



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: November 06, 2015

Jurisdiction: City of Salem

Local file no.: CA 15-04

DLCD file no.: 006-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/05/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 40 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 006-15 {23942}
Received: 11/5/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: CA15-04

Date of adoption: 10-26-2015 Date sent: 11/5/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 08-06-2015
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Amy Dixon, Planner II ASD

Phone: 503-540-2304 E-mail: adixon@cityofsalem.net

Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

To exempt graffiti resistant coverings on public utility enclosures and temporary structures serving the public from the Sign Code (Chapter 900).

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Ordinance No. 19-15
Council Staff Report Dated October 12, 2015



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

November 5, 2015

Si necesita ayuda para comprender esta información, por favor llame 503-588-6173.

**NOTICE OF FINAL DECISION: Ordinance No. 19-15
Amending SRC Chapter 900, Sign Code**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. **19-15** at the October 26, 2015 session. Ordinance No. 19-15 amends the above-referenced chapter to exempt graffiti resistant coverings on public utility enclosures and temporary structures serving the public from the Sign Code. A copy of the ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after November 5, 2015**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attached: Ordinance No. 19-15

1 (c) Temporary signs located in Wallace Marine Park's Sports Field Complex allowed and
2 regulated pursuant to a park use permit issued by the City.

3 (d) Public murals, as defined by SRC 15.010, and regulated under the provisions of SRC
4 Chapter 15, and any rules adopted thereunder.

5 (e) Graffiti resistant coverings, containing only graphics or images, installed on equipment
6 enclosures owned by the public or a public utility, or other temporary structures serving the
7 public.

8 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the City
9 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
10 limitations, may:

- 11 (a) Renumber sections and parts of sections of the ordinance;
- 12 (b) Rearrange sections;
- 13 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 14 (d) Delete references to repealed sections;
- 15 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 16 (f) Change capitalization and spelling for the purpose of uniformity;
- 17 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 18 (h) Correct manifest clerical, grammatical or typographical errors.

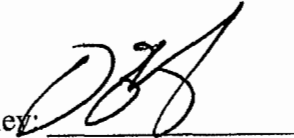
19 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and
20 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
21 this ordinance shall remain in full force and effect.

22 PASSED by the City Council this 24 day of October, 2015.

23 ATTEST:



24 

25
26 City Recorder

27 Approved by City Attorney: 

28
29 Checked by: A.Dixon

FUTURE REPORT: September 28, 2015
FOR CITY COUNCIL MEETING OF: October 12, 2015
AGENDA ITEM NO.: 8.1(b)

TO: MAYOR AND CITY COUNCIL
THROUGH:  KACEY DUNCAN, INTERIM CITY MANAGER
FROM:  GLENN W. GROSS, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PROPOSED AMENDMENTS TO SALEM REVISED CODE
CHAPTER 900, SIGN CODE, TO EXEMPT GRAFFITI
RESISTANT COVERINGS, CONTAINING ONLY GRAPHICS OR
IMAGES, ON EQUIPMENT OWNED BY THE PUBLIC OR A
PUBLIC UTILITY, OR OTHER TEMPORARY STRUCTURES
SERVING THE PUBLIC (CA 15-04)

ISSUE:

Shall City Council conduct first reading of Ordinance Bill No. 19-15, amending SRC Chapter 900 to exempt graffiti resistant coverings, containing only graphics, on public utility enclosures owned by the public or a public utility, or other temporary structures serving the public?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 19-15, amending SRC Chapter 900 to exempt graffiti resistant coverings, containing only graphics, on public utility enclosures owned by the public or a public utility, or other temporary structures serving the public, and advance the ordinance bill to second reading for enactment.

SUMMARY AND BACKGROUND:

As part of a grant fund, Grant Neighborhood Association requested installation of a graffiti resistant covering depicting a historical photograph on a public utility enclosure. After reviewing the proposal, staff determined it was a sign, as defined in SRC 900, and it would not be permitted. Staff researched the proposed coverings and concluded that other community groups may wish to install these coverings on temporary structures, serving the public. Salem Public Works Department expressed an interested in allowing these coverings on public utility enclosures within the community. Under the proposed amendment the exempt coverings will be limited to graphics or images, such as art work or historic photos, and the proposed change would not allow text on the coverings such as advertising.

FACTS AND FINDINGS:

Procedural Findings

Under SRC 300.1110(a)(2), legislative land use proceedings may be initiated by the Planning Commission by adoption of a resolution. On August 4, 2015, the Planning Commission approved Resolution No. 15-04 initiating the proposed amendments.

The public hearing date before the Planning Commission on the proposed amendment was subsequently set for September 15, 2015, and notice of the hearing was mailed on August 26, 2015, and published in the newspaper as required under SRC 300.1110(e).

ORS 197.610 and 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. DLCD notice was sent on August 6, 2015.

On September 15, 2015, the Planning Commission held a public hearing to receive testimony on the proposed amendment and subsequently voted to recommend City Council approval (**Attachment 1**).

Proposed Code Amendments

The proposed amendment revises the Sign Code (SRC Chapter 900) to exempt graffiti resistant coverings, containing only graphics or images, on public utility enclosures owned by the public or a public utility, or other temporary structures serving the public, from the standards and restrictions on signs contained in SRC Chapter 900.

Examples of Temporary Structures Serving the Public:

- Port-a-Potties

Examples of public utilities enclosures:

- City, Oregon Department of Transportation, or County traffic system enclosures,
- NW Natural Gas, Portland General Electric or Salem Electric enclosures.

Examples of enclosures where the graffiti wraps would not be exempt:

- Cable, wireless or telecommunication equipment enclosures,
- Transit stops or shelters,
- Fencing,
- Utility or light poles, or
- Other permanent improvements.

Under the proposed amendment the exempted coverings will be limited to graphics or images, such as art work or historic photos. Text, such as advertising would not be allowed under the exemption.

Code Amendment Approval Criteria

SRC 110.085(b) establishes the following approval criteria which must be met in order for a code amendment to be approved:

(1) The amendment is in the best interest of the public health, safety, and welfare of the City.

Finding: The proposed amendment to exempt graffiti resistant covers depicting graphics or images on public utility enclosures is in the best interest of the public health, safety, and welfare of the City because the amendments would provide means to reduce graffiti which meet the needs of the community.

The community also expressed a desire to place portable toilet facilities in the downtown area to serve the homeless population. When discussing this idea, the need for improving aesthetics of these structures to blend into the landscape was raised. It was determined that wrapping the facilities was the means to accomplish the need to improve aesthetics. To avoid the proliferation of off-premises advertising, the amendment limits the exemption to wraps with only graphics and images.

(2) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan 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.

The proposed amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goal is applicable to the proposed amendment:

Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposed amendments conform to this goal because the City has presented

the proposed amendment to various citizen organizations, and in compliance with the requirements of SRC Chapter 300 for legislative land use proceedings, provided public notice of the proposed amendment and conducted a public hearing that afforded the public an opportunity to review, comment, and take part in the approval process.

Staff sent an email to Neighborhood Association Chairs and Land Use Chairs informing them of the proposed amendment and upcoming hearing. Staff also offered to discuss the proposal with their organizations. Staff did not receive any requests for a presentation by these groups. On August 25, 2015, staff sent a memorandum to various citizens and organizations, including Neighborhood Associations, informing them of the amendment and hearing scheduled on September 15, 2015. On September 9, 2015, staff sent a revised memorandum informing them of the change to the proposal adding coverings on temporary structures serving the public.

Testimony Received

As of the date of completing this staff report, the Grant Neighborhood Association Co-Chair submitted written comment supporting the amendment (**Attachment 2**). At the Planning Commission public hearing, no other testimony, for or against, was provided concerning the proposed amendment.

Planning Commission Discussion

Planning Commission raised the following concerns:

1. Why not allow graffiti resistant covers on transit shelters?
Some shelters are within the right-of-way or vision clearance area; covering the glazing could cause vision clearance issues.
2. What are temporary structures that serve the public?
Other temporary structures or permanent improvements have not been identified at this time but by adding this language there is flexibility to allow coverings on more structures in the future.
3. How will the maintenance of the wraps be managed?
This amendment does not address the management of the program. It will be vested with public utilities that own the structure or with the social service providers that provide the temporary toilet facilities.
4. The image on the wrap may worsen rather than improve the aesthetics of temporary structures. How will the design be reviewed?
The proposed amendment does not regulate the content of the wraps except to restrict them to pictures or graphics.


After the discussion outlines above the Planning Commission voted unanimously to recommend that the City Council accept first reading of the ordinance as proposed.

ALTERNATIVES:

SRC Chapter 300 and state law require at least one public hearing before an amendment to a local government's land use code may be adopted. The Planning Commission hearing on September 15, 2015 complied with this requirement, and an additional public hearing before Council is not required. Staff recommends that City Council not conduct a second public hearing and instead proceed to second reading for enactment.

City Council may:

- A. Proceed to second reading for enactment;
- B. Set a public hearing on the proposed amendment,
- C. Refer the proposed amendment back to the Planning Commission for further deliberation, or
- D. Decline to advance the proposed ordinance.



Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- 1. Planning Commission Recommendation (September 15, 2015)
- 2. Comments from Grant Neighborhood Association

Ward: All
September 16, 2015

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

**NOTICE OF
RECOMMENDATION**

**RECOMMENDATION OF THE PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA15-04**

CODE AMENDMENT CASE NO. CA15-04

WHEREAS, on August 4, 2015, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to exempt graffiti-resistant coverings owned by the public or a public utility, or other temporary structures serving the public.

WHEREAS, after due notice, a public hearing on the proposed code amendments was held before the Planning Commission on September 15, 2015, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including the testimony presented at the hearing, and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated September 15, 2015, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS the City Council take the following action:

That the City Council accept first reading of an ordinance bill for the purpose of amending SRC Chapter 900 to exempt graffiti-resistant coverings owned by the public or a public utility, or other temporary structures serving the public.

PLANNING COMMISSION VOTE

YES 5 NO ABSENT 4 (Fry, Griggs, Guyer, Palmateer)


David Fox, Vice President
Salem Planning Commission

Pursuant to SRC 300.1110(i), the City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Amy Dixon, Case ~~AD~~ Manager, at 503-540-2304 or adixon@cityofsalem.net to review the case file.

To Learn More about Planning in Salem, visit our website:

<http://www.cityofsalem.net/planning>

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