



## Staff Report

**File #:** 22-208

**Version:** 1

**Date:** 5/23/2022

**Item #:** 4.b.

**TO:** Mayor and City Council  
**THROUGH:** Kristin Retherford, Interim City Manager  
**FROM:** Peter Fernandez, PE, Public Works Director

### SUBJECT:

Proposed amendments to *Salem Revised Code* Chapter 15 (Public Art) and *Salem Revised Code* Chapter 900 (Sign Code) to create an approval process for "Street Paintings," and to exempt certain temporary banners and City-authorized signs in the public right-of-way.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

Result Area(s): Welcoming and Livable Community

### SUMMARY:

Ordinance Bill No. 8-22 (Attachment 1) amends Chapter 15 and Chapter 900 of *Salem Revised Code* in order to create an approval process for "Street Paintings" in Salem, to provide an exemption for temporary banners regulated by a City-issued permit, and to provide an exemption for City-authorized signs in the public right-of-way.

### ISSUE:

Shall City Council engross Ordinance Bill 8-22, conduct a public hearing to consider the Ordinance Bill amending SRC Chapter 15 and Chapter 900, and, after a public hearing, advance it to a second reading for enactment?

### RECOMMENDATION:

Engross Ordinance Bill 8-22, conduct a public hearing to consider the Ordinance Bill amending SRC Chapter 15 and Chapter 900, and, after a public hearing, advance to second reading for enactment.

### FACTS AND FINDINGS:

## ***Procedural Findings***

1. *Oregon Revised Statute* (ORS) 197.610 and *Oregon Administrative Rule* (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. First reading was held on May 9, 2022. Notice to DLCD was provided within 35 days of the proposed hearing date.
2. Public notice of the hearing was sent by mail as required, and published in the Statesman Journal newspaper, as required under SRC 300.1110(e).
3. Administrative rules implementing the Street Painting program will be presented to City Council at the same meeting as second reading for the ordinance is conducted.

## ***Proposed Amendments***

1. The complete text of the proposed amendments is included as Exhibit A to Ordinance Bill 8-22 (See Attachment 2). The ordinance reflects the amendments needed to establish a Street Painting program in Salem, to provide an exemption for temporary banners regulated by a City permit, and to provide an exemption for City-authorized signs in the public right-of-way.

In addition to allowing the creation of a Street Mural program, the amendments will clarify that the Liberty Pole Banner and Liberty Parkade Banner, reservable banners on City facilities which are limited to non-profits and government-sponsored events, are exempt from the requirements in SRC Chapter 900. Permits will continue to be required.

The amendments addressing City-authorized signs in the public right-of-way will allow for the replacement of the Salem welcome sign on Portland Road NE, as requested by Northgate Neighborhood Association. The sign code, which primarily addresses signs on private property, does not currently provide an exemption for placing the welcome sign and other similar signs in the right-of-way that are unable to meet the standards of the sign code.

Staff has engrossed the ordinance to address signs placed in the right-of-way for scenic, historic, cultural, geographic, and educational interest, such as welcome signs. The proposed engrossment to the ordinance includes an exemption to allow signs related to scenic, historic, cultural, geographic, and educational interest to be placed on property owned by a governmental unit. This need was identified by staff when working with a non-profit that is placing a Vietnam War Memorial on the Capitol Mall. Without the proposed amendment, the memorial will need numerous sign code variances.

2. The amendments proposed in Ordinance Bill 8-22 include new definitions for the term Street Painting under SRC 15 as well as new exemptions for street paintings, temporary banners, and authorized signs in the public right-of-way under SRC 900.

## **Substantive Findings**

SRC 110.085 establishes the following approval criteria that must be met 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 Code amendments are in the best interest of the public health, safety, and welfare of the city because they will foster community creativity, pride, and placemaking in Salem neighborhoods. The proposed exemptions to the Sign Code will further provide an avenue for the approval of scenic, historic, cultural, geographic, and educational signs entirely within the public right-of-way.

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 Code amendment was reviewed for conformance with applicable goals and policies of the SACP, Statewide Planning Goals, and administrative rules adopted by the Department of Land Conservation and Development (DLCD). The Following goals and policies relate to the proposed Code amendments:

- **SACP Goals 20 and 21 (Section J. Transportation) - Aesthetics and Landscaping:**
  - *Aesthetics and landscaping shall be considered in the design of the transportation system. Within the physical and financial constraints of the project, landscaping, and where appropriate, public art, shall be included in the design of the transportation facility. Various landscaping designs, plants, and materials shall be utilized by local governments, private entities, or individuals to enhance the livability of the area.*
  - *Major gateway points into the city enhance the impression of the area's beauty and vitality. The Salem Transportation System Plan shall identify major gateway points into the City of Salem.*

The proposed amendments to SRC 900 and SRC 15 will authorize and encourage the inclusion of art and aesthetics in approved areas of the Salem transportation system. The exemptions will provide greater flexibility for scenic, historic, cultural, geographic, and educational signs in Salem's gateway points into the city.

- **SACP Goals 1 (Section B. General Development) - Citizen Involvement:**

- *Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.*

The proposed Code amendments have been prompted through citizen interest and involvement. Public notice and the process of a public hearing on proposed changes will provide additional opportunities for citizen participation in the decision-making process.

- **Statewide Planning Goal 1 - Citizen Involvement:** The proposed Code amendments have been prompted through citizen interest and involvement. Public notice and the process of a public hearing on proposed changes will provide additional opportunities for citizen participation in the decision-making process.
- **Statewide Planning Goal 2 - Land Use Planning:** The proposed Code amendments are being presented to the community through a public notification and hearing process that includes the public and DLCD as is consistent with the decision-making process identified for land use actions under Goal 2.

## **Alternatives**

City Council may:

- A. Engross Ordinance Bill 8-22, conduct a public hearing and, following the public hearing, advance to second reading for enactment; or
- B. Decline to engross Ordinance Bill 8-22 and decline to advance to a public hearing and second reading.

## **BACKGROUND:**

On January 24, 2022, City Council adopted a motion directing staff to create a proposal to establish a Street Painting program in Salem. Street Paintings are paintings that are installed directly on street pavement. These paintings are presently not allowed in Salem per SRC chapter 900. To establish a Street Painting program, an exemption in SRC chapter 900 is required. Staff propose that street paintings be identified and authorized in SRC chapters 15 and 900. This requires additions to SRC Chapter 15 that define Street Paintings and allow for their placement on streets pursuant to rules promulgated by the Public Works Director.

Heather Dimke  
Management Analyst II

**Attachments:**

1. Ordinance Bill 8-22\_Engrossed
2. Exhibit A, Amendments to SRC 15 and SRC 900