NOTICE OF ADOPTED AMENDMENT

May 12, 2008

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 018-07

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:** May 28, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
    Steve Oulman, DLCD Regional Representative
    Cecilia DeSantis Urbani, City of Salem

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NOTICE OF ADOPTION

THIS FORM MUST BE MAILED TO DLCD WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Salem
Local File Number: CA 07-10
Date of Adoption: April 7, 2008
Date Mailed: May 5, 2008
Date this Notice of Proposed Amendment was mailed to DLCD: November 28, 2007

Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other:

Summarize the adopted amendment. Do not use technical terms. Do not write “See Attached.”
Amended SRC Chapter 161 to allow retail-service uses to be located in multiple locations within the Employment Center (EC) zone except for the Phase 1B property; limited the size for a hotel or motel within the EC zone to 50,000 square feet as required under SRC 161.030, rather than limiting the number of rooms in order to produce a more acceptable economy of scale for a hotel/motel operator; and limited the size of health and fitness clubs within the EC zone to 25,000 square feet as required under SRC 161.030.

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 Changed from: NA to: NA
Zone Map Changed from: NA to: NA
Location: NA

Specify Density: Previous: NA
Acres Involved: NA
Applyable Statewide Planning Goals: NA

Was an Exception Proposed: YES NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment............

Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State of Federal Agencies, Local Governments or Special Districts:

Local Contact: Cecilia DeSantis Urbani, Principal Planner Phone: (503) 588-6173 Extension: 7508
Address: 555 Liberty Street SE, Room 305 City: Salem
Zip: 97301 E-Mail Address: curbani@cityofsalem.net

DLCD File No: 018-07 (16554)
AN ORDINANCE RELATING TO EMPLOYMENT CENTERS; AMENDING SRC 161.030.

The City of Salem ordains as follows:

Section 1. SRC 161.030 is amended to read:

161.030. EC RETAIL-SERVICE CENTER SUBZONE.

(a) Within the identifiable perimeter boundary of any area zoned EC, a single EC Retail-Service Center Subzone may be established upon one or more lots or parcels, or contiguous lots or parcels, totaling no more than three percent of the total area lying within the EC Zone perimeter boundary. For the purposes of this section, the EC Zone perimeter boundary is defined as the outer extent of the EC Zone, as indicated by a continuous line separating the EC Zone from abutting property having a different zoning designation or designations. The general location of the EC Retail-Service Center Subzone shall be established when a use permitted under this section is commenced on the first lot or parcel:

(b) The uses set forth in this subsection are the only uses permitted in the EC Retail-Service Center Subzone. Uses permitted in the EC Retail-Service Center Subzone are accessory to or in support of other uses in, or the needs of employees and visitors to, the EC Zone. Uses permitted in the EC Retail-Service Center Subzone are not permitted in the EC Zone outside of the subzone area.

(I) Retail Sales and Service.

(A) "Retail Sales and Service" refers to the sale, lease or rent of new or used products to the general public, the provision of personal services, the provision of entertainment, or the provision of product repair or services for consumer and business goods.

(B) Examples include activities within the following four subgroups:

(i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies,
bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, video, and groceries.

(ii) Personal Service-Oriented. Branch banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; veterinarians; and animal grooming.

(iii) Entertainment-Oriented. Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; health clubs, gyms, membership clubs, and lodges; and hotels, motels, and other temporary lodging with an average length of stay of less than 30 days.

(iv) Product Repair or Service Oriented. Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; quick printing; recycling drop-off; tailor; locksmith; upholsterer.

(C) The following "Retail Sales and Service" activities are not permitted in the EC Retail-Service Center Subzone: sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; taxidermists; mortuaries; kennels; theaters; and recreational vehicle parks.

(2) Quick Vehicle Servicing.

(A) "Quick Vehicle Servicing" refers to direct services for motor vehicles
where the driver generally waits in the car while the service is being performed. Full-serve and mini-serve gas stations are always classified as a primary use under Quick Vehicle Servicing, rather than an accessory use, even when the gas station is operated in conjunction with other uses.

(B) Examples include full-service and mini-serve gas stations; car washes; quick lubrication services. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks are not permitted.

(3) Daycare.

(A) "Daycare" refers to day or evening care of two or more children outside of the children's homes, the daytime care of teenagers or adults who need assistance or supervision, for a fee.

(B) Examples include preschools, nursery schools and adult daycare programs.

(c) Development Standards in the EC Retail-Service Center Subzone.

(1) Except as specifically provided in this subsection, uses in the EC Retail-Service Center Subzone shall comply with all development standards generally applicable in the EC zone.

(2) No single use in the EC Retail-Service Center Subzone shall occupy more than 25,000 square feet of total floor area, except provided, however:

(A) For a hotel or motel, which shall occupy not more than 50,000 square feet of total floor area; have up to 100 guest rooms, regardless of total floor area; and

(B) A health and fitness club shall occupy not more than 40,000 square feet of total floor area.

(3) Pedestrian Standards in EC Retail-Service Center Subzone.

(A) Connections between streets and entrances. Pedestrian connections are required between building entrances and frontages or transit stops, if
the transit stop is located within the frontage for the building, in the
EC Retail-Service Center Subzone according to the following
standards:

(i) For sites with one frontage, a straight line pedestrian
connection shall be provided between the main entrance of
each building on a lot or parcel and the adjacent street. The
connection may not be more than 20 feet longer than, or a
distance equal to 120 percent of, a line drawn perpendicular
from the entrance of the building to the sidewalk closest to the
building, or the closest improved right-of-way if there are no
sidewalks.

(ii) For sites with more than one frontage:
(a) The pedestrian connection required by subsection
(c)(3)(A)(i) of this section must be met for the main
entrance of each building on the lot or parcel and the
adjacent street fronting the main entrance; and

(b) A pedestrian connection, which does not have to be a
straight line, shall be provided between every other
entrance and to the frontage for that entrance; provided,
however, that if fifty percent or more of the building
facade is within ten feet of the street, no pedestrian
connection is required.

(B) Internal connections. An on-site pedestrian circulation system shall
connect all buildings within the EC Retail-Service Center Subzone,
and provide connections to parking areas, bicycle parking areas,
recreational areas, common outdoor areas, and any pedestrian
amenities.

(C) No Pedestrian Circulation System Required in Certain Circumstances.
No pedestrian connections or pedestrian circulation system is required if physical or topographical conditions exist that makes the connection or circulation system impracticable. Physical and topographical conditions include, but are not limited to, steep slopes, wetlands or other bodies of water where a connection or circulation system could not reasonably be provided.

(D) Materials.

(i) Pedestrian connections or circulation systems shall be hard-surfaced and not less than six feet wide.

(ii) Portions of the pedestrian circulation system that cross driveways, parking areas, or loading areas must be clearly identified, by use of grade changes at least four inches in height, different paving materials, or other similar methods. Striping shall not be used as a method of identification of the pedestrian circulation system.

(iii) Portions of the pedestrian circulation system that are parallel and adjacent to an auto travel lane shall be a raised path or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier approved by the Director of Public Works or the Director's designee. If a raised path is used, the path shall be at least four inches high, and the each end of the raised portions shall be equipped with curb ramps. Bollard spacing shall be no further apart than five feet on center.

(E) Lighting. Illumination for the on-site pedestrian circulation system shall be not less than 3 foot-candles at all points along the system.
Section 2. 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 Council this 7th day of April, 2008.

ATTEST:

[Signature]

DEPUTY City Recorder

Approved by City Attorney: [Signature]

Checked By: C. Urbani