performance design guidelines are processed through the City's design review  
11 program with required review and approval by the ~~Historic Landmarks and Design Review~~  
12 ~~Board Commission~~. A pre-application conference with city staff is required prior to  
13 submittal of application materials to provide the applicant an opportunity to discuss with  
14 city staff, development review procedures, requirements and options early in the  
15 development process.

16 **Section 23.** SRC 143B.300 is amended to read:

17 **143B. 300. Design Approval.** ~~(a)~~ Development under this chapter shall meet either the  
18 development design standards contained in the City of Salem Development Design Handbook or  
19 shall be reviewed and approved by the ~~Historic Landmarks and Design Review Board Commission~~  
20 pursuant to the guidelines contained in the Development Design Handbook. Development design  
21 guidelines and standards are in addition to all development standards contained in this chapter.

22 **Section 24.** SRC 143C.110 is amended to read:

23 **143C.110. Residential Development Standards.**

24 (a) Any residential development shall conform to standards set forth in a Refinement Plan  
25 or the standards set forth in this section. If a Refinement Plan has been adopted for the area  
26 of proposed development, then the applicant shall proceed according to the standards set  
27 forth in the Refinement Plan. Subsequent to the approval of a Refinement Plan, if the  
28 applicant wishes to pursue development under the standards and criteria set forth in this

1 section, the applicant shall apply for a minor amendment to the Refinement Plan.

2 **(b)** Except as otherwise provided in the Fairview Plan or a Refinement Plan, the following  
3 residential development standards shall apply to all residential development in the FMU  
4 zone.

5 **(1) Minimum Lot Size.** Except as may be required to meet minimum setbacks and  
6 any requirements providing for a minimum square footage of a building or structure,  
7 there are no minimum lot size requirements, provided, however, that the Overlay  
8 Area densities set forth in Table 143C-2 shall apply:

9

Overlay Area	Dwelling units per gross acre
LI	5 – 8
MI	7 – 35
AU	6 – 30
VC	16 – 35

10

11

12

13 **(2) Building Setbacks.**

14 **(A)** A minimum five-foot (5') setback is required from all alley rights-of-  
15 way.

16 **(B)** A minimum ten-foot (10') setback is required from all street rights- of-  
17 way. Open covered and uncovered porches may extend within the street  
18 setback to within five (5) feet of the property line. Except as may otherwise  
19 be required by Uniform Building Code Standards, no other minimum  
20 building setbacks apply.

21 **(C)** A maximum twenty-foot (20') setback from all street rights-of-way in  
22 all Overlay Areas, except the LI Area, is required for all primary structures.

23 **(3) Frontage Requirements.** Residential lots shall have the following street  
24 frontage:

25 **(A)** For single-family residential development, a maximum of one hundred  
26 (100) feet and a minimum of eighteen (18) feet per residential unit; and

27 **(B)** For multi-family residential development, a maximum of thirty (30) feet  
28 per residential unit and a minimum of six (6) feet per residential unit, with

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an non-variable minimum frontage requirement of twenty-four (24) feet.

(4) Lot Coverage. In the LI Area, the maximum lot coverage for residential development shall not exceed fifty-five (55) percent of the lot.

(5) Building Height. No building shall exceed forty-five (45) feet in height, except in the LI Area, where the maximum building height shall be thirty-five (35) feet.

(6) Building Orientation.

(A) All single-family attached homes and multi-family residential complexes shall have their primary orientation to the street. Entrances to multi-family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units); or

(B) All single-family attached homes and multi-family residential complexes may have its primary orientation to a side yard when a direct pedestrian walkway is provided between the main entrance and the street, with at least one entrance located not more than twenty (20) feet from the curb line of the street.

(7) Design Guidelines and Standards. If multi-family residential design guidelines, standards, or a review process are not identified in the Fairview Plan or Refinement Plan, all multi-family residential development shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the ~~Historic Landmarks and Design Review Board Commission~~ pursuant to the guidelines contained in the City of Salem Development Design Handbook. Development design guidelines and standards shall be in addition to development standards set forth in this Chapter.

(8) Parking. The provisions of SRC Chapter 133 regarding Off-street Parking, Loading, and Driveway standards shall apply to all residential development in the FMU zone, except that:

(A) The minimum parking space requirement for a single-family residential dwelling unit shall be one (1) space per dwelling unit; and

1 (B) On-street parking may be used to fulfill a portion of the parking  
2 requirement for multi-family residential dwelling units.

3 (9) Landscaping. All applications for single- and multi-family residential  
4 development shall provide landscaping in compliance with SRC Chapter 132.

5 (10) Natural Resource Protection and Hazard Mitigation. All applications for  
6 single- and multi-family residential development shall preserve existing natural  
7 resources and prevent hazards by compliance with all of the following:

8 (A) SRC Chapter 68, Preservation of Trees and Vegetation;

9 (B) SRC Chapter 69, Landslide Hazards; and

10 (C) SRC Chapter 126, Wetlands.

11 **Section 25.** SRC 143C.150 is amended to read:

12 **143C.150. Historic Preservation.**

13 (a) Development within the FMU zone shall include the adaptive reuse or renovation of  
14 historically significant buildings or structures designated as such in the Fairview Plan or  
15 any refinement plan, or the adaptive reuse or rehabilitation of any building or structure  
16 officially designated as a historic resource under SRC Chapter 120A.

17 (b) Any structure existing on December 24, 2003 and identified for demolition shall be  
18 documented according to the survey and inventory practices set forth by the Oregon State  
19 Historical Preservation Office.

20 (c) Prior to the approval of the Fairview Plan, the Historic Landmarks and Design Review  
21 Commission shall, pursuant to SRC 120A.050-120A.120, review the demolition, exterior  
22 alteration, or replacement of frames, sashes, sills, heads, muntins or mullions that alters  
23 window design or materials of any building or structure, or addition to a building or  
24 structure, which was completed on or before December 31, 1953.

25 (d) Development Activity Subsequent to the Approval of the Fairview Plan.

26 (1) Subsequent to the approval of the Fairview Plan, the owner shall obtain historic  
27 design review prior to the alteration of a building, structure or site for which historic  
28 resource designation will be sought or has been obtained by either:

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- (A) The Historic Landmarks and Design Review Commission, pursuant to SRC Chapter 120A and the Development Design Handbook; or
- (B) The State Historic Preservation Office for buildings under special assessment or utilizing federal investment tax credits.

(2) A Type I administrative historic review is required for the following projects altering a building or structure for which historic resource designation will be sought or has been obtained:

- (A) Installation of replacement windows that contain the same frame, sash muntin and mullion dimensions and configuration as the existing historic windows;
- (B) Installation of mechanical equipment not visible from a public right-of-way;
- (C) Installation of sky windows on a roof surface not adjacent to a public right-of-way;
- (D) Installation of an unenclosed fire exit stairway on a building face not adjacent a public right-of-way;
- (E) A minor addition consisting of less than a ten (10) percent increase in gross floor area on a building face not adjacent a public right-of-way; or
- (F) Installation of signs.

(3) No historic review is required for the following projects involving a building or structure for which historic resource designation will be sought or has been obtained:

- (A) Ordinary maintenance and repair;
- (B) Paint color selection;
- (C) Interior alterations; or
- (D) Replacement in kind.

**Section 26.** SRC 143D.090 is amended to read:

**143D.090. Design Approval.** Development within Area 1 shall meet either the development

1 design standards contained in the City of Salem Development Design Handbook or shall be  
2 reviewed and approved by the ~~Historic Landmarks and Design Review Board Commission~~  
3 pursuant to the guidelines contained in the Development Design Handbook.

4 **Section 27.** SRC 143D.220 is amended to read:

5 **143D.220. Design Approval.** Development shall meet either the development design  
6 standards contained in the City of Salem Development Design Handbook or shall be reviewed and  
7 approved by the ~~Historic Landmarks and Design Review Board Commission~~ pursuant to the  
8 guidelines contained in the Development Design Handbook. Development design guidelines and  
9 standards are in addition to other development standards contained in this chapter and of the  
10 zoning code.

11 **Section 28.** SRC 143D.260 is amended to read:

12 **143D.260. Design Approval.** Development shall meet either the development design standards  
13 contained in the City of Salem Development Design Handbook or shall be reviewed and approved  
14 by the ~~Historic Landmarks and Design Review Board Commission~~ pursuant to the guidelines  
15 contained in the Development Design Handbook. Development design guidelines and standards are  
16 in addition to other development standards contained in this chapter and of the zoning code.

17 **Section 29.** SRC 148.210 is amended to read:

18 **148.210. RM1 Design Approval.** Developments subject to ~~SRC 148.160-148.300~~ the provisions  
19 ~~of this chapter~~ shall meet either the development design standards contained in the City of Salem  
20 Development Design Handbook or shall be reviewed and approved by the ~~Historic Landmarks and~~  
21 ~~Design Review Board Commission~~ pursuant to the guidelines contained in the adopted  
22 Development Design Handbook. Development design guidelines and standards are in addition to  
23 all development standards contained in this chapter.

24 **Section 30.** SRC 148.360 is amended to read:

25 **148.360. RM2 DESIGN APPROVAL.** Developments subject to ~~SRC 148.310-148.450~~ the  
26 ~~provisions of this chapter~~ shall meet either the development design standards contained in the City  
27 of Salem Development Design Handbook or shall be reviewed and approved by the ~~Historic~~  
28 ~~Landmarks and Design Review Board Commission~~ pursuant to the guidelines contained in the




1 Development Design Handbook. Development design guidelines and standards are in addition to  
2 all development standards contained in this chapter.

3 **Section 31.** The Table of Contents and pages 1, 5, 7, 9, 10, 13, 122, and 129 of the "City of Salem  
4 Development Design Handbook," is amended to read as set forth in Exhibit 2, which is attached  
5 hereto and incorporated herein by reference.

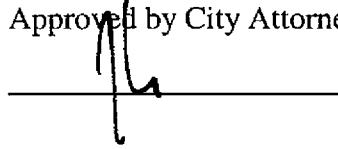
6 **Section 32. Severability.** Each section of this ordinance, and any part thereof, is severable, and if  
7 any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this  
8 ordinance shall remain in full force and effect.

9 PASSED by the Council this 20th day of March, 2006 .

10 ATTEST:

11   
12 City Recorder

13 Approved by City Attorney:

14 

15 Checked By: L. Vandewater (red)

16 G:\Group\LEGAL\Council\030606 Historic Landmark Comm ord.wpd

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TABLE 120A-1  
ALTERATION/DESIGN REVIEW CHART

Historic Review Required: Building a new structure or altering a structure in a historic district requires historic design review. Alteration to a designated historic resource requires historic design review. Alteration of a feature of a building, structure, site, district or object that is identified in the documentation as a significant feature, including significant landscape features, requires historic design review. The "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the U.S. Department of the Interior, National Park Service, is supplemental information for additional clarification. This table is supplemental to Salem Revised Code Chapter 120A and the *Development Design Handbook*. In the event there is a conflict between a provision in this table and any more restrictive provision of the Salem Revised Code applicable to a particular development, the more restrictive shall apply.

Review Type	Projects Reviewed	Review Body	Criteria Applied	Submittal Requirements	Submittal Date	Notice Required
Exemptions	Color selection, ordinary maintenance or repair of exterior features not involving a change in design, material or outward appearance	N/A	N/A	N/A	N/A	N/A
Type I - Administrative	<ol style="list-style-type: none"> <li>1. Minor alterations on elevation(s) facing an interior side or interior rear property line.                             <ol style="list-style-type: none"> <li>a. Restoration of historic features.</li> <li>b. No increase in footprint, height, volume, or massing.</li> <li>c. Replacement in kind</li> </ol> </li> <li>2. In-kind replacement of windows and doors.</li> <li>3. Uncovered rear deck additions not visible from a street(s).</li> <li>4. Installation of mechanical equipment on the exterior of the building that is not visible from a public right-of-way.</li> <li>5. Signs less than 25 square feet in area.</li> <li>6. Installation of new or replacement awnings.</li> </ol>	Planning Administrator or Designee	STANDARDS/ <i>Development Design Handbook</i> , Section V	In summary, submittal includes plan and elevation drawings of existing structure and of proposed changes, including materials. Photos of existing structure. Historic photos if available.	No deadline. Processing within approx. two (2) weeks after application is deemed complete	After Decision - Notice to property owners within 250 feet of subject property. Appeal period of 14 days to <del>H-E</del> <u>Commission</u>

TABLE 120A-1  
ALTERATION/DESIGN REVIEW CHART





<p>Type II - Administrative</p>	<p>(a) All applications for alterations to existing structures based on the STANDARDS in the <i>Development Design Handbook</i> not specifically listed as a Type I project, or projects deemed by the Planning Administrator or designee to extend beyond the intent of the Type I review process</p>	<p>(a) Historic Landmarks Commission</p> 	<p>(a) STANDARDS/ <i>Development Design Handbook</i>, Section V</p>	<p>(a) In summary, plan and elevation drawings of existing structure and of proposed changes including materials. Photos of existing structure. Historic photos if available.</p>	<p>(a) Minimum three (3) weeks prior to scheduled Historic Landmarks Commission meeting</p> 	<p>(a) Prior to Decision Notice to property owners within 250 feet of subject property and sign posted on property. Appeal period of 14 days to City Council</p>
	<p>(b) Additions that increase the gross square footage of the structure by more than 50 percent, or new construction in a historic district.</p>	<p>(b) Historic Landmarks Commission</p> 	<p>(b) STANDARDS/ <i>Development Design Handbook</i>, Section V</p>	<p>(b) In addition to standard submittal requirements, plan and elevation drawings of adjacent properties, or photo-simulation</p>	<p>(b) Minimum thirty (30) days prior to schedule Historic Landmarks Commission meeting</p> 	<p>(b) Prior to Decision Notice to property owners in the historic district</p>

TABLE 120A-1  
ALTERATION/DESIGN REVIEW CHART

<p>Type III - Discretionary</p>	<p>All applications based on GUIDELINES in the <i>Development Design Handbook</i></p>	<p><b>Historic Landmarks Commission</b> <b>Historic Landmarks and Design Review Commission</b></p>	<p><i>GUIDELINES/ Development Design Handbook, Section V</i></p>	<p>Plan and elevation drawings of existing structure and of proposed changes, including materials. Photos of existing structure. Historic photos if available. Additions that increase the gross square footage of the structure by more than 50 percent, or new construction in a historic district requires plan and elevation drawings of adjacent properties, or photo-simulation.</p>	<p>A minimum of thirty (30) days prior to scheduled <b>Historic Landmarks Commission</b> <b>Historic Landmarks and Design Review Commission</b> meeting</p>	<p>Prior to Hearing - Notice mailed to property owners in the historic district and sign posted on property</p>
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TABLE OF CONTENTS

1.	Preface .....	1
	Introduction	
	A. The Intent and Purpose of Design Review .....	3
	B. Background .....	5
	C. The Review Process .....	7
	D. General Outline of Design Review Process .....	9
	E. City Code Requirements .....	13
2.	Multiple Family Development Design Guidelines and Standards	
	A. Open Space Design Element .....	17
	B. Landscaping Design Element .....	25
	C. Crime Prevention Through Environmental Design (CPTED) .....	31
	D. Parking, Site Access & Circulation Design Element .....	33
	E. Building Mass & Facade Design Element .....	37
	F. Recycling .....	43
3.	Compact Development Design Guidelines and Standards	
	A. Compact Development Concepts .....	47
	B. General Development Requirements .....	49
	C. Open Space Requirements .....	51
	D. Landscaping Requirements .....	53
	E. Crime Prevention Through Environmental Design (CPTED) .....	55
	F. Parking Access & Circulation .....	57
	G. Building Orientation and Articulation .....	59
4.	Core Area Development Design Guidelines and Standards	
	A. General Retail/Office District .....	63
	B. Front Street District .....	65
	C. Historic Core Area .....	67
5.	Historic Resources	
	A. General Development Requirements .....	71
	B. Residential Historic Districts .....	73
	C. Historic Core Area .....	77
6.	North Downtown Planning District Design Guidelines and Standards	
	A. Broadway/High Street Overlay Zone .....	85
	B. Riverfront Overlay Zone .....	91
7.	Portland/Fairgrounds Road Overlay Zone Design Guidelines and Standards	
	A. Building Location, Orientation and Design .....	99
	B. Landscaping Requirements .....	101
	C. Parking Requirements .....	103
8.	Edgewater Street/Wallace Road Area Overlay Zone Design Guidelines and Standards	
	A. Wallace Road Corridor Requirements .....	107
	B. Edgewater Street Corridor Requirements .....	109
	C. Walker School Area Requirements .....	113
9.	Appendix	
	A. Definition of Terms .....	121
	B. Pre-application Conference Submittal Requirements .....	125
	C. Projected Plan Submittal Requirements .....	127
	D. Salem Design Review Board and Historic Landmarks Commission .....	129

## PREFACE

The City of Salem Development Design Handbook is divided into eight sections. Each section is intended to provide the necessary information for a successful development proposal.

Section one provides an introduction to the city's development design process.

Section two outlines the design requirements for multiple family development;

Section three identifies the requirements for compact development;

Section four contains requirements for the core area;

Section five covers historic resources;

Section six covers requirements for development within the City's North Downtown Planning Districts;

Section seven covers requirements for development within the City's Portland/Fairgrounds Road Overlay Zone;

Section eight lists the standards and guidelines for the Edgewater Street/Wallace Road Overlay Zone; and

Section nine is the appendix which provides the definition of terms and project submittal requirements.

Salem's development design review process is unique (see Figure 1, pages 10-11). Other cities that offer a design review process may require that projects be evaluated by a design review board. Often it is not clear what criteria guides the board in making decisions. In other instances, jurisdictions create very strict requirements as to appropriate architectural style or building color. Salem's process offers an applicant choices in determining how a project is reviewed.

The Salem design process is sensitive to the added costs, added time, and potentially subjective decisions which can result from a design review process, yet is equally sensitive to the inherent difficulty in requiring all projects to meet the same set of rigid standards. In balancing the two alternatives, the Salem design process allows the applicant to select either: (1) adherence to prescribed and detailed specific design standards, or (2) review of the project through a more flexible design review process. In this way, the applicant, not the City, selects the review process that best suit the objectives of the project.

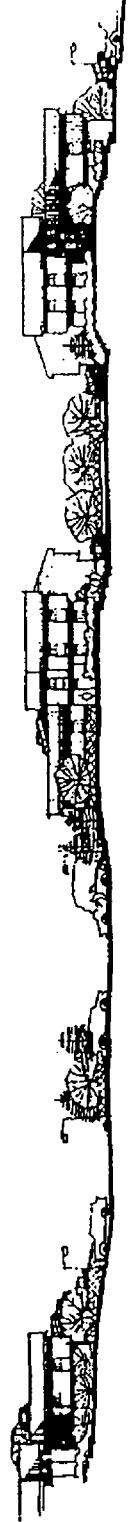
Strict adherence to the specific design standards results in a project design which, by definition, is acceptable to the City. Applicants selecting this alternative save processing time and their projects are checked for conformance with the design standards much like they are now checked for conformance with building code standards. There are no additional "processes" or additional City decisions required under this alternative; if the project meets the standards the City must approve the plans. And, like projects reviewed for conformity with building code standards, projects approved under this alternative would not be considered land use decisions; there are no public notice or hearing requirements; and the approved plans are not appealable to the State Land Use Board of Appeals (LUBA).

However, in recognition that it is difficult to regulate good design, some very well designed projects may not meet all of the City's prescribed design standards. In this instance, the applicant may choose to follow the more general design guidelines and seek project approval from the City's Design Review Board or Historic Landmarks Commission. This process adds considerable design flexibility, yet lengthens the review and involves City discretion for approval. Under this alternative, the project becomes a limited land use decision under State law, subject to public notice requirements and possible appeal to LUBA.

Whether the applicant chooses to design within the parameters of the specific design standards, or to go through the more flexible design review process, the goal is better overall project design and compatibility with existing neighborhoods.

To ensure project success, applicants should be certain that their development proposal complies with all city code requirements. Any submittal requirements of the development review process must be accurate and complete.

Perhaps the most important aspect to consider in the project proposal is the character of the area surrounding the project. This handbook helps applicants clear the hurdles often associated with defining neighborhood character.



## B. Background

Salem Revised Code (SRC) Chapter 120, describes the Design Review process for all designated zones except the designated historic resources. SRC Chapter 120A, describes the alteration/design review process for designated historic resources. An applicant who proposes a project subject to Development Design Review must make a critical decision. An applicant has the choice of having their project proposal reviewed by the Design Review Board or Historic Landmarks Commission or having their proposal evaluated based on compliance with conventional development standards. The Development Design Process applies to all new multiple family and compact development projects, to projects within Salem's downtown core area, historic resources throughout the city, the north downtown planning district, the Portland/Fairgrounds Overlay Zone, and the Edgewater Street/Wallace Road Overlay Zone.

If the applicant chooses review by the Design Review Board or Historic Landmarks Commission, review of projects is based on clearly defined design guidelines, not arbitrary assumptions. Design guidelines deal with such project elements as open space, landscaping, parking, site access and building massing. This type of project review is considered a limited land use decision because the Design Review Board or Historic Landmarks Commission must decide what meets the intent of the design guidelines. Limited land use decisions require public notice and the final decision is subject to appeal to the State Land Use Board of Appeals (LUBA).

Projects reviewed by the Design Review Board or Historic Landmarks Commission must also comply with all code requirements in addition to the design guidelines.

Projects not reviewed by the Design Review Board or Historic Landmarks Commission are subject to compliance with design standards and all city code requirements. Design standards are distinguished from design guidelines in that standards provide no discretion in decision making and are measurable, clear, and objective. Design standards address the same project elements as design guidelines. Since project review based on measurable standards involves no discretion (either a project proposal meets the standards or it does not) the decision is not considered a limited land use decision. Therefore, this type of project review does not require public notice or hearing.

The City of Salem Development Design Handbook is structured to clearly identify what is required for projects reviewed by the Design Review Board or Historic Landmarks Commission and projects that must comply with design standards. Design guidelines are always presented on the left side of the page with design standards on the right side of the page.

## C. The Review Process

This first step in the design review process is for an applicant to discuss a project proposal with city staff. A planner is on duty at the city's Permit Application Center to assist applicants. The planner on duty helps applicants become familiar with the city's development design process and design guidelines and standards. The design guidelines and standards serve as the framework for a project proposal.

After preparation of a project concept, an applicant must schedule a mandatory preapplication conference with Planning Division staff. This second step in the design review process allows planning staff to explain the two types of development review available and discuss other applicable development standards. The type of project review that an applicant selects is very important because it determines the time needed to review the proposal.

During the preapplication conference, Planning Division staff may address areas of the proposal that do not meet the design guidelines or standards. Information received during the preapplication conference allows the applicant to refine the project proposal, if necessary, and avoid unnecessary delays and costs.

The third step in the review process is to select the type of development review. If the applicant chooses project review based on compliance with conventional development standards, the applicant must submit the necessary application materials to the Urban Planning Administrator. The Urban Planning Administrator may approve the project application if the applicant demonstrates that the project proposal meets all conventional development standards.

If the project proposal does not meet all conventional development standards, the Urban Planning Administrator may recommend that the project be redesigned. (The design review standards may not be modified through a zoning adjustment or variance procedure). The applicant may choose to redesign the project or have the project reviewed through the design review process. If the applicant chooses to have the project proposal reviewed by the Design Review Board or Historic Landmarks Commission, the Board or Commission's evaluation is based on the entire project proposal, not just the areas that did not comply with the conventional design standards.

If the applicant chooses project review based on design guidelines, the applicant must complete a development review application. The applicant must submit support documentation including all submittal requirements which are identified in the appendix.

The Urban Planning Administrator refers project plans to the Design Review Board or Historic Landmarks Commission after the completed development review application and submittal information have been submitted for consideration. The Urban Planning Administrator schedules development review at the earliest possible Design Review Board meeting or the Historic Landmarks Commission.

The Design Review Board or Historic Landmarks Commission meeting is open to the public and comments on the proposal are heard by the Board or Commission. The Board or Commission considers the project proposal based on the information submitted by the applicant and public comment. Based on this information, the Board or Commission may elect to approve the project. If the Board or Commission approves the project, the applicant may file for a building permit. In contrast, the Design Review Board or Historic Landmarks Commission may recommend that the project be redesigned to comply with design guidelines that are not met or the Board or Commission may deny the project design. If the Design Review Board or Historic Landmarks Commission denies the project proposal, the applicant may choose to reapply or appeal the decision to the Planning Commission.

Appeal by the applicant is not the only appeal that may be filed. Recognized neighborhood associations, persons who provide testimony to the Design Review Board or Historic Landmarks Commission and persons surrounding the site may also appeal the decision.

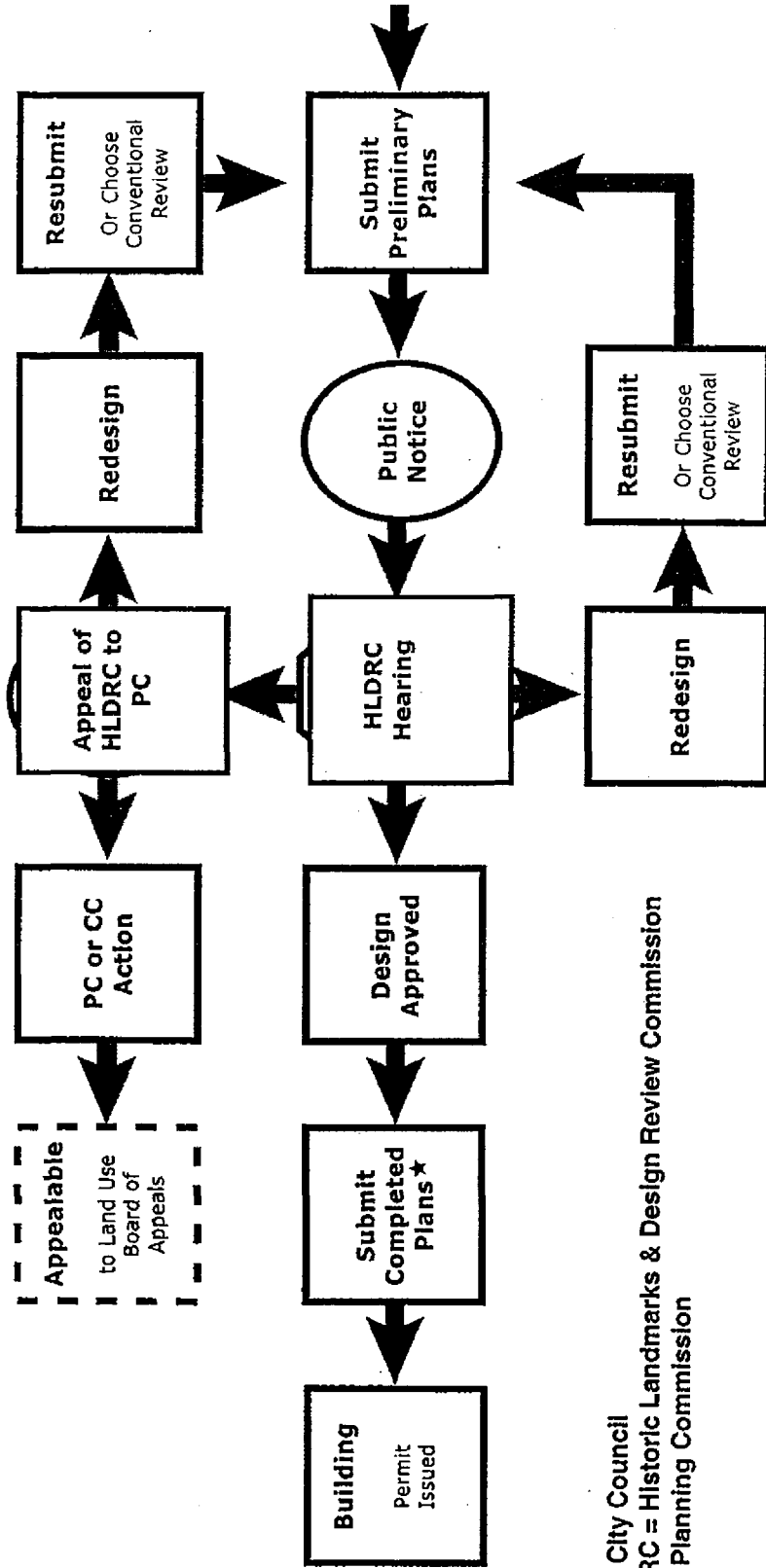


## D. General Outline of Design Review Process

- 1) Discuss project design requirements with the planner on duty at the City's Permit Application Center (PAC), Salem City Hall, 555 Liberty Street SE, Room 305, (503) 588-6256, extension 7427;
- 2) Schedule a project preapplication conference with Planning Division staff;
- 3) After a preapplication conference, select type of development review;
- 4) Submit necessary project plans;
- 5) Project reviewed by Urban Planning Administrator, ~~Design Review Board or Historic Landmarks~~ Commission for conformance with design requirements;
- 6) Project approved or denied;
- 7) If project approved; proceed through building permit process;
- 8) If project denied by Urban Planning Administrator, redesign and resubmit plans or submit project to ~~Design Review Board or Historic Landmarks~~ Commission for review;
- 9) If project denied by ~~Design Review Board or Historic Landmarks~~ Commission, redesign and resubmit plans or appeal decision to Planning Commission.

# Review

## OPTION 2 DISCRETIONARY DESIGN REVIEW PROCESS (Maximum 120 Day Review Process) - Design Guidelines Apply -



CC = City Council  
HLDRC = Historic Landmarks & Design Review Commission  
PC = Planning Commission

★ Including Design Review Worksheet

## E. City Code Requirements

Requirements of the Salem Revised Code (SRC) apply to all projects subject to Development Design Review. It is the responsibility of the applicant to confirm with city staff which code sections apply to a particular proposal. Applicants are encouraged to discuss project proposals with the Permit Application Center staff early and also review the Salem Revised Code prior to scheduling a project preapplication conference.

Permit Application Center staff may be contacted at (503) 588-6256. Provided below are specific code references which may be helpful to review. The list is not intended to be comprehensive but rather highlight the most applicable sections of the code.

### Uniform Building Code

#### SRC Title I - Government

- SRC Chapter 20C - Historic Landmarks Commission
- ~~SRC Chapter 20F - Design Review Board~~

#### SRC Title V - Community Development Design Standards

- SRC Chapter 56, Building Code
- SRC Chapter 58, Fire Prevention Code
- SRC Chapter 62, Sign Code

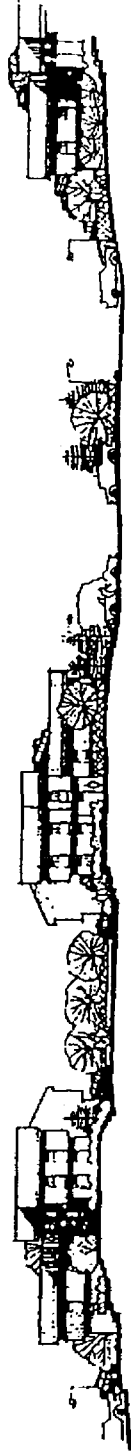
#### SRC Title VII - Streets and Public Ways

- SRC Chapter 68, Preservation of Trees and Vegetation
- SRC Chapter 69, Landslide Hazards
- SRC Chapter 75, Erosion Prevention and Sediment Control
- SRC Chapter 86, Trees and Shrubs

#### SRC Title X - Zoning

- SRC chapter 110, General Zoning Provisions
- SRC Chapter 111, Definitions
- SRC Chapter 114, Proceedings on Land Use Actions
- SRC Chapter 120, Design Review
- SRC Chapter 120A, Historic Preservation
- SRC Chapter 130, General Development Standards
- SRC Chapter 132, Landscaping
- SRC Chapter 133, Off-street Parking, Loading and Driveways
- SRC Chapter 137, Riverfront Overlay Zone
- SRC Chapter 138, Broadway / High Street Overlay Zone
- SRC Chapter 139, CD - Compact Development
- SRC Chapter 143A, Commercial/High Density Residential Overlay Zone
- SRC Chapter 143B, Portland/Fairgrounds Overlay Zone
- SRC Chapter 143D, Edgewater Street/Wallace Road Overlay Zone
- SRC Chapter 148, RM1 / RM2 Multiple Family Residential
- SRC Chapter 150, Commercial Office (CO)
- SRC Chapter 152, Commercial Retail (CR)
- SRC Chapter 154, Central Business District (CB)

#### Department of Public Works Design Standards



## SECTION 9 - APPENDICES

### APPENDIX A: Definition of Terms (cont)

- CPTED: Crime Prevention Through Environmental Design**
- Deck:** A platform, built of wood or simulated material, extending from the building to be used for outside leisure activities.
- Design Review Board:** A review body appointed by the City Council responsible for determining if specific development projects have met all City development design guidelines in applicable zones.
- Development Design Guideline:** A descriptive statement that allows for flexibility and creativity in achieving a requirement.
- Development Design Review:** Site plan and design review of specific types of development as authorized by City Council action.
- Development Design Standard:** A prescriptive statement that is quantifiable and involves no discretion in achieving a requirement.
- Duplex:** A dwelling or residence containing two (2) independent dwelling units.
- Dwelling Unit:** A residence intended for occupancy by one household.
- Facade:** The front or any face of a building with frontage along a public street.
- Face:** The vertical plane of one exterior side of a building.
- Faux Painting:** The painting of a surface in such a way that it appears to be a different surface or material (i.e., marble, brick, metal, etc.).
- Fenestration:** The arrangement or pattern of windows and doors on the facade of a building.
- Footprint:** The space or shape that a building or structure occupies on the ground.
- Ground Cover:** A living plant species which normally reaches a height of less than three (3) feet upon maturity, planted in such a manner so as to form a continuous cover over the ground.
- Hillside Lot:** A lot having an average cross slope of 15 percent or more and zoned or developed for residential use.
- Historic Landmarks Commission:** A Review body appointed by the City Council responsible for determining if specific development projects have met all city development design guidelines and applicable standards in designated historic resources.
- Horizontal Landscape Element:** Shrubs, hedges or similar plantings that grow wider than they are tall.
- Human Scale:** The size of a building element or space relative to the dimensions and proportions of the human body.
- Identical Buildings:** Buildings constructed of a single material of uniform texture and on a single plane.
- In-Kind:** Replacement with the same material and design.
- Landscape Island:** An area within parking areas which is planted with vegetative ground cover and trees.
- Limited Land Use Action (for purposes of this document):** A final decision made by the city pertaining to a site based on application of design guidelines. Limited land use decisions involve discretion in decision-making.
- Lintel:** A structural member placed over an opening or a recess in a wall and supporting construction above.
- Marquee:** A permanent roof-like shelter over an entrance attached to and supported by the building and projecting over public right-of-way. A marquee is generally flat in shape.
- Massing:** The three-dimensional bulk or expanse of a building or structure defined by the height, width and depth of the horizontal and vertical planes or a building.
- Multiple Family Development:** Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.
- Open Space:** Site area not devoted to buildings, parking, driveways or storage areas. (See Common Open Space).
- Overhang:** A projection of the roof or upper story of a building or structure beyond the wall of the lower part.
- Overlay Zone:** A set of development regulations which are added to standard underlying zoning requirements for a defined geographic area to achieve a specific goal.
- Parking Area:** An area where motor vehicles, recreational vehicles, trailers and boats are parked, stored or displayed.
- Pedestrian Circulation:** The internal site pedestrian pathway system.
- Pedestrian Path:** Any sidewalk, footpath or trail which provides onsite pedestrian access and circulation.
- Pediments:** A surface used ornamentally over doors or windows; usually triangular but may be curved.

SECTION 9 - APPENDICES

APPENDIX D: Salem Design Review Board and Historic Landmarks Commission

The Salem Design Review Board is a seven-member board appointed by City Council and comprised of the following representatives:

1. ~~One registered architect;~~
  2. ~~One registered landscape architect;~~
  3. ~~One developer or builder~~
  4. ~~One registered civil engineer;~~
  5. ~~One professional land use planner meeting certification requirements;~~
- and
6. ~~Two citizens at large, one being an active member of a City recognized neighborhood association.~~

The members of the Design Review Board shall be residents or have their places of business in the City of Salem. Members of the board serve three-year terms.

The Historic Landmarks Commission is a nine-member board appointed by the City Council and comprised of the following representatives.

At least five of the members shall meet the United States Secretary of the Interior's Historic Preservation Qualification standards, to the extent that professionals meeting those standards are available in the community. In making such appointments, the mayor should consider the applicants' qualifications in the fields of archaeology, architectural history, conservation, cultural architecture, historic preservation, historic preservation planning, and history. The remaining commissioners shall be appointed at large. When making appointments, the mayor may also consider applicants' qualifications in the fields of construction, restoration, real estate, local history, and architecture as these fields are directly related to the routine functions of the commission.

The members of the Historic Landmarks Commission shall be residents or have their places of business in the City of Salem. Members of the board shall serve three-year terms.

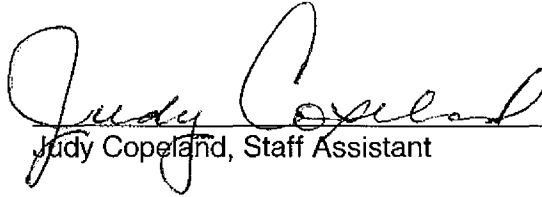
CERTIFICATION OF MAILING

STATE OF OREGON )  
CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 31<sup>st</sup> day of March 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 05-12 - Amending SRC Chapters 120, 137, 138, 143, and 148, to create a new Historic Landmarks and Design Review Commission.

A copy of which is filed in the case file.

DATED at Salem, Oregon, this March 31, 2006

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