



Oregon
Theodore R. Kubongoski, 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

04/22/2013

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 017-12

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: Tuesday, May 07, 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: Amy Dixon, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



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

DEPT OF

APR 16 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CA12-06**

Date of Adoption: **4/8/2013**

Date Mailed: **4/12/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/1/2013

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".

Amend Salem Revised Code Chapter 900.075 to allow internal illuminated freestanding signs in residential zones when located adjacent to a collector street, arterial street, parkway or freeway.

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

DLCD file No. 017-12 (19627) [17420]

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

Local Contact: **Amy Dixon, Planner II**

Phone: (503) 540-2304 Extension:

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

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

City: **Salem**

Zip: **97301-**

E-mail Address: **adixon@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.

1 following standards apply in the following zones:

2 (1) In the Residential Agriculture (RA), Single Family Residential (RS), Duplex
3 Residential (RD), Multiple Family Residential (RM1 and RM2), Multiple High-
4 Rise Residential (RH), and Exclusive Farm Use (EFU) zones:

5 (A) Freestanding signs shall not be internally illuminated; provided, however, a
6 freestanding sign for non-profit membership assembly, recreational and cultural
7 community services, religious assembly, or basic education uses may be
8 internally illuminated when the sign is located adjacent to a collector, arterial,
9 parkway, or freeway.

10 (B) Freestanding signs shall not be externally illuminated by a light source
11 connected to the sign.

12 (C) Sign illumination shall be directed away from and not be reflected upon
13 adjacent premises. No sign shall be illuminated between the hours of midnight
14 and 7:00 a.m.

15 (2) In the Neighborhood Commercial (CN), Neighborhood Center Mixed-Use
16 (NCMU), Commercial Office (CO), and Fairview Mixed-Use (FMU) zones:

17 (A) Sign illumination shall be directed away from and not be reflected upon
18 adjacent premises.

19 (B) No sign shall be illuminated between the hours of midnight and 7:00 a.m.
20 or during business hours as specified in the NCMU Zone.

21 (3) In the South Waterfront Mixed-Use (SWMU) Zone, signs facing the
22 Willamette River shall not be illuminated.

23 (4) In the Public and Private Cemeteries (PC), Capitol Mall (PM), and Public
24 Service (PS) zones, externally and internally illuminated signs are permitted only
25 where the adjacent property is zoned commercial or industrial.

26 (5) In the Public and Private Health Services (PH) Zone, only signs designating
27 emergency entrances shall be illuminated.

28 (6) In the Public Amusement (PA) Zone, signs shall not be illuminated within three
29 hundred feet of a residential zone.
30

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 8th day of April, 201~~2~~³. KH

10 ATTEST:

11 *Ruth Hall*

12 City Recorder

13 Approved by City Attorney: *[Signature]*

14
15 Checked by: A. Dixon

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FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

February 11, 2013
3.3 (c)
March 25, 2013
4 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH: *Linda Norris*
LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, COMMUNITY DEVELOPMENT DIRECTOR *VHW*

SUBJECT: SUPPLEMENT REPORT FOR PROPOSED AMENDMENTS TO SALEM REVISED CODE (SRC) CHAPTER 900 (SIGN CODE) TO ALLOW INTERNALLY ILLUMINATED FREESTANDING SIGNS FOR NON-PROFIT MEMBERSHIP ASSEMBLY, RECREATIONAL AND CULTURAL COMMUNITY SERVICES, RELIGIOUS ASSEMBLY, AND BASIC EDUCATION USES IN RESIDENTIAL ZONES.

ISSUE:

Should the City Council reschedule the public hearing from February 25, 2013 to March 25, 2013 on Ordinance Bill No. 1-13, to amend SRC Chapter 900, Sign Code, to allow internally illuminated freestanding signs for non-profit membership assembly, recreational and cultural community services, religious assembly, and basic education uses in residential zones?

RECOMMENDATION:

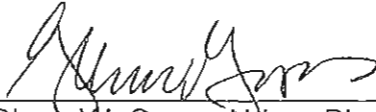
Staff recommends that the City Council reschedule the public hearing from February 25, 2013 to March 25, 2013 on Ordinance Bill No. 1-13 to consider adoption of the ordinance and, after the hearing, advance Ordinance Bill No. 1-13 to second reading for enactment.

BACKGROUND:


On November 13, 2012, City Council directed staff to prepare an ordinance to amend SRC Chapter 900 to allow internally illuminated signs in residential zones where the sign would be located abutting major streets, and the sign would be used by a non-profit membership assembly, recreational and cultural community services, religious assembly, or basic education uses.

On January 28, 2012, City Council heard first reading of Ordinance Bill No. 1-13 and scheduled a public hearing for February 25, 2013. Subsequently, three other City Council public hearings have been scheduled for this date. The first hearing is a continuation of an ongoing hearing from the January 28, 2013 Council meeting. The next one is for a case with a State of Oregon mandatory decision date where a delay of the hearing is not possible. The last hearing is the Airport Master Plan update where a lengthy testimony portion is anticipated.

Staff has contacted the entity that prompted the Sign Code amendment and they have indicated that the delay in adoption of the ordinance would not cause a hardship for them.



Glenn W. Gross, Urban Planning Administrator

Prepared by Amy J. Dixon, Planner II 

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FUTURE REPORT: January 14, 2013
FOR COUNCIL MEETING OF: January 28, 2013
AGENDA ITEM NO.: 8.1 (a)

March 25, 2013
4 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER
FROM: VICKIE HARDIN WOODS, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PROPOSED AMENDMENTS TO SALEM REVISED CODE (SRC) CHAPTER 900 (SIGN CODE) TO ALLOW INTERNALLY ILLUMINATED FREESTANDING SIGNS FOR NON-PROFIT MEMBERSHIP ASSEMBLY, RECREATIONAL AND CULTURAL COMMUNITY SERVICES, RELIGIOUS ASSEMBLY, AND BASIC EDUCATION USES IN RESIDENTIAL ZONES.

ISSUE:

Should the City Council enact Ordinance Bill No. 1-13, to amend SRC Chapter 900, Sign Code, to allow internally illuminated freestanding signs for non-profit membership assembly, recreational and cultural community services, religious assembly, and basic education uses in residential zones?

RECOMMENDATION:

Staff recommends that the City Council hold a public hearing on February 25, 2013, to consider adoption of Ordinance Bill No. 1-13 and, after the hearing, advance Ordinance Bill No. 1-13 to second reading for enactment on March 11, 2013.

BACKGROUND:

On July 9, 2012, Council enacted Ordinance Bill No. 4-12, establishing SRC Chapter 900, Sign Code. SRC Chapter 900 replaced SRC Chapter 62. Council directed staff to perform further outreach and return to Council with recommendations and possible amendments to SRC Chapter 900 regarding:

- (1) Allowance of internally illuminated signs for non-profit membership assembly, recreational and cultural community services, religious assembly, and basic education use in residential zones;
- (2) Exemption of illuminated signs not visible from the right-of-way or adjacent properties; and
- (3) Allowance of increased square footage and number for certain vehicle viewing signs.

On July 30, 2012, staff requested input and direction on possible amendments to address these issues from Neighborhood Association Chairs, sign companies, and Salem Area Chamber of Commerce.

On November 13, 2012, staff presented the summary of the responses received during the outreach efforts to Council. From this summary:

1. Council directed staff to prepare an ordinance to amend SRC Chapter 900 to allow internally illuminated signs in residential zones where the sign would be located abutting major streets, and the sign would be used by a non-profit membership assembly, recreational and cultural community services, religious assembly, or basic education uses.
2. Council concurred with staff's recommendation that illuminated signs not visible from the right-of-way or adjacent properties should not be exempt from permit requirements.
3. Staff indicated that additional research and analysis was necessary for staff to formulate a recommendation to Council on increasing the number and size of vehicle viewing signs, such as menu boards. This will be coming back to Council in approximately two months.

FACTS AND FINDINGS:

Procedural Findings

1. Pursuant to SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff by the preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another review authority for review and recommendation, or decline to schedule a public hearing.
2. Oregon Revised Statutes (ORS) 197.610 and Oregon Administrative Rules (OAR) 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was mailed to DLCD on December 7, 2012 as required.

Public Outreach

1. On July 9, 2012, Council approved Ordinance Bill No. 4-12, and directed staff to perform further outreach and return to Council with recommendations and possible amendments to the Sign Code.
2. On November 13, 2012, the City Council was presented the summary of the responses to the proposed changes received during the outreach efforts.
3. On November 13, 2012, Council directed staff to prepare an ordinance to amend the SRC Chapter 900 to allow internally illuminated signs in residential zones, where the sign would be located abutting major streets and the sign would be used by non-profit membership assembly, recreational and cultural community services, religious assembly, or basic education uses.

Consistency of the Proposed Amendments with the Salem Area Comprehensive Plan (SACP)

1. The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development within the Salem/Keizer Urban Growth Boundary. The overall goal of the SACP is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.
2. The overall intent of Residential development is to promote a variety of housing opportunities and provide an adequate supply of developable land to support such housing. In addition, the comprehensive plan establishes the following policy:

Residential Development No. 8 (*Protection of Residential Areas*): *Residential areas shall be protected from more intensive land use activity in abutting zones.*

The proposed amendments are consistent with the comprehensive plan and the above identified policies through the following means:

- Limiting the location of internally illuminated signs to major streets in residential zones to protect the residentially use properties.

ALTERNATIVES:

The City Council may:

- A. Set a City Council public hearing on the proposed amendments.
- B. Refer the proposed amendments to the Planning Commission for public hearing and recommendation.
- C. Take no action.



Glenn W. Gross, Urban Planning Administrator

Prepared by Amy J. Dixon, Planner II

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ORDINANCE BILL NO. 1-13

AN ORDINANCE RELATING TO FREESTANDING SIGNS; AMENDING SRC 900.075

The City of Salem ordains as follows:

Section 1. SRC 900.075 is amended to read as follows:

900.075. General Illumination Standards; Zone-Specific Standards.

(a) Except as otherwise provided in this section, permanent signs may be externally or internally illuminated.

(b) Temporary signs shall not be externally or internally illuminated.

(c) No sign shall use lights or illumination that creates an unduly distracting or hazardous condition to a motorist, a pedestrian, or the general public, or that may be confused with or construed as an official traffic control device.

(d) Wall signs, roof signs, and projecting signs placed on a building face that fronts a residential use may not be externally or internally illuminated.

(e) No reflective bulb, par spot, or incandescent lamp that exceeds twenty-five watts shall be exposed to direct view from a public street, but may be used for indirect illumination of a display surface.

(f) Neon tubing shall not exceed 300 milliamperes for white tubing or 100 milliamperes for colored tubing.

(g) Fluorescent tubes used for interior illumination of a sign shall be placed behind a plexiglass face and shall:

(1) In residential zones, not exceed illumination equivalent to 425 milliamperes, and be spaced at least seven inches apart, measured from center to center.

(2) In commercial, industrial, and public zones, not exceed illumination equivalent to 800 milliamperes and be spaced at least nine inches apart, measured center to center.

(h) The light source for an internally illuminated sign may be comprised of light emitting diodes, so long as the light emitting diodes are used for illumination only, do not create an electronic display or effect, and conform to the brightness limitations set forth in SRC 900.090.

(i) **Zone-Specific Standards.** Notwithstanding subsection (a) of this section, the

1 following standards apply in the following zones:

2 (1) In the Residential Agriculture (RA), Single Family Residential (RS), Duplex
3 Residential (RD), Multiple Family Residential (RM1 and RM2), Multiple High-
4 Rise Residential (RH), and Exclusive Farm Use (EFU) zones:

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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 _____ day of _____, 201~~2~~³ KH

10 ATTEST:

11
12
13 City Recorder

14 Approved by City Attorney:  _____

15 Checked by: A. Dixon

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LAND OF OREGON
PROPERTY DEVELOPMENT DEPARTMENT
455 LIBERTY ST. S.E. • ROOM 305
SALEM, OR 97301

Land Conservation & Development
Department
635 Capitol St NE, Suite 150
Salem OR 97301

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