



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

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 004-08



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
Kimberly Moreland, City of Salem

<paa> ya/

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 08-1
Date of Adoption: April 14, 2008 Date Mailed: May 5, 2008
Date this Notice of Proposed Amendment was mailed to DLCD: January 4, 2008

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 148 (RM2 - Multiple Family Residential) allowing single family homes, other than manufactured home, on pre-existing legal lots less than 6,000 square feet in area, and removing the minimum density of 12 unit per gross acre for such development

Amended SRC Chapter 112.065 (Nonconforming Lot of Records) to exclude lot depth as a development standard for pre-existing legal lots less than 6,000 square feet in area

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."

Amendment to SRC Chapter 112.065 was added to ensure logical and consistent implementation of the proposed amendment.

Plan Map Changed from: NA to: NA
Zone Map Changed from: NA to: NA
Location: NA Acres Involved: NA
Specify Density: Previous: _____ New: _____
Applicable Statewide Planning Goals: _____

Was an Exception Proposed: YES NO

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

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

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

Local Contact: Kimberly Moreland, Senior Planner Phone: (503) 588-6173 Extension: 7511
Address: 555 Liberty Street SE, Room 305 City: Salem
Zip: 97301 E-Mail Address: kmoreland@cityofsalem.net

DLCD File No: 004-08 (16620)

- 1 condominiums, duplexes and room and board facilities serving five or fewer persons;
- 2 **(de)** Bed and breakfast establishments;
- 3 **(ef)** Residential care (836), except homeless shelters serving more than five people;
- 4 **(fg)** Planned unit developments approved under SRC ~~chapter~~Chapter 121.
- 5 **(gh)** The following agricultural uses:
- 6 (1) Agricultural production - crops (01) with no retail sales area;
- 7 (2) Timber tracts (081);
- 8 (3) Forest Nurseries and tree seed gathering and extracting.
- 9 **(hi)** Playgrounds and parks.
- 10 **(ij)** Public buildings and structures, such as libraries, ~~and~~ fire stations.
- 11 **(jk)** Rights-of-way for:
- 12 (1) Electric service lines;
- 13 (2) Gas mains, oil and gas transmission lines;
- 14 (3) Communications and CATV lines;
- 15 (4) Water lines;
- 16 (5) Sewer lines.
- 17 **(kl)** Public utility structures and buildings such as pump stations, reservoirs, radio
- 18 microwave relay stations, telephone substations, and electric substations.
- 19 **(lm)** Transit stop shelters.
- 20 **(mn)** Accessory uses and structures such as:
- 21 (1) Customary residential accessory buildings and structures for private use of
- 22 the property and its occupants;
- 23 (2) Storage for not more than one commercial vehicle per dwelling unit;
- 24 (3) Sleeping quarters for domestic employees of the resident of the main
- 25 building;
- 26 (4) Guest houses and guest quarters not in the main building;
- 27 (5) Swimming pools for the use of residents and guests only;
- 28 (6) Home occupations;

- 1 (7) The taking of boarders or leasing of rooms by a resident family, providing
- 2 the total number of boarders and roomers does not exceed two in any dwelling
- 3 unit;
- 4 (8) A private garage or parking area.
- 5 (no) Community or neighborhood club buildings, including swimming pools and
- 6 similar recreation facilities, when operated by a nonprofit community club.
- 7 (op) Accessory retail and service uses: An apartment house or lodging house having
- 8 more than twenty-five dwelling units or guest rooms may have therein a newsstand,
- 9 barber shop, beauty parlor, food shop, and dining rooms when conducted and entered
- 10 only from within the building.
- 11 (pq) Transitional uses: Where the side of a lot abuts property other than a street or
- 12 alley in any C or I district, and the entire lot is within 165 feet of the C or I district:
- 13 (1) Public parking areas when developed as provided in SRC Chapter 133.
- 14 (qr) Child day care homes and babysitting.
- 15 (rs) Adult day care.
- 16 **Section 3.** SRC 148.370 is amended to read as follows:
- 17 **148.370. RM2 DWELLING UNIT DENSITY.** The number of dwelling units
- 18 permitted on property shall be calculated by dividing the lot area in square feet by 43,560 and
- 19 multiplying that figure by the minimum or maximum density allowed. Any fractional number
- 20 shall be rounded to the next highest whole number.
- 21 (a) The minimum residential density in the RM2 zone shall be twelve dwellings per
- 22 gross acre; the minimum density is variable pursuant to the requirements of SRC 115.
- 23 Manufactured dwelling parks developed pursuant to SRC Chapter 123 shall have a
- 24 minimum density of six dwellings per acre; the minimum density is variable pursuant
- 25 to the requirements of SRC 115.
- 26 (b) The maximum residential density in the RM2 zone shall be twenty-eight
- 27 dwellings per gross acre; the maximum density is a non-variable standard.
- 28 (c) There is no minimum residential density requirement for a new single-family

dwelling located on lot of record less than 6,000 square feet in area.

Section 4. SRC 148.390 is amended to read as follows:

148.390. RM2 LOT AREA AND DIMENSIONS.

(a) Lot dimension, dwellings: A lot of record used for a single-family dwelling shall conform to all yard dimensions and all other development standards, except for lot depth and width. Each single-family dwelling shall be located on a lot having a minimum width of forty feet and an average lot depth between the front and rear lot lines of not less than seventy feet and not more than 300 percent of the average width between the side lot lines.

(b) Land Divisions: Lots subdivided or partitioned, after adoption of this ordinance, shall not be smaller than 20,000 square feet unless the lots are restricted to three or more attached units per lot, are used for townhouse development, or are used for non-residential permitted uses.

(c) Lot area: The minimum lot area requirement for townhouses is 1,500 square feet per unit. The lot area for new single-family dwellings, other than a manufactured home, located on lot of record shall be less than 6,000 square feet in area. The minimum lot area for all other uses except those specified in SRC 148.310(f) is 6,000 square feet unless otherwise specifically provided in this zoning code.

(d) Lot dimension, non-residential uses: The minimum lot depth requirement is eighty feet, and the minimum lot width requirement is forty feet, providing the minimum lot area is met.

(e) See SRC130.260 for street frontage requirements.

Section 5. Savings Clause. Amendments to SRC 112 and SRC 148 do not affect any applications in effect prior to the effective date of this ordinance, and do not affect any appeals that are pending upon the effective date of this ordinance.

/////

/////

/////

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

4 PASSED by the Council this 14th day of April, 2008 .

5 ATTEST:
6 *Kathryn Hall*
7 City Recorder
8 Approved by City Attorney: *[Signature]*
9

10
11 Checked by: K. Moreland

12 G:\Group\LEGAL1\Council\040708 Lots and Permitted Uses ord.wpd

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DEPT OF

MAY 07 2008

LAND CONSERVATION
AND DEVELOPMENT

DEPARTMENT OF LAND CONSERVATION &
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 200
SALEM, OR 97301-2540

X