



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

August 21, 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 013-08



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: September 5, 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
Bryce Bishop, City of Salem

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NOTICE OF ADOPTION

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

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DEPT OF

AUG 15 2008

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Salem

Local File Number: CA 08-4

Date of Adoption: August 4, 2008

Date Mailed: August 14, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: April 29, 2008

Is this a **REVISED** Proposal previously submitted to DLCD: YES NO Date Submitted:

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 Chapters 154 (Central Business District Zone) and 119 (Special Uses) addressing the regulations applicable to religious organizations within the Central Business District (CB) zone; and corresponding amendments to SRC Chapter 119, Table 119-1.

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

Acres Involved: NA

Specify Density: Previous:

New:

Applicable Statewide Planning Goals:

Was an Exception Proposed: YES NO

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

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

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

Local Contact: Bryce Bishop, Interim Senior Planner

Phone: (503) 588-6173 Extension: 7599

Address: 555 Liberty Street SE, Room 305

City: Salem

Zip: 97301

Fax Number: (503) 588-6005

E-Mail Address: bbishop@cityofsalem.net

DLCD File No:

013-08 (16872)

1 in the same lines of goods:

- 2 (1) Motor vehicle supplies and new parts (5013);
- 3 (2) Tires and tubes (5014);
- 4 (3) Sporting goods, toys, and hobby goods (504);
- 5 (4) Electrical goods (506);
- 6 (5) Hardware, plumbing, and heating equipment (507);
- 7 (6) Professional and Commercial equipment and supplies (504);
- 8 (7) Industrial supplies (5085);
- 9 (8) Service establishment equipment and supplies (5087);
- 10 (9) Jewelry, watches, diamonds and other precious stones (5094);
- 11 (10) Paper and paper products (511);
- 12 (11) Drugs, proprietaries, and sundries (512);
- 13 (12) Apparel, piece goods, and notions (513);
- 14 (13) Confectionery (5145);
- 15 (14) Fish and seafoods (5146);
- 16 (15) Fresh fruits and vegetables (5148);
- 17 (16) Groceries and related products, not elsewhere classified (5149);
- 18 (17) Beer, wine, and distilled alcoholic beverages (518);
- 19 (18) Miscellaneous nondurable goods (519).

20 **(f) Retail trade:**

- 21 (1) Building materials, hardware, and garden supply (52) BUT EXCLUDING
- 22 mobile home dealers (527);
- 23 (2) General merchandise stores (53);
- 24 (3) Grocery stores (541);
- 25 (4) Meat and fish (seafood) markets (5421) provided there is no live animals or
- 26 slaughtering of live animals permitted on site;
- 27 (5) Fruit stores and vegetable markets (543);
- 28 (6) Candy, nut, and confectionery stores (544);
- 29 (7) Dairy products store (545) provided there is no processing and sales on
- 30 premises only;

- 1 (8) Retail bakeries (546);
- 2 (9) Miscellaneous food stores (549);
- 3 (10) Automotive dealers and gasoline service stations (55);
- 4 (11) Apparel and accessories stores (56);
- 5 (12) Furniture, home furnishings, and equipment stores (57);
- 6 (13) Eating and drinking places (58);
- 7 (14) Miscellaneous retail (59) BUT EXCLUDING fuel dealers, not elsewhere
- 8 classified (5989).

9 **(g) Finance, insurance, and real estate:**

- 10 (1) Depository Institutions (60);
- 11 (2) Nondepository Credit Institutions (61);
- 12 (3) Security and commodity brokers, dealers, exchanges and services (62);
- 13 (4) Insurance carriers (63);
- 14 (5) Insurance agents, brokers, and service (64);
- 15 (6) Real estate (65);
- 16 (7) Holding, and other investment offices (67).

17 **(h) Services:**

- 18 (1) Hotels and motels (701) BUT EXCLUDING casino hotels;
- 19 (2) Bed and breakfast establishments;
- 20 (3) Camps and recreational vehicle parks (703);
- 21 (4) Personal services (72) BUT EXCLUDING funeral service and crematories
- 22 (726);
- 23 (5) Business services (73) BUT EXCLUDING services to buildings (734),
- 24 commercial, physical and biological research (8731), and testing laboratories
- 25 (8734);
- 26 (6) Automotive repair services, and parking (75);
- 27 (7) Electrical repair shops (762);
- 28 (8) Watch, clock, and jewelry repair (763);
- 29 (9) Reupholstery and furniture repair (764);
- 30 (10) Repair shops and related services, not elsewhere classified (7699);

- 1 (11) Motion picture theaters, except drive-in (7832);
- 2 (12) Amusement and recreation services, except motion pictures (79) BUT
- 3 EXCLUDING casinos and racing, including track operation (7948);
- 4 (13) Health services (80) BUT EXCLUDING hospitals (806);
- 5 (14) Legal services (81);
- 6 (15) Educational services (82);
- 7 (16) Social services, except homeless shelters serving more than five persons
- 8 (83);
- 9 (17) Museums and art galleries (841);
- 10 (18) Membership organizations (86) ~~BUT EXCLUDING religious organizations~~
- 11 ~~(866)~~;
- 12 (19) Engineering, Accounting, Research, Management, and Related
- 13 Services (87);
- 14 (20) Services not elsewhere classified (89).

15 **(i) Public administration:**

- 16 (1) Executive offices (911);
- 17 (2) General government, not elsewhere classified (919);
- 18 (3) Fire protection (9224);
- 19 (4) Public Finance, taxation, and monetary policy (93);
- 20 (5) Administration of human resources programs (94);
- 21 (6) Administration of environmental quality and housing programs (95);
- 22 (7) Administration of economic programs (96);
- 23 (8) National security and international affairs (97).

24 **(j) Other uses:**

- 25 (1) Accessory buildings and uses normal and incidental to the uses permitted in
- 26 this district.
- 27 (2) Home occupations, not otherwise permitted in this chapter.
- 28 (3) Transit stop shelters.
- 29 (4) Parks.
- 30 (5) On-site response actions in accordance with applicable law to discharges of

oil and releases of hazardous substances, pollutants, and contaminants.

(k) Dwellings, dwelling units, and temporary accommodations:

(1) Single family dwellings, other than mobile homes; and

(2) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums; room and board facilities serving five or fewer persons.

Section 2. SRC 154.030 is amended to read:

154.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CB district:

(1) Keeping of a miniature swine;

(2) Antennas attached to existing or approved structures;

(3) Freestanding support structures ~~35~~^{thirty-five} feet or less in height and equipment enclosures;

(4) Mobile food unit;

~~(5) Religious organizations (866);~~

~~(6)(5) Ambulance Station;~~

~~(7)(6) Ambulance Service Facility.~~

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or **SRC Chapter 118**. See SRC 119.010.

Section 3. SRC 119.500 is amended to read:

119.500. Religious Organizations. ~~Except in the CB zone, w~~ Where permitted as a special use, religious organizations (SIC 866) shall meet the development standards in Table 119-1 and the following standards/exceptions:

(a) Maximum seating capacity shall be a non-variable standard. The applicant may request a conditional use to vary any one of the remaining ten development standards at the time the application is submitted to the City.

(b) Where a structure and site occupy two or more zones, the entire structure and site shall meet the more restrictive development standards of the zones involved.

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(c) Notwithstanding the provisions of SRC 112.030, non-conforming churches existing on the effective date of this ordinance that are substantially damaged or destroyed by any cause may be rebuilt provided that the degree of non-conformity is not increased.

~~(d) In the CB zone, religious organization use and development shall meet the following:~~

~~(1) The building used by a religious organization is a designated historic structure which contains a theater that has retained its historic configuration as of November 26, 2001, and~~

~~(2) All exterior and interior alterations shall meet the requirements specified in SRC 154.090 and SRC 120A.060 and the Development Design Handbook.~~

Section 4. "Development Standards by Zoning District for Religious Organizations - Table 119-1" is amended to read as set forth in "Exhibit 1," which is attached hereto and incorporated herein by reference.


Section 5. 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 4th day of August, 2008.

ATTEST:



DEPUTY City Recorder

Approved by City Attorney: 

Checked by: B. Bishop

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CITY OF *Salem*
AT YOUR SERVICE
COMMUNITY DEVELOPMENT
Planning Division
555 Liberty St. SE / Room 305
Salem, OR 97301-3513

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

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