

Aaron Panko

From: Shelby Guizar
Sent: Wednesday, May 10, 2023 7:27 AM
To: Aaron Panko
Subject: FW: PC Staff Report - Case No. CA23-03 for Sign Code Amendment

Follow Up Flag: Follow up
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See below:

From: beebalmbees@gmail.com <beebalmbees@gmail.com>
Sent: Tuesday, May 9, 2023 6:51 PM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Subject: RE: PC Staff Report - Case No. CA23-03 for Sign Code Amendment

Hi Shelby,

Please confirm Oregon artists can legally paint on private walls or fences to cover up graffiti to help beautify Salem. Naturally, this is provided that it is beautiful art, as considered by most people.

Thank you.

Bayard Mentrum
Chair
NGNA

From: Shelby Guizar <SGuizar@cityofsalem.net>
Sent: Tuesday, May 9, 2023 2:59 PM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Cc: Aaron Panko <APanko@cityofsalem.net>
Subject: PC Staff Report - Case No. CA23-03 for Sign Code Amendment

Hello,

The Staff Report for Sign Code Amendment Case No. CA23-03 is attached for your information. This case will be heard in-person before the Planning Commission on Tuesday, May 16, 2023 at 5:30 p.m. The agenda for this meeting is also attached for reference.

Please direct questions or comments to the **CASE MANAGER:**

Aaron Panko
APanko@cityofsalem.net
503-540-2356

Thank you,

Shelby Guizar (she/her)
Administrative Analyst
City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301
SGuizar@cityofsalem.net | 503-540-2315
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Questions on Zoning and Sign Permits can be submitted by email to Planning@cityofsalem.net



2075 Madrona Ave. SE
Suite 100
Salem, Oregon 97302

T 503-399-1500
F 503-399-0651

HomeBuildersAssociation.org

May 12, 2023

Salem Planning Commission
555 Liberty St SE
Salem, OR 97301

RE: Proposed Amendment to SRC Chapter 900 – Sign Code

Dear Chair Griggs and Planning Commission members,

On behalf of the Home Builders Association of Marion & Polk Counties, I would like to express our gratitude for the diligent efforts that have gone into updating the sign code. However, we would like to bring to your attention a specific concern we have regarding the potential implications of prohibiting outdoor advertising signs (i.e. billboards) in the MU-III zone. This prohibition would restrict the relocation of existing outdoor advertising signs, which could lead to unintended consequences.

Outdoor advertising sign companies typically lease sign locations from property owners for durations as long as twenty years. In the event that a property owner wishes to redevelop a site with an existing outdoor advertising sign, relocation of the sign on the property might be necessary. However, if the City prohibits sign relocation, sign companies would almost certainly be unwilling to terminate the lease, thus impeding the redevelopment process.

The proposed code amendment might inadvertently hinder the mixed-use redevelopment that the City envisioned for the MU-III zones during the Our Salem process. To mitigate this potential issue, we respectfully request that the code language be amended to permit the relocation of existing outdoor advertising signs within the MU-III zone.

While we understand that the proposed prohibition stems from removal of the South Gateway Overlay Zone, which previously prohibited outdoor advertising signs in that overlay zone, the MU-III rezoning of the corridors along Commercial St S, Lancaster Dr, Portland Rd, Market St, Hawthorne Ave and other areas results in an impact that is significantly more than the previous restrictions that were limited to the relatively small area of Commercial St south of Kuebler within the previous South Gateway Overlay Zone where only two outdoor advertising signs are located.

Respectfully,

A handwritten signature in blue ink, appearing to read "Mike Erdmann". The signature is fluid and cursive, with the first name "Mike" and last name "Erdmann" clearly distinguishable.

Mike Erdmann
Chief Executive Officer

Aaron Panko

From: HPPG <scanparks2023@gmail.com>
Sent: Tuesday, May 9, 2023 3:24 PM
To: Shelby Guizar
Cc: Aaron Panko
Subject: Re: PC Staff Report - Case No. CA23-03 for Sign Code Amendment

Thank you.

I have been asked a number of times about allowable signs in the public right-of-way, + allowable signs in city parks or within the park at the parks entrance edge or roadside -- in particular campaign campaign signs or solicitations, offers to buy homes for cash, moving contractors, et al.

Are there specific applicable code, and what is the practice of the City to such signs and placement? Can the signs be removed, collected and given to some agency or agent or Republic Services, the City authorized waste franchise ?

Jon Christenson

On Tue, May 9, 2023 at 2:58 PM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

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Please direct questions or comments to the **CASE MANAGER:**

Aaron Panko

APanko@cityofsalem.net

503-540-2356

Thank you,

Shelby Guizar (she/her)

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

SGuizar@cityofsalem.net | 503-540-2315

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Aaron Panko

From: Leigha Gaynair <leigaynair@gmail.com>
Sent: Wednesday, May 10, 2023 10:21 AM
To: Aaron Panko
Subject: Re: Sign Code No: CA23-03

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Aaron:

This is Leigh Tracey-Gaynair, Highland NA Co-Chair. I am also a Realtor with HomeSmart Realty Group. I do not see any caveats in this code amendment regarding Realtor signs for open houses. If these signs (directional and day of signs) will require permits, authorization and so forth this will be prohibitive and your office will be inundated with requests every week for every weekend.

Where in the code amendment(s) are these types of signs addressed?

Also, as a neighborhood association Chair, we plan to have neighborhood event(s) and plan to put out a day of signs for a neighborhood garage sale, clean up day, monthly meetings, and possibly other things. There are very few of us in "charge" and participating right now in Highland and we are trying VERY hard. Is there a way the planning department can provide ease to these types of signs is really helpful as we try to increase engagement.

How about time constraints and content perimeters instead of getting a permit or written authorization for every event (open house signage for Realtors included)?

Thank you in advance for taking and submitting my comments to the Commission.

Leigh Tracey-Gaynair
Highland NA Co-Chair
Realtor, HSRG
(541) 948-9312
leihatgrealtor@gmail.com

Aaron Panko

From: Shelby Guizar
Sent: Tuesday, May 16, 2023 1:22 PM
To: Aaron Panko
Subject: FW: Hearing Notice - Case No. CA23-03 for Sign Code Amendment

See below:

From: Marissa Theve <marissatheve@gmail.com>
Sent: Tuesday, May 16, 2023 1:00 PM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Cc: citycouncil <citycouncil@cityofsalem.net>
Subject: Hearing Notice - Case No. CA23-03 for Sign Code Amendment

Greetings,

I would like to provide testimony for Case No. CA23-03 for Sign Code Amendment. I am specifically interested in the definition E: General Illumination Standards and Electronic Display Signs as well as G. Outdoor Advertising Signs. My name is Marissa Theve and I have spoken at four neighborhood associations about the issue of light pollution in Salem. I've included a link to my presentation here for the record:

https://docs.google.com/presentation/d/1NbmKdQHUrE27hibDBddIO9-R9pdXXRWX/edit?usp=share_link&ouid=108731850009161187341&rtpof=true&sd=true

If this topic interests you, I highly recommend viewing the recent presentation by Portland Audubon's Mary Coolidge last month at the Salem Audubon Society meeting here: <https://www.youtube.com/watch?v=Pa8x-z6wwfY>

My favorite moment is when she dispels the myths around outdoor lighting and public safety, at 38:00 minutes in. More lighting does not equal more safety.

In the case of outdoor signage, more lighting might actually mean less safety. I believe that light pollution, along with noise pollution, are two of the easiest environmental problems that a municipality can solve, and that work applied toward this goal ultimately leaves our city in a more livable state. Efforts to help stave off the effects of climate change have resulted in some great new code updates both from the state level (HB 2001) and within-city efforts (Our Salem and the Climate Action Plan). At every turn there seems to be something that Salem can do better for our planet but in general, it does mean living more densely to reduce our cumulative footprint. This is where lighting code becomes important: to embrace having more of our neighbors closer together than ever before, things like noise and light matter. If you watch Mary Coolidge's talk, you'll find that smart, modern lighting code takes light pollution seriously, which ultimately results in energy savings, and a more liveable place for humans and critters alike.

The environmental justice pattern that we see in most pollution issues holds true here: poorer people are disproportionately affected by light pollution (see the end of my PowerPoint presentation for some maps which illustrate this pattern in Salem). For human beings this has shown to ultimately result in shorter lives due to chronic stress from lack of sleep. We are still uncovering the damages to our natural world, but we know that light pollution negatively affects trees, birds, reptiles, and more. A 2013 Canadian study on large outdoor LED signs showed potential human effects includes:

- Photosensitive Epilepsy
- Retinal Damage
- Stress and Annoyance
- Circadian Rhythm and Sleep Disruption

<https://nceh.ca/documents/field-inquiry/health-effects-large-led-screens-local-residents>

The basic conclusion is that nearby residents should be involved in the process and taken seriously when lighting is found to be a nuisance. All this to say that Salem should seriously consider the ramifications of unshielded lit signs, outdoor electronic signs, and uplighting before it updates this code. I believe these are distracting and dangerous in a world full of already lethally distracted driving, a waste of energy, and frankly quite tacky. Remember the City has committed to [Vision Zero](#), and other states and municipalities do just fine without these lighting types. Vermont just celebrated its 55th anniversary of banning billboards statewide, and Portland wisely does not allow any outdoor electronic signs.

While the outdoor advertising sign curfew is a good start, it is my opinion that Salem can do without billboards or billboard lighting at all, and would be a safer, more aesthetic place as a result. See how this fits into the first section of "purpose" of this code stated in the Summary and Background section. "The purpose of the sign code is to **protect the health, safety, property, and welfare of the public; ...**"

Please consider some language from Multnomah County's dark sky Ordinance:

C. Signs. Outdoor lighting for all new signs, including outdoor advertising (billboards), business signs and roof and freestanding signs, installed after the effective date of this Ordinance shall be as follows: 1. Any externally-mounted light fixtures shall be mounted to the top of the sign and shall be oriented downward; 2. The lights shall be fully shielded; and 3. Externally-mounted bulbs or lighting tubes that are not filled with neon, argon or krypton shall not be visible from any portion of an adjacent public right-of-way or adjoining property.

Please also consider the International Dark Skies' recommendations on electronic signs: <https://www.darksky.org/ida-announces-lighting-guidelines-for-electronic-messaging-centers/>

Thank you for your careful consideration in how this community-wide code update affects us all.
Marissa Theve,
Grant Neighborhood, Ward 1, 97301

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Marissa Theve
Pronouns: she/her/hers



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555 Liberty St SE

Salem, OR 97301

RE: Proposed Amendment to SRC Chapter 900 – Sign Code

Dear Chair Griggs and Planning Commission members,

On behalf of the Mid-Valley Association of REALTORS®, we greatly appreciate the extensive work put into updating the sign code by staff and the commission. However, we would like to bring to your attention two specific issues of concern.

First, the prohibition of outdoor advertising signs (i.e. billboards) in the MU-III zone. We support and concur with the written testimony submitted by the Home Builders Association of Marion & Polk Counties which detailed this issue and the unintended consequences very well. We respectfully request that the code language be amended to permit the relocation of existing outdoor advertising signs within the MU-III zone.

Second, the display time limit for temporary rigid signs (i.e. real estate signs) of one year. There are instances of real estate listings languishing on the market beyond one year.

Willamette Valley Multiple Listing Service (MLS) provided the following:

- Total number of Salem listings surveyed: 39,850 listings (10 years)
- Range of Days on market: 1 day to 3,387 days
- Number of Salem listings 366 days on market or longer: 1,437 listings
- Percent of Salem listings 366 days on market or longer: 3.61%

These numbers are actually very conservative as sellers with “aging” listings often terminate and relist to get a new MLS number. MLS stats do not track the cumulative days on market through multiple attempts.

The display time limitation would harm property owners whose properties do not sell timely by not being able to continue visually marketing their properties beyond one year. To accommodate these instances, we respectfully request that an application for a permit to continue displaying the rigid sign beyond one year be allowed.

Respectfully,

Drew Johnson

President



**ATT: Aaron Planko Planner III
City of Salem Planning Division
555 Liberty Street SE.
Salem, OR 97301**

Dear Planning Commission,

I wish to offer comments on Code Amendment Case No. CA23-03

The proposed amendments include prohibiting Outdoor Advertising Signs (OAS) from MU-III zones.

This is contrary to the Our Salem document defining the MU-III zoning published on the city's website in February of 2022 (see attached). That document states that "all uses allowed in the Retail Commercial (CR) zone would be allowed in the proposed MU-III zone. Outdoor Advertising signs are allowed in CR zones.

This document also states that "the purpose of the Mixed Use-III (MU-III) zone is to identify allowed uses and establish development standards that encourage infill development and redevelopment in mixed-use corridors and centers."

By prohibiting OAS in MU – III zones, this amendment will deter redevelopment on properties that have signs. The existing signs would become nonconforming uses, which would prohibit sign companies from relocating them and as such reduce any flexibility to work with developers on redevelopment projects.

MU-III zoned parcels and districts by the city's definition are the most appropriate areas for OAS. They are commercial hubs where consumers expect to see signs and where local business want to advertise their brands. The existing code already contains language to limit the amount of signage in CR zones via established spacing requirements between signs. This has successfully regulated the number of signs in the city for decades.

The number of parcels that are now zoned MU-III are much more expansive than what was previously prohibiting OAS in some of these areas by the overlay zone designation. Please refer to the attached maps that illustrate what was previously prohibited, vs. what would be prohibited under the new amendment. If the intent of the amendment was to keep the status quo on restricting signs to what was previously an overlay zone, the language has gone significantly beyond that.

Also, of significant importance for the city to consider with the proposed amendment is that existing OAS in MU-III zones would become nonconforming uses. If the city were to do any projects that would impact the signs, they would be subject to paying the sign company just compensation for the loss in revenue of the signs. This cost could be drastically reduced if the sign company were able to relocate the sign.

OUTFRONT/

This is further solidified by the fact that most parcels zoned MU-III on Commercial St. and Lancaster St. are subject to the Oregon state Outdoor Advertising sign program as they were segments added to the National Highway System under the MAP 21 project. ORS 377.713 outlines what is required by the state in condemnation matters involving billboards.

For congruity, I think the best resolution is to allow OAS in MU-III zones.

Regards,

A handwritten signature in black ink, appearing to read 'Dan Dhruva', with a long horizontal flourish extending to the right.

Dan Dhruva
Director of Real Estate and Government Affairs

SALEM, OREGON

MIXED USE-III ZONE

MIXED USE-1 ZONE

FORMER RETAIL COMMERCIAL ZONE (CR)

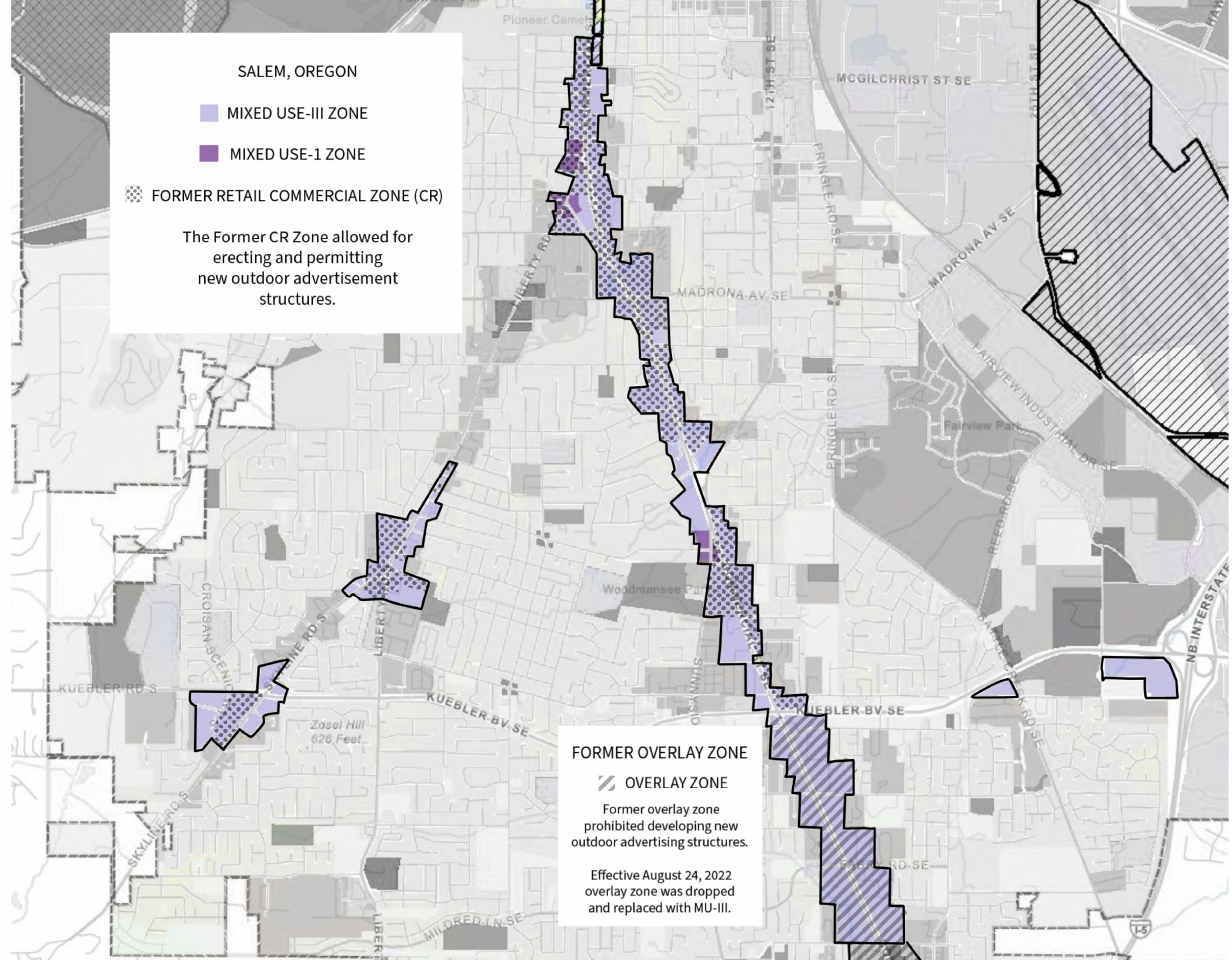
The Former CR Zone allowed for erecting and permitting new outdoor advertisement structures.

FORMER OVERLAY ZONE

OVERLAY ZONE

Former overlay zone prohibited developing new outdoor advertising structures.

Effective August 24, 2022 overlay zone was dropped and replaced with MU-III.



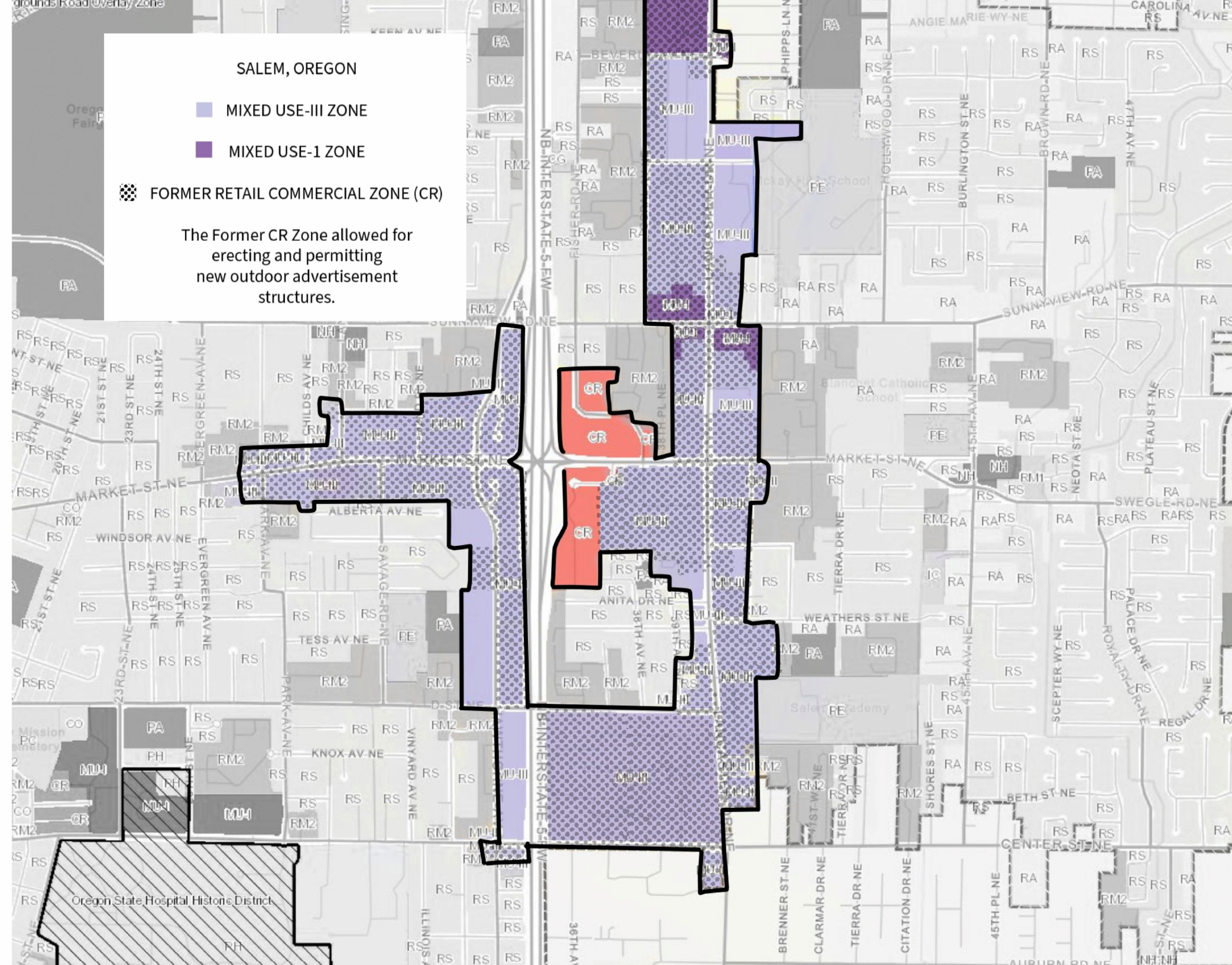
SALEM, OREGON

■ MIXED USE-III ZONE

 MIXED USE-1 ZONE

 FORMER RETAIL COMMERCIAL ZONE (CR)

The Former CR Zone allowed for erecting and permitting new outdoor advertisement structures.



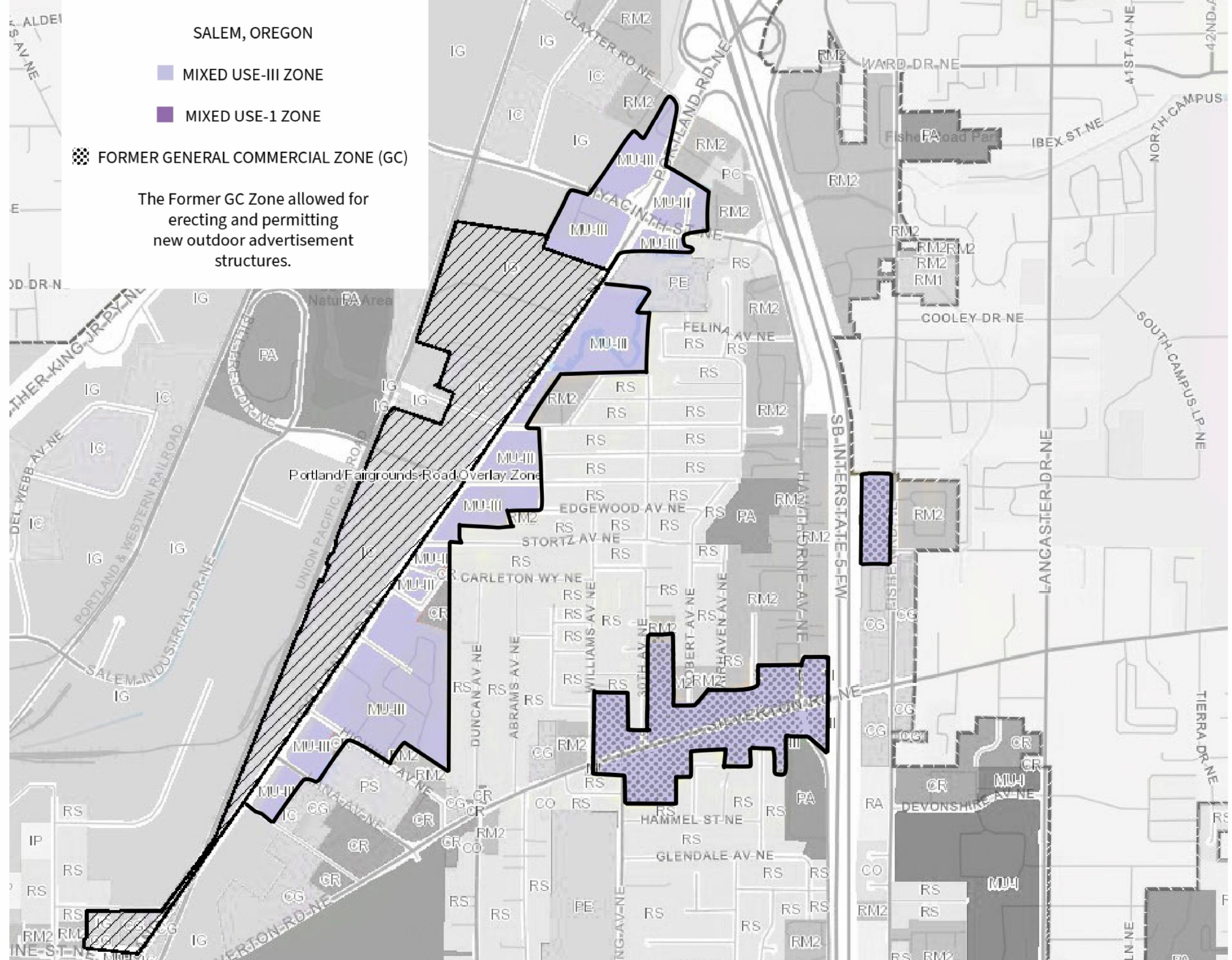
SALEM, OREGON

MIXED USE-III ZONE

MIXED USE-1 ZONE

FORMER GENERAL COMMERCIAL ZONE (GC)

The Former GC Zone allowed for erecting and permitting new outdoor advertisement structures.





Mixed Use-III (MU-III) Zone Overview

May 2022

The following information describes the proposed MU-III zone, which would be a new zone in Salem. The zone is being proposed as part of the Our Salem project and could change as the project goes through the adoption process. If you have questions, please contact Eunice Kim, ekim@cityofsalem.net.

Description

The Mixed Use-III (MU-III) zone is intended to promote infill and redevelopment in mixed-use centers and corridors, particularly those with frequent transit service. Standards would encourage pedestrian-oriented development. Existing uses would be allowed to remain and be expanded. **All uses allowed in the Retail Commercial (CR) zone would be allowed in the proposed MU-III zone. Multifamily housing would be allowed outright in the MU-III zone** as opposed to through a conditional use permit in the CR zone.

CHAPTER 535. MU-III—MIXED USE-III

Sec. 535.001. Purpose.

The purpose of the Mixed Use-III (MU-III) zone is to identify allowed uses and establish development standards that encourage infill development and redevelopment in mixed-use corridors and centers and promote pedestrian access. The MU-III zone generally allows a variety of retail and office uses, commercial services, and multiple family residential uses.

Sec. 535.005. - Definitions.

Unless the context otherwise specifically requires, as used in this chapter, the following mean:

Pedestrian amenities means areas and objects that are intended to serve as places for public use and are closed to motorized vehicles. Examples include plazas, sidewalk extensions, outdoor seating areas, and street furnishings.

Primary street means a street that is classified in the Salem Transportation System Plan (TSP) as an arterial or collector.

Secondary street means a street that is classified in the TSP as a local street.

Sec. 535.010. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 535-1.

**TABLE 535-1
USES**

TABLE 535-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none">■ Townhouse.■ Residential home, as defined under ORS 197.660.■ Single family, when located in a mixed-use building.
	N	All other single family.
Two family	P	Two family, when located in a mixed-use building.
	N	All other two family.
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 75 persons.
	N	All other room and board.
Residential care	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	C	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	P	All other retail sales.
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		

Motor vehicle and manufactured dwelling and trailer sales	C	
Motor vehicle services	P	Gasoline service stations.
	C	All other motor vehicle services.
Commercial parking	P	
Park-and-ride facilities	P	
Taxicabs and car services	P	
Heavy vehicle and trailer sales	C	Truck rental and leasing.
	N	All other heavy vehicle and trailer sales.
Heavy vehicle and trailer service and storage	C	The following heavy vehicle and trailer service and storage activities: ■ Truck stops. ■ Heavy vehicle and equipment operation instruction. ■ Tire retreading and tire repair shops.
	N	All other heavy vehicle and trailer service and storage.
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	C	Privately owned camps, campgrounds, and recreational vehicle parks.
	N	The following commercial entertainment—outdoor activities: ■ Amusement parks. ■ Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	C	
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Education Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Governmental services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military Installations	P	

Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and grounds services and construction contracting	P	The following buildings and grounds services and construction contracting activities: ■ Landscape, lawn, and garden services. ■ Tree and shrub services.
	C	Carpet and upholstery cleaning establishments.
	N	All other building and grounds services and construction contracting.
Cleaning plants	N	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	C	Distribution centers for online, mail order, and catalog sales.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: ■ Industrial and institutional food service contractors. ■ Costume jewelry and precious metals metalsmithing. ■ Sundries and notions. ■ Signs.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		
Basic utilities	C	Reservoirs; water storage facilities.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	C	
Data center facilities	N	

Fuel dealers	N	
Waste-related facilities	C	The following waste-related facilities are allowed conditionally: ■ Recycling depots. ■ Solid waste transfer stations.
	N	All other waste-related facilities.
Mining and Natural Resource Extraction		
Petroleum and natural gas production	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	New wildlife rehabilitation facility.
	P	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030. ■ Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035.
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) Continued uses. Existing, legally-established uses established prior to *[Insert Effective Date of Ordinance]*, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.
- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 535.015(f).
 - (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.
- (c) Adaptive reuse of existing industrial buildings and structures. In order to allow for greater flexibility in the use of existing industrial buildings and structures within the area shown in Figure 535-1, the adaptive reuse of industrial buildings and structures existing on *[Insert Effective Date of Ordinance]*, is allowed as set forth in this subsection.
- (1) Uses. Any use within the industrial use classification that is a permitted, special, or conditional use within the General Industrial (IG) Zone shall be a permitted, special, or conditional use within an existing industrial building or structure within the area shown in Figure 535-1.
 - (2) Development standards; design review. The exterior of the existing industrial building or structure may be altered, but shall not be enlarged. The exterior alteration shall comply with all applicable standards of the IG Zone. The exterior alteration shall not be subject to the development standards, or the design review guidelines or the design review standards, of this chapter.

- (3) Termination. Adaptive reuse of an existing industrial building or structure shall terminate as provided in this subsection. When the adaptive reuse of an existing industrial building or structure has terminated, the property shall thereafter only be used for uses allowed in the MU-III zone.
- (A) Change of use to any use that is allowed in the MU-III zone shall terminate the adaptive reuse of the building or structure.
- (B) Determination by the Building Official that the building or structure is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the adaptive reuse of the building or structure.
- (C) Substantial damage or destruction of the building or structure by any cause, to the extent that the cost of repair or restoration would exceed 60 percent of the building or structure replacement cost using new materials and conforming to the current building codes, shall terminate the adaptive reuse of the building or structure. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC 20J.240 through 20J.430 for contested case proceedings.

Sec. 535.015. Development standards.

Development within the MU-III zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

**TABLE 535-2
LOT STANDARDS**

TABLE 535-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
Single family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 16 ft.	

- (b) *Dwelling unit density.* Development within the MU-III zone that is exclusively residential shall have a minimum density of 15 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-III zone shall be provided as set forth in Tables 535-3 and 535-4.

**TABLE 535-3
SETBACKS**

TABLE 535-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications

Abutting Street		
Buildings		
Three family, four family, and multiple family	Min. 20 ft No Max.	Applicable to standalone three family, four family, and multiple family uses along arterial streets.
	Min. 5 ft. Max. 30 ft.	<p>Applicable to all other three family, four family, and multiple family.</p> <p>The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities and meets the following standards:</p> <ul style="list-style-type: none"> ■ Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities, and ■ At least 50 percent of the remaining setback area must be landscaped. <p>The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.</p>
All other uses	Min. 5 ft. Max. 30 ft.	<p>The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities and meets the following standards:</p> <ul style="list-style-type: none"> ■ Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities, and ■ At least 50 percent of the remaining setback area must be landscaped. <p>The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.</p>
Accessory Structures		
Accessory to single family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Front		
Buildings		
Single family, three family, and four family	None	

Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	
Accessory Structures		
Accessory to single family, three family, and four family	Min. 5 ft.	
Accessory to multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	
Interior Side		
Buildings		
Single family	None	
Three family and four family	Min. 5 ft.	
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	
Accessory Structures		
Accessory to single family, three family, and four family	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	
Interior Rear		
Buildings		
Single family	None	
Three family and four family	Min. 5 ft.	
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	
Accessory Structures		
Accessory to single family, three family, and four family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.

	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 535-4)	

**TABLE 535-4
ZONE-TO-ZONE SETBACKS**

TABLE 535-4. ZONE-TO-ZONE SETBACKS			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential Zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet, but in no case more than 50 ft ⁽²⁾	Type C
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type C
Mixed-Use Zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial Zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public Zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and accessory structures	Min. 5 ft. ⁽¹⁾	Type A
	Vehicle use areas		
Industrial and Employment Zone: IG	Buildings and accessory structures	Min. 10 ft. ⁽¹⁾	Type C
	Vehicle use areas		
Limitations and qualifications: ⁽¹⁾ Zone-to-Zone setbacks are not required abutting an alley. ⁽²⁾ The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.			

- (d) *Lot coverage; height.* Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

**TABLE 535-5
LOT COVERAGE; HEIGHT**

TABLE 535-5. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
Height		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to single family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(e) *Landscaping.*

- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:
 - (A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (B) For all other uses, landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.
- (3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.
- (4) *Gasoline stations.* In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area. The landscaped area shall conform to the standards set forth in SRC chapter 807.

(f) *Development Standards for Continued Uses.*

- (1) *Buildings.* Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC; or
 - (2) *Option to rebuild in same location.* Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.
- (g) *Pedestrian-oriented Design.* Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC [chapter 230](#).

(1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

(2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.

(3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.

(4) *Building entrances:* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.

(5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Sec. 535.020. Design review.

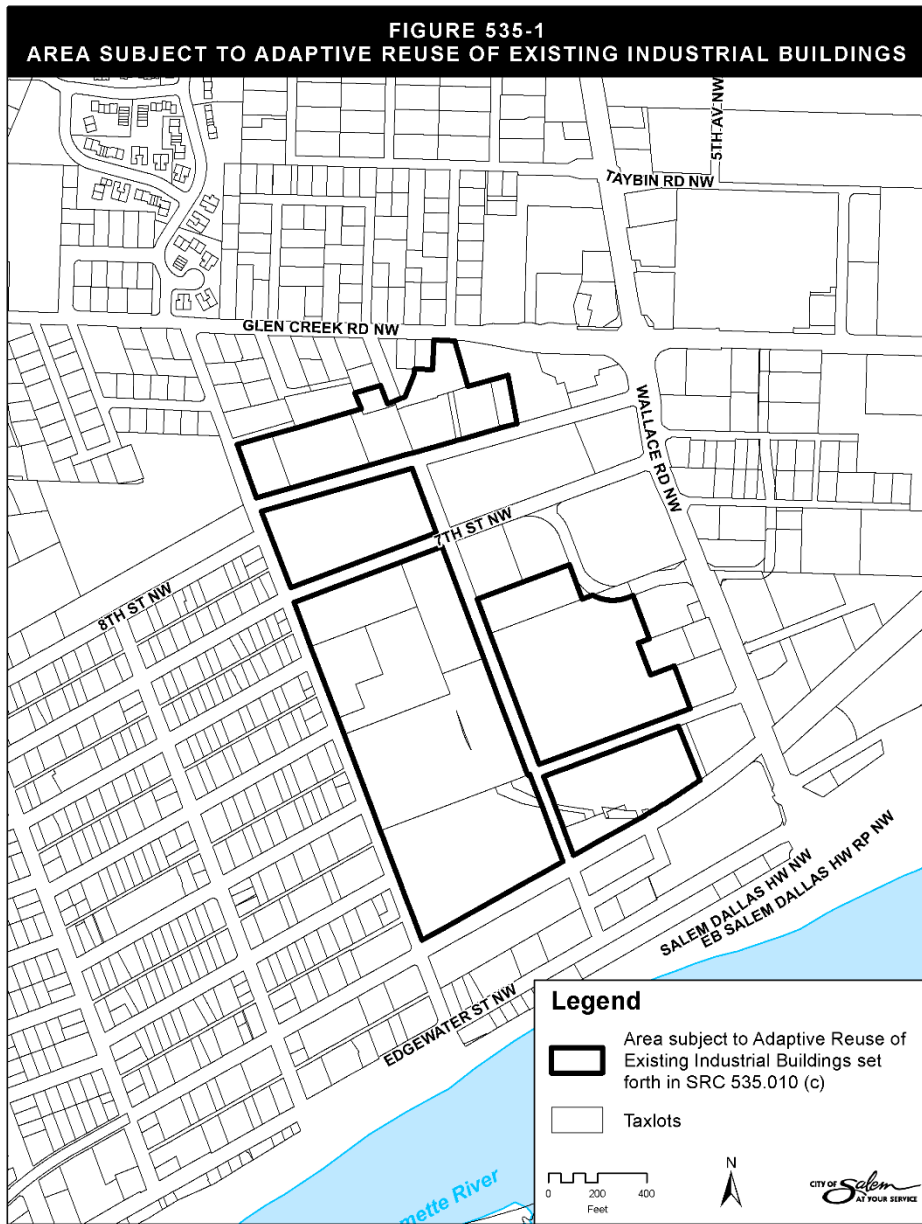
Design review under SRC chapter 225 is required for development within the MU-III as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Sec. 535.025. Other provisions.

In addition to the standards set forth in this chapter, development within the MU-III zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:

- (a) Trees and Shrubs: SRC chapter 86.
- (b) Wireless Communications Facilities: SRC chapter 703.
- (c) General Development Standards: SRC chapter 800.
- (d) Public Improvements: SRC chapter 802.
- (e) Streets and Right-of-Way Improvements: SRC chapter 803.
- (f) Driveway Approaches: SRC chapter 804.
- (g) Vision Clearance: SRC chapter 805.
- (h) Off-Street Parking, Loading and Driveways: SRC chapter 806.
- (i) Landscaping and Screening: SRC chapter 807.
- (j) Preservation of Trees and Vegetation: SRC chapter 808.
- (k) Wetlands: SRC chapter 809.
- (l) Landslide Hazards: SRC chapter 810.
- (m) Sign Code: SRC chapter 900.





Salem Chamber
Convener | Catalyst | Champion

May 15, 2023

Salem Planning Commission
555 Liberty St SE
Salem, OR 97301

RE: Revised Sign Code

Chair Griggs and Members of the Salem Planning Commission,

Thank you for the opportunity to submit testimony regarding the sign code update. Your attention and efforts to these updates are greatly appreciated.

The Salem Chamber of Commerce is dedicated to helping our businesses prosper so our entire community thrive. We share the concerns of the Home Builders Association and Mid-Valley Association of Realtors regarding possible unintended consequences of prohibiting outdoor advertising signs in the MU-III zone.

If the City prohibits sign relocation and a property owner chooses to redevelop a site that has an existing outdoor advertising sign, it is possible that the process could be impeded if the sign company is unwilling to terminate the lease.

Please consider the request to amend the code language to permit the relocation of existing outdoor advertising signs within the MU-III zone.

Respectfully Submitted,

Tom Hoffert, IOM
Chief Operating Office
Salem Chamber of Commerce

Salem Area Chamber of Commerce

President

Wendy Veliz • President
Portland General Electric

Executive Committee

Laura Dorn • Past President
Berkshire Hathaway HomeServices

Mike Herron • Secretary
VIPs Industries Inc.

Stephen Joye • Treasurer
Fischer, Hayes, Joye & Allen LLC

Jennifer Martin • VP of Membership
First Commercial Real Estate

Jeff Miller • VP of Advocacy
Coldwell Banker Commercial

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Rich Duncan
Rich Duncan Construction

Jeff Dunn
Lineage Logistics

Ted Ferry
State Farm Insurance

Kathy Gordon
Aldrich CPAs + Advisors

Julie Hoy
Geppetto's Italian Restaurant

Dan McDowell
Pioneer Trust Bank

Katya Mendez
Mountain West Investment Corporation

Connor Reiten
PNGC Power

Quandray Robertson
Q's Corner Barber Shop

Randy Sutton
Saalfeld Griggs PC

Eric Templeton
AmeriTitle

Jim Vu
Core Solutions Consulting

Angela Williams
Huggins Insurance Services Inc.

Chief Executive Officer

Tom Hoffert
Salem Area Chamber of Commerce

From the Desk of Curt Arthur

Curt.Arthur@svn.com

503-588-4146 (direct)

503-559-7990 (cell)

May 15, 2023

Salem Planning Commission
555 Liberty St. SE
Salem, OR 97301

Sent Via Email

RE: Proposed Amendment to SRC Chapter 900 – Sign Code

Dear Chair Griggs and Planning Commission members:

I would like to share my thoughts on prohibiting outdoor advertising signs in the new MU-III zone.

The Our Salem plan will help our community build density and diversity in well defined hubs in the area but the inability for the development community to be able to relocate an outdoor sign, even when all parties are in agreement, is a hurdle that will most certainly prevent some of these types of development to occur. The opposite of the intent.

I strongly recommend the code language be amended to permit the relocation of an existing outdoor sign in the new MU_III zone.

My thanks for your time and my appreciation for your volunteer efforts.

Sincerely,

SVN Commercial Advisors, LLC



Curt Arthur, SIOR
Managing Director

Aaron Panko

From: Shelby Guizar
Sent: Tuesday, May 16, 2023 11:13 AM
To: Aaron Panko
Subject: FW: Written Testimony RE: Agenda Item 5.1

See below:

From: Terry Hancock <terry@hancockre.com>
Sent: Tuesday, May 16, 2023 11:12 AM
To: Shelby Guizar <SGuizar@cityofsalem.net>
Cc: Kelsey Oran <kelsey@hancockre.com>
Subject: Written Testimony RE: Agenda Item 5.1

Shelby,

I am writing in reference to agenda item 5.1 for tonight's Planning Commission regarding the provision to relocate static or electric billboards from properties rezoned MU-III from the Our Salem initiative. I would urge the Planning Commission to reconsider this initiative due to the difficulty in developing these parcels. Seeing as many of the billboards have very long-term leases on them and sign companies would have no motivation to relocate, this will prevent development in a zone that has been identified specifically for development. Specifically, our firm represents a site that would be impacted by this initiative and would severely impact property values. Developers and property owners are facing significant hurdles to get their development out of the ground and this billboard initiative not only doesn't make sense, but it's also prohibitive to the very goal you seek.

Thank you for your consideration.

Terry

Terry Hancock | Principal Broker Licensed in the State of Oregon

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