



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 022-07



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
Pamela Cole, 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

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MAY 07 2008

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Salem Local File Number: CA 07-7 and CA 07-8
Date of Adoption: April 14, 2008 Date Mailed: May 5, 2008
Date this Notice of Proposed Amendment was mailed to DLCD: December 14, 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."

To amend SRC Chapters 20, 120, 137, 143, and 148 to reflect design review being a duty of the Salem Planning Commission and returning the Historic Landmarks Commission to its original name.

SRC Chapter 120A to provide that appeals of Type II and III Historic Design Review decisions of the Historic Landmarks Commission issued pursuant to SRC 120A be heard by the Salem Hearings Officer and appeals of demolition permit decisions issued pursuant to SRC 120A be heard by Salem City Council.

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: NA New: NA
Applicable 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: Pamela Cole, Associate Planner Phone: (503) 588-6173 Extension: 7509

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip: 97301 E-Mail Address: pcole@cityofsalem.net

DLCD File No: 021-07 (16594)
022-07 (16595)

1 preservation, historic preservation planning, and history. The remaining
2 commissioners shall consist of one registered architect, one registered landscape
3 architect, one licensed contractor and one citizen who may be appointed at large.
4 (c) When making appointments to the commission, the Mayor may also consider
5 applicants' qualifications in the fields of construction, restoration, real estate, local
6 history, and architecture as these fields are directly related to the routine functions of
7 the commission.

8 **Section 3.** SRC 120.010 is amended to read:

9 **120.010. Design Review.**

10 (a) The design review process authorizes the Salem ~~Historic Landmarks and Design~~
11 ~~Review Planning~~ Commission created by SRC 20C.020 or the Planning
12 Administrator to review ~~certain~~ development applications ~~as specified in the Salem~~
13 ~~Development Design Review Handbook~~ for conformance with development design
14 guidelines or standards.

15 (b) Design review performed by the Planning Administrator shall be considered
16 administrative review and shall not require public notice or hearing, ~~provided,~~
17 ~~however, the Planning Administrator shall have the discretion to refer any application~~
18 ~~to the Planning Commission for full review. In addition to administrative design~~
19 ~~review performed by the Planning Administrator pursuant to the Development Design~~
20 ~~Review Handbook, the Planning Administrator may decide design review for:~~

21 (1) Modifications to an application previously approved by the Planning
22 Commission and which complies with SRC 111.200(h)(1); and

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

26 (c) Design review actions performed by the ~~Historic Landmarks and Design Review~~
27 ~~Planning~~ Commission shall be considered discretionary and shall require public
28 notice and opportunity for appeal hearing, ~~provided, however, the Planning~~

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~~Commission may, by resolution, delegate authority to the Planning Administrator to make design review decisions for classes of decisions that require a minimal exercise of discretion and that would otherwise require Planning Commission review.~~

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

- ~~(1) Modifications to an application previously approved by the Design Review Board and which complies with SRC 111.200(1); or~~
- ~~(2) A proposed project which is a building addition utilizing the building setback, building materials, and window and facade designs of the existing building.~~

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

Section 4. SRC 120.020 is amended to read:

120.020. Administrative Design Review.

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

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

(c) Where the Historic Landmarks and Design Review Commission authority has been delegated to the Planning Administrator authority to review certain applications under SRC 120.010 (d), review shall proceed as provided in SRC 120.030.

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1 **Section 5.** SRC 120.030 is amended to read:

2 **120.030. Discretionary Design Review.**

3 (a) Projects subject to review by the ~~Historic Landmarks and Design Review~~
4 ~~Planning~~ Commission shall be evaluated based on design guidelines contained in the
5 City of Salem Development Design Handbook.

6 (b) The ~~Historic Landmarks and Design Review~~ ~~Planning~~ Commission shall
7 approve, conditionally approve, or deny the application on the basis of the project's
8 conformity with the design guidelines. Conditions of approval, if any, shall be limited
9 to project modifications required to enable the project to better meet the intent of the
10 design guidelines.

11 (c) The ~~Historic Landmarks and Design Review~~ ~~Planning~~ Commission shall render
12 its decision not more than sixty ~~(60)~~ calendar days after the application is filed with
13 the Commission and the submittal requirements deemed complete by the
14 Administrator. The ~~Historic Landmarks and Design Review~~ ~~Planning~~ Commission's
15 decision shall be supported by findings that:

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

19 **Section 6.** SRC 120.070 is amended to read:

20 **120.070. ~~Historic Landmarks and Design Review~~ ~~Planning~~ Commission Actions, Notice**
21 **and Participation.**

22 (a) Written notice of the ~~Historic Landmarks and Design Review~~ ~~Planning~~
23 Commission meetings shall:

- 24 (1) In the case of design review matters, be provided to the applicant, any
25 neighborhood organization whose boundaries include the site; the Downtown
26 Development Advisory Board for property within the boundaries of the
27 ~~Historic Core Area~~, Riverfront-Downtown Urban Renewal Area and North
28 Downtown Planning District; and owners of property within 250 feet of the

- 1 entire contiguous site for which the application is made as shown on the most
2 recent property tax assessment roll;
- 3 (2) Provide a twenty-day period for submission of written comments prior to
4 the decision;
- 5 (3) State that issues which may provide the basis for an appeal to the Land
6 Use Board of Appeals shall be raised in writing prior to the expiration of the
7 comment period. Issues shall be raised with sufficient specificity to enable the
8 decision maker to respond to the issue;
- 9 (4) List, by commonly used citation, the applicable criteria for the decision;
- 10 (5) Set forth the street address or other easily understood geographical
11 reference to the subject property;
- 12 (6) State the place, date and time that comments are due;
- 13 (7) State that copies of all evidence relied upon by the applicant are available
14 for review, and that copies can be obtained at cost;
- 15 (8) Include the name and phone number of a local government contact
16 person;
- 17 (9) State that notice of the decision will be provided to the applicant and any
18 person who submits comments under subsection (a)(2) of this section; and
- 19 (10) Briefly summarize the local decision making process for the decision
20 being made.

21 (b) The ~~Historic Landmarks and Design Review~~ **Planning** Commission shall provide
22 notice of its decision to the applicant and any person who submits comments, briefly
23 explaining appeal rights.

24 **Section 7.** SRC 120.080 is amended to read:

25 **120.080. Validity of Approvals.** Approval of the ~~Historic Landmarks and Design Review~~
26 ~~Planning~~ **Commission; of Administrator, or Planning Commission** decision shall be valid for
27 two (2) years from the date of the decision. The Administrator may extend the approval for
28 two (2) additional years, upon good cause shown.

1 **Section 8.** SRC 120.090 is amended to read:
2 **120.090. Appeal and Review of Design Review Decisions.**
3 (a) A decision of the ~~Historic Landmarks and Design Review~~ **Planning** Commission
4 may be appealed to the ~~Planning Commission~~ **City Council** by the applicant or any
5 party ~~with standing to appeal~~ to the ~~Historic Landmarks and Design Review~~ decision.
6 A written notice of appeal shall be filed with the Administrator within fifteen days
7 after the date of the decision and shall contain reference to the action appealed from,
8 by its assigned number and the title or caption of the decision, and include the name
9 and mailing address of the appellants.
10 (b) Appeal of the ~~Historic Landmarks and Design Review~~ **Planning** Commission
11 decision shall be limited to review on the record. The appellant shall submit, not less
12 than ten ~~(10)~~ days prior to the date set for ~~Planning Commission~~ **City Council**
13 hearing, a written statement setting forth in detail the basis and issues raised in the
14 appeal. The statement shall specifically refer to design guidelines which support the
15 appellant's position.
16 (c) The ~~Planning Commission~~ **City Council** may affirm, reverse or modify the
17 decision which is appealed.
18 (d) An application denied by the Administrator may be resubmitted pursuant to SRC
19 110.250.
20 (e) A decision by the ~~Historic Landmarks and Design Review Commission, Planning~~
21 ~~Commission or Administrator acting for the Historic Landmarks and Design Review~~
22 ~~Planning~~ Commission may be reviewed by the ~~City~~ Council pursuant to SRC
23 114.210.
24 (f) Unless reviewed by the City Council, a decision by the ~~Historic Landmarks and~~
25 ~~Design Review Commission, Planning Commission, or Administrator acting for the~~
26 ~~Historic Landmarks and Design Review~~ **Planning** Commission shall be the final local
27 determination.
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1 **Section 9.** SRC 120.100 is amended to read:

2 **120.100. Adoption of Development Design Handbook.** That certain document entitled
3 "City of Salem Development Design Handbook," kept on file in the office of the City
4 Recorder, adopted on November 13, 1998, and amended on November 13, 2000; October 8,
5 2001; November 19, 2001; December 16, 2002; February 9, 2006; and April 19, 2006; and
6 May 14, 2008; is by this reference adopted and made part of this Code as if fully reproduced
7 herein.

8 **Section 10.** SRC 120A.020 is amended to read:

9 **120A.020. Designation of Historic Districts.**

10 (a) Requests for historic district designation shall be on application forms prescribed
11 by the Historic Landmarks and Design Review Commission.

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

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

23 (d) If, after the hearing, the City Council determines that an area proposed to be
24 designated as a historic district meets the historic resource criteria set forth under
25 120A.040, the City Council shall by ordinance designate the area as a historic district.

26 (e) In order for a proposed district to receive designation, not all sites or buildings
27 within a proposed district need to be historically significant, and historic district
28 designation may occur if the City Council finds that seventy-five percent of the

1 properties contribute to the historical significance of the proposed district. The City
2 Council shall, in the ordinance creating the district, designate the historic
3 contributing, historic non-contributing, and non-historic non-contributing properties.
4 (f) Any historic district listed in the National Register of Historic Places shall
5 automatically be deemed a historic district.

6 **Section 11.** SRC 120A.040 is amended to read:

7 **120A.040. Designation of Historic Resources and Removal of Historic Resource**
8 **Designation.**

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

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

14 (2) **Significance.**

15 (A) **Architectural Significance.**

16 (i) The historic resource is significant as an example of a
17 particular architectural style, building type, structural type, or
18 method of construction; or

19 (ii) The historic resource possesses distinctive characteristics
20 of a type, period, or method of construction, or is the work of
21 an acknowledged master, or possesses high artistic values.

22 (B) **Human Significance.**

23 (i) The historic resource is associated historically with the life
24 or activities of a person, group, organization or institution that
25 has made a significant contribution to the local community;

26 (ii) The historic resource is associated with events that have
27 made a significant contribution to the broad patterns of local
28 history;

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(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 Council or Historic Landmarks ~~and Design Review~~ Commission for designation.

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

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

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1 **Section 12.** SRC 120A.050 is renumbered SRC 120A.050 and SRC 120A.055 and amended to
2 read:

3 **120A.050. Demolition Review.**

4 (a) Prior to the issuance of a permit for the demolition of one-half or more of
5 the ground floor square footage of a building or structure ~~that is~~ designated as
6 ~~an individually-listed~~ a historic resource, or ~~as a~~ historic contributing building
7 or structure within a historic district, but excepting dangerous buildings as
8 defined in SRC 56.230, the following ~~have occurred; criteria shall be met:~~

9 (1) The Historic Landmarks ~~and Design Review~~ Commission has
10 reviewed the demolition permit application and determined:

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

14 (B) The designation, as demonstrated by verifiable evidence
15 provided by the applicant:

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

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

21 (2) The ~~Building Official~~ has determined, based on evidence submitted by the
22 applicant, ~~that whether~~ the building or structure ~~cannot~~ reasonably be moved,
23 based upon the following criteria:

24 (A) Structural integrity of the building
25 or structure;

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

28 (3) If the ~~Building Official determines that the~~ building or structure

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can reasonably be moved under subsection (a)(2) of this section, the applicant has advertised the building or structure for sale as provided in SRC 120A.055 subsection (b) of this section and has not rejected the highest bona fide offer for sale and removal following the bid process.

(b) Notice of Historic Landmarks Commission Review. Notice of Historic Landmarks Commission review under subsection (a)(1) of this section shall be made, and review shall follow the procedures, for a Type III Discretionary Review.

(cb) Notice of Decision. If the Historic Landmarks Commission determines that applicant has met the criteria set forth in SRC 120A.050(a)(1), the Building Official determines after applying the criteria set forth under subsection (a)(2) of this section, the building or structure cannot reasonably be moved, the Building Official applicant shall post a notice of such determination, along with a statement of the Building Official's determination of whether the building or structure can or cannot reasonably be moved, in a prominent and conspicuous place, within ten feet of the public street or streets abutting the premises on which the building or structure is located, for a continuous period of thirty days from the date of such determination. The notice shall contain the legend "THIS HISTORIC BUILDING TO BE DEMOLISHED" in letters at least two inches in height, together with a statement (1) that the Historic Landmarks Commission has determined that the building or structure cannot reasonably be repaired or restored in situ; (2) that the designation as a historic building or structure in the case of a for-profit ownership, prevents any viable economic use of the property, or, in the case of ownership by a governmental unit or non-profit corporation, prevents any substantial beneficial use of the property; (3) that the Building Official has determined that the building or structure can or cannot reasonably be moved and, as the case may be; (4) that, if the building of structure can reasonably be

1 moved, that the applicant must advertise the building or structure for sale as
 2 provided in SRC 120A.055; (5) that any person affected by such
 3 determination may appeal the determination of the Historic Landmarks
 4 Commission or the Building Official these determinations to the Historic
 5 Landmarks and Design Review Commission City Council by filing written
 6 notice of appeal with the Planning Administrator on or before the end of the
 7 thirty-day notice period, which notice of appeal shall contain the following:

- 8 (1) A reference to the determination being appealed;
- 9 (2) The name and mailing address of the appellant;
- 10 (3) A statement establishing how the appellant is affected by the decision; and
- 11 (4) A short and clear statement of why the Historic Landmarks Commission's
 12 or Building Official's determination is in error.

13 ~~(d4)~~ Unless an appeal to the city council is timely filed, the demolition permit shall
 14 be issued thirty-one days from the date of such determination. Determinations by the
 15 Historic Landmarks and Design Review Commission under subsection (a)(1) of this
 16 section are appealable to the City Council pursuant to SRC 114.200, or reviewable by
 17 the City Council pursuant to SRC 114.210. Determinations of or the Building
 18 Official under this subsection (a)(2) of this section are reviewable appealable to the
 19 Hearings Officer pursuant to under subsection (c) of this section. SRC 56.029.

20 **(e) Appeals of Building Official's Decision.** Appeals of the Building Official's
 21 decision shall be de novo. The appeal shall be held according to the hearing
 22 procedures for a contested case proceeding under SRC Chapter 20J. The Hearings
 23 Officer shall render a decision on the appeal within 30 days of the close of the hearing
 24 unless the appellant consents to an extension for a specific additional period.

25 **(f) Date of Issuance of Demolition Permit.** Unless an appeal is filed, or the City
 26 Council initiates review, the demolition permit shall be issued upon the expiration of
 27 the thirty-day notice period. If an appeal is filed, or review is initiated, the demolition
 28 permit shall be issued no sooner than twenty-one days from the date such appeal or

1 review is final.

2 **SRC120A.055. Relocation of Buildings or Structures Pursuant to Demolition Review.**

3 (ab) If the Building Official determines the a building or structure can
4 reasonably be moved pursuant to under SRC 120A.050(a)(2), subsection
5 (a)(2) of this section, the applicant shall advertise the building or structure for
6 sale by sealed bid process as follows:

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

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

18 **(b3) Sealed Bid Process.**

19 (1A) The sealed bid process shall be specified in the advertisement.
20 Prior to the bid deadline for receipt of bids, the applicant shall make
21 reasonable arrangements for inspection of the building or structure by
22 prospective bidders and their representatives.

23 (2B) The building or structure will be sold to the highest bidder. Negative
24 bids, i.e., bids for a sum to be paid by the applicant to the bidder for removal,
25 will be considered. The successful bidder will be required to enter into a
26 removal agreement with the City as provided in subsection (b)(3)(D) of this
27 section. Costs of the auction shall be borne by the applicant.

28 (3C) The owner of the building or structure may enter a protective bid which,

1 if a negative bid, shall be not lower than the sum of the cost of the auction and
2 the lowest of at least two bona fide bids submitted to the applicant for the
3 demolition of the building or structure. If the applicant submits a protective
4 bid higher than ninety percent of the lowest allowable protective bid the
5 applicant shall be required to enter into a removal agreement with the City
6 substantially the same as provided in subsection (b)(4) (3)(D) of this section.
7 ~~(4D)~~ As a condition of sale, the successful bidder shall enter into a removal
8 agreement with contract, specifically enforceable by the City, binding the
9 bidder to 1) secure a City of Salem moving permit; 2) remove the building or
10 structure from its present site; and, 3) relocate the building or structure to a
11 new site in conformance with all applicable building and housing codes,
12 maintaining the architectural integrity of the building or structure, all within
13 one hundred and twenty days from the date of sale. Extensions of such one
14 hundred and twenty day period may be granted in the sole discretion of the
15 Building Official. ~~City Council.~~ The removal agreement contract shall
16 provide that in the event of default title to the building or structure shall revert
17 to the owner.

18 ~~(c) If there are no bonafide bids, the demolition permit may be issued pursuant to~~
19 ~~SRC 120A.050. In the event of default under the contract for purchase by the~~
20 ~~successful bidder, the building or structure shall be sold to the next bona fide bidder.~~
21 ~~If there are no other bona fide bidders, the demolition permit may be issued pursuant~~
22 ~~to SRC 120A.050(a).~~

23 **Section 13.** SRC 120A.060 is amended to read:

24 **120A.060. Historic Design Review.**

25 (a) No development permit may be issued which allows the alteration of the
26 exterior of any historic resource, property pending nomination, or vacant
27 property within a historic district, or for the construction of a building,
28 structure, or object in a historic district, without first obtaining historic design

1 approval pursuant to this SRC 120A.060-120A.100. Where the alteration of
2 the exterior of any historic resource or property pending nomination, or the
3 construction of a building, structure, or object in a historic district, will occur
4 partially within and partially without the boundaries of the historic district,
5 historic design review shall be required if the majority of the area of resource,
6 property, building, structure or object lies within the historic district. Such
7 development permit applications shall be referred to the Historic Landmarks
8 and Design Review Commission. The design of streetscape elements within
9 the public right-of-way shall be coordinated with applicable public agencies
10 and the Historic Landmarks and Design Review Commission.

11 (b) The Historic Landmarks and Design Review Commission or Planning
12 Administrator shall review development permit applications for conformance
13 with applicable design review criteria pursuant to SRC 120A.070-SRC
14 120A.100, and Table 120A-1. Development permit review shall be classified
15 as follows:

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

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

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

28 (c) The Historic Landmarks and Design Review Commission may, by

1 resolution, grant authority to decide certain minimally discretionary
2 alteration/design review which would otherwise require Commission review
3 to the Planning Administrator.

4 **Section 14.** 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
7 Administrator and Historic Landmarks ~~and Design Review~~ Commission shall apply the
8 standards and guidelines listed in the Development Design Handbook, and use, as
9 supplemental information for clarification purposes, the Secretary of the Interior's Standards
10 for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S.
11 Department of the Interior, National Park Service.

12 **Section 15.** 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
15 be evaluated based on standards outlined in the Zoning Code and the City of
16 Salem Development Design Handbook.

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

23 (c) TYPE I: Projects that are limited in scope to the alterations set forth in
24 Table 120A-1 may be administratively reviewed by the Planning
25 Administrator. Notice of the decision shall be sent to property owners within
26 250 feet of the subject property, as shown on the most recent property tax
27 assessment roll.

28 (d) TYPE II: Where an application is submitted based on the standards in the

1 Development Design Handbook, the applicable standards shall be applied by
2 the Historic Landmarks ~~and Design Review~~ Commission. Notice of the
3 meeting shall be posted on the property pursuant to SRC 114.070 and written
4 notice shall be provided to the applicant and all property owners within 250
5 feet of the subject property, as shown on the most recent property tax
6 assessment roll, unless the proposed project consists of either an addition that
7 increases the gross square footage of the structure by more than ~~fifty~~50 percent
8 or new construction in a historic district, in which case notice shall be sent to
9 all property owners within the district.

10 **Section 16.** SRC 120A.100 is amended to read:

11 **120A.100. Discretionary Review.**

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

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

23 (c) Notice ~~of~~ Historic Landmarks ~~and Design Review~~ Commission Hearing.
24 Notice of the hearing shall be posted on the property pursuant to SRC
25 114.070, and written notice shall be provided pursuant to SRC 114.050 to the
26 applicant, any neighborhood organization, any watershed council whose
27 boundaries include the site, and, if applicable, owners of property within the
28 historic district in which the property is located, as shown on the most recent

1 property tax assessment roll.

2 (d) The Historic Landmarks ~~and Design Review~~ Commission shall approve,

3 conditionally approve, or deny the application, based on the project's

4 conformity with the guidelines. Conditions of approval, if any, shall be limited

5 to project modifications required to enable the project to better meet the intent

6 of the guidelines.

7 (e) The Historic Landmarks ~~and Design Review~~ Commission shall render its

8 decision not more than sixty calendar days after the application is deemed

9 complete by the Planning Administrator. The Historic Landmarks ~~and Design~~

10 ~~Review~~ Commission decision shall be supported by findings that:

11 (1) Explain conformance or lack thereof with relevant guidelines;

12 (2) State the facts relied upon in rendering a decision; and

13 (3) Explain the justification for the decision.

14 **Section 17.** SRC 120A.110 is amended to read:

15 **120A.110. Appeal and Review of Historic Design Review Decisions.**

16 (a) Type I: A decision by the Planning Administrator may be appealed to the

17 Historic Landmarks ~~and Design Review~~ Commission pursuant to this section.

18 Appeals from the grant or denial of an administrative decision shall be heard

19 by the Historic Landmarks ~~and Design Review~~ Commission as provided in

20 SRC Chapter 114 upon the filing with the Planning Administrator of a written

21 notice of appeal by any of the following:

22 (1) The applicant;

23 (2) Any person owning property within the notification area; or

24 (3) Any affected neighborhood organization.

25 (b) Type II and III: A decision of the Historic Landmarks ~~and Design Review~~

26 Commission may be appealed to the ~~Hearings Officer, City Council~~ pursuant

27 to this section. A written notice of appeal shall be filed with the Planning

28 Administrator within fifteen days after the date of the decision which shall

1 identify the decision being appealed by its assigned number and the title or
2 caption of the decision and include the name and mailing address of the
3 appellant.

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

10 (2) The Hearings Officer ~~City Council~~ may affirm, reverse or modify
11 the decision which is appealed.

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

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

15 **120A.120. Validity of Approvals.** Historic Design Review approvals by the Planning
16 Administrator, the Historic Landmarks and Design Review Commission, or ~~City Council~~
17 ~~Hearings Officer~~ shall be valid for two years from the date of decision. The Planning
18 Administrator may extend approval for two additional years, upon good cause shown,
19 provided, however, a request for such an extension is submitted, in writing, prior to the
20 expiration date.

21 **Section 19.** SRC 120A.120 Chapter 120A, Table 120A-1, Alteration/Design Review Chart, is
22 amended to read as set forth in "Exhibit 1," which is attached hereto and incorporated herein by
23 reference.

24 **Section 20.** SRC 137.040 is amended to read:

25 **137.040. Approval Process.**

26 (a) An application for development within the North Downtown Riverfront
27 Overlay Zone shall conform to either 1) the prescriptive design standards or 2)
28 design guidelines or the intent of such guidelines contained in the City of

1 Salem Development Design Handbook. Both the design standards and
2 guidelines found in the City of Salem Development Design Handbook are in
3 addition to all other applicable City code requirements.
4 (b) Industrial uses existing within the overlay zone area that conforms to the
5 Zoning Code-on December 1, 1998 are exempt from the approval process and
6 requirements contained in this section and the Development Design
7 Handbook. The requirements of this section and the Development Design
8 Handbook shall apply upon abandonment of industrial uses or structures or
9 change of an industrial use to a non-industrial use.
10 (c) Approval of development applications that conform to prescriptive design
11 standards are processed by the City administratively. Approval of
12 development applications that conform to performance design guidelines are
13 processed through the City's design review program with required review and
14 approval by the ~~Historic Landmarks and Design Review Planning~~
15 Commission. A pre-application conference with City staff is required prior to
16 submittal of application materials to provide the applicant an opportunity to
17 discuss with City staff development review procedures, requirements and
18 options early in the development process.

19 **Section 21.** SRC 138.040 is amended to read:

20 **138.040. Approval Process.**

- 21 (a) An application for development within the Broadway/High Street overlay
22 zone shall conform to either the prescriptive design standards or performance
23 design guidelines contained in the City of Salem Development Design
24 Handbook. Both the design standards and guidelines found in the City of
25 Salem Development Design Handbook are in addition to all other applicable
26 City code requirements.
27 (b) Approval of development applications that conform to prescriptive design
28 standards are processed by the City administratively. Approval of

1 development applications that conform to performance design guidelines are
2 processed through the City's design review program with required review and
3 approval by the ~~Historic Landmarks and Design Review Planning~~
4 Commission. A pre-application conference with City staff is required prior to
5 submittal of application materials to provide the applicant an opportunity to
6 discuss with city staff, development review procedures, requirements and
7 options early in the development process.

8 **Section 22.** SRC 143B.300 is amended to read:

9 **143B. 300. Design Approval.** Development under this Chapter shall meet either the
10 development design standards contained in the City of Salem Development Design
11 Handbook or shall be reviewed and approved by the ~~Historic Landmarks and Design Review~~
12 ~~Planning~~ Commission pursuant to the guidelines contained in the Development Design
13 Handbook. Development design guidelines and standards are in addition to all development
14 standards contained in this Chapter.

15 **Section 23.** SRC 143C.110 is amended to read:

16 **143C.110. Residential Development Standards.**

17 (a) Any residential development shall conform to standards set forth in a
18 Refinement Plan or the standards set forth in this section. If a Refinement Plan
19 has been adopted for the area of proposed development, then the applicant
20 shall proceed according to the standards set forth in the Refinement Plan.

21 Subsequent to the approval of a Refinement Plan, if the applicant wishes to
22 pursue development under the standards and criteria set forth in this section,
23 the applicant shall apply for a minor amendment to the Refinement Plan.

24 (b) Except as otherwise provided in the Fairview Plan or a Refinement Plan,
25 the following residential development standards shall apply to all residential
26 development in the FMU zone.

27 (1) Minimum Lot Size. Except as may be required to meet minimum
28 setbacks and any requirements providing for a minimum square

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footage of a building or structure, there are no minimum lot size requirements, provided, however, that the Overlay Area densities set forth in Table 143C-2 shall apply:

Table 143C-2	
Overlay Area	Dwelling units per gross acre
LI	5 – 8
MI	7 – 35
AU	6 – 30
VC	16 – 35

(2) Building Setbacks.

(A) A minimum five-foot setback is required from all alley rights-of-way.

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

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

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

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

(B) For multifamily residential development, a maximum of thirty feet per residential unit and a minimum of six feet per

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residential unit, with a non-variable minimum frontage requirement of twenty-four feet.

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

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

(6) Building Orientation.

(A) All single-family attached homes and multifamily residential complexes shall have their primary orientation to the street. Entrances to multifamily 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 multifamily 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 feet from the curb line of the street.

(7) Design Guidelines and Standards. If multifamily residential design guidelines, standards, or a review process are not identified in the Fairview Plan or Refinement Plan, all multifamily 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-Planning~~ 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.

- 1 (8) Parking. The provisions of SRC Chapter 133 regarding Off-street
2 Parking, Loading, and Driveway standards shall apply to all residential
3 development in the FMU zone, except that:
- 4 (A) The minimum parking space requirement for a single-
5 family residential dwelling unit shall be one (1) space per
6 dwelling unit; and
 - 7 (B) On-street parking may be used to fulfill a portion of the
8 parking requirement for multifamily residential dwelling units.
- 9 (9) Landscaping. All applications for single and multifamily
10 residential development shall provide landscaping in compliance with
11 SRC Chapter 132.
- 12 (10) Natural Resource Protection and Hazard Mitigation. All
13 applications for single and multifamily residential development shall
14 preserve existing natural resources and prevent hazards by compliance
15 with all of the following:
- 16 (A) SRC Chapter 68, Preservation of Trees and Vegetation;
 - 17 (B) SRC Chapter 69, Landslide Hazards; and
 - 18 (C) SRC Chapter 126, Wetlands.

19 **Section 24.** SRC 143C.150 is amended to read:

20 **143C.150. Historic Preservation.**

- 21 (a) Development within the FMU zone shall include the adaptive reuse or
22 renovation of historically significant buildings or structures designated as such
23 in the Fairview Plan or any refinement plan, or the adaptive reuse or
24 rehabilitation of any building or structure officially designated as a historic
25 resource under SRC Chapter 120A.
- 26 (b) Any structure existing on December 24, 2003 and identified for
27 demolition shall be documented according to the survey and inventory
28 practices set forth by the Oregon State Historical Preservation Office.

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

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

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

12 (A) The Historic Landmarks ~~and Design Review~~ Commission,
13 pursuant to SRC Chapter 120A and the Development Design
14 Handbook; or

15 (B) The State Historic Preservation Office for buildings under
16 special assessment or utilizing federal investment tax credits.

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

20 (A) Installation of replacement windows that contain the same
21 frame, sash muntin and mullion dimensions and configuration
22 as the existing historic windows;

23 (B) Installation of mechanical equipment not visible from a
24 public right-of-way;

25 (C) Installation of sky windows on a roof surface not adjacent
26 to a public right-of-way;

27 (D) Installation of an unenclosed fire exit stairway on a
28 building face not adjacent to a public right-of-way;

1 (E) A minor addition consisting of less than a ten percent
 2 increase in gross floor area on a building face not adjacent a
 3 public right-of-way; or
 4 (F) Installation of signs.

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

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

12 **Section 25.** SRC 143D.090 is amended to read:

13 **143D.090. Design Approval.** Development within Area 1 shall meet either the development
 14 design standards contained in the City of Salem Development Design Handbook or shall be
 15 reviewed and approved by the ~~Historic Landmarks and Design Review Planning~~ Commission
 16 pursuant to the guidelines contained in the Development Design Handbook.

17 **Section 26.** SRC 143D.220 is amended to read:

18 **143D.220. Design Approval.** Development shall meet either the development design
 19 standards contained in the City of Salem Development Design Handbook or shall be
 20 reviewed and approved by the ~~Historic Landmarks and Design Review Planning~~ Commission
 21 pursuant to the guidelines contained in the Development Design Handbook. Development
 22 design guidelines and standards are in addition to other development standards contained in
 23 this Chapter and of the Zoning Code.

24 **Section 27.** SRC 143D.260 is amended to read:

25 **143D.260. Design Approval.** Development shall meet either the development design
 26 standards contained in the City of Salem Development Design Handbook or shall be
 27 reviewed and approved by the ~~Historic Landmarks and Design Review Planning~~ Commission
 28 pursuant to the guidelines contained in the Development Design Handbook. Development

1 design guidelines and standards are in addition to other development standards contained in
2 this Chapter and of the Zoning Code.

3 **Section 28.** SRC 148.210 is amended to read:

4 **148.210. RM1 Design Approval.** Developments subject to SRC 148.160-148.300 shall meet
5 either the development design standards contained in the City of Salem Development Design
6 Handbook or shall be reviewed and approved by the ~~Historic Landmarks and Design Review~~
7 **Planning** Commission pursuant to the guidelines contained in the adopted Development
8 Design Handbook. Development design guidelines and standards are in addition to all
9 development standards contained in this Chapter.

10 **Section 29.** SRC 148.360 is amended to read:

11 **148.360. RM2 Design Approval.** Developments subject to SRC 148.310-148.450 shall meet
12 either the development design standards contained in the City of Salem Development Design
13 Handbook or shall be reviewed and approved by the ~~Historic Landmarks and Design Review~~
14 **Planning** Commission pursuant to the guidelines contained in the Development Design
15 Handbook. Development design guidelines and standards are in addition to all development
16 standards contained in this Chapter.

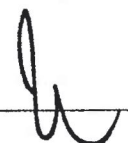
17 **Section 30.** The Table of Contents and pages 1, 5, 7, 9, 10 A, 10 B, 13, 122, and 129 of the "City of
18 Salem Development Design Handbook" are amended to read as set forth in "Exhibit 2," which is
19 attached hereto and incorporated herein by reference.

20 **Section 31. Severability.** Each section of this ordinance, and any part thereof, is severable, and if
21 any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this
22 ordinance shall remain in full force and effect.

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

24 ATTEST:

25 
26 City Recorder

27 Approved by City Attorney: 

28 Checked By: P. Cole

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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"> 1. Minor alterations on elevation(s) facing an interior side or interior rear property line. <ol style="list-style-type: none"> a. Restoration of historic features. b. No increase in footprint, height, volume, or massing. c. Replacement in kind 2. In-kind replacement of windows and doors. 3. Uncovered rear deck additions not visible from a street(s). 4. Installation of mechanical equipment on the exterior of the building that is not visible from a public right-of-way. 5. Signs less than 25 square feet in area. 6. Installation of new or replacement awnings. 	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 <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) <u>Historic Landmarks and Design Review Commission</u></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 <u>Historic Landmarks and Design Review Commission</u> 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) <u>Historic Landmarks and Design Review Commission</u></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 <u>Historic Landmarks and Design Review Commission</u> meeting</p>	<p>(b) Prior to Decision Notice to property owners in the historic district</p>	

TABLE 120A-1
ALTERATION/DESIGN REVIEW CHART

Type III - Discretionary	All applications based on GUIDELINES in the <i>Development Design Handbook</i>	<u>Historic Landmarks and Design Review Commission</u>	GUIDELINES/ <i>Development Design Handbook</i> , Section V	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.	A minimum of thirty (30) days prior to scheduled <u>Historic Landmarks and Design Review Commission</u> meeting	Prior to Hearing - Notice mailed to property owners in the historic district and sign posted on property
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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 Historic Landmarks Commission..... 129	1 3 5 7 9 13 17 25 31 33 37 43 47 49 51 53 55 57 59 63 65 67 71 73 77 85 91 99 101 103 107 109 113 121 125 127 129
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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 the Historic Landmarks Commission, Design Review Commission, Planning Commission, or equivalent body. Often it is not clear what criteria guide the decision-making body. 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 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 suits 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 Historic Landmarks Commission (for historic design review) or Planning Commission (for non-historic design review). 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.

SECTION 1 - INTRODUCTION

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 Historic Landmarks Commission (for historic resources) or Planning Commission (for non-historic resources) 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 Historic Landmarks Commission (for historic design review) or Planning Commission (for non-historic design review), 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 Historic Landmarks Commission or Planning 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 Historic Landmarks Commission or Planning Commission must also comply with all code requirements in addition to the design guidelines.

Projects not reviewed by the Historic Landmarks Commission or Planning 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 Historic Landmarks Commission or Planning 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.

SECTION 1 - INTRODUCTION

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 Historic Landmarks Commission (for historic design review) or the Planning Commission (for non-historic design review), the 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 Historic Landmarks Commission or Planning 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 Historic Landmarks Commission or Planning Commission meeting.

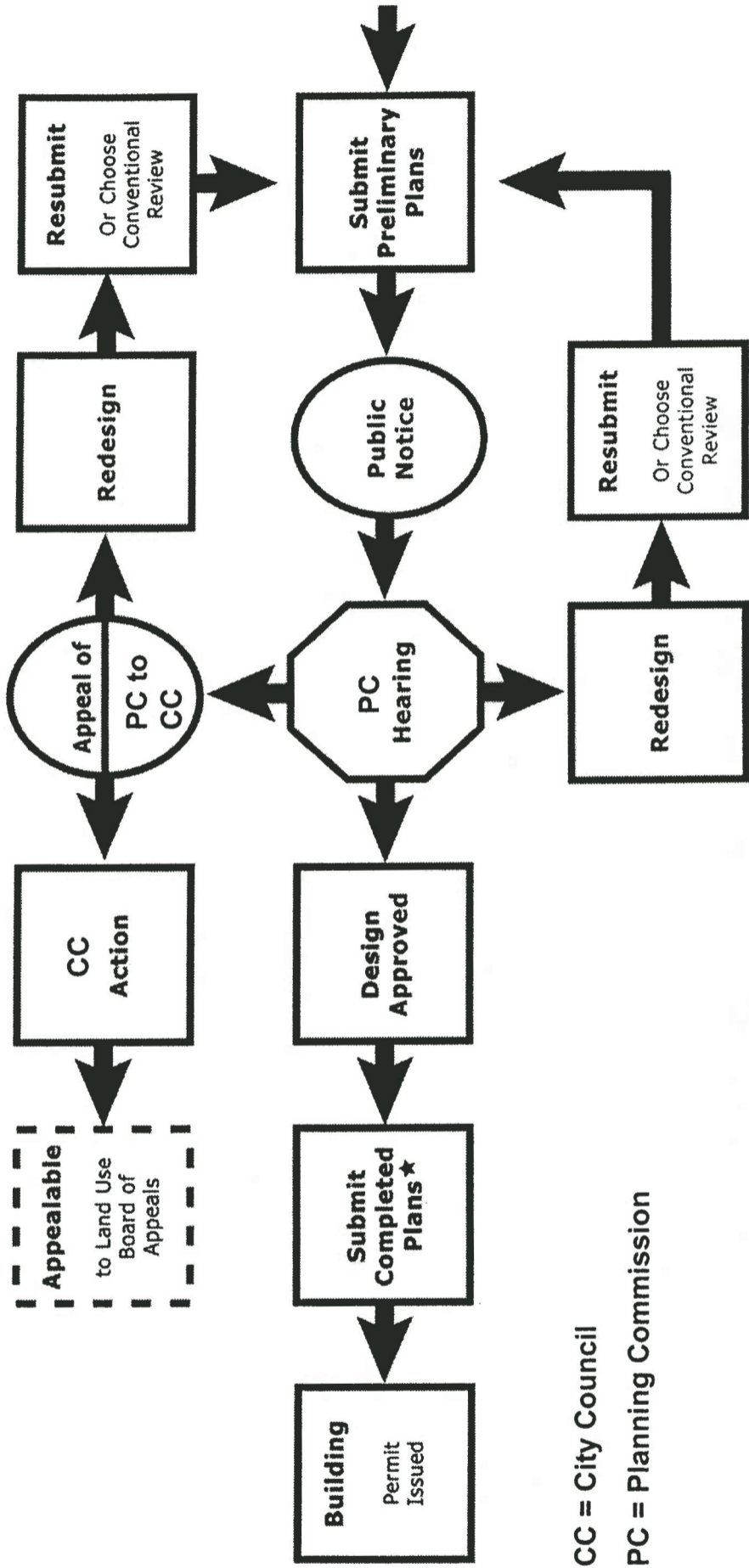
The Historic Landmarks Commission or Planning Commission meeting is open to the public and comments on the proposal are heard by the Commission. The Historic Landmarks Commission or Planning Commission considers the project proposal based on the information submitted by the applicant and public comment.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

Appeal by the applicant is not the only appeal that may be filed. Recognized neighborhood associations, persons who provide testimony to the Historic Landmarks Commission or Planning 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; | 6) | Project approved or denied; |
| 2) | Schedule a project preapplication conference with Planning Division staff; | 7) | If project approved, proceed through building permit process; |
| 3) | After a preapplication conference, select type of development review; | 8) | If project denied by Urban Planning Administrator, redesign and resubmit plans or submit project to Historic Landmarks Commission (for historic design review) or Planning Commission (for non-historic design review) for review; |
| 4) | Submit necessary project plans; | 9) | If project denied by Historic Landmarks Commission, redesign and resubmit plans or appeal decision to Hearings Officer; |
| 5) | Project reviewed by Urban Planning Administrator, Historic Landmarks Commission (for historic design review), or Planning Commission (for non-historic design review) for conformance with design requirements; | 10) | If project denied by Planning Commission, redesign and resubmit plans or appeal decision to City Council. |

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



Review

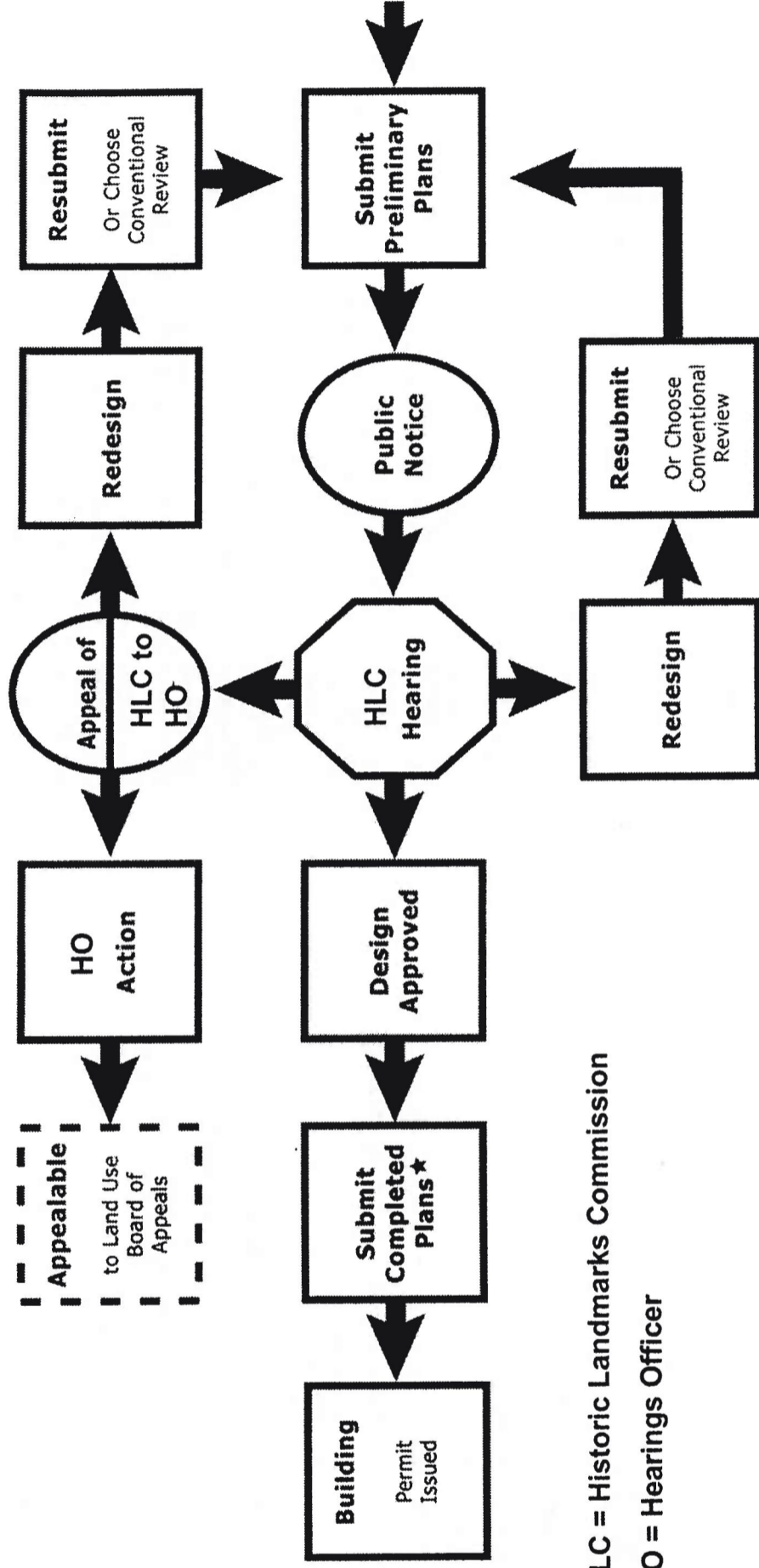
Historic Design Review

OPTION 2 B

DISCRETIONARY DESIGN REVIEW PROCESS

(Maximum 120 Day Review Process)

- Design Guidelines Apply -



HLC = Historic Landmarks Commission

HO = Hearings Officer

★ Including Design Review Worksheet

SECTION 1 - INTRODUCTION

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.

Uniform Building Code

SRC Title I - Government

SRC Chapter 20C - Historic Landmarks Commission

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

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.

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.
- 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, as well as applicable zones.
- 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 Historic Landmarks Commission

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 anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation, historic preservation planning, and history. The remaining commissioners may 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.

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

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