



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

02/12/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 004-12

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: Thursday, February 28, 2013

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lisa Anderson-Ogilvie, City of Salem
Gordon Howard, DLCD Urban Planning Specialist

<paa>



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE STAMP

DEPT OF

FEB 07 2013

LAND CONSERVATION AND DEVELOPMENT

SHUTTLE

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CA12-01**

Date of Adoption: **1/28/2013**

Date Mailed: **2/5/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/15/2012

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 expand the use of electric fences beyond what is currently permitted to allow them around outdoor storage areas, including vehicle storage areas, for any non-residential use in an Industrial zone subject to certain conditions.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Aaron Panko, Planner II**

Phone: (503) 540-2356 Extension:

Address: **555 Liberty St SE, Rm 305**

Fax Number: **503-588-6005**

City: **Salem**

Zip: **97301-**

E-mail Address: **apanko@cityofsalem.net**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Council Ordinance No. 13-12
(Code Amendment No. CA12-01)

Michael Pate,
Century Security
mpate@ELECTRICGUARDDOG.com

Ann Watters
Polarity Center of Salem
1940 Breyman NE
Salem OR 97301-4352

Linda Haglund
Croisan-Illahe Land Use Comm.
3570 Deerfield Dr S
Salem OR 97302

Rebekah Engle
Chair, CAN-DO
610 Commercial St NE, No. 1
Salem OR 97301

Susan Ernst
twofivestars@comcast.net
no address provided

Sam Skillern, Co-Chair
Grant Neigh. Land Use Comm.
1255 Cottage St NE
Salem OR 97301

Sarah Brennan, Chair
Faye Wright Neigh. Assoc.
sarabethbrennan@gmail.com
email only

Susann Kaltwasser, ELNA
Chair / Land Use / Watershed
2797 Islander Ave NW
Salem OR 97304

Donna Dickson, Chair
Lansing N.A. Land Use Comm.
1861 31st Ave NE
Salem OR 97301

Robert Hornaday, Co-Chair
Highland NA. Land Use Comm.
1240 Columbia St NE
Salem OR 97301

Eric Bradfield, Co-Chair
Grant Neigh. Land Use Comm.
934 Cottage St NE
Salem OR 97301

Geoffrey James, Chair
Morningside Land Use Comm.
4676 Commercial St SE, No. 8
Salem OR 97302

Janet Bubl
Morningside Land Use Chair
1115 Morningside Dr SE
Salem OR 97302

Nancy McDaniel, Chair
NEN Land Use Comm.
265 21st St NE
Salem OR 97301

Mary Warner
Interim Chair, NESCA
1156 25th St NE
Salem OR 97301

Doug Rodgers, NOLA
Chair, Land Use Committee
2250 Brown Rd NE
Salem OR 97305

Dwan Muller, Chair
Northgate NA Land Use Comm.
4305 Claxter Ct NE, No. 7
Salem OR 97305

H. Thomas Andersen, Chair
SCAN Land Use Committee
787 Cross St SE
Salem OR 97302

Steve Liudahl
SCAN Land Use Committee
645 Wildwind Dr SE
Salem OR 97302

Cory Poole, Chair
SEMCA, Land Use, Watershed
3100 Turner Rd SE - Office
Salem OR 97302

Leah McMillan, Chair
SESNA Land Use Committee
498 23rd St SE
Salem OR 97301

Steve Withers, Chair
S Gateway NA Land Use
5434 Salal St SE
Salem OR 97306

Leonard Nelson
S Salem NA Land Use Comm.
1084 Garlock St So.
Salem OR 97302

Evan White
Sunnyslope NA Land Use Comm.
4553 Brock Loop S
Salem OR 97302

Josh Pollock, Chair
W Salem NA Land Use Comm.
1361 Elliott St NW
Salem OR 97304

Polk Co Brd of Commissioners
Polk County Courthouse
850 Main St
Dallas OR 97338

Marion Co. Brd of Commissioners
P.O. Box 14500
Salem Oregon 97309-5036

Continued ...

BY EMAIL:

Rebekah Engle, Chair
CAN-DO Neigh. Assoc.
rebekahengle@yahoo.com

John Lattimer, Chair
Croisan-Illahe Neigh. Assoc.
inlattimer@gmail.com

Linda Haglund, Land Use Comm.
Croisan-Illahe Neigh. Assoc.
ralh503@yahoo.com

Susann Kaltwasser, Chair &
Land Use Committee
East Lancaster Neigh. Assoc.
susann@kaltwasser.com

Sue Fowler, Co-Chair
E. Lancaster Neigh. Assoc.
nanasue03@yahoo.com

Sara Brennan, Chair
Faye Wright Neighborhood Assoc.
sarabethbrennan@gmail.com

Vacant, Land Use Comm.
Faye Wright Neighborhood Assoc.

Vacant, Chair
Grant NA Land Use Comm.

Sam Skillern, Co-Chair
Grant Neighborhood Assoc.
sam@salemlf.org

Eric Bradfield, Co-Chair
Grant Neighborhood Assoc.
ebradfield@gmail.com

Steve Emerson, Co-Chair
Highland Neighborhood Assoc.
dfhmdf@yahoo.com

Meri Patterson, Co-Chair
Highland Neighborhood Assoc.
meripatterson@gmail.com

Robert Hornaday, Co-Chair
Highland NA Land Use Committee
rhornaday@juno.com

Donna Dickson, Land Use
Lansing Community Action Assoc.
secondpage@comcast.net

Patty Tipton
Lansing Community Action Assoc.
patty.i.tipton@state.or.us

Pamela Schmidling, Chair
Morningside Neigh. Association
sidrakdragon@live.com

Geoffrey James, Chair
Morningside N.A. Land Use Comm
geoffreyjames@comcast.net

Larry George
Morningside N. A. Land Use
larrygeorge@comcast.net

Keith Kueny
Morningside Neigh. Association
keithkueny@gmail.com

Mary Warner, Interim Chair
NE Salem Community Assoc
mary.e.warner2@gmail.com

Vacant, Land Use Chair
NE Salem Community Assoc

Nancy McDaniel, Chair
Northeast Neighbors Land Use
nanmcdann@yahoo.com

Nancy McDaniel
Joan Lloyd
Northeast Neighbors Land Use
Co-Chair of NEN
nanmcdann@yahoo.com
jello_878@comcast.net

Daniel Benjamin, Chair
N Lancaster Neigh. Assoc.
cainen366@hotmail.com

Doug Rodgers, Chair
NOLA Land Use Comm.
dougradgers@hotmail.com

Lee Ann Reed, Chair
Northgate Neigh. Association
La-rd@comcast.net

Dwan Muller, Chair
Northgate NA Land Use Comm.
dwan58@live.com

Victor Dodier,
Chair of SCAN
vi@dodier@teleport.com

H. Thomas Andersen,
Chair, SCAN Land Use
htandersen@aol.com

Nadine Heusser
SCAN Land Use Committee
nheusser@earthlink.net

Richard Mathews
SCAN Land Use Committee
rich-lupe@comcast.net

Kathrine Reed
SCAN Land Use Committee
kathrine.reed@comcast.net

Roz Shirack
SCAN Land Use Committee
rozshirack@msn.com

Cory Poole, Chair & Land Use
SE Mill Creek Association
robosushi@robosushi.com

Bill Smaldone
Chair, SESNA & Land Use
wsmaldon@willamette.edu

Leah McMillan, Chair
SESNA Land Use Comm.
leah@reinhardtmail.net

Rob Gould
SESNA Land Use Committee
rob27@comcast.net

Mark Wieprecht
SESNA Land Use Committee
creekman1@comcast.net

Jeff Leach
SESNA Land Use Committee
jeff503@fastmail.us

Dave MacMillan
SESNA Land Use Committee
sesna@comcast.net

T.J. Sullivan, Chair
S Gateway Neighborhood Assoc.
tj@huggins.com

Steve Withers, Chair
S Gateway N.A. Land Use
Withers5361@comcast.net

Kristen Roisen
S Gateway N.A. Land Use
roisen@msn.com

Maria Delaney
S Gateway NA Land Use Comm.
deanandmariad@msn.com

Randy Barna
S Gateway NA Land Use Comm
rrbarna@msn.com

Patrick O'Dell
S Gateway NA Land Use Comm
teacherman201@yahoo.com

Sarah Schra
S Gateway NA Land Use Comm.
sarah@wildwoodco.com

John Stensland
S Gateway NA Land Use Comm
jstens6661@aol.com

Tim Grossnicklaus
S Gateway NA Land Use Comm.
tgrossni@comcast.net

David Kam, Chair
S Salem Neighborhood Assoc.
dksvo1@aol.com

Leonard Nelson, Chair
S Salem N. A. Land Use Comm.
dksvo1@aol.com

Alan Alexander, Chair
Sunnyslope Neighborhood Assoc.
awa8025@aol.com

Evan White, Land Use Comm.
Sunnyslope Neighborhood Assoc.
epwhitehouse@comcast.net

Josh Pollock, Chair
W Salem NA Land Use Comm.
joshpollock@comcast.net

Kenji Sugahara, Chair
W Salem Neigh. Association
kenji@obra.org

Statesman Journal
ATTN: Michelle Maxwell
mmaxwell@statesmanjournal.com

Statesman Journal
ATTN: Timm Collins
tcollins@statesmanjournal.com

Via EMAIL
Corinne Fletcher
Neighborhood Serv. Specialist
Community Dev., Room 305

Via EMAIL
Annie Batteé
Neighborhood Serv. Specialist
Community Dev., Room 305

G:\CD\PLANNING\Case Application
Files 2011 \ CODE AMENDMENTS \
CA12-01 \ CA12-01 Mailing Matrix for
COUNCIL Ordinance.doc

2 AN ORDINANCE RELATING TO FENCES; AMENDING SRC 131.120; AND CREATING
3 NEW PROVISIONS

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 131.120 is amended to read:

6 **131.120. Use of Hazardous Materials.** Fences and walls shall not be constructed of or contain
7 any material which will do bodily harm, such as electric or barbed wire, upturned barbed
8 selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

9 (a) Concertina wire is permitted around public correctional facilities and state-secure
10 mental institutions health facilities, and

11 ~~(b) Barbed wire or electrified fences enclosing livestock are permitted in any district~~
12 ~~provided the barbed wire and electrified fences shall be posted or flagged at not less than~~
13 ~~15 foot intervals with clearly visible warnings of the hazard.~~ upturned barbed selvage is
14 permitted within:

15 (1) The CR, CG, and all industrial and public use zones; and

16 (2) Any zone where the fence will be used to enclose livestock.

17 (c) Where allowed as provided in this section, barbed wire or upturned barbed selvage
18 shall:

19 (1) Be located more than six feet above grade;

20 (2) Not extend over a street or alley;

21 (3) Be setback a minimum of one foot from the public right-of-way, when
22 designed to slant toward the public right-of-way; and

23 (4) Warning signs notifying persons of a dangerous fence shall be clearly posted
24 on the fence at an interval of not less than sixty feet.

25 ~~(b) Barbed wire or upturned barbed selvage is permitted more than six feet above grade~~
26 ~~in CR, CG, industrial, and public use districts, provided that barbed wire shall not extend~~
27 ~~over a street or alley and, provided further, that any barbed wire that is slanted toward~~
28 ~~public right of way shall be constructed so as to be located not less than one foot from the~~
29 ~~public right of way.~~

30 (d) Electric fencing is permitted in the following locations:

1 (1) Around outdoor storage areas, including vehicle storage areas, for any non-
2 residential use within any industrial (I) zone;

3 (2) Within any zone where the fence will be used to enclose livestock.

4 (e) Where allowed as provided in this section, electric fencing shall comply with the
5 following standards:

6 (1) The fence shall not exceed ten feet in height and shall be completely
7 surrounded by a non-electric fence or wall a minimum of six feet in height.

8 (2) A minimum one foot separation shall be maintained between the electric
9 fence and a surrounding non-electric fence or wall.

10 (3) An electrical permit and inspection shall be obtained prior to installation.

11 (4) The electrical fence shall be listed by a testing laboratory approved by the
12 State of Oregon, and shall be installed and used in accordance with the testing
13 laboratory listing.

14 (5) The fence shall be clearly posted with warning signs in English and Spanish
15 that include the statement, "DANGER – ELECTRIC FENCE," or an equivalent,
16 together with a pictorial warning, at an interval of not more than sixty feet.

17 (6) Emergency Access. Fire department access shall be provided in accordance
18 with the Salem Fire Prevention Code. An approved method to manually
19 disconnect electrical power to all portions of the fence and gates shall be provided
20 at an exterior location. The method and location of the electrical disconnect shall
21 be approved by the Salem Fire Code Official.

22 (f) Failure to maintain an electric fence in conformance with the standards set forth in
23 this section shall result in the fence being declared a public nuisance subject to abatement
24 under SRC Chapter 50.

25 (eg) Notwithstanding the provisions of subsection (a) and (b) of this section, concertina
26 wire, barbed wire, or upturned barbed selvage existing at the time of the passage of this
27 ordinancethat is between six and seven feet above grade in CR, CG, industrial, and
28 public use districts shall be considered a legal non-conforming use, provided the barbed
29 wire or upturned barbed selvage does not extend over a street or alley and, where it slants
30 toward the public right-of-way, it is located not less than one foot from said right-of-way.

1 **Section 2. Codification.** In codifying this ordinance the City Recorder may change the word
2 "ordinance," "code," "article," "section," or "chapter" to reflect the proper terminology; may
3 renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct
4 any cross-references; and may correct any typographical errors in the text which do not affect the
5 meaning of text.

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

9 PASSED by the City Council this 28th day of January, 2013.

10 ATTEST:

11 

12 City Recorder

13 Approved by City Attorney:  _____

14
15
16 Checked by: A. Panko

17 g:\group\legal\council\2012\051412 ord 13-12 fences engrossed.doc

18
19
20
21
22
23
24
25
26
27
28
29
30