



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development
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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/11/2013

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 008-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, June 27, 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: Bryce Bishop, City of Salem
Gordon Howard, DLCD Urban Planning Specialist

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

JUN 06 2013

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

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

Jurisdiction: **City of Salem**

Local file number: **CA12-03**

Date of Adoption: **5/28/2013**

Date Mailed: **6/4/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/20/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Proposed amendments to the Salem Revised Code (SRC) adopting eight new chapters as part of the City's Unified Development Code (UDC) rewrite project. The proposal includes corresponding amendments to the existing Salem Revised Code to confirm the SRC to the proposed new chapters.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **NA**

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
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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. _____

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

Local Contact: **Bryce Bishop, Planner II**

Phone: (503) 540-2399 Extension:

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005

City: Salem

Zip: 97301-

E-mail Address: bbishop@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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

008-12 (19302) [17477]

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

May 13, 2013
8.1 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH: *Linda Norris*
LINDA NORRIS, CITY MANAGER
FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: AMENDMENTS TO THE SALEM REVISED CODE (SRC) ADOPTING
EIGHT NEW CHAPTERS OF THE UNIFIED DEVELOPMENT CODE
(CA 12-03)

ISSUE:

Should the City Council amend Ordinance Bill No. 12-12 as set forth in the engrossed Ordinance Bill No. 12-12, which is attached to this staff report as "Attachment 2," and advance engrossed Ordinance Bill No. 12-12, adopting eight new chapters of the Unified Development Code (UDC), to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council advance amended Ordinance Bill No. 12-12 as set forth in the engrossed Ordinance Bill No. 12-12, which is attached to this staff report as "Attachment 2," and engrossed Ordinance Bill No. 12-12, adopting eight new chapters of the Unified Development Code (UDC), to second reading for enactment.

SUMMARY:

This engrossed ordinance would adopt the first eight chapters of the Unified Development Code (UDC). The Planning Commission held multiple public hearings on the proposed amendments and, based on public testimony and input from the UDC Advisory Committee, made changes to the Variance and Adjustment chapters. Due to the extensive public hearing process at the Planning Commission, and review by the Advisory Committee, staff is not recommending a City Council Public Hearing.

BACKGROUND:

City staff have been involved in a multi-year project to amend, update, and consolidate the City's various land use and development regulations into a cohesive Unified Development Code that it is simpler to use and easier to administer.

In order to begin the process of adopting the UDC, certain chapters have been identified to be brought forward for adoption prior to the rest of the UDC. The chapters were selected because they do not need the remainder of the UDC to be in place in order to function, and because public review of the chapters has been completed with the Unified Development Code Advisory Committee. The chapters proposed for adoption include:

- SRC Chapter 220 – Site Plan Review

- SRC Chapter 225 – Design Review
- SRC Chapter 240 – Conditional Use
- SRC Chapter 245 – Variances
- SRC Chapter 250 – Adjustments
- SRC Chapter 255 – Street Naming, Addressing, and Vacation of Public Property.
- SRC Chapter 265 – Zone Changes
- SRC Chapter 270 – Non-Conforming Situations

In addition to adopting new chapters, Ordinance Bill No. 12-12 renumbers the City's Annexation chapter and revises various other chapters of the SRC to conform them to the proposed amendments.

FACTS AND FINDINGS:

1. Ordinance Bill No. 12-12 had a first reading before the Council on June 25, 2012. The Council referred the bill to the Planning Commission for review and recommendation
2. On July 17, 2012, the Planning Commission held a public hearing to receive evidence and testimony on proposed amendments to the Salem Revised Code adopting eight new chapters of the new Unified Development Code (UDC). The Planning Commission report can be found as Attachment 3.

At the public hearing testimony was provided on proposed amendments, which included questions regarding the proposed revisions to the approval criteria for certain types of land use applications, particularly variances. The public hearing was continued to August 7, 2012 and then closed and rescheduled for October 2, 2012.

3. The October 2, 2012, hearing was opened and continued to October 16, 2012 based on additional comments regarding the variance and adjustment chapters in order to allow the public more time to review proposed amendments. On October 16, 2012, the Planning Commission received evidence and testimony and voted to recommend City Council adoption of Ordinance Bill No. 12-12.
4. However, at the Planning Commission's next regular meeting on November 5, 2012, the Commission voted to reconsider its recommendation, in order to further review the Variance and Adjustment chapters. On November 20, 2012, the Commission voted to request that staff prepare and bring forward for public review and comment additional amendments to the Variance and Adjustment chapters of the UDC addressing areas of concern.
5. On April 16, 2013, the Commission held a hearing on the Variance and Adjustment chapters and voted to amend their original recommendation to include proposed amendments to the two chapters.

Engrossed Ordinance

6. Staff has prepared an engrossed ordinance that reflects the amendments recommended by the Planning Commission. The engrossed ordinance was prepared for the following reasons:
 - a. The Variance chapter (SRC 245) is proposed to be amended based on the comments received during the public hearing process;

- b. The Adjustments chapter (SRC 250) is proposed to be amended based on the comments received during the public hearing process; and
- c. Minor changes throughout the ordinance including:
 - i. Correcting an incorrect reference to the historic adaptive reuse provisions of the historic preservation ordinance;
 - ii. Clarifying the appeal and Council review of Class 1 and Class 2 adjustments;
 - iii. Reflecting that adjustments will now also be allowed to subdivision and partition standards;
 - iv. Modifying the table to reflect the changes to variances and adjustments recommended by the Planning Commission;
 - v. Replacing "adjustment" with "minor modification" in the minor modifications section;
 - vi. Replacing the table to the expiration and extension of subdivisions, partitions, replats, and Urban Growth Area Development Permit preliminary declarations to reflect the adopted changes of Ordinance Bill No. 4-13;
 - vii. Adding a references section which will establish how the UDC and the Salem Revised Code (SRC) relate to each other; and
 - viii. Adding a severability clause and clarifying that the effective date is 30 days from enactment or, if appealed, on the date the ordinance is acknowledged.

The specific sections that are proposed to be amended are included as Attachment 1 with a strikethrough indicating removal and underline indicating an addition. The full engrossed ordinance bill is Attachment 2.

ALTERNATIVES:

The City Council may:

1. Advance engrossed Ordinance Bill No. 12-12 to second reading for enactment.
2. Set a public hearing on the proposed amendments.
3. Refer the proposal back to the Planning Commission for additional deliberation.
4. Take no action.



Glenn W. Gross, Urban Planning Administrator

- Attachment:
1. Amended sections of Ordinance Bill No. 12-12
 2. Engrossed Ordinance Bill No. 12-12
 3. Planning Commission Report, dated July 17, 2012

Prepared by Lisa Anderson-Ogilvie, Planner III

Section 4. SRC Chapter 245 is added to the Salem Revised Code as follows:

245.001. Purpose. Because each area of land is, to some degree, unique as to its suitability for and constraints on development, the development standards imposed under the UDC cannot foresee all conceivable situations applicable to the development of every property at every moment. Therefore it is the purpose of this chapter to provide a process that will allow flexibility, adaptability, and reasonableness in the application and administration of the UDC where special conditions exist that create an unreasonable hardship or practical difficulty that limit the suitability of land for development. The purpose of this Chapter is to allow site-specific modification of a development standard that is necessary to allow development of a property that has special characteristics which limit its suitability for development of an otherwise lawful use.

245.005. Variances.

(a) Applicability. ~~Except as~~Unless otherwise provided in the UDC, ~~no~~ buildings, structures, or land shall ~~not~~ be used or developed contrary to ~~any~~the applicable development standards of the UDC unless a variance has been granted pursuant to this Chapter, ~~or an adjustment granted pursuant to SRC 250.~~

(1) Classes.

~~(A) A Class 1 variance is a variance to lot standards consolidated with an application for subdivision, partition, or replat.~~

~~(B) A Class 2 variance is a variance to any development standards other than lot standards for subdivisions, partitions, or replats thereof.~~

(2) Prohibition. No variance shall be granted ~~to~~authorizing a use not otherwise permitted on the property for which the variance is sought.

(A) Allow a use or activity not allowed under the UDC;

(B) Change the status of a use or activity under the UDC;

(C) Modify a definition or use classification;

(D) Modify a use standard;

(E) Modify the applicability of any requirement under the UDC;

(F) Modify a development standard specifically identified as non-variable;

(G) Modify a development standard that contains the word "prohibited";

(H) Modify procedural requirements under the UDC; or

(I) A design review guideline or design review standard.

(b) Procedure Type.

~~(1) A Class 1 variance is processed as a Type II procedure under SRC Chapter 300.~~

~~(2) A Class 2 variance is processed as a Type III procedure under SRC Chapter 300.~~

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a ~~Class 1 variance or a Class 2 variance~~ shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

~~(C) Loading areas, if included with proposed development;~~

(DC) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;

(ED) The location, height, and material of fences, buffers, berms, walls, and other proposed screening as they relate to buffer yard and landscaping required by SRC Chapter 132;

(FE) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68; and

(GF) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(2) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines and whether they are to be removed;

(C) The location of the ~~one hundred~~ 100-year flood plain, if applicable; and

(D) The location of drainage patterns and drainage courses, if applicable.

(d) **Criteria.** An application for a ~~Class 1 or Class 2~~ variance shall be granted if all of the following criteria are met:

(1) There is an unreasonable hardship or practical difficulty created by the physical characteristics of the land~~The variance is reasonably necessary to permit development of an otherwise lawful use;~~

(2) ~~There are special conditions inherent in the land, buildings, or use which are not generally present in land, buildings, or uses that are in the vicinity and that have the same zone designation which make compliance with the applicable development standard an unreasonable hardship;~~

(3) The variance will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity; and

~~(4) The variance is consistent with the purpose of the development standard for which the variance is sought.~~

(e) **Transfer of Variance.** Unless otherwise provided in the final decision granting the variance, a variance shall run with the land.

245.010. Modification of Variance Approval.

(a) **Applicability.** A variance approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for variance.

(b) **Procedure Type.**

~~(1) Modification of a Class 1 variance approval is processed as a Type II procedure under SRC Chapter 300.~~

~~(2) Modification of a Class 2 variance approval is processed as a Type III procedure under SRC Chapter 300.~~

(c) Submittal Requirements.

~~(1) Modification of a Class 1 variance approval shall include, in addition to the submittal requirements for a Type II application under SRC Chapter 300, the information required under SRC 250.005(e).~~

~~(2) Modification of a Class 2 variance approval shall include, in addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for modification of a variance approval shall include the information required under SRC ~~250~~245.005(c).~~

(d) Criteria. An application for modification of a variance approval shall be ~~granted if all of~~ the following criteria are met~~—~~:

(1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and

(2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

(e) Expiration. The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Section 5. SRC Chapter 250 is added to the Salem Revised Code as follows:

250.001. Purpose. The purpose of this Chapter is to provide a process to allow ~~minor~~ deviations from the development standards of the ~~zoning code~~UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow, in order to facilitate reasonable development of property where special conditions or unusual circumstances exist~~in those situations where special conditions exist, but are not of such a magnitude that a variance is warranted.~~

250.005. Adjustments.

(a) Applicability.

(1) Classes. ~~Unless otherwise provided, the Planning Administrator may grant an adjustment only:~~

(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC~~For the expansion that increases or reduction decreases the standard~~ by not more than ~~twenty~~20 percent of any numerical development standard in the zoning code.

~~(B) Where otherwise specifically permitted under the zoning code, and then only within any limits specified in the grant of such authority.~~

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

(2) Prohibition. ~~Notwithstanding paragraph (1) of this subsection, an~~ an

adjustment shall not be granted to; ~~modify any condition of approval placed on property through a previous planning action. Notwithstanding paragraph (1) of this subsection, the Planning Administrator may not grant an adjustment to the lot size in any zone, landscaping in the Industrial Business Campus (IBC) zone, or any numerical standard for a Planned Unit Development.~~

(A) Allow a use or activity not allowed under the UDC;

(B) Change the status of a use or activity under the UDC;

(C) Modify a definition or use classification;

(D) Modify a use standard;

(E) Modify the applicability of any requirement under the UDC;

(F) Modify a development standard specifically identified as non-adjustable;

(G) Modify a development standard that contains the word "prohibited";

(H) Modify a procedural requirement under the UDC;

(I) Modify a condition of approval placed on property through a previous planning action;

(J) A design review guideline or design review standard; or

(K) The required landscaping in the Industrial Business Campus (IBC) zone.

(b) Procedure Type. Class 1 and Class 2 ~~An adjustment~~ is/are processed as a Type II Procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for an Class 1 or Class 2 adjustment shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;

~~(C) Loading areas, if included with proposed development;~~

(D) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;

~~(E) The location, height, and material of fences, buffers, berms, walls and other proposed screening as they relate to buffer yard and required landscaping required by SRC Chapter 132; and~~

(E) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68; and

(F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (A) The total site area, dimensions, and orientation relative to north;
- (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
- (C) The location of the ~~one hundred~~ 100-year flood plain, if applicable; and
- (D) The location of drainage patterns and drainage courses, if applicable;

(d) ~~Criteria. An adjustment shall be granted if the following criteria are met:~~

(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

~~(1) The proposed adjustment satisfies any specific criteria for the adjustment in the zoning code;~~

(2A) The intent and purpose underlying the specific development standard proposed for adjustment is:

(A) Clearly inapplicable to the proposed development; or

(B) Clearly satisfied by the proposed development; and,

(3B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

(e) **Transfer of Adjustments.** Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

250.010. Modification of Adjustment Approval.

(a) **Applicability.** An adjustment may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for adjustment.

(b) **Procedure Type.** Modification of an Class 1 or Class 2 adjustment approval is processed as a Type II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for modification of an Class 1 or Class 2 adjustment approval shall include the information required under SRC 250.005(c).

- (d) **Criteria.** An application for modification of an Class 1 or Class 2 adjustment approval shall be granted if all of the following criteria are met--;
- (1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and
 - (2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) **Expiration.** The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Section 14. SRC 63.046 is amended to read as follows:

63.046. Decision of the Planning Administrator for a Subdivision.

- (a) The Planning Administrator may either approve, deny, approve with conditions necessary to insure conformance with this Chapter and the purpose set forth in SRC 63.020, or, where further information is required, postpone action on a subdivision application for a period not to exceed 30 days.
- (b) Before approval of a tentative plan the Planning Administrator shall make affirmative findings that:
- (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
 - (2) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plan; and
 - (3) The tentative plan complies with all applicable standards of this Code, including the Salem zoning ordinance, unless a variance or adjustment therefore has been obtained; and
 - (4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.
- (c) The Planning Administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to notice under SRC Chapter 300.

Section 15. SRC 63.047 is amended to read as follows:

63.047. Decision of the Planning Administrator for a Partition.

- (a) If an application for a partition requires a variance or adjustment, the Planning Administrator may approve, deny, or approve with conditions necessary to insure conformance with this Chapter and the purpose set forth in SRC 63.020. Before approval of a tentative plan, the planning administrator shall make affirmative findings that:
- (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development

of the remainder or any adjoining land or access thereto; and

(2) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, unless a variance or adjustment therefore has been obtained.

(3) The Planning Administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons, organizations, and agencies entitled to notice under SRC Chapter 300.

(b) If an application for a partition does not require a variance or adjustment, the Planning Administrator may either approve, deny, or approve with conditions necessary to insure conformance with this Chapter and the purpose set forth in SRC 63.020. Before approval of a tentative plan, the Planning Administrator shall make affirmative findings that:

(1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and

(2) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plan; and

(3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, unless a variance or adjustment therefore has been obtained.

(4) The Planning Administrator shall adopt written findings and conclusions in connection with the approval or denial of a tentative plan, and shall serve by regular mail a copy of his decision on the applicant, the owners of the property subject of the application, and on all persons or organizations entitled to a notice of filing under SRC SRC Chapter 300.

Section 36. SRC 121.680 is amended to read as follows:

121.680. Minor Modifications. During construction of the planned development, the director may authorize the following minor modifications:

(a) Lot area. Maximum possible modification of 1 percent of the minimum lot area but not more than 500 square feet.

(b) Percentage of lot coverage. A maximum modification of 2 percent more than permitted but not more than 250 square feet.

(c) Front yard and any yard adjacent to a street.

(1) A maximum modification of 10 percent of the required front yard depth.

(d) Side yards. A maximum modification of one foot but in no instance shall this permit a side yard depth of less than five feet for a one story building or less than six feet for a two or two and one-half story building.

(e) Rear yard depth. A maximum modification of:

(1) Either four feet for the main building; or

(2) Ten feet if a yard area equal in area to that being covered is provided at some other place on the lot other than a required yard area.

(f) Subjects not included for minor modification. The number of dwelling units

permitted, parking requirements, building height, vision clearance area, and the use of property are not subjects for ~~adjustments~~ minor modification by the planning administrator.

(g) Minimum modification only. The modification must be held to the minimum necessary.

Section 138. SRC 300.100 is amended to read as follows:

300.100. Procedure Types.

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300-1. The procedure type governs the decision making process for the specific land use application.

**TABLE 300-1
LAND USE PROCEDURE TYPES**

Table 300-100-1: Land Use Procedure Types			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

**TABLE 300-2
LAND USE APPLICATIONS BY PROCEDURE TYPE**

Table 300-2: Land Use Applications by Procedure Type						
Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ADJUSTMENT	II	N	PA	HO	N	SRC 116
-Class 1 Adjustment	II	N	PA	HO	N	SRC 250
-Class 2 Adjustment	II	Y	PA	HO	Y	SRC 250
ADMINISTRATIVE CONDITIONAL USE	II	N	PA	HO	Y	SRC 116
CODE INTERPRETATION	III	N	PC	CC	Y	SRC 110
COMPREHENSIVE PLAN CHANGE						
-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
-Minor Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	-	SRC 64
CONDITIONAL USE	III	Y	HO	PC	Y	SRC 240
DESIGN REVIEW						

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
-Class 1 Design Review	I	Y	PA	-	N	SRC 225
-Class 2 Design Review	II	Y	PA	PC	N	SRC 225
-Class 3 Design Review	III	Y	PC	CC	Y	SRC 225
FAIRVIEW MIXED-USE ZONE						
-Fairview Plan	III	Y	PC	CC	Y	SRC 143C
-Fairview Plan Amendment – Minor	II	Y	PA	PC	Y	SRC 143C
-Fairview Plan Amendment – Major	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan Amendment – Minor	II	Y	PA	PC	Y	SRC 143C
-Refinement Plan Amendment – Major	III	Y	PC	CC	Y	SRC 143C
FLOOD PLAIN OVERLAY ZONE						
-Floodplain Development Permit	I	N	BO & PWD	-	N	SRC 140
-Floodplain Overlay Zone Variance	III	N	HO	CC	Y	SRC 140
HISTORIC REVIEW						
-Historic Design Review (Minor)	I	N	PA	HLC	N	SRC 230
-Historic Design Review (Major)	III	N	HLC	HO	N	SRC 230
-Historic Resource Adaptive Reuse	III	N	HO	PC	Y	SRC 230
-Historic Resource Demolition	III	N	HLC	CC	Y	SRC 230
-Local Historic Resource Designation	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
-Local Historic Resource Designation Removal (Class 1)	I	N	PA	-	N	SRC 230
-Local Historic Resource Designation Removal (Class 2)	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	Y	SRC 123
NEIGHBORHOOD CENTER MASTER PLAN						
-Class 1 NCMP	III	Y	PC	CC	Y	SRC 215
-Class 2 NCMP	III	Y	PC	CC	Y	SRC 215
-Class 2 NCMP Detailed Plan (Subsequent Phases)	II	N	PA	PC	Y	SRC 215

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
-Class 3 NCMP (First Subarea)	III	Y	PC	CC	Y	SRC 215
-Class 3 NCMP (Subsequent Subareas)	III	Y	PC	CC	Y	SRC 215
-NCMP Minor Amendment	II	N	PA	PC	Y	SRC 215
-NCMP Major Amendment	III	N	PC	CC	Y	SRC 215
NEIGHBORHOOD PLANS						
-Neighborhood Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
-Neighborhood Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	-	SRC 64
NONCONFORMING USE EXTENSION, ALTERATION, EXPANSION, or SUBSTITUTION	III	Y	HO	PC	Y	SRC 270
PARTITION						
-Tentative Plan	II	N	PA	PC	Y	SRC 63
-Final Plat	Exempt	N	PA	-	N	SRC 63
PLANNED UNIT DEVELOPMENT						
-Tentative Plan	III	Y	PC	CC	Y	SRC 121
-Tentative Plan w/ Subdivision	III	Y	PC	CC	Y	SRC 121
-Final Plan	I	N	PA	-	N	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	N	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	N	SRC 63
REPLAT	II	N	PA	PC	Y	SRC 63
SIGNS						
-Sign Permit	I	N	CDD	-	N	SRC 900
-Sign Adjustment	II	N	CDD	-	N	SRC 900
-Sign Conditional Use Permit	III	N	HO	PC	Y	SRC 900
-Sign Variance	III	N	HO	PC	Y	SRC 900
SITE PLAN REVIEW						
-Class 1 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 2 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 3 Site Plan Review	II	N	PA	HO	Y	SRC 220
SPECIFIC CONDITIONAL USE	III	Y	HO	PC	Y	SRC 118
SUBDIVISION						
-Tentative Plan	II	N	PA	PC	Y	SRC 63

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
-Final Plat	Exempt	N	PA	-	N	SRC 63
-Subdivision of Manufactured Dwelling Park	II	N	PA	PC	Y	SRC 63
TREE & VEGETATION REMOVAL						
-Tree Conservation Plan	I	N	PA	-	N	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	N	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	N	SRC 68
-Hardship Variance	II	N	PA	HO	Y	SRC 68
-Economical Use Variance	II	N	PA	HO	Y	SRC 68
URBAN GROWTH MANAGEMENT						
-Urban Service Area Amendment	IV	N	CC	-	N	SRC 66
-UGA Development Permit Preliminary Declaration	II	N	PA	CC	Y	SRC 66
-UGA Development Permit	I	N	PWD	-	N	SRC 66
VALIDATION OF UNITS OF LAND						
VARIANCE	IIII	YY	HOHO	PCPC	Y	SRC 115-SRC 245
Class 1 Variance	II	N	PA	HO	Y	SRC 245
Class 2 Variance	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
-Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	Y	SRC 141
-Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	Y	SRC 141
ZONE CHANGE						
-Quasi-Judicial Zone Change	III	Y	HO	CC	Y	SRC 265
LEGEND						
PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council						

Section 148. SRC 300.520 is amended to read as follows:

300.520. Type II Procedure

(a) Application Requirements.

(1) **Application Form.** Type II applications shall be made on forms provided by the Planning Administrator.

(2) **Submittal Requirements.** Type II applications shall include the information required under SRC 300.210.

(b) **Public Notice and Comment.** Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) **Mailed Notice.** Mailed notice shall be provided as follows:

(A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

(B) Notice of the application shall be mailed to:

(i) The applicant(s) and/or the applicant's authorized representative(s);

(ii) The owner(s) or contract purchaser(s) of record of the subject property;

(iii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(iv) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;

(v) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

(vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

(C) Mailed notice shall include:

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

(ii) The type of application and a concise description of the nature of the land use action;

(iii) The proposed site plan;

(iv) The street address, or other easily understood geographical reference, for the subject property;

(v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;

(vi) A list of the approval criteria by name and code section;

(vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at reasonable cost;

(viii) A brief summary of the decision making process for the application;

- (ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;
- (x) A statement that comments received after the close of the public comment period will not be considered;
- (xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;
- (xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and
- (xiii) The name and contact information for the staff case manager.

- (2) **Posted Notice.** Posted notice shall be provided, when required, as follows:
- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than 5 days after the date of original posting. The affidavit shall be made a part of the file.
 - (B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
 - (C) Posted notice shall be on signs prepared by the Planning Administrator.
 - (D) To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a refundable sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.
 - (E) The applicant shall remove the signs from the subject property and return them to the Planning Administrator within 7 days after the date the decision is issued. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days, in an undamaged and reusable condition.

- (c) **Application Review.** The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.
- (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the

applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.

(e) Notice of Decision. Notice of the decision shall be mailed within 5 days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file.

(1) Notice of the decision shall be mailed to:

- (A) The applicant(s) and/or authorized representative(s);
- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (D) Any group or individual who submitted written comments during the comment period;
- (E) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;
- (F) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
- (G) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.

(2) Notice of the decision shall include:

- (A) A brief description of the application;
- (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
- (C) A brief summary of the decision, and conditions of approval, if any;
- (D) A statement of the facts relied upon;
- (E) The date the Review Authority's decision becomes effective, unless appealed;
- (F) The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- (G) A statement that all persons entitled to notice of the decision may appeal the decision; and
- (H) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

(f) Appeal and Review.

(1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City Council pursuant to SRC 300.1050, the decision by the Planning Administrator on a Type II application shall be the final decision of the City.

(2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.

(3) The Review Authorities for appeals are identified under Table 300.100-2. Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City Council on review, shall be the final decision of the City.

(A) Upon receipt of an appeal ~~of a decision on~~ of a Type II Class 3 Site Plan Review or a Class 2 adjustment decision, notice of the appeal shall be provided to the City Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

(B) The decision on a ~~zoning~~ Class 1 adjustment is not subject to Council review. The decision of the Review authority is the final decision of the City.

(4) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

(g) **Expiration of Approval.** Approval of a Type II application expires automatically as provided by SRC 300.860(a).

Section 158. SRC 300.860 is amended to read as follows:

300.860. Expiration and Extensions.

(a) Approval Expiration and Termination.

(1) Unless a different period of time is established in the Salem Revised Code or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300.860-13 unless one of the following has occurred:

(A) Development has commenced in compliance with the land use approval;

(B) An extension has been granted pursuant to SRC 300.860(b); or

(C) The land use approval has been revoked as provided under SRC 300.870 or is otherwise invalidated by an administrative board or court of competent jurisdiction.

(2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300.860-13, and all required building permits issued for the land use action have expired.

(b) Extensions.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300.860-13 through filing an application for extension prior to the expiration date.

- (2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to the standards and criteria used to approve the original application.
- (3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.
- (4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

**TABLE 300.860-13
EXPIRATION AND EXTENSION OF APPROVALS**

Table 300.860-13: Expiration and Extension of Approvals				
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Type I				
Administrative <u>Class 1</u> Design Review	2 Years	2	2 Years	
Minor Historic Design Review	2 Years	2	2 Years	
Sign Permit (Requiring Building Permit)	180 Days	1	90 Days	
Sign Permits (All Others).	90 Days	1	90 Days	
Type I <u>Limited Class 1</u> Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
Type I <u>Class 2</u> Site Plan Review				
All Other Type I	No Expiration Period	N/A	N/A	
Type II				
Partition Tentative Plan; Tentative Replat	2 Years	4	2 Years	
Subdivision Tentative Plan	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (First Phase)	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (All Other Phases)	10 Years	None	N/A	
Type II <u>Class 3</u> Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
All Other Type II	2 Years	2	2 Years	
Type III				

Table 300.860-13: Expiration and Extension of Approvals

Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Comprehensive Plan Change; <u>Quasi-Judicial</u> Zone Change	No Expiration Period	N/A	N/A	
All Other Type III	2 Years	2	2 Years	
Type IV:				
All Type IV	No Expiration Period	N/A	N/A	
<p>1 The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal.</p> <p>2 The extension period is calculated from the date of expiration of the approval.</p>				

Section 167. References. This ordinance is the first phase in a two-phase revision of the City of Salem's land use regulations, and it is the intent of this ordinance that the chapters established hereby together with those chapters of Title X of the Salem Revised Code that are not repealed or amended by this ordinance, shall be construed in a manner that creates a unified regulatory scheme. Therefore, (1) any references in Title X of the Salem Revised Code to "the Salem Zoning Code," "zoning code," or other similar references to the Salem Zoning Code, shall, unless the context otherwise specifically requires, be deemed to refer to the chapters of the Unified Development Code established by this ordinance, and (2) any reference in the chapters of the Unified Development Code established by this ordinance to "standards," "criteria," or "uses" "in the UDC," shall, where the context specifically requires, refer to those chapters in Title X that have not been repealed or amended by this ordinance; provided, however, in the event of a conflict between this ordinance and any provision of Title X that has not been repealed or amended by this ordinance, this ordinance shall control.

Section 168. Codification. In codifying this ordinance the City Recorder may change the word "ordinance," "code," "article," "section," or "chapter" to reflect the proper terminology; may renumber sections, subsections, paragraphs, subparagraphs, and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors in the text which do not affect the meaning of the text.

Section 169. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 170. Effective date. This ordinance shall become effective thirty days after enactment, unless a notice of appeal is timely filed, in which case the ordinance shall become effective on the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).



COMMUNITY DEVELOPMENT DEPARTMENT

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

June 4, 2013

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

NOTICE OF FINAL DECISION: Ordinance No. 12-12
Code Amendment No. CA12-03 Establishing New Salem Revised Code Chapter 220, Site Plan Review; Chapter 225, Design Review; Chapter 240, Conditional Use; Chapter 245, Variances; Chapter 250, Adjustments; Chapter 255, Street Naming, Addressing, and Vacation of Public Property; Chapter 265, Zone Changes; and Chapter 270, Nonconforming Situations; Amending SRC Chapters 31, 38, 63, 66, 77, 95, 111, 116, 118, 119, 121, 123, 125, 126, 130, 133, 135, 136, 137, 138, 139, 140.020, 140, 141, 142, 143, 143A, 143B, 143C, 143D, 143E, 143F, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 162, 215, 300; Adopting Revisions to the City of Salem Development Design Handbook; Renumbering Chapter 165; and Repealing SRC 63.042, 63.043, 63.330, 63.331, and 63.332; SRC 76.130 through 76.144; SRC 84.010 through 84.200; 112.020 through 112.080; 113.100 through 113.205; 115.010 through 115.040; 116.010 through 116.060; 117.010 through 117.050; 120.010 through 120.100; and 163.010 through 163.100

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 12-12 at the May 28, 2013 session. Ordinance No 12-12 establishes new chapters, amends and deletes certain sections of existing chapters and revises the *City of Salem Development Design Handbook*. 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 **not later than 21 days** after June 4, 2013. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any 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.

Glenn W. Gross
Urban Planning Administrator

cc: See Attached List

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

**Code Amend. CA12-03
Signed Council Ordinance
No. 12-12
Mailing Matrix**

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ATTN: Mona West
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Marion Co. Brd of Commissioners
P.O. Box 14500
Salem Oregon 97309-5036

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

EXHIBIT B

BY EMAIL:

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1 **ENGROSSED**

ORDINANCE BILL NO. 12-12

2 RELATING TO LAND USE; ESTABLISHING NEW SALEM REVISED CODE CHAPTER
3 220, SITE PLAN REVIEW; CHAPTER 225, DESIGN REVIEW; CHAPTER 240,
4 CONDITIONAL USE; CHAPTER 245, VARIANCES; CHAPTER 250, ADJUSTMENTS;
5 CHAPTER 255, STREET NAMING, ADDRESSING, AND VACATION OF PUBLIC
6 PROPERTY; CHAPTER 265, ZONE CHANGES; AND CHAPTER 270 NONCONFORMING
7 SITUATIONS; AMENDING SRC 31.089, 31.1007, 38.010, 63.030, 63.038, 63.046, 63.047,
8 63.051, 63.285, 63.295, 66.020, 66.200, 77.150, 95.200, 111.040, 116.100, 116.130, 118.285,
9 118.170, SRC 118.220, 118.340, 118.410, 119.010, 119.500, 119.560, 119.570, 121.242,
10 121.680, 121.690, 121.870, 123.050, 123.100, 123.200, 125.080, 126.050, 130.609, 133.100,
11 135.070, 136.050, 137.040, 137.080, 138.040, 138.070, 139.040, 139.050, 139.160, 140.020,
12 140.170, 140.180, 141.080, 142.070, 143.070, 143A.060, 143A.070, 143A.190, 143B.060,
13 143B.090, 143B.100, 143B.120, 143B.130, 143B.150, 143B.160, 143B.170, 143B.290,
14 143C.060, 143C.080, 143C.090, 143C.100, 143C.150, 143D.045, 143D.170, 143E.050,
15 143F.050, 144.040, 145.030, 145.040, 145.050, 146.030, 146.040, 146.050, 147.030, 147.040,
16 147.050, 148.170, 148.190, 148.200, 148.220, 148.300, 148.320, 148.340, 148.350, 148.370,
17 148.450, 149.030, 149.040, 149.050, 150.030, 150.040, 150.050, 151.030, 151.040, 151.050,
18 152.030, 152.040, 152.050, 153.030, 153.040, 153.050, 154.030, 154.040, 154.050, 155.030,
19 155.040, 155.050, 156.035, 156.050, 157.030, 157.040, 157.050, 158.030, 158.040, 158.050,
20 159.040, 159.050, 160.020, 160.100, 160.120, 162.070, 215.030, 300.100, 300.110, 300.120,
21 300.130, 300.220, 300.400, SRC 300.410, 300.420, SRC 300.500, 300.510, SRC 300.520, SRC
22 300.600, 300.610, SRC 300.620, 300.700, 300.710, SRC 300.720, 300.820, SRC 300.840,
23 300.850, SRC 300.860, 300.970, 300.1010, 300.1040, 300.1080, AND 300.1110; ADOPTING
24 REVISIONS TO THE CITY OF SALEM DEVELOPMENT DESIGN HANDBOOK;
25 RENUMBERING CHAPTER 165; AND REPEALING SRC 63.042, 63.043, 63.330, 63.331,
26 AND 63.332; SRC 76.130 THROUGH 76.144; SRC 84.010 THROUGH 84.200; 112.020
27 THROUGH 112.080; 113.100 THROUGH 113.205; 115.010 THROUGH 115.040; 116.010
28 THROUGH 116.060; 117.010 THROUGH 117.050; 120.010 THROUGH 120.100; AND
29 163.010 THROUGH 163.100

30 *The City of Salem ordains as follows:*

1 **Section 1.** SRC Chapter 220 is added to the Salem Revised Code as follows:

2 **220.001. Purpose.** The purpose of this Chapter is to provide a unified, consistent and efficient
3 means to conduct site plan review for development activity that requires a building permit, to
4 ensure that such development meets all applicable standards of the UDC, including, but not
5 limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external
6 refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

7 **220.005. Site Plan Review.**

8 (a) **Applicability.**

9 (1) Except as provided in paragraph (2) of this subsection, any development that
10 requires a building permit must receive site plan review approval prior to issuance
11 of the building permit.

12 (2) **Exemptions.** The following development that requires a building permit is
13 exempt from site plan review:

14 (A) The construction of single-family or duplex dwellings on an
15 individual lot, including the construction of accessory structures
16 associated with such dwellings.

17 (B) Sign installation.

18 (C) Ordinary maintenance or repair of existing buildings, structures,
19 utilities, landscaping, and impervious surfaces, and the installation or
20 replacement of operational equipment or fixtures.

21 (D) The alteration to the facade of a building.

22 (E) Interior construction or tenant improvements that involve no change
23 of use.

24 (b) **Classes.** The three classes of Site Plan Review are:

25 (1) **Class 1 Site Plan Review.** Class 1 Site Plan Review is site plan review for
26 any development that requires a building permit, that does not involve a land use
27 decision or limited land use decision, as those terms are defined in ORS 197.015,
28 and that involves a change of use or change of occupancy where only construction
29 or improvements to the interior of the building or structure are required.
30

1 **(2) Class 2 Site Plan Review.** Class 2 Site Plan Review is required for any
2 development that requires a building permit, other than development subject to
3 Class 1 Site Plan Review, and that does not involve a land use decision or limited
4 land use decision, as those terms are defined in ORS 197.015.

5 **(3) Class 3 Site Plan Review.** Class 3 Site Plan Review is required for any
6 development that requires a building permit, and that involves a land use decision
7 or limited land use decision, as those terms are defined in ORS 197.015. As used
8 in this paragraph, land use decisions and limited land use decisions include, but
9 are not limited to, any development application that:

10 **(A)** Requires a Transportation Impact Analysis pursuant to the Salem
11 Transportation System Plan;

12 **(B)** Requires a geotechnical report or geologic assessment under SRC
13 Chapter 69, except where a geotechnical report or geologic assessment has
14 already been approved for the property subject to the development
15 application;

16 **(C)** Requires deviation from clear and objective development standards of
17 the UDC relating to streets, driveways or vision clearance areas;

18 **(D)** Proposes dedication of right-of-way which is less than the
19 requirements of the Salem Transportation System Plan;

20 **(E)** Requires deviation from the clear and objective standards of the UDC
21 and where the review authority is granted the authority to use limited
22 discretion in deviating from the standard; or

23 **(F)** Requires a variance, adjustment, or conditional use permit.

24 **(c) Procedure Type.**

25 **(1)** Class 1 Site Plan Review is processed as a Type I procedure under SRC
26 Chapter 300.

27 **(2)** Class 2 Site Plan Review is processed as a Type I procedure under SRC
28 Chapter 300.

29 **(3)** Class 3 Site Plan Review is processed as a Type II procedure under SRC
30 Chapter 300.

1 (4) An application for site plan review may be processed concurrently with an
2 application for a building permit; provided, however, the building permit shall not
3 be issued until site plan review approval has been granted.

4 **(d) Submittal Requirements for Class 1 Site Plan Review.** In lieu of the application
5 submittal requirements under SRC Chapter 300, an application for a Class 1 Site Plan
6 Review shall include a completed application form that shall contain the following
7 information:

- 8 (1) The names and addresses of the applicant(s), the owner(s) of the subject
9 property, and any authorized representative(s) thereof;
- 10 (2) The address or location of the subject property and its assessor's map and tax
11 lot number;
- 12 (3) The size of the subject property;
- 13 (4) The comprehensive plan designation and zoning of the subject property;
- 14 (5) The type of application(s);
- 15 (6) A brief description of the proposal; and
- 16 (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the
17 duly authorized representative(s) thereof authorizing the filing of the
18 application(s).

19 **(e) Submittal Requirements for Class 2 and Class 3 Site Plan Review.**

20 (1) **Class 2 Site Plan Review.** In addition to the submittal requirements for a
21 Type I application under SRC Chapter 300, an application for Class 2 Site Plan
22 Review shall include:

23 (A) A site plan, of a size and form and in the number of copies meeting
24 the standards established by the Planning Administrator, containing the
25 following information:

- 26 (i) The total site area, dimensions, and orientation relative to
27 north;
- 28 (ii) The location of all proposed primary and accessory structures
29 and other improvements, including fences, walls, and driveways,
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(iii) The location of the one-hundred-year flood plain, if applicable.

(C) A completed trip generation estimate for the proposed development, on forms provided by the City.

(2) Class 3 Site Plan Review. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for Class 3 Site Plan Review shall include:

- (A) All submittal requirements for a Class 2 Site Plan Review under subsection (e)(1) of this section;
- (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
- (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
- (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of fifteen percent;
- (E) The location of drainage patterns and drainage courses, if applicable;
- (F) A preliminary utility plan showing capacity needs for municipal water, stormwater management, and sewer service and schematic location of connection points to existing municipal water and sewer services;
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g. manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
- (H) A geological assessment or geotechnical report, if required by SRC Chapter 69, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

1 (I) A Transportation Impact Analysis, if required for the development, in
2 the format specified, and based on thresholds specified in standards
3 established, by the Director of Public Works.

4 (f) **Criteria.**

5 (1) **Class 1 Site Plan Review.** An application for a Class 1 Site Plan Review
6 shall be granted if:

7 (A) The application involves only a change of use or a change of
8 occupancy, and there is no pending application for an associated land use
9 decision or limited land use decision;

10 (B) Only construction or improvements to the interior of the building or
11 structure will be made;

12 (C) The new use or occupancy will not require exterior improvements to
13 the building or structure or alteration to existing parking, landscaping, or
14 bufferyards;

15 (D) Only clear and objective standards which do not require the exercise
16 of discretion or legal judgment are applicable to the site plan review
17 application; and

18 (E) The application meets all applicable standards of the UDC.

19 (2) **Class 2 Site Plan Review.** An application for a Class 2 Site Plan Review
20 shall be granted if:

21 (A) Only clear and objective standards which do not require the exercise
22 of discretion or legal judgment are applicable to the application.

23 (B) The application meets all the applicable standards of the UDC.

24 (3) **Class 3 Site Plan Review.** An application for Class 3 Site Plan Review shall
25 be granted if:

26 (A) The application meets all applicable standards of the UDC;

27 (B) The transportation system provides for the safe, orderly, and efficient
28 circulation of traffic into and out of the proposed development, and
29 negative impacts to the transportation system are mitigated adequately;
30

1 (C) Parking areas and driveways are designed to facilitate safe and
2 efficient movement of vehicles, bicycles, and pedestrians; and

3 (D) The proposed development will be adequately served with City water,
4 sewer, storm drainage, and other utilities appropriate to the nature of the
5 development.

6 **220.010. Modification of Site Plan Review Approval.**

7 (a) **Applicability.** A site plan review approval may be modified after its effective date
8 if the proposed modification meets the criteria in this section. Proposed modifications
9 that do not meet the criteria in this section require submittal of a new application for
10 site plan review.

11 (b) **Procedure Type.** Modification of a site plan review approval is processed as a
12 Type I procedure under SRC Chapter 300.

13 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
14 application under SRC Chapter 300, an application for modification of a site plan
15 review approval shall include:

16 (1) For modification of a Class 1 site plan review approval, the information
17 required under SRC 220.005(d);

18 (2) For modification of a Class 2 site plan review approval, the information
19 required under SRC 220.005(e)(1); and

20 (3) For modification of a Class 3 site plan review approval, the information
21 required under SRC 220.005(e)(2).

22 (d) **Criteria.**

23 (1) Modification of a Class 1 or Class 2 site plan review approval shall be granted
24 if the proposed modification will not result in significant changes to the physical
25 appearance of the development, use of the site, and the impacts on surrounding
26 properties.

27 (2) Modification of a Class 3 site plan review approval shall be granted if the
28 following criteria are met.

29 (A) The proposed modification is not substantially inconsistent with the
30 conditions of the original approval; and

1 (B) The proposed modification will not result in significant changes to the
2 physical appearance of the development, the use of the site, and the
3 impacts on surrounding properties.

4 (e) **Expiration.** The effect of a modification upon the expiration period of the original
5 approval, if any, shall be established in the modification decision.

6 **Section 2.** SRC Chapter 225 is added to the Salem Revised Code as follows:

7 **225.001. Purpose.** The purpose of this Chapter is to create a process to review development
8 applications that are subject to design review guidelines and design review standards.

9 **225.005. Design Review.**

10 (a) **Applicability.** Design review approval is required for development applications
11 that are subject to design review standards and guidelines.

12 (b) **Classes.**

13 (1) **Class 1 Design Review** is design review that requires the application of
14 design review standards only.

15 (2) **Class 2 Design Review** is design review that requires the application of
16 design review guidelines, for projects that are limited to building alterations that
17 will be contained within the footprint of the existing building and utilize the same
18 building materials and same window and facade designs.

19 (3) **Class 3 Design Review** is design review that requires the application of
20 design review guidelines.

21 (4) If any portion of the proposed development does not meet all of the
22 applicable design review standards, the entire development shall be subject to
23 Class 3 Design Review.

24 (c) **Procedure Type.**

25 (1) Class 1 Design Review is processed as a Type I procedure under SRC
26 Chapter 300.

27 (2) Class 2 Design Review is processed as a Type II procedure under SRC
28 Chapter 300.

29 (3) Class 3 Design Review is processed as a Type III procedure under SRC
30 Chapter 300.

1 **(d) Submittal Requirements.**

2 **(1) Submittal Requirements for Pre-Application Conference.** In addition to
3 the submittal requirements for a pre-application conference under SRC Chapter
4 300, an application for a Class 1, Class 2, or Class 3 Design Review pre-
5 application conference shall include:

6 **(A)** An existing conditions plan showing:

- 7 **(i)** Existing site conditions;
- 8 **(ii)** The use of all adjacent buildings;
- 9 **(iii)** The zoning of the site and adjacent properties;
- 10 **(iv)** Topography of the site; and
- 11 **(v)** Location of all trees and prominent landscape features.

12 **(B)** Schematic plans for the proposed development.

13 **(2) Submittal Requirements for Class 1, Class 2, and Class 3 Design Review.**

14 An application for Class 1, Class 2, or Class 3 Design Review shall, in addition to
15 the submittal requirements under SRC Chapter 300, include the following:

16 **(A)** A proposed site plan showing:

- 17 **(i)** The complete dimensions and setbacks of the lot, and all
18 existing and proposed buildings and structures, including the
19 location, size, height, proposed use, design, and gross floor area of
20 each building.
- 21 **(ii)** All existing and proposed walls and fences, including the
22 location, height, type of design, and composition.
- 23 **(iii)** The location and design of the existing and proposed on-site
24 pedestrian and vehicle circulation system.
- 25 **(iv)** Locations and dimensions of all existing and proposed outdoor
26 storage areas including but not limited to trash collection and
27 recycling areas.

28 **(B)** Architectural drawings, renderings, or sketches showing all elevations
29 of proposed buildings as they will appear on completion.

30 **(C)** A landscape plan showing the location of natural features, trees, and

1 plant materials proposed to be removed, retained, or planted; the amount,
2 height, type, and location of landscaped areas, planting beds, and plant
3 materials and provisions for irrigation.

4 (D) A topographic survey and grading plan showing two-foot contour
5 intervals on hillside lots and five-foot contour intervals on all other lots.

6 (E) An open space plan showing locations of common and private open
7 space, including active and passive recreational areas. The open space
8 plan shall show the total area of individual classifications of proposed
9 open space and shall be drawn to scale.

10 (F) A statement as to whether the application is intended to meet the
11 standards or the guidelines.

12 (e) **Criteria.**

13 (1) A Class 1 Design Review shall be approved if all of the applicable design
14 review standards are met.

15 (2) A Class 2 or Class 3 Design Review shall be approved if all of the applicable
16 design review guidelines are met.

17 (f) **Conditions of Approval.** Notwithstanding SRC 300.830, the review authority
18 may not attach conditions to a Class 1 Design Review approval.

19 **225.010. Modification of Design Review Approval.**

20 (a) **Applicability.** A design review approval may be modified after its effective date if
21 the proposed modification meets the criteria in this section. Proposed modifications
22 that do not meet the criteria in this section require submittal of a new application for
23 design review.

24 (b) **Procedure Type.**

25 (1) Modification of a Class 1 Design Review approval is processed as a Type I
26 procedure under SRC Chapter 300.

27 (2) Modification of a Class 2 Design Review approval is processed as a Type II
28 procedure under SRC Chapter 300.

29 (3) Modification of a Class 3 Design Review approval is processed as a Type II
30 procedure under SRC Chapter 300.

1 **(c) Submittal Requirements.**

2 (1) Modification of a Class 1 Design Review approval shall include, in addition
3 to the submittal requirements for a Type I application under SRC Chapter 300, the
4 information required under SRC 225.005(d)(2).

5 (2) Modification of a Class 2 or Class 3 Design Review approval shall include, in
6 addition to the submittal requirements for a Type II application under SRC
7 Chapter 300, the information required under SRC 225.005(d)(2).

8 **(d) Criteria.**

9 (1) Modification of a Class 1 Design Review approval shall be granted if the
10 proposed modification meets all of the applicable design review standards.

11 (2) Modification of a Class 2 or Class 3 Design Review approval shall be granted
12 if the following criteria are met:

13 (A) The proposed modification is not substantially inconsistent with the
14 conditions of the original approval; and

15 (B) The proposed modification will not result in significant changes to the
16 physical appearance of the development, the use of the site, and the
17 impacts on surrounding properties.

18 **(e) Expiration.** The effect of a modification upon the expiration period of the original
19 approval, if any, shall be established in the modification decision.

20 **Section 3.** SRC Chapter 240 is added to the Salem Revised Code as follows:

21 **240.001. Purpose.** The purpose of this Chapter is to allow uses that are similar to other uses
22 permitted outright in a zone but because of the manner in which the use may be conducted, or the
23 land and buildings developed for the use, review is required to determine whether the imposition
24 of conditions is necessary to minimize the negative impacts on uses in the surrounding area.

25 **240.005. Conditional Use Permits.**

26 **(a) Applicability.**

27 (1) No building, structure, or land shall be used or developed for any use which is
28 designated as a conditional use in the UDC unless a conditional use permit has
29 been granted pursuant to this Chapter.
30

1 (2) No use for which conditional use permit has been granted shall be expanded,
2 relocated, or changed to another conditional use, and no building or structure
3 devoted to such use shall be structurally altered or enlarged unless a new
4 conditional use permit, or a modification of an existing conditional use permit,
5 has been granted for such expansion, relocation, change, structural alteration or
6 enlargement pursuant to this Chapter; provided, however, that a new conditional
7 use permit, or modification of an existing conditional use permit, shall not be
8 required for interior construction or tenant improvements that involve no change
9 of use or for alterations required to address a building code violation or to comply
10 with the Americans with Disabilities Act.

11 (b) **Procedure Type.** A conditional use permit is processed as a Type III procedure
12 under SRC Chapter 300.

13 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
14 application under SRC Chapter 300, an application for a conditional use permit shall
15 include:

16 (1) A site plan, of a size and form and in the number of copies meeting the
17 standards established by the Planning Administrator, containing the following
18 information:

19 (A) The total site area, dimensions, and orientation relative to north;

20 (B) The location of all proposed primary and accessory structures and
21 other improvements, including fences, walls, and driveway locations,
22 indicating distance to such structures from all property lines and adjacent
23 on-site structures;

24 (C) Loading areas, if included with proposed development;

25 (D) All proposed landscape areas on the site, with an indication of square
26 footage and as a percentage of site area;

27 (E) The location, height, and material of fences, buffers, berms, walls,
28 and other proposed screening as they relate to buffer yard and landscaping
29 required by SRC Chapter 132;
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(F) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68; and

(G) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(2) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines and whether they are to be removed;

(C) The location of the one-hundred-year flood plain, if applicable; and

(D) The location of drainage patterns and drainage courses, if applicable.

(3) A completed Trip Generation Estimate for the proposed development, on forms provided by the City.

(4) A Traffic Impact Analysis, if required for the development.

(d) **Criteria.** An application for conditional use permit shall be granted if the following criteria are met:

(1) The proposed use is allowed as a conditional use in the zone;

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and

(3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

(e) **Transfer of Conditional Use Permit.** Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land.

240.010. Modification of Conditional Use Permit Approval.

(a) **Applicability.** A conditional use permit approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed

1 modifications that do not meet the criteria in this section require submittal of a new
2 application for conditional use permit.

3 (b) **Procedure Type.** Modification of a conditional use permit approval is processed
4 as a Type II procedure under SRC Chapter 300.

5 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
6 application under SRC Chapter 300, an application for modification of a conditional
7 use permit approval shall include the information required under SRC 240.005(c).

8 (d) **Criteria.** An application for modification of a conditional use permit approval
9 shall be granted if the following criteria are met.

10 (1) The proposed modification is not substantially inconsistent with the
11 conditions of the original approval; and

12 (2) When compared with the original approval, the proposed modification will
13 not result in significant changes to the physical appearance of the development,
14 the use of the site, and the impacts on surrounding properties.

15 (e) **Expiration.** The effect of a modification upon the expiration period of the original
16 approval, if any, shall be established in the modification decision.

17 **Section 4.** SRC Chapter 245 is added to the Salem Revised Code as follows:

18 **245.001. Purpose.** Because each area of land is, to some degree, unique as to its suitability for and
19 constraints on development, the development standards imposed under the UDC cannot foresee all
20 conceivable situations applicable to the development of every property at every moment. Therefore it is
21 the purpose of this chapter to provide a process that will allow flexibility, adaptability, and reasonableness
22 in the application and administration of the UDC where special conditions exist that create an
23 unreasonable hardship or practical difficulty that limit the suitability of land for development.

24 **245.005. Variances.**

25 (a) **Applicability.** Unless otherwise provided in the UDC, buildings, structures, or
26 land shall not be developed contrary to the applicable development standards of the
27 UDC unless a variance has been granted pursuant to this Chapter.

28 (1) **Prohibition.** No variance shall be granted to:

- 29 (A) Allow a use or activity not allowed under the UDC;
30 (B) Change the status of a use or activity under the UDC;
(C) Modify a definition or use classification;

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- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;
- (F) Modify a development standard specifically identified as non-variable;
- (G) Modify a development standard that contains the word “prohibited”;
- (H) Modify procedural requirements under the UDC; or
- (I) A design review guideline or design review standard.

(b) Procedure Type. A variance is processed as a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a variance shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, buffers, berms, walls, and other proposed screening as they relate to buffer yard and landscaping required by SRC Chapter 132;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68; and

1 (F) Identification of vehicle, pedestrian, and bicycle parking and
2 circulation areas, including handicapped parking stalls, disembarking
3 areas, accessible routes of travel, and proposed ramps.

4 (2) An existing conditions plan of a size and form and in the number of copies
5 meeting the standards established by the Planning Administrator, containing the
6 following information:

7 (A) The total site area, dimensions, and orientation relative to north;

8 (B) The location of existing structures and other improvements on the
9 site, including accessory structures, fences, walls, and driveways, noting
10 their distance from property lines and whether they are to be removed;

11 (C) The location of the 100-year flood plain, if applicable; and

12 (D) The location of drainage patterns and drainage courses, if applicable.

13 (d) **Criteria.** An application for a variance shall be granted if all of the following
14 criteria are met:

15 (1) There is an unreasonable hardship or practical difficulty created by the
16 physical characteristics of the land.

17 (2) The variance will not result in adverse effects that are unreasonably
18 detrimental to the public health, safety, and welfare or to property or
19 improvements in the vicinity.

20 (e) **Transfer of Variance.** Unless otherwise provided in the final decision granting the
21 variance, a variance shall run with the land.

22 **245.010. Modification of Variance Approval.**

23 (a) **Applicability.** A variance approval may be modified after its effective date if the
24 proposed modification meets the criteria in this section. Proposed modifications that do
25 not meet the criteria in this section require submittal of a new application for variance.

26 (b) **Procedure Type.** Modification of a variance approval is processed as a Type III
27 procedure under SRC Chapter 300.

28 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
29 application under SRC Chapter 300, an application for modification of a variance
30 approval shall include the information required under SRC 245.005(c).

1 (d) **Criteria.** An application for modification of a variance approval shall be granted
2 if all of the following criteria are met:

3 (1) The proposed modification is not substantially inconsistent with the
4 conditions of the original approval; and

5 (2) The proposed modification will not result in significant changes to the
6 physical appearance of the development, the use of the site, and the impacts on
7 surrounding properties.

8 (e) **Expiration.** The effect of a modification upon the expiration period of the original
9 approval, if any, shall be established in the modification decision.

10 **Section 5.** SRC Chapter 250 is added to the Salem Revised Code as follows:

11 **250.001. Purpose.** The purpose of this Chapter is to provide a process to allow deviations from
12 the development standards of the UDC for developments that, while not meeting the standards of
13 the UDC, will continue to meet the intended purpose of those standards. Adjustments provide
14 for an alternative way to meet the purposes of the code and provide for flexibility to allow
15 reasonable development of property where special conditions or unusual circumstances exist.

16 **250.005. Adjustments.**

17 (a) **Applicability.**

18 (1) **Classes.**

19 (A) A Class 1 adjustment is an adjustment to any numerical development
20 standard in the UDC that increases or decreases the standard by not more
21 than 20 percent.

22 (B) A Class 2 adjustment is an adjustment to any development standard in
23 the UDC other than a Class 1 adjustment, including an adjustment to any
24 numerical development standard in the UDC that increases or decreases
25 the standard by more than 20 percent.

26 (2) **Prohibition.** Notwithstanding paragraph (1) of this subsection , an adjustment
27 shall not be granted to:

28 (A) Allow a use or activity not allowed under the UDC;

29 (B) Change the status of a use or activity under the UDC;

30 (C) Modify a definition or use classification;

- 1 (D) Modify a use standard;
- 2 (E) Modify the applicability of any requirement under the UDC;
- 3 (F) Modify a development standard specifically identified as non-
- 4 adjustable;
- 5 (G) Modify a development standard that contains the word "prohibited";
- 6 (H) Modify a procedural requirement under the UDC;
- 7 (I) Modify a condition of approval placed on property through a previous
- 8 planning action;
- 9 (J) A design review guideline or design review standard; or
- 10 (K) The required landscaping in the Industrial Business Campus (IBC)
- 11 zone.

12 (b) **Procedure Type.** Class 1 and Class 2 adjustments are processed as a Type II
13 Procedure under SRC Chapter 300.

14 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
15 application under SRC Chapter 300, an application for a Class 1 or Class 2 adjustment
16 shall include the following:

17 (1) A site plan, of a size and form and in the number of copies meeting the
18 standards established by the Planning Administrator, containing all information
19 necessary to establish satisfaction with the approval criteria. By way of example,
20 but not of limitation, such information may include the following:

- 21 (A) The total site area, dimensions, and orientation relative to north;
- 22 (B) The location of all proposed primary and accessory structures and
- 23 other improvements, including fences, walls, and driveway locations,
- 24 indicating distance to such structures from all property lines and adjacent
- 25 on-site structures;
- 26 (C) All proposed landscape areas on the site, with an indication of square
- 27 footage and as a percentage of site area;
- 28 (D) The location, height, and material of fences, buffers, berms, walls and
- 29 other proposed screening as they relate to buffer yard and required
- 30 landscaping required by SRC Chapter 132;

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(E) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68; and

(F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;

(C) The location of the 100-year flood plain, if applicable; and

(D) The location of drainage patterns and drainage courses, if applicable.

(d) Criteria.

(1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Clearly satisfied by the proposed development.

(B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

1 (B) If located within a residential zone, the proposed development will not
2 detract from the livability or appearance of the residential area.
3 (C) If more than one adjustment has been requested, the cumulative effect
4 of all the adjustments result in a project which is still consistent with the
5 overall purpose of the zone.

6 (e) **Transfer of Adjustments.** Unless otherwise provided in the final decision
7 granting the adjustment, an adjustment shall run with the land.

8 **250.010. Modification of Adjustment Approval.**

9 (a) **Applicability.** An adjustment may be modified after its effective date if the
10 proposed modification meets the criteria in this section. Proposed modifications that do
11 not meet the criteria in this section require submittal of a new application for
12 adjustment.

13 (b) **Procedure Type.** Modification of a Class 1 or Class 2 adjustment approval is
14 processed as a Type II procedure under SRC Chapter 300.

15 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
16 application under SRC Chapter 300, an application for modification of a Class 1 or
17 Class 2 adjustment approval shall include the information required under SRC
18 250.005(c).

19 (d) **Criteria.** An application for modification of a Class 1 or Class 2 adjustment
20 approval shall be granted if all of the following criteria are met:

- 21 (1) The proposed modification is not substantially inconsistent with the
22 conditions of the original approval; and
- 23 (2) The proposed modification will not result in significant changes to the
24 physical appearance of the development, the use of the site, and the impacts on
25 surrounding properties.

26 (e) **Expiration.** The effect of a modification upon the expiration period of the original
27 approval, if any, shall be established in the modification decision.

28 **Section 6.** SRC Chapter 255 is added to the Salem Revised Code as follows:

29 **255.005. Naming of New Public and Private Streets in Land Divisions, Planned Unit**
30 **Developments, Manufactured Dwelling Parks, and Site Plan Approvals.**

1 (a) **Applicability.** All new public and private streets created as part of a land division,
2 planned unit development, manufactured dwelling park, or site plan approval shall be
3 named using the standards set forth in SRC 255.015.

4 (b) **Coordination with County Government.** The naming of new public and private
5 streets in land divisions, planned unit developments, manufactured dwelling parks, or
6 site plan approvals shall be coordinated with the appropriate county.

7 (c) **Procedure.**

8 (1) Approval of street names is part of a land division, planned unit development,
9 manufactured dwelling park, or site plan approval, and this section shall be used
10 to determine the names for new streets as part of applications for these land use
11 approvals.

12 (2) Prior to submission of the final plat or final PUD plan, or at the time of
13 submission of application for manufactured dwelling park or site plan approval,
14 the applicant shall submit a list of proposed street names. Upon receiving the list
15 of street names, the list shall be reviewed to determine if they comply with the
16 street naming criteria under SRC 255.015. If they meet the criteria, the applicant
17 shall be informed of their approval. If proposed names do not meet the criteria,
18 the applicant shall submit alternative names.

19 (d) **Names to be Used on Final Plat, Final PUD Plan, or in Development.** The
20 names approved by the Director pursuant to this section shall be used as the names of
21 the streets on the final subdivision plat, the final planned unit development plan, or in
22 the manufactured dwelling park or development subject to the site plan approval.

23 **255.010. Naming of Unnamed Streets and New Connections Between Existing Streets;**
24 **Renaming Existing Streets.**

25 (a) **Applicability.** The naming of an unnamed public or private street or a new
26 connection between two existing public or private streets, or the renaming of an
27 existing public or private street, shall be made following the procedures in this section.

28 (1) **Classes.**

29 (A) A Class 1 Street Naming proceeding is a request to rename an
30 existing public or private street initiated by a petitioner.

1 (B) A Class 2 Street Naming proceeding is the naming of an unnamed
2 public or private street or a new connection between two existing public or
3 private streets, or the renaming of an existing public or private street,
4 initiated by the City.

5 (2) **Discretionary Act by the City Council.** The name given to an unnamed
6 street or a new connection between existing streets, or the renaming of an existing
7 street, is a legislative act, subject to the discretion of the City Council.

8 (b) **Coordination with County Government.** The naming of an unnamed street or a
9 new connection between existing streets, or the renaming of an existing street, shall be
10 coordinated with the appropriate county.

11 (c) **Procedure.** The naming of an unnamed street or a new connection between
12 existing streets, or the renaming of an existing street, are not land use decisions, and are
13 not subject to the procedures set forth in SRC Chapter 300, but shall follow the
14 procedures set forth in this subsection.

15 (1) **Initiation.**

16 (A) A Class 1 Street Naming proceeding is initiated by application of a
17 person owning real property abutting the street to be renamed.

18 (B) A Class 2 Street Naming proceeding is initiated by resolution of the
19 City Council.

20 (2) **Submittal Requirements.**

21 (A) An application for a Class 1 Street Naming proceeding shall include
22 the following:

23 (i) Name of street proposed to be changed;

24 (ii) Reason for request;

25 (iii) No fewer than two suggested new names that meet the street
26 naming criteria set forth in SRC 255.015;

27 (iv) A map containing the location of the street, including the
28 beginning and ending address numbers, and the names of all cross
29 streets;
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(v) List of the names, addresses and ZIP code of each owner and each resident of all property abutting the street;

(vi) A petition containing signatures of at least fifty-one percent of the residents and property owners abutting the street, stating that they agree that the street should be renamed, and consent to the suggested new names; and

(vii) Payment of the application fee.

(B) A resolution initiating a Class 2 Street Naming proceeding shall include the following:

(i) Name of street proposed to be changed;

(ii) A proposed new name that meets the street naming criteria set forth in SRC 255.015; and

(iii) A map containing the location of the street, including the beginning and ending address numbers, and the names of all cross streets.

(3) Referral to Planning Commission. A proposal to name an unnamed street or a new connection between existing streets, or rename an existing street, shall be referred to the Planning Commission for its recommendation.

(4) City Council Hearing. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposal.

(5) Notice. Notice of the hearing shall be published once in a newspaper of general circulation in the City no later than one week prior to date the hearing is to be held. Notice shall also be given by mail to all property owners and residents abutting the street.

(6) Criteria.

(1) Whether the proposed name complies with the street naming standards set forth in SRC 255.015.

(2) Whether renaming the street with the proposed name is in the best interest of the City.

1 (7) **Decision.** After the hearing, the City Council may enact an ordinance
2 accepting the Planning Commission's recommendation, and naming the unnamed
3 street or the connection between existing streets, or renaming the street, or adopt a
4 resolution rejecting the recommendation.

5 (8) **Post-Decision Notice.** A certified copy of an ordinance naming an unnamed
6 street or the connection between existing streets, or renaming a street shall be
7 filed with the county clerk, the county assessor, the county surveyor, and the
8 postmaster of the appropriate county, and mailed to all property owners and
9 residents along the street.

10 **255.015. Street Naming Standards.**

11 (a) **Names, Generally.**

12 (1) A street name shall not duplicate a street name already in use, including any
13 name for a street within Marion and Polk Counties, unless it is reasonably likely
14 that the two streets will be connected at some future time.

15 (2) The street name shall not sound like another street name such that the new
16 name could cause confusion between the two streets.

17 (3) The street name shall not be a name that is deliberately misspelled, a pun, a
18 frivolous association with another word, a neologism, or slang.

19 (4) A new street shall not be given a street name that is a number, unless it is
20 reasonably likely the street will be connected at some future time with another
21 street that has been given a street name that is the same number.

22 (b) **Cul-de-sacs.**

23 (1) A street that is not a through-street shall retain its name along the entire
24 length of the street.

25 (2) A cul-de-sac that contains five or fewer lots abutting the cul-de-sac shall be
26 considered an extension of the intersecting street and shall not be given a new
27 street name. For purposes of this paragraph, a flag lot taking access from the cul-
28 de-sac shall be considered a lot abutting the cul-de-sac.

1 (3) A cul-de-sac that does not have a street on the opposing side shall be
2 designated "court." A court may be given the name of the intersecting street
3 along with the designation "court."

4 **(c) Local or collector streets.**

5 (1) Local and collector streets running north-south shall be designated "street."

6 (2) Local and collector streets running east-west shall be designated "avenue."

7 (3) Local or collector streets that are skewed or meandering shall be designated
8 "drive."

9 (4) Local or collector streets less than 1,000 feet in length shall be designated
10 "place," "way," or "lane."

11 **(d) Arterial Streets.**

12 (1) An arterial that includes a linear park alongside the arterial shall be designated
13 "parkway."

14 (2) An arterial that includes landscaping dividing opposing lanes of traffic shall
15 be designated "boulevard."

16 (3) An arterial that is skewed or meandering shall be designated "road."

17 **(e) Circle and Loop Streets.**

18 (1) A street that intersects one street at two locations shall be designated "loop."

19 (2) Loop streets may have only one interior cross street, which has a different
20 name than the loop.

21 (3) A street that starts and ends at one entrance/exit shall be designated "circle."

22 (4) Loop streets and circle streets shall have no streets intersecting the exterior of
23 the loop or circle.

24 **(f) Private Streets.**

25 (1) Private streets shall be designated "private way."

26 (2) If a private street with the designation of "private way" becomes a public
27 street, the designation shall be removed, and if the street name does not include an
28 appropriate street designation, the designation shall be changed to the appropriate
29 designation for a public street as set forth in this section.
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1 (g) **Indication of Addressing District.** All street names shall include an identification
2 of the addressing district within which the street, or segment thereof, is located. The
3 addressing district shall follow the street name, and shall be designated by the
4 abbreviation N, NE, NW, SE, or S, as the case may be.

5 **255.020. Applicability.**

6 (a) Each building and structure and each premises in the City shall have an address that
7 complies with SRC 255.045, assigned to it by the City.

8 (b) The owner or occupant of a building or structure, other than an accessory building
9 or structure, shall place the address number assigned by the City on the building in the
10 location set forth in SRC 255.050.

11 **255.025. Coordination with the County Governments.** Assigning address numbers at or near
12 the City's corporate limits shall be coordinated with the appropriate county.

13 **255.030. Address Map.** The Director shall maintain a map that clearly indicates the current
14 address numbers assigned pursuant to SRC 255.045.

15 **255.035. Non-Conforming Numbers.** Any address numbers that do not comply with SRC
16 255.030-255.065 shall be changed to conform with SRC 255.030-255.065 when required by the
17 Director.

18 **255.040. Division of the City into Addressing Districts; Baseline.**

19 (a) **Addressing Districts.** As illustrated in Figure 255-1, the City is divided into the
20 following addressing districts for the purpose of assigning addresses:

21 (1) **South District (S):** All that portion of the City south of Mission Street, west
22 of Commercial Street and Liberty Road, and south and east of the Willamette
23 River, also including Minto-Brown Island.

24 (2) **Southeast District (SE):** All of the City south of State Street and east of the
25 Willamette River, but not including the South District.

26 (3) **Northeast District (NE):** that part of the City lying north of State Street and
27 east of the Willamette River, but not including the area in the North District.

28 (4) **North District (N):** That part of the City lying east of the Willamette River,
29 west of the North River Road, and north of the southern boundary of River Road
30 Park.

1 **(5) Northwest District (NW):** All that portion of the City in Polk County.

2 **(b) Baselines.** As illustrated in Figure 255-1, the baselines for assigning southerly,
3 easterly, northerly, and westerly addresses shall be as follows:

4 **(1)** The division line between the Northeast District and the Southeast District
5 and the division line between the Northwest District and the South District shall
6 establish the baseline for starting points northerly and southerly.

7 **(2)** The division line between the South District and Southeast District and the
8 division line between Northwest District and Northeast District and the line
9 between North District and the Northwest District shall establish the baseline for
10 starting points easterly and westerly.

11 **255.045. Address Number Standards.**

12 **(a) Sequence of One-Hundred Numbers.** The segment of a street lying between two
13 blocks shall have addresses assigned from a sequence of one hundred numbers. Both
14 sides of the street shall have addresses assigned from the same one hundred number
15 sequence.

16 **(b) Assignment of Odd and Even Numbers.** Address numbers shall be assigned
17 sequentially along each block face. Odd numbers shall be assigned to the north and
18 west sides of the street and even numbers shall be assigned to the south and east sides
19 of the street. Odd and even numbers shall be assigned continuously along the entire
20 length of a street, regardless of changes in direction.

21 **(c) Short, Irregular, Winding, Circle, and Loop Streets and Cul-de-sacs.** The
22 number sequence for short streets, irregular streets, winding streets, circle streets, loop
23 streets, and cul-de-sacs shall correspond as closely as possible to the numbering
24 required by this section.

25 **(d) Buildings with More than One Principal Entrance.** Where a building or
26 structure has more than one principal entrance for use by different occupants, each
27 entrance may be assigned a different address number.

28 **(e) Address Numbers for Buildings or Structures not Fronting on Street.** Any
29 building or structure that does not front on a named street, and is serviced by an
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1 unnamed street or accessway, shall be numbered sequentially as if the unnamed street
2 or accessway was an extension of the named street.

3 **(f) Addresses for Accessory Buildings and Structures.** Address numbers shall be
4 assigned to all accessory buildings and structures other than those accessory buildings
5 and structures associated with a residential use.

6 **255.050. Size and Placement of Address Numbers.**

7 **(a)** Addresses shall be in Arabic numbers, shall not be less than three inches high, shall
8 be of a contrasting color from the background, and shall be placed so that the numbers
9 are readily visible from the adjoining street.

10 **(b)** Address numbers shall be placed in a conspicuous place as provided in this
11 subsection:

12 (1) Where a building or structure is located thirty-five feet or less from a street,
13 the address numbers shall be placed in a conspicuous place on the main entrance.

14 (2) If the main entrance is not readily visible from the street, address numbers
15 shall be located at the intersection of the street and the driveway providing access
16 to the building or structure. If there is no driveway, the address number shall be
17 placed within ten feet of the property line, at a point that provides pedestrian
18 access to the building or structure.

19 (3) Where a building or structure is located more than thirty-five feet from the
20 street, the address numbers shall be located at the intersection of the street and the
21 driveway providing access to the building or structure. If there is no driveway,
22 the address number shall be placed within ten feet of the property line, at a point
23 that provides pedestrian access to the building or structure.

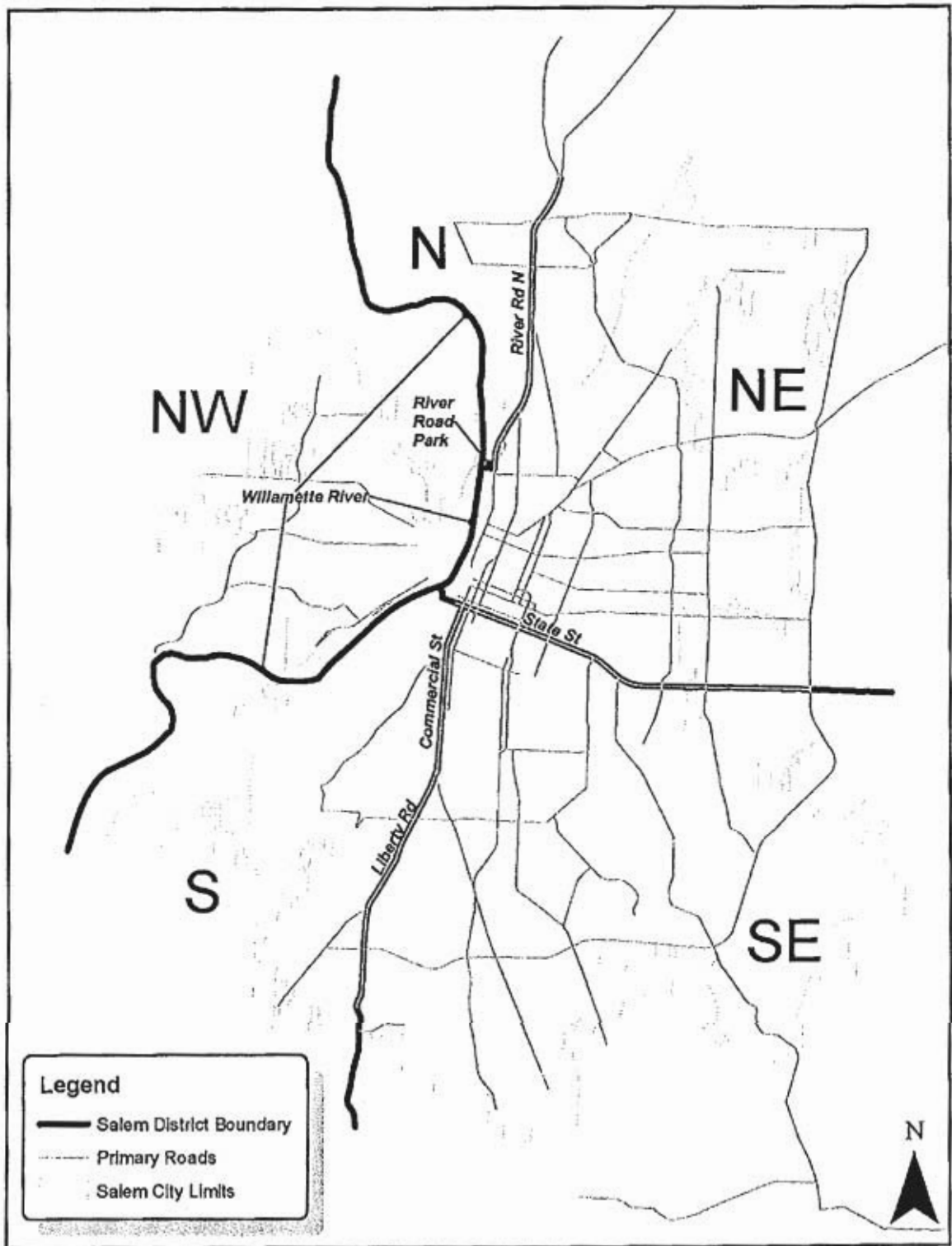
24 **255.055. Painting Address Numbers on Curbs.**

25 **(a)** The owner or occupant of any building, structure, or premises may place the
26 address number on the curb in front of the building, structure, or premises, provided the
27 address number meets the following standards:

28 (1) The address number shall be stenciled in black paint upon a rectangular box,
29 approximately six inches by twenty-four inches, painted on the curb with white or
30 yellow paint;

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**FIGURE 255-1
ADDRESSING DISTRICTS**



1 **255.065. Vacation of Public Property.**

2 (a) **Applicability.** All requests to vacate right-of-way or to vacate the dedication of
3 any other public place, or any part thereof, shall be made in accordance with this
4 section.

5 (1) **Classes.**

6 (A) A Class 1 Vacation proceeding is a request to vacate right-of-way, or
7 any part thereof, initiated by a petitioner.

8 (B) A Class 2 Vacation proceeding is a proposal to vacate right-of-way,
9 or any part thereof, or to vacate the dedication of any other public place, or
10 any part thereof, initiated by the City.

11 (b) **Procedure.** Proceedings to vacate a street, alley, or dedication of any other public
12 place is not a procedure type under SRC Chapter 300, and shall follow the procedures
13 set forth in ORS 271.080-271.230 and this section.

14 (1) **Initiation.**

15 (A) A Class 1 Vacation proceeding is initiated by petition of a person
16 owning real property abutting the right-of-way, or any part thereof, to be
17 vacated.

18 (B) A Class 2 Vacation proceeding is initiated by resolution of the City
19 Council.

20 (2) **Submittal Requirements.**

21 (A) A petition for a Class 1 Vacation proceeding shall be made on forms
22 provided by the Director, contain everything required by ORS 271.080,
23 and be accompanied by the following:

24 (i) A title report verifying ownership of the property abutting the
25 area proposed to be vacated;

26 (ii) A map showing the area proposed to be vacated and the area
27 encompassing the affected area, with tax lots labeled;

28 (iii) A list of all properties and owners, by tax lot, within the
29 affected area;

30 (iv) An application form; and

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(v) The application fee, as set by resolution of the City Council.

(B) A resolution initiating a Class 2 Vacation proceeding shall include the legal description of the proposed area to be vacated.

(3) Filing of Petition; Verification of Consents. A petitioner shall file a petition for a Class 1 Vacation proceeding with the Director. The Director shall determine whether the petition contains the required information and consents. The Director shall notify all potentially affected public utilities. If the petition contains all the required information and consents, the Director shall forward the petition to the City Council, along with any responses from public utilities and recommendation as to whether there appears to be any reason why the petition should be denied, in whole or in part. If the recommendation is to deny the petition, in whole or in part, or if the City Council, on its own motion, determines that the petition should be denied, in whole or in part, the petitioner shall be given notice of the date the City Council will take final action on the denial. If the City Council determines that there appears no reason why the petition should be not granted, in whole or in part, the City Council shall set a public hearing on the petition.

(4) Application Fee. The application fee for a Class 1 Vacation shall be used to pay the expenses incurred by the City in the vacation process, including, but not limited to the costs of publishing and posting notices, and preparing and recording certified copies of the ordinance and map. If the actual expenses exceed the amount of the application fee, the petitioner shall pay, upon request from the Director, the amount the Director estimates will be needed to cover the additional expenses. The vacation proceeding shall be stayed until the additional amount is deposited with the City. If the actual expenses are less than the total amount deposited with the City, the remainder shall be refunded to the petitioner.

(5) Notice and Hearing. Notice for Class 1 and Class 2 vacations shall comply with ORS 271.110 and ORS 271.130. The hearing shall be conducted following the procedures set forth in SRC 300.900 through SRC 300.990.

1 (6) **Criteria.** A Class 1 or Class 2 Vacation shall be approved only if the
2 vacation meets the following criteria:

3 (A) The area proposed to be vacated is not presently, or will not in the
4 future be, needed for public services, facilities, or utilities;

5 (B) The vacation does not prevent the extension of, or the retention of
6 public services, facilities, or utilities;

7 (C) Public services, facilities, or utilities can be extended in an orderly
8 and efficient manner in an alternate location;

9 (D) The vacation does not impede the future best use, development of, or
10 access to abutting property;

11 (E) The vacation does not conflict with provisions of the UDC including
12 the street connectivity standards and block lengths;

13 (F) All required consents have been obtained;

14 (G) Notices required by ORS 271.080-271.130 have been duly given; and

15 (H) The public interest would not be prejudiced by the vacation.

16 (7) **Decision; Conditions and Reservations; Assessment of Special Benefit.**

17 (A) **Form of Decision.** After the hearing, the City Council may enact an
18 ordinance granting the vacation, in whole or in part, or adopt a resolution
19 rejecting the proposed vacation.

20 (B) **Conditions and Reservations.** The City Council may impose such
21 conditions or make such reservations as it deems to be in the public
22 interest, including, but not limited to, reservation of easements for
23 municipal and public utilities in the area vacated.

24 (C) **Assessment of Special Benefit.** The City Council may provide for
25 the payment to the City of such sum of money in a Class 1 Vacation as its
26 finds to be just and equitable as an assessment of special benefit upon the
27 real property abutting upon the vacated area, and for the cost of curbs,
28 drainage, paving, sewer, or other local improvement already completed or
29 to be constructed upon the area vacated. Notice of proposed assessment of
30 special benefits shall be given to the owners of the property to be assessed

1 at least three days before the public hearing on the vacation. Notice shall
2 be given to such property owners by mail at the property owners' last
3 known address. If an assessment of special benefit is made, the City
4 Council shall include such assessment in the vacation ordinance and a
5 direction to the Finance Director to enter such assessment in the City lien
6 docket. The assessment, together with all costs, shall not exceed the
7 amount of special benefit inuring to the abutting property by reason of
8 such vacation. The owner may make application to pay the assessment of
9 special benefit in installments, in the same manner as provided in the
10 Bancroft Bonding Act and allowed for systems development charges by
11 the City.

12 **(c) Recordation of Vacation Ordinance; Notice; Effective Date.** The City Recorder
13 shall:

14 (1) Record and file a copy of the vacation ordinance as required by ORS 271.150;
15 provided, however, that the vacation ordinance shall not be recorded until:

16 (A) All fees and the assessment of special benefit have been paid, or an
17 application to pay the assessment of special benefit in installments has
18 been approved;

19 (B) All required legal documents have been signed, filed, and, if required,
20 recorded; and

21 (C) The petitioners have complied with all conditions attached to the
22 vacation.

23 (2) Mail a certified copy of the vacation ordinance to each public utility that
24 provided responses to the Public Works Director.

25 (3) No vacation shall be effective until the vacation ordinance is filed by the City
26 Recorder with the county clerk, assessor, and county surveyor.

27 **(d) Delegation of Authority to City Manager.** The City Manager is hereby delegated
28 the authority to sign the consents required by ORS 271.080(2) where the City is the
29 owner of the property abutting the area proposed to be vacated or the property within
30 the affected area.

1 **Section 7.** SRC Chapter 265 is added to the Salem Revised Code as follows:

2 **265.001. Purpose.** Because of normal and anticipated growth of the City, changing
3 development patterns, governmental policy decisions affecting land use, community needs, and
4 other factors whose specific future application cannot be anticipated, the zoning pattern
5 established by the Uniform Development Code cannot remain fixed in perpetuity, and the
6 purpose of this Chapter is to establish procedures and criteria to, when appropriate, change
7 zoning designations.

8 **265.005. Quasi-Judicial Zone Changes.**

9 (a) **Applicability.** This section applies to any quasi-judicial zone change, other than a
10 zone change which involves the application of zoning designations connected with
11 annexation of territory into the City.

12 (b) **Standing to Initiate Quasi-Judicial Zone Change.** A quasi-judicial zone change
13 may be initiated only by the City Council, the Planning Commission, or an owner of
14 property that is the subject of the change, or that owner's agent.

15 (c) **Procedure Type.** A quasi-judicial zone change is processed as a Type III
16 procedure under SRC Chapter 300.

17 (d) **Submittal Requirements.** In addition to the submittal requirements for a Type III
18 application under SRC Chapter 300, an application for a quasi-judicial zone change
19 shall include the following:

20 (1) An existing conditions plan of a size and form and in the number of copies
21 meeting the standards established by the Planning Administrator, containing the
22 following information:

23 (A) The total site area, dimensions, and orientation relative to north;

24 (B) The location of existing structures and other improvements on the
25 site, including accessory structures, fences, walls, and driveways, noting
26 their distance from property lines; and

27 (C) The location of drainage patterns and drainage courses, if applicable;

28 (2) A Transportation Impact Analysis, if required, in the format specified, and
29 based on thresholds specified in standards established, by the Director of Public
30 Works.

1 (e) Criteria.

2 (1) A quasi-judicial zone change shall be granted if the following criteria are met:

3 (A) The zone change is justified based on the existence of one or more of
4 the following:

5 (i) A mistake in the application of a land use designation to the
6 property.

7 (ii) A demonstration that there has been a change in the economic,
8 demographic, or physical character of the vicinity such that the
9 zone would be compatible with the vicinity's development pattern.

10 (iii) A demonstration that the proposed zone change is equally or
11 better suited for the property than the existing zone. A proposed
12 zone is equally or better suited than an existing zone if the physical
13 characteristics of the property are appropriate for the proposed
14 zone and the uses allowed by the proposed zone are logical with
15 the surrounding land uses.

16 (B) If the zone change is City-initiated, and the change is for other than
17 City-owned property, the zone change is in the public interest and would
18 be of general benefit.

19 (C) The zone change conforms with the applicable provisions of the
20 Salem Area Comprehensive Plan.

21 (D) The zone change complies with applicable Statewide Planning Goals
22 and applicable administrative rules adopted by the Department of Land
23 Conservation and Development.

24 (E) If the zone change requires a comprehensive plan change from an
25 *industrial use designation* to a *non-industrial use designation*, or from a
26 commercial or employment designation to any other use designation, a
27 demonstration that the proposed rezone is consistent with its most recent
28 economic opportunities analysis and the parts of the Comprehensive Plan
29 which address the provision of land for economic development and
30 employment growth; or be accompanied by an amendment to the

1 Comprehensive Plan to address the proposed rezone; or include both the
2 demonstration and an amendment to the Comprehensive Plan.

3 (F) The zone change does not significantly affect a transportation facility,
4 or, if the zone change would significantly affect a transportation facility,
5 the significant effects can be adequately addressed through the measures
6 associated with, or conditions imposed on, the zone change.

7 (G) The property is currently served, or is capable of being served, with
8 public facilities and services necessary to support the uses allowed by the
9 proposed zone.

10 (2) The greater the impact of the proposed zone change on the area, the greater
11 the burden on the applicant to demonstrate that the criteria are satisfied.

12 **265.010. Legislative Zone Changes.**

13 (a) **Applicability.** This section applies to all legislative zone changes. Legislative
14 zone changes are:

15 (1) Zone changes initiated by the City where there is an identified common
16 public purpose for the change and generally affecting more than one property
17 owner or a large number of individual properties.

18 (2) Zone changes initiated by the City to comply with an order, directive, or
19 recommendation of a governmental body responsible for administering state land
20 use law or to comply with an order of a court having jurisdiction over litigation
21 involving the property that is the subject of the zone change. As used in this
22 section, "governmental body responsible for administering state land use law"
23 includes, but is not limited to, the Land Use Board of Appeals, the Land
24 Conservation and Development Commission, and the Department of Land
25 Conservation and Development.

26 (b) **Procedure Type.** Legislative zone changes are processed according to the
27 Legislative Procedures under SRC Chapter 300.

28 (c) **Standing to Initiate Legislative Zone Change.** A legislative zone change may be
29 initiated only by the City Council or the Planning Commission.

30 (d) **Criteria.** A legislative zone change may be made if the City Council finds that:

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

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

6 (3) If the zone change requires a Comprehensive Plan change from an industrial
7 use designation to a non-industrial use designation, or from a commercial or
8 employment designation to any other use designation, a demonstration that the
9 proposed rezone is consistent with its most recent economic opportunities analysis
10 and the parts of the Comprehensive Plan which address the provision of land for
11 economic development and employment growth; or be accompanied by an
12 amendment to the Comprehensive Plan to address the proposed rezone; or include
13 both the demonstration and an amendment to the Comprehensive Plan.

14 (4) The zone change does not significantly affect a transportation facility, or, if
15 the zone change would significantly affect a transportation facility, the significant
16 effects can be adequately addressed through the measures associated with, or
17 conditions imposed on, the zone change.

18 **265.015. Zone Changes by Operation of Law.**

19 (a) **Applicability.** A zone change by operation of law is a zone change that occurs
20 automatically upon the satisfaction of certain conditions. There are two types of zone
21 changes by operation of law:

22 (1) The application of zoning designations to a territory at the time the territory is
23 annexed into the City; and

24 (2) The automatic conversion of property zoned Residential Agricultural (RA) to
25 Single Family Residential (RS), where the property is subject to an approved
26 tentative subdivision plan or manufactured dwelling park permit, upon:

27 (A) The date of the recording of the final subdivision plat with the county
28 clerk; or

29 (B) Issuance of a final occupancy permit for a manufactured dwelling
30 home park permit issued pursuant to SRC Chapter 123.

1 (b) **Procedure Type.** Zone changes by operation of law are exempt from SRC
2 Chapter 300.

3 **265.020. Zone Changes with Conditions.**

4 (a) Conditions may be imposed on zone changes including limits on use, uses
5 permitted, and any development standards.

6 (b) Conditions imposed shall be construed and enforced, in all respects, as provisions
7 of this zoning code relating to the use and development of land. Modification of use
8 conditions shall be by zone change, as provided under this Chapter. Modification of all
9 other conditions, including full or partial release therefrom, shall be by variance, as
10 provided under SRC Chapter 250.

11 **265.025. When Zone Change Requires Comprehensive Plan Map Amendment.** A zone
12 change may require an amendment to the comprehensive plan map. A zone change requires an
13 amendment to the comprehensive plan map when the zone proposed with the change requires a
14 different corresponding plan map designation. If an amendment to the comprehensive plan map
15 is required, the zone change and comprehensive plan map amendment shall be consolidated
16 under SRC Chapter 300.

17 **Section 8.** SRC Chapter 270 is added to the Salem Revised Code as follows:

18 **270.001. Purpose.** The purpose of this Chapter is to bring nonconforming uses, development,
19 and lots or parcels into compliance with the UDC, and minimize the impacts of such
20 nonconforming status.

21 **270.005. Nonconforming Uses.**

22 (a) **Generally.** A nonconforming use is any use on real property that was lawfully
23 established under the applicable City or county land use regulations at the time the use
24 was established, but which is no longer allowed due to the adoption of, or amendment
25 to, the City's land use regulations, or annexation of the property into the City. A
26 nonconforming use is a lawful use, and may be continued on the real property until
27 terminated as provided in subsection (e) of this section.

28 (b) **Ordinary Repairs and Maintenance.** Except as otherwise provided in this
29 section, buildings and structures occupied by nonconforming uses may be repaired and
30 maintained.

1 **(c) Extension, Alteration, and Expansion or Substitutions of Nonconforming Uses.**

2 If approved pursuant to subsection (d) of this section:

3 (1) A nonconforming use in a portion of a building may be extended into other
4 portions of that building.

5 (2) A building or structure occupied by a nonconforming use may be structurally
6 altered or enlarged for the benefit of such use.

7 (3) One nonconforming use may be substituted for another nonconforming use.

8 **(d) Application for Extension, Alteration, and Expansion or Substitution of a**
9 **Nonconforming Use.**

10 (1) **Applicability.** Except as provided in subsection (c)(2) of this section, a
11 nonconforming use shall not be extended, altered, expanded, or substituted for
12 another nonconforming use without receiving approval as provided in this section.

13 (2) **Procedure Type.** Approval of an application for the extension, alteration,
14 expansion, or substitution of a nonconforming use is processed as a Type III
15 procedure under SRC Chapter 300.

16 (3) **Submittal Requirements.** In addition to the submittal requirements for a
17 Type III application under SRC Chapter 300, an application for extension,
18 alteration, expansion, or substitution of a nonconforming use shall include:

19 (A) A site plan, of a size and form and in the number of copies meeting
20 the standards established by the Planning Administrator, containing the
21 following information:

22 (i) The total site area, property lines with dimensions, and
23 orientation relative to north;

24 (ii) Street names;

25 (iii) Location and distance to property lines of all existing and
26 proposed buildings, structures, fences, driveways, parking areas,
27 and off-street loading areas;

28 (iv) Location of all existing and proposed landscape areas, with an
29 indication of square footage;

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(E) The hours of operation for the proposed extension, alteration, enlargement, or substitution of use will not be altered or increased beyond those of the existing nonconforming use; and

(F) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement complies with the applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.

(e) Termination of Nonconforming Use.

(1) A nonconforming use shall terminate if the building, structure, or land ceases to be occupied for the nonconforming use, or a use approved under SRC 290.005(d), for any reason for a continuous period of one year.

(2) A nonconforming use dependent upon a building or structure that is declared a "dangerous building" pursuant to SRC 56.200 to 56.390 shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final.

(3) A nonconforming use dependent upon a building or structure that is substantially damaged or destroyed by any cause, to the extent that the cost of repair or restoration would exceed sixty percent of the building or structure replacement cost using new materials and conforming to current building codes, shall be deemed terminated upon the date of such damage or destruction. 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.240-20J.430 for contested case proceedings.

(4) A nonconforming use dependent upon a building or structure that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds sixty percent of the building or structure replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Building Official. The

1 Building Official's determination is appealable as provided in SRC 20J.240-
2 20J.430 for contested case proceedings.

3 (5) A nonconforming use which has terminated shall not be re-established.

4 **270.010. Nonconforming Development.**

5 (a) **Generally.** Nonconforming development is any development which met the
6 applicable City or county development standards imposed at the time the development
7 was constructed, but which no longer complies with development standards due to the
8 adoption of, or amendment to, the City's land use regulations, or annexation of the
9 property into the City. A nonconforming development may be continued until the
10 development's nonconforming status is terminated as provided in subsection (d) of this
11 section.

12 (b) **Ordinary Repairs and Maintenance.** Nonconforming development may be
13 repaired and maintained.

14 (c) **Alteration and Enlargement.** Unless the alteration or enlargement is undertaken
15 in connection with a nonconforming use under 270.005(a) nonconforming development
16 may be altered or enlarged provided such new development complies with all
17 applicable development standards of the UDC and all other applicable laws, ordinances,
18 and regulations.

19 (d) **Termination of Nonconforming Development.**

20 (1) Nonconforming development that is declared a "dangerous building" pursuant
21 to SRC 56.200 to 56.390 shall be deemed terminated upon the date the order
22 declaring the building or structure a dangerous building becomes final.

23 (2) Nonconforming development that is redeveloped or renovated to the extent
24 that the cost of redevelopment or renovation exceeds sixty percent of its
25 replacement cost using new materials and conforming to current building codes
26 shall be deemed terminated upon the date that such redevelopment or renovation
27 commences. Cost of redevelopment or renovation shall be determined by the
28 Building Official. The Building Official's determination is appealable as provided
29 in SRC 20J.240-20J.430 for contested case proceedings.
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1 (3) Nonconforming development that is substantially damaged or destroyed by
2 any cause to the extent that the cost of repair or restoration of the development
3 would exceed sixty percent of its replacement cost using new materials and
4 conforming to current building codes shall be deemed terminated upon the date of
5 such damage or destruction. Cost of repair or restoration, and replacement cost,
6 shall be determined by the Building Official. The Building Official's
7 determination is appealable as provided in SRC 20J.240-20J.430 for contested
8 case proceedings.

9 (4) Nonconforming development which has terminated shall be brought into
10 conformity with the applicable development standards or removed.

11 **270.015. Nonconforming Lots or Parcels of Record.**

12 (a) Nonconforming lot or parcel of record means any unit of land which met the
13 applicable legal requirements for a land division at the time it was created, but which
14 no longer meets the standards due to the adoption of, or amendment to, the UDC or the
15 annexation of the property into the City.

16 (b) A nonconforming lot or parcel of record in any residential zone may be used for the
17 construction of a single-family dwelling, provided that the development complies with
18 all applicable standards or criteria of the UDC.

19 **270.020. Nonconforming Manufactured Dwellings in Manufactured Dwelling Parks.**

20 Notwithstanding the provisions of SRC 270.005, any nonconforming manufactured dwelling in a
21 manufactured dwelling park may be repaired, altered, or replaced provided such repair,
22 alteration, or replacement complies with applicable development standards of the UDC and all
23 other applicable laws, ordinances, and regulations.

24 **Section 9.** SRC 31.089 is amended to read as follows:

25 **31.089. License of Automobile Racetracks in Residential Districts Prohibited.** The director
26 shall issue no license to operate an automobile racetrack in any residentially zoned district within
27 the City, notwithstanding the fact such use may constitute a nonconforming use pursuant to SRC
28 Chapter 270.

29 **Section 10.** SRC 31.1007 is amended to read as follows:
30

1 **31.1007. License Requirements.** A current and valid license issued pursuant to the provisions
2 of SRC Chapter 30 shall be required for every homeless shelter and room and board facility.
3 From and after January 1, 1989, all newly established facilities, and expansions or relocations of
4 existing facilities shall meet the following additional license criteria:

5 (a) Spacing and Locational Requirements. Except as herein after provided, homeless
6 shelters and room and board facilities may locate in only those geographic areas and at
7 such proximities as provided below.

8 (1) Spacing of Facilities. Facilities with 6 to 10 residents, exclusive of staff
9 (medium facilities), shall be at least 800 feet from facilities of like or smaller size,
10 and 1,200 feet from larger facilities. Measurements shall be from the center point
11 of the proposed site to the center point of existing sites. Facilities with 11 or more
12 residents, exclusive of staff (large facilities), shall be at least 1,200 feet from
13 facilities of like or smaller size. Residential care facilities and residential homes
14 as defined in 31.1006 (d) above shall be considered an existing facility for
15 purposes of spacing of licensed facilities.

16 (2) Location of Facilities. Facilities may be located, relocated or expanded if the
17 number of existing facilities within 2,000 feet of the center of the proposed site
18 does not exceed four. Among the total of five facilities, which shall include the
19 subject site, two may be medium facilities or one may be medium and one may be
20 large. Residential care facilities and residential homes shall be considered an
21 existing facility for purposes of location of licensed facilities.

22 (b) Requirements for expansions and re-establishment of existing facilities. Homeless
23 shelters and room and board facilities existing as of January 1, 1989, do not have to
24 meet the spacing and location licensing requirements. However these requirements will
25 have to be met by medium facilities becoming large facilities and any expanding large
26 facility. Existing facilities which drop to a lower size category for a continuous period
27 of six months must meet the spacing and location requirements to return to the larger
28 category. Existing facilities which are abandoned for a continuous period of one year
29 must meet the spacing and location requirements to be re-established.

30 (c) Exceptions from spacing and location requirements. After notice and hearing that

1 follows the requirements applicable to Type III land use actions under SRC Chapter
2 300, the Planning Commission may grant exceptions to the location and spacing
3 requirements for a facility upon a showing by the applicant that the likely adverse
4 consequences of the proposed use and development to the affected neighborhood are
5 reasonably minimized. The Commission may prescribe conditions as provided under
6 SRC 300.830, and any of such conditions may be either permanent or precedent to
7 issuance and maintenance of facility license.

8 **Section 11.** SRC 38.010 is amended to read as follows:

9 **38.010. Definitions.** As used in this Chapter, unless the context otherwise requires:

- 10 (a) Administrator means the principal administrative officer of the agency responsible
11 for providing "911" emergency communications service within the City of Salem; or
12 the person designated by such administrative officer to exercise any power or duty
13 conferred under this Chapter.
- 14 (b) Alarm system means a device or system of interconnected devices, including
15 hardware and related appurtenances, designed to give warning of activities indicative of
16 fire.
- 17 (c) Annunciator means that part of an alarm system, other than an automatic dialer,
18 which communicates the fact that the system has been triggered.
- 19 (d) Audible annunciator means an annunciator which gives alarm by means of a bell,
20 siren, buzzer, or similar sound-producing device mounted at some location other than
21 wholly within a building; or which is intended to be clearly audible at a distance of 50
22 feet or more outside of any building in which it is mounted when activated.
- 23 (e) Automatic dialer means a device which is programmed to select a telephone
24 number and deliver a verbal warning message or signal over standard telephone lines to
25 a called party who is using telephone voice communication equipment.
- 26 (f) Center means the "911" emergency communications center serving the City of
27 Salem.
- 28 (g) Designated trunk line means a telephone trunk line designated by the administrator
29 as available for selection by an automatic dialer.
- 30 (h) Emergency trunk line means a telephone trunk line having a number listed and

1 published in the Salem Telephone Directory as being the emergency phone for police,
2 fire or ambulance service.

3 (i) False alarm means any activation of an alarm system not resulting from fire, upon
4 or following which communication is made to the center that an alarm has been
5 triggered. If the alarm, when communicated to the center, is clearly identified to the
6 center as resulting from authorized system test, or other non-emergency cause, it shall
7 not be considered as a false alarm. If fire units respond to an alarm and check the
8 protected premises according to standard operating procedure, and are unable to
9 discover any evidence of fire, the alarm will be deemed false absent a preponderance of
10 credible evidence to the contrary.

11 (j) Monitored fire alarm system is an alarm system which incorporates a remote
12 annunciator or an automatic dialer, and is designed to give warning of fire only.

13 (k) Principal means the person, firm, or corporation whose premises are protected by
14 an alarm system. For rented or leased dwelling units and other protected premises
15 having more than one tenant protected by a single alarm system, the term "principal"
16 means the building owner.

17 (l) Protected premises means all buildings, real property, and portions thereof protected
18 by an alarm system or systems at a particular street address as determined under SRC
19 Chapter 255.

20 (m) Remote annunciator means an annunciator located at a terminal on the premises of
21 an alarm monitoring service or other location not a part of the protected premises.

22 (n) Residential fire alarm system is a monitored fire alarm system serving a single
23 dwelling unit.

24 (o) Security alarm is an alarm designed to give warning of criminal activity or
25 unauthorized entry only.

26 (p) Sensor means that part of an alarm system which is designed to detect the
27 happening of some event or existence of some condition indicative of fire.

28 (q) Universal alarm system means an alarm system which incorporates a monitored
29 fire alarm and a security alarm.

30 **Section 12.** SRC 63.030 is amended to read as follows:

1 **63.030. Definitions.** As used in this Chapter, except where the context otherwise clearly
2 requires, words and phrases defined in SRC Chapter 111 shall have the meanings set forth
3 therein unless another definition is set forth in this section.

4 (a) Accessway means a portion of a lot or parcel that provides legal access from a
5 street to one or more flag lots. An accessway may be through fee-simple ownership as
6 part of a flag lot or by an access easement and associated reciprocal and irrevocable
7 access rights for all lots or parcels using the accessway.

8 (b) Affected units of land means abutting units of land for which a common property
9 line is being relocated.

10 (c) Alley means a public way not more than twenty feet and not less than ten feet in
11 width, that has been deeded to the public or dedicated and accepted by the City for
12 public use, that provides a secondary means of motor vehicle access to abutting
13 property.

14 (d) Arterial street - See Major Arterial and Minor Arterial in the Street definition.

15 (e) Block means the properties abutting one side of a street:

16 (1) Between two cross streets;

17 (2) Between the City limits and the nearest cross street;

18 (3) When there is only one cross street:

19 (A) Between a cross street and the dead end of a street;

20 (B) Between a cross street and a line projected from the centerline of an
21 intersecting street, such as a "T" intersection;

22 (4) When there are no cross streets, then the block shall be between the points
23 600 feet from the mid-point of the front property line for the property under
24 consideration and along the street.

25 (f) Building means a structure built for the support, shelter, or enclosure of persons,
26 animals, or property of any kind.

27 (g) Building setback line-means an imaginary line established by subdivision
28 regulation or the Salem Zoning Code requiring all buildings to be set back to or beyond
29 that line which is a certain distance from lot, parcel, or property lines or a point within
30 street right-of-way.

1 (h) Collector street - See Street.

2 (i) Commission means the Planning Commission of the City of Salem.

3 (j) Cul-de-sac - See Street.

4 (k) Curb line means the line indicating the edge of the vehicular roadway within the
5 overall right-of-way.

6 (l) Current developed area means that area of the Salem urban area so designated
7 pursuant to SRC 66.030.

8 (m) Division of land means the creation of lots or parcels.

9 (n) Final plat - See Plat.

10 (o) Interested person means any person owning land within 250 feet of a subdivision or
11 partitioning, as shown on the records of the county assessor. "Interested person"
12 includes affected private and public utilities and public agencies.

13 (p) Local street - See Street.

14 (q) Lot means a unit of land that is created by a subdivision or partitioning of land.

15 Except where otherwise stated, the term "lot" includes the term "parcel."

16 (1) Corner lot means a lot having two or more adjacent front lot lines in which
17 the interior angle formed by the extensions of the front lot lines in the direction
18 which they take at their intersections with the side lot lines forms an angle of 135
19 degrees or less. In the event a street front lot line is a curve at its point of
20 intersection with a side lot line, the tangent to the curve at that point shall be
21 considered the direction of the front lot line.

22 (2) Flag lot means a lot or parcel that is set back from the street at the rear or at
23 the side of another lot or parcel, with vehicular access to the street provided by an
24 accessway.

25 (3) Infill lot means a residential flag lot created by the partition of land after
26 February 8, 2006.

27 (r) Lot area means the area in square feet or acres (43,560 square feet equals one acre)
28 of a horizontal plane bounded by the vertical extension of the lot lines.

29 (s) Lot depth means the horizontal distance between the front lot line and the rear lot
30 line measured at a point half-way between the side lot lines.

1 (f) Lot width means the horizontal distance between the side lot lines, measured at
2 right angles to the lot depth at a point mid-way between the front and rear lot lines.

3 (u) Major Arterial - See Street

4 (v) Map means a final diagram or drawing of a partition.

5 (w) Minor Arterial - See Street

6 (x) Neighborhood Activity Centers includes, but is not limited to, existing or planned
7 schools, parks, shopping areas, transit stops, or employment centers.

8 (y) Neighborhood organization means a neighborhood organization officially
9 recognized pursuant to SRC 64.250-64.350.

10 (z) Official zoning map means the official zoning map as adopted, amended, and
11 replaced pursuant to SRC 113.020 - 113.070.

12 (aa) Outside property lines means the line forming the exterior boundaries of a lot,
13 including lots as defined under SRC 111.130(g).

14 (bb) Owner means the owner of record of real property as shown on the latest tax rolls
15 or deed records of the county, and includes a person who furnishes evidence that the
16 person is purchasing property under a written recorded or unrecorded land sale contract.

17 (cc) Parkway - See Street

18 (dd) Partition means an act of partitioning land or an area or tract of land so
19 partitioned.

20 (ee) Partition land means to divide land into two or three parcels of land within a
21 calendar year, but does not include:

22 (1) Divisions of land resulting from lien foreclosures;

23 (2) Divisions of land resulting from foreclosures of recorded contracts for the
24 sale of real property;

25 (3) Division of land resulting from the creation of cemetery lots;

26 (4) Adjustment of a property line by the relocation of a common boundary where
27 an additional unit of land is not created and where the existing unit of land
28 reduced in size by the adjustment complies with any applicable law or ordinance,
29 including but not limited to provisions pertaining to minimum area, frontage,
30 average width, vehicular access and required setbacks;

1 (5) The sale of a lot in a recorded subdivision, even though the lot may have been
2 acquired prior to the sale with other contiguous lots or property by a single owner;

3 (6) Divisions of land resulting from purchase or the exercise of the power of
4 eminent domain by a governmental entity having lawful authority to do so;

5 (7) A sale or grant by a person to a public agency or public body for state
6 highway, county road, City street, or other right-of-way purposes provided that
7 such road or right-of-way complies with the comprehensive plan and applicable
8 statutes. However, any property for state highway, county road, City street, or
9 other right-of-way purposes shall continue to be considered a single unit of land
10 until such time as the property is further subdivided or partitioned;

11 (ff) Planning administrator means the planning administrator, Community Development
12 Department, City of Salem, or the planning administrator's designated representative.

13 (gg) Plat means a final map, diagram, drawing, replat, or other writing containing all
14 the descriptions, locations, specifications, dedications, restrictions, provisions, and
15 other information concerning a subdivision or partition. Except where otherwise stated,
16 the term "plat" includes the term "map."

17 (hh) Property line means the boundary line between two units of land.

18 (ii) Property line adjustment means the relocation of a common property line between
19 two abutting properties.

20 (jj) Public access way means a walkway that provides pedestrian and bicycle passage
21 either between two or more streets or from a street to a building or other destination,
22 such as a park, or transit stop.

23 (kk) Reasonably direct means either a route that does not deviate unnecessarily from a
24 straight line, or a route that does not involve a significant amount of out-of-direction
25 travel by likely users.

26 (ll) Replat means the act of platting lots, parcels, and easements in a recorded
27 subdivision or partition plat to achieve a reconfiguration of the existing subdivision or
28 partition plat or to increase or decrease the number of lots in a previously recorded plat.

29 (mm) Reserve block means a strip of land, usually one foot in width, deeded or
30 dedicated to the City, reserved across the end of a street or alley and terminating at the

1 boundary of a subdivision or partition; or a strip of land deeded to the City between a
2 dedicated street and adjacent property; in either case reserved or held by the City for
3 future street extension or widening, or to prohibit access from property adjacent to a
4 street.

5 **(nn)** Safe and convenient means bicycle and pedestrian routes, facilities, and
6 improvements which:

7 (1) Are reasonably free from hazards, particularly types or levels of automobile
8 traffic which would interfere with or discourage pedestrian or cycle travel for
9 short trips;

10 (2) Provide a reasonably direct route of travel between destinations such as
11 between a transit stop and a store; and

12 (3) Meet travel needs of cyclists and pedestrians considering destination and
13 length of trip; and considering that the optimum trip length of pedestrians is
14 generally one-fourth to one-half mile.

15 **(oo)** Salem Transportation System Plan or TSP means the detailed transportation plan
16 of the City adopted under SRC 64.230.

17 **(pp)** Street means a public or private way that is created to provide ingress or egress to
18 one or more lots, parcels, areas, or tracts of land, excluding a private way that is created
19 to provide ingress or egress to land in conjunction with the use of the land for forestry,
20 mining, or agricultural purposes. The term "street" shall include such designations as
21 "highway," "thoroughfare," "parkway," "throughway," "road," "avenue," "boulevard,"
22 "lane," "court," "place," "loop," "drive," "circle," and other such terms. A public
23 right-of-way or accessway twenty feet or less in width or a private way of travel
24 twenty-five feet or less in width providing access to no more than four lots or parcels
25 and zoned for residential uses shall not constitute a street. A private way of travel on
26 property zoned for commercial or industrial uses, and greater than twenty-five feet in
27 width, may be allowed at the discretion of the Planning Administrator.

28 (1) Parkway means a major facility for moving large volumes of both intra-City
29 traffic and regional traffic at high speeds. It is typically a divided highway with a
30

1 minimum of four travel lanes and extremely limited access, as shown in the Salem
2 Transportation System Plan.

3 (2) Major Arterial means a major facility for moving large volumes of intra-City
4 and regional traffic. It serves as the main radial and provides peripheral routes
5 through the City. The ultimate cross-sectional width is a multi-lane facility, as
6 shown in the Salem Transportation System Plan.

7 (3) Minor Arterial means a facility providing primarily intra-area and inter-
8 neighborhood access. It is designated to have a minimum of two travel lanes with
9 left-turn pockets and center left-turn lanes where appropriate, as shown in the
10 Salem Transportation System Plan.

11 (4) Collector street means a facility that allows traffic within an area or
12 neighborhood to connect to the arterial system. It is given priority over local
13 streets in any traffic control installations. Single family and duplex access may be
14 limited according to standards on file with the Public Works Director.

15 (5) Local street means a facility not designated on one of the higher systems. It
16 serves primarily to provide direct access to abutting land and offers the lowest
17 level of traffic mobility.

18 (6) Cul-de-sac means a dead-end street having a turnaround area at the dead end.
19 Cul-de-sac length shall be measured from the nearest right-of-way line of the
20 nearest intersecting street to the throat or point of beginning of the turnaround
21 area.

22 (7) Dead-end street means a street which terminates without a turnaround area
23 and is intended to continue through at some future time.

24 (8) Half-street means a fifty percent portion of the ultimate width of a street,
25 usually along the edge of a subdivision or partition, and including pavement, curb,
26 gutter, sidewalk, piped drainage, street lights, and signing, where specified by the
27 Public Works Director.

28 (9) Three-quarter street means a half-street improvement on the development side
29 plus a minimum twelve-foot wide turnpike travel lane with shoulders and
30

1 drainage ditches where needed on the opposite side, where specified by the Public
2 Works Director.

3 (10) Under improved street means any public street, road or right-of-way which
4 lacks any of the following: paving, curbing, sidewalks, piped drainage, adequate
5 right-of-way geometry or paving width, grade and structural sections required
6 under the standards and specifications on file in the office of the Public Works
7 Director.

8 (qq) Subdivide land means to divide an area or tract of land into four or more lots
9 within a calendar year, when such area or tract of land existed as a unit or contiguous
10 units of land under a single ownership at the beginning of such year.

11 (rr) Subdivision means an act of subdividing land or an area or tract of land which has
12 been subdivided.

13 (ss) Tentative plan means a preliminary diagram or drawing concerning a partition or
14 subdivision.

15 (tt) Tree means a tree having a caliper of more than eight inches measured at four feet
16 above grade.

17 (uu) Unit of land means a lot, parcel, or other tract of land described by a metes and
18 bounds, which is lawfully established and which has been recorded. A lot, parcel or
19 tract is "lawfully established" only if:

20 (1) The lot or parcel was created in compliance with all applicable planning,
21 zoning, and subdivision or partition ordinances and regulations in effect at the
22 time of creation; or

23 (2) The lot, parcel or tract has been validated pursuant to SRC 63.150.

24 (vv) Urban Service Area means that portion of the Salem urban area so designated
25 pursuant to SRC Chapter 66.

26 (ww) Utilities means water, gas, sewer, storm drainage, electrical, telephone, and wire
27 communication service, cable television, and all persons and companies supplying the
28 same.

29 (xx) Variance means an exception to the requirements of this Chapter for the
30 subdivision, partitioning, or replatting, of land granted pursuant to SRC Chapter 245.

1 (yy) Walkway means a right-of-way deeded, dedicated, and designated for the use of
2 nonmotorized vehicles and pedestrians.

3 **Section 13.** SRC 63.038 is amended to read as follows:

4 **63.038. Application Submittal Requirements for Subdivision, Partitioning and Replatting.**

5 (a) A party proposing to subdivide, partition or replat land shall file with the Planning
6 Administrator:

7 (1) A completed application form;

8 (2) The filing fee pursuant to SRC 63.041;

9 (3) An Assessor's map identifying the subject property;

10 (4) A traffic estimate on a form as provided by the Public Works Department;

11 (5) A tree inventory;

12 (6) A current title report and deeds for the property;

13 (7) Two copies of the tentative plan map with one on paper either 22 inches or 24
14 inches by 36 inches and the second one as a reproducible copy not more than 11
15 inches by 17 inches and not less than 8.5 inches by 11 inches.

16 (b) The tentative plan map shall include the following:

17 (1) A title block on each sheet of the tentative plan showing proposed subdivision
18 name; names and addresses of the landowner and professional engineers or
19 surveyors responsible for preparing the plat; date; and township, range and section
20 of the subject property.

21 (2) A vicinity map drawn at one inch equals 800 feet, showing streets; zone
22 designations; streams; public facilities and activity centers, such as schools, parks,
23 and transit stops within one-quarter mile of the subject property.

24 (3) The tentative plan map, drawn to a scale no smaller than one inch equals 100
25 feet. For subdivisions of 50 acres or larger, the Planning Administrator may
26 authorize a scale to allow the subdivision to be shown on one sheet. The tentative
27 plan shall include:

28 (A) Scale and north arrow;

29 (B) Location of property lines within 50 feet of the perimeter of the
30 subject property;

- 1 (C) Proposed lot or parcel boundaries, dimensions, the gross area of each
2 lot or parcel, subdivision phase boundaries (text segregated and relocated);
3 (D) Location, width and names of all existing and proposed street rights-
4 of-way and public accessways abutting the perimeter of the subject
5 property;
6 (E) Location, width, curve radius, grade and names of all proposed street
7 rights-of-way and public accessways within and contiguous to the
8 proposed subdivision;
9 (F) The location of all private easements;
10 (G) The location, dimensions and use of all proposed and existing public
11 areas, including, but not limited to, easements and detention facilities;
12 (H) Location, dimensions and use of all existing buildings (noting which
13 building(s) shall remain and those planned for removal), canals, ditches,
14 waterways, detention facilities, sewage disposal systems, and wells on the
15 subject property, indicating which will remain and which will be removed
16 or decommissioned;
17 (I) Location of natural topographic features, including, but not limited to,
18 creeks, drainageways, as shown on the most recent USGS maps, wetlands
19 shown on the Local Wetland Inventory and flood plains.
20 (J) For subdivisions:
21 (i) Contour lines at five (5) foot intervals and two (2) foot
22 intervals for areas within the floodplain;
23 (ii) A geological assessment or geo-technical report as required by
24 SRC Chapter 69;
25 (iii) A traffic impact analysis, if required by the City's Traffic
26 Engineer; and
27 (iv) Phase lines and numbers if the subdivision will be completed
28 in phases;
29 (K) Such additional information deemed necessary by the Planning
30 Administrator to explain or supplement any other component of the

1 submittal documents, to establish compliance with the comprehensive
2 plan, other ordinances, or state or federal laws or regulations, or for other
3 reasons necessary to accommodate the orderly development of land.

4 **Section 14.** SRC 63.046 is amended to read as follows:

5 **63.046. Decision of the Planning Administrator for a Subdivision.**

6 (a) The Planning Administrator may either approve, deny, approve with conditions
7 necessary to insure conformance with this Chapter and the purpose set forth in SRC
8 63.020, or, where further information is required, postpone action on a subdivision
9 application for a period not to exceed 30 days.

10 (b) Before approval of a tentative plan the Planning Administrator shall make
11 affirmative findings that:

12 (1) Approval does not impede the future use of the remainder of the property
13 under the same ownership, or adversely affect the safe and healthful development
14 of the remainder or any adjoining land or access thereto; and

15 (2) Provisions for water, sewer, streets, and storm drainage facilities comply with
16 the City's public facility plan; and

17 (3) The tentative plan complies with all applicable standards of this Code,
18 including the Salem zoning ordinance, unless a variance or adjustment therefor
19 has been obtained; and

20 (4) The proposed subdivision provides safe and convenient bicycle and
21 pedestrian access from within the subdivision to adjacent residential areas and
22 transit stops, and to neighborhood activity centers within one-half mile of the
23 development.

24 (c) The Planning Administrator shall adopt written findings and conclusions in
25 connection with the approval or denial of a tentative plan, and shall serve by regular
26 mail a copy of his decision on the applicant, the owners of the property subject of the
27 application, and on all persons, organizations, and agencies entitled to notice under
28 SRC Chapter 300.

29 **Section 15.** SRC 63.047 is amended to read as follows:

30 **63.047. Decision of the Planning Administrator for a Partition.**

1 (a) If an application for a partition requires a variance or adjustment, the Planning
2 Administrator may approve, deny, or approve with conditions necessary to insure
3 conformance with this Chapter and the purpose set forth in SRC 63.020. Before
4 approval of a tentative plan, the planning administrator shall make affirmative findings
5 that:

6 (1) Approval does not impede the future use of the remainder of the property
7 under the same ownership, or adversely affect the safe and healthful development
8 of the remainder or any adjoining land or access thereto; and

9 (2) The tentative plan complies with all applicable provisions of this Code,
10 including the Salem zoning ordinance, unless a variance or adjustment therefor
11 has been obtained.

12 (3) The Planning Administrator shall adopt written findings and conclusions in
13 connection with the approval or denial of a tentative plan, and shall serve by
14 regular mail a copy of his decision on the applicant, the owners of the property
15 subject of the application, and on all persons, organizations, and agencies entitled
16 to notice under SRC Chapter 300.

17 (b) If an application for a partition does not require a variance or adjustment the
18 Planning Administrator may either approve, deny, or approve with conditions necessary
19 to insure conformance with this Chapter and the purpose set forth in SRC 63.020.
20 Before approval of a tentative plan, the Planning Administrator shall make affirmative
21 findings that:

22 (1) Approval does not impede the future use of the remainder of the property
23 under the same ownership, or adversely affect the safe and healthful development
24 of the remainder or any adjoining land or access thereto; and

25 (2) Provisions for water, sewer, streets, and storm drainage facilities comply with
26 the City's public facility plan; and

27 (3) The tentative plan complies with all applicable provisions of this Code,
28 including the Salem zoning ordinance, unless a variance or adjustment therefor
29 has been obtained.

30 (4) The Planning Administrator shall adopt written findings and conclusions in

1 connection with the approval or denial of a tentative plan, and shall serve by
2 regular mail a copy of his decision on the applicant, the owners of the property
3 subject of the application, and on all persons or organizations entitled to a notice
4 of filing under SRC SRC Chapter 300.

5 **Section 16.** SRC 63.051 is amended to read as follows:

6 **63.051. Purposes of Tentative Plan Review; Requirements and Conditions.**

- 7 (a) The purpose of tentative plan review of a subdivision or partition is to insure that:
- 8 (1) The proposal conforms to the requirements of this Chapter.
- 9 (2) The proposed street system in and adjacent to a subdivision or partition
10 conforms to the Salem Transportation System Plan adopted under SRC 64.230,
11 and is designed in such a manner as to provide for the safe, orderly, and efficient
12 circulation of traffic into, through, and out of the subdivision or partition.
- 13 (3) That the proposed subdivision or partition will be adequately served with City
14 water and sewer, and will be served by other utilities appropriate to the nature of
15 the subdivision or partition.
- 16 (4) That the layout of lots, and their size and dimensions take into account
17 topography and vegetation of the site so as not to require variances in order that
18 buildings may be reasonably sited thereon, and that the least disruption of the site,
19 topography, and vegetation will result from the reasonable development of the
20 lots.
- 21 (5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the
22 excavation and fill provisions of SRC Chapter 65.
- 23 (6) If the tentative plan is for a subdivision subject to SRC 66.050(a), that a UGA
24 Development Permit has been issued and will be complied with.
- 25 (7) Adequate measures have been planned to alleviate identified natural or
26 fabricated hazards and limitations to development, as identified by the Planning
27 Administrator, including, but not limited to, wetlands, unstable areas, and stream
28 side setback. For development in wetlands and unstable areas, the following
29 measures shall apply:
- 30 (A) For wetlands these shall be the measures required by the Division of

1 State Lands for regulatory wetlands.

2 (B) For unstable areas these measures shall be documentation, as
3 approved by the department of public works, that streets and building sites
4 are on geologically stable soil considering the stress and loads to which
5 the soil may be subjected.

6 (b) Lack of compliance with the standards set forth in subsection (a) of this section
7 shall be grounds for denial of tentative plan approval, or for the issuance of certain
8 conditions necessary to more fully satisfy such considerations.

9 **Section 17.** SRC 63.285 is amended to read as follows:

10 **63.285. Flag Lots in Partitionings.** Within partitionings, and in addition to any applicable lot
11 development standards set forth in SRC 63.145, the following lot standards shall apply.

12 (a) **Lot Dimensions.** The dimensional requirements for residential flag lots are not
13 based on the standard "width" and "depth" requirements. Flag lots shall have two
14 dimensional requirements, each perpendicular to the other and generally running
15 parallel to the parcel boundaries, and excluding any accessway. The average length
16 across one dimension of the parcel shall be no less than 40 feet. The average length
17 across the perpendicular dimension of the parcel shall be no less than 70 feet.

18 (b) **Area.** As prescribed in SRC 63.145(c), excluding the accessway, except that in the
19 RA and RS zone district, the minimum parcel area for any infill lot shall be 5,500
20 square feet, exclusive of the accessway to the parcel.

21 (c) **Accessways.**

22 (1) Accessways shall be created and developed to the standards shown in Table
23 63-1. Reciprocal and irrevocable access rights for all parcels using the accessway
24 shall be included on the final map and deeds for the individual parcels. The
25 property address shall be posted at the intersection of the accessway and the street
26 as provided in SRC 255.050.

27 (2) Additional design standards for access management on collectors, arterials,
28 and parkways may require shared access points along such streets under the
29 direction of the Director of Public Works.

30 **Section 18.** SRC 63.295 is amended to read as follows:

1 **63.295. Flag Lots in Subdivisions.**

2 (a) Within subdivisions, the Planning Administrator may waive or relax any of the lot
3 development standards set forth in SRC 63.145 to not less than the minimums specified
4 in this section for up to 15 percent of the lots in the subdivision, any fraction of a lot of
5 1/2 or more counting as a full allowable lot in such computation, any lesser fraction not
6 being counted.

7 (b) Lot Dimensions. The dimensional requirements for residential flag lots are not
8 based on the standard "width" and "depth" requirements. Flag lots shall have two
9 dimensional requirements, each perpendicular to the other and generally running
10 parallel to the lot boundaries, and excluding any accessway. The average length across
11 one dimension of the lot shall be no less than 40 feet. The average length across the
12 perpendicular dimension of the lot shall be no less than 70 feet.

13 (c) Area. As prescribed in SRC 63.145(c), not including the accessway.

14 (d) Accessways. Accessways shall be created and developed to the standards shown in
15 Table 63-1. Reciprocal and irrevocable access rights for all parcels using the
16 accessway shall be included on the final map and deeds for the individual parcels. The
17 property address shall be posted at the intersection of the accessway and the street as
18 provided in SRC 255.050.

19 **Section 19.** SRC 66.020 is amended to read as follows:

20 **66.020. Definitions.** As used in this Chapter, except where the context otherwise clearly
21 requires:

22 (a) Adequate Facilities means those major and minor public facilities, the nature,
23 capacity and location of which are specifically designated in an adopted master plan or
24 CIP or, in the absence of such designation, those major and minor public facilities
25 designed and constructed according to all applicable provisions of this code and the
26 standards and specifications on file in the office of the director of public works.

27 (b) Area facility means a public facility which provides service to an entire area,
28 including, but not limited to, a water reservoir, a water or sewer pump station, a sewer
29 force main, a park or a regional stormwater detention facility. (See also "Linear
30 facility")

1 (c) Arterial street means a street so designated and mapped in the Salem Transportation
2 System Plan.

3 (d) Capital Improvement Plan or CIP means the plan referred to in SRC 41.130.

4 (e) Collector street means a street so designated and mapped in the Salem
5 Transportation System Plan.

6 (f) Developer means one who undertakes development. Such term includes owners
7 and lessees of property to the extent that they are directly responsible for the
8 development of that property.

9 (g) Developer Contributions means the voluntary and non-reimbursable funding by a
10 private developer of a portion or all of a proposed new public facility, intended to
11 reduce the public costs of a potential new Urban Service Area expansion area.

12 (h) Development means:

13 (1) Any subdivision of land or Planned Unit Development;

14 (2) The establishment of any mobile home park;

15 (3) The construction or structural alteration of any building or structure in
16 connection with the establishment of any use not previously existing on the
17 property, or the substantial improvement, as that term is defined in SRC
18 140.020(y), of an existing building or structure, resulting in increased usage of a
19 public facility, EXCEPT for the following types of uses, without regard to the
20 zoning classification of the property:

21 (A) Any single family or duplex dwelling, whether or not including a
22 home occupation, as those terms are defined in SRC Chapter 111;

23 (B) Any use listed in Division E (Transportation, electric, gas, and
24 sanitary services) of the Standard Industrial Classification, EXCEPT
25 Major Group 48 (Communication), which latter uses are not excluded
26 from the definition of "development";

27 (C) Any surface mining operation;

28 (D) Any solid waste disposal site;

29 (E) Any use made of a historic or architecturally significant building
30 under SRC 230.085, provided that is the only development of the

1 property;

2 (F) Any use established and conducted by the City of Salem.

3 (i) Fair Market Value means the appraised value, as of the date of the UGA
4 Preliminary Declaration, of a parcel of land reserved for dedication to the City for
5 public park use. The value appraisal shall be procured by the City at the developer's
6 expense, and will be an allowable cost for reimbursement to the developer.

7 (j) Improvement Agreement means an agreement between the City and the developer
8 requiring the developer to provide certain public improvements or other considerations
9 as a condition of a development permit. The agreement shall be as described in SRC
10 63.052(b)(5)(b), except that the 18 month time limit shall not apply.

11 (k) Fully committed means that all public facility projects required to adequately serve
12 an area are contained in the funded section of the capital improvement plan, excluding
13 funds requiring a public vote, or that all public facilities will be fully constructed or
14 funded pursuant to an improvement agreement.

15 (l) Linear facility means a public facility which provides direct service to abutting
16 property, including, but not limited to a street, water line, sewer line or storm drainage
17 line. (See also "Area facility")

18 (m) Major facility means a major street as shown in the TSP, a sewer collection or
19 water distribution line specifically shown in a sewer or water master plan, a sewage or
20 water pumping station, a water reservoir, or a storm drainage facility identified within
21 the Stormwater Master Plan, or a park facility shown in the Parks Master Plan.

22 (n) Major street means an arterial or collector street.

23 (o) Minor facility" means a public facility other than a major facility.

24 (p) Parks Master Plan or "Comprehensive Parks System Master Plan" means a master
25 plan for the development, location, size and classification of parks facilities to serve
26 properties within the Urban Growth Boundary adopted under SRC 64.230.

27 (q) Pre-planned means as shown on the appropriate Transportation System Plan, Sewer
28 or Water Master Plan, Parks Master Plan or Stormwater Master Plan.

29 (r) Public facility means a park, street, alley, sewer collection line, water distribution
30 line, sewage or water pumping station, water reservoir, or storm drain line, channel, or

1 detention facility.

2 (s) Required facilities means those major and minor facilities for water, sewer, storm
3 drainage, transportation and parks, required in this Chapter.

4 (t) TSP means the Salem Transportation System Plan as adopted under SRC 64.230.

5 (u) Secondary Benefit Value means the dollar value, as determined using master plans
6 and cost tables adopted by the director of public works, of that portion of a proposed
7 new growth area public facility which will provide improved or new service to already
8 developed areas either in or out of the existing Urban Service Area.

9 (v) Sewer Master Plan means a master plan for development, location, size and
10 classification of sewer collection and treatment facilities to serve property within the
11 Urban Growth Boundary, adopted under SRC 64.230.

12 (w) Stormwater Master Plan means a master plan for location, size, and classification
13 of storm drainage facilities to serve property within the Urban Growth Boundary,
14 adopted under SRC 64.230.

15 (x) Urban Growth Area (UGA) means that territory lying between the Urban Service
16 Area and the Urban Growth Boundary.

17 (y) Urban Growth Boundary (UGB) means the Urban Growth Boundary as adopted as
18 part of the Salem Area Comprehensive Plan and shown on the General Plan Map
19 referred to in SRC 64.210.

20 (z) Urban Service Area (USA) means that portion of the Salem urban area where
21 required facilities are in place or fully committed, so designated pursuant to SRC
22 66.030.

23 (aa) Water Master Plan means a master plan for location, size, and classification of
24 water treatment, transmission and distribution facilities to serve the property within the
25 Urban Growth Boundary, adopted under SRC 64.230.

26 **Section 20.** SRC 66.200 is amended to read as follows:

27 **66.200. Amendment of Preliminary Declaration or Permit.**

28 (a) An application for an amendment to an existing Preliminary Declaration or Permit,
29 along with an application fee established by council, may be filed by the applicant or its
30 successors in interest. The information to be supplied shall include that required under

1 section 66.060, if different from the initial submittal, and shall include evidence of
2 compliance with the amendment criteria set out below.

3 (b) The Development Review Committee shall review amendment proposals under the
4 process set out in section 66.070 and may either grant, grant with conditions, or deny
5 the amendment proposal. Appeals from the Committee decision shall go to the council
6 and be filed and processed as required under SRC Chapter 300.

7 Additional notice shall be sent to all parties involved in the initial grant of the
8 declaration or permit.

9 (c) Application for an amendment does not terminate the existing Preliminary
10 Declaration or Permit until the effective date of the Amended Preliminary Declaration.
11 The application may be withdrawn within ten days of the effective date of the Amended
12 Preliminary Declaration.

13 (d) Criteria.

14 (1) A significant change in the circumstances must have occurred which would
15 have the effect of making the originally required public facilities inappropriate, or
16 inadequate. A "significant change in circumstances" includes but is not limited to
17 a change in the adopted master plan, or area facility plan for the area which
18 changes the nature of the required public facilities; a change in the nature of the
19 proposed development which significantly changes the demands on the public
20 system, or changes the nature or location of the facilities; a change in the timing
21 or phasing of the development which would lead to a need to change the approved
22 phasing sequence of the public facilities; or a change in technology or engineering
23 practices which would result in a better or more efficient delivery of public
24 services or development of the public facility.

25 (2) The change is of such magnitude that it cannot be accommodated
26 administratively.

27 (3) The proposed amendment does not simply reduce the developer's costs by
28 shifting them to another developer or the public, unless the benefits received by
29 such other developer and the public are significantly increased.

30 (4) The proposed amendment conforms to all requirements of the Urban Growth

1 Management program in effect at the time the amendment is processed.

2 (e) The burden of proof is on the developer proposing the amendment to demonstrate
3 compliance with all applicable criteria.

4 (f) Notwithstanding subsection (d)(4) above, facilities not the subject of the
5 amendment that would be required under master, or area facility plans, adopted or
6 amended after the issuance of the Permit or Declaration and which have the effect of
7 increasing the applicant's costs, shall not be imposed on the applicant without
8 applicant's consent.

9 **Section 21.** SRC 77.150 is amended to read as follows:

10 **77.150. Boundary Street Requirements.**

11 (a) As a condition of issuance of any building permit for a development with
12 underimproved boundary streets, the boundary street shall be improved or deferred, and
13 right-of-way for such street shall be dedicated, as provided below. As used in this
14 section,

15 (1) Development means: the erection, construction, or enlargement, of any
16 building or structure requiring a building or occupancy permit under SRC Chapter
17 56, BUT EXCLUDING any one of the following:

18 (A) A building permit for the construction of one or two residential units
19 (single family or duplex dwelling) per site unless such site separates
20 properties fronted by a fully improved street; or

21 (B) The enlargement of any building or structure, or the addition of new
22 structures to a complex, if the enlargement or addition is less than 2000 sq.
23 ft. and results in less than a 50% increase in gross building area. This
24 exception shall be applied based on the extent of development existing on
25 December 31, 1995; or

26 (C) Any building or structure to be used entirely for agricultural uses
27 (SIC 01, 02, and 07) with no retail sales; or

28 (D) Any building or structure that will generate less than 20 vehicle trips
29 per day.

30 (2) Underimproved street means any public street, road or right-of-way which

1 lacks any of the following: paving, curbing, bike lanes (where required),
2 sidewalks, street lighting, piped drainage; adequate right-of-way geometry or
3 paving width, grade and structural sections required under the standards and
4 specifications on file in the office of the director of public works.

5 (3) Complex means a group of structures or other development that is
6 functionally or conceptually integrated, regardless of the ownership of the
7 development or underlying land.

8 (4) The latest edition of the Institute of Transportation Engineers' (ITE) Trip
9 Generation, adopted by the council shall be used to calculate the trip generation
10 under this section.

11 (b) Dedication. Where the existing right-of-way is insufficient to install the
12 improvement specified in SRC 63.235(b), the right-of-way shall be dedicated up to
13 one-half of the minimum width as specified in SRC 63.235(a). All right-of-way
14 dedication shall follow the requirements of SRC 63.225(h).

15 (c) Improvement. For developments with underimproved boundary streets, the
16 required improvement shall be one-half of the improvement specified in SRC
17 63.235(b), not to exceed a 17 foot width, plus curb, gutters, sidewalks, bike lanes
18 (where required), piped drainage, street lights, and other signing where appropriate.
19 The minimum requirement for the opposite side of the centerline is a 12 foot wide
20 paved travel lane. All structural sections for the portion of street improvement added to
21 the existing pavement, shall be as specified for the designation of the street in the
22 Salem Transportation System Plan (TSP). All improvements shall be installed in
23 accordance with the standards and specifications on file in the office of the director of
24 public works.

25 The required street improvements shall be provided along all boundary streets adjacent
26 to the whole of the development complex, and extend the full length of the street
27 frontage(s). In cases where development is proposed for only a portion of the
28 development site or complex, street improvements shall be provided as follows:

29 (1) Where the area of development exceeds twenty-five (25) percent of the total
30 site or complex area, the street improvements shall be the greater of either:

- 1 (A) The actual street frontage of the phase being developed, or
2 (B) The percentage of street frontage equal to the percentage of area
3 being developed.

4 (2) Where the area of development is equal to or less than twenty-five (25)
5 percent of the total site or complex area, the street improvement shall be provided
6 in accordance with the following formula:

7 Proposed Area of Development ÷ Area of Undeveloped site x Total Street
8 frontage of entire development site or complex = Frontage of required street
9 improvement.

10 As used herein, area of development is that area required for structures, yards, off-
11 street parking and landscaping, including any special setbacks.

12 A boundary street that is a funded project in the Five Year Capital Improvement
13 Program is exempt from this improvement requirement.

14 (d) Deferral - Applicant Initiated. Improvements for underimproved boundary streets
15 may be deferred by the director of public works if the applicant can demonstrate that
16 any one of the following apply to the development site:

17 (1) Abuts a boundary street for which the existing vertical or horizontal
18 alignment for the street section does not meet nor can be constructed within the
19 limits of the site frontage to meet City of Salem Public Works Street Design
20 Standards for future final street grades and alignment.

21 (2) Abuts a local street, the total development site has less than 150 feet of
22 frontage and the use will generate 20 or fewer vehicle trips per day.

23 (3) Abuts a local street and there is no improved street or street improvement
24 deferral for the boundary street within 150 feet of the property corners of the
25 development site.

26 (4) If unusual and special conditions exist on any public street which in the
27 opinion of the director of public works would warrant a deferral of all or a part of
28 the improvement.

29 (e) Deferral - City Required. A City required deferral shall be processed at no cost to
30 the applicant. Where future street improvements are anticipated, the director of public

1 works may require all or a portion of the improvement to be deferred.

2 (f) Deferral Agreement. When a deferral is required, the applicant shall sign a street
3 improvement deferral agreement and pay the fees set by council resolution. Said
4 agreement shall be filed in the deed records of the appropriate county and shall provide
5 that required street improvements will be constructed at such time as the council directs
6 or at such other time as may be specified.

7 (g) Variances. Upon written application to the Hearings Officer, a variance from the
8 application of this section may be obtained upon a showing either that (1) the
9 requirement is not reasonably related or roughly proportional to the impacts or needs
10 generated by the proposed development, or (2) the criteria set forth in SRC 245.005(d)
11 are met. Application shall be made within 15 City business days of the decision.

12 (h) Enforcement. Failure of a developer or property owner to comply with the
13 requirements of this section shall enable the City to pursue, at its option, any lawful
14 remedy including (1) infraction citation, (2) injunctive relief, (3) construction and
15 imposition of lien, (4) curtailment of City provided utilities.

16 **Section 22.** SRC 95.200 is amended to read as follows:

17 **95.200. Fastening Handbills to Public Property.** Except as provided by SRC 255.055, it shall
18 be unlawful for any person, except a public officer or employee in the performance of a public
19 duty, to stick, stamp, paint, print, paste, nail, tack, or otherwise fasten any card, banner, handbill,
20 sign, poster, advertisement, or notice of any kind, or to cause the same to be done, on any
21 sidewalk, crosswalk, curb, pavement, curbstone, lamppost, pole, hydrant, bridge, or tree upon
22 public property in the City.

23 **Section 23.** SRC 111.040 is amended to read as follows:

24 **111.040. "C" Definitions.**

25 (a) Carport means a permanent structure which is not totally enclosed on two or more
26 sides, and which is used or intended for the parking of motor vehicles.

27 (b) Children or child means a human being under 13 years of age.

28 (c) City or City of Salem means the City of Salem, an Oregon municipal corporation.

29 (d) City business day means a day other than a Saturday, Sunday, or holiday, during
30 which the City's administrative offices are open for the transaction of regular and

1 routine business. A City business day begins at 8:00 a.m. and closes, unless otherwise
2 directed by the council or City manager, at 5:00 p.m.

3 (e) Child Day Care Center (CDCC) means a facility which provides child care (SIC
4 835) or kindergarten for 13 or more children.

5 (f) Child Day Care Home means the home of a child care provider for 12 or fewer
6 children.

7 (g) City engineer means the administrative head of the Engineering Division,
8 Department of Public Works of the City of Salem.

9 (h) Collocation means the use of a single support structure and/or site by more than
10 one wireless communications provider.

11 (i) Commission means the Salem Planning Commission, created by SRC Chapter 6.

12 (j) Contiguity means the state of being contiguous.

13 (k) Contiguous means touching along a boundary or point. Two or more lots or
14 parcels that are under common ownership and are separated by a public right-of-way
15 shall not be considered contiguous.

16 (l) Complex means a building or group of buildings, and their accessory buildings and
17 structures, all under common ownership, condominium ownership, or common
18 management, and housing an integrated development of industrial uses, commercial
19 uses, public uses, residential uses, or combinations thereof.

20 (m) Compliance period means the period prescribed in this zoning code or by the
21 decision on a land use action within which all conditions precedent must be met.

22 (n) Comprehensive plan means the officially adopted Salem Area Comprehensive
23 Plan, including all components thereof adopted by reference or otherwise lawfully
24 incorporated as parts thereof.

25 (o) Conditional use means any use which is permitted in a particular zoning district
26 only after review and approval as provided in SRC Chapter 240 or 118, and includes
27 where not excepted, "nonconforming" conditional uses and development requiring
28 conditional use review pursuant to SRC Chapter 270. See specific conditional use.

29 (p) Condition precedent means any condition upon the use or development of
30 property imposed by this zoning code or a decision on a land use action which must be

1 met prior to an unqualified right vesting in the development, use, or continued use of a
2 building, structure or premises. With respect to conditional zone changes it means any
3 condition imposed in a conditional zone change declaration which must be met prior to
4 issuance of a conditional zone change order.

5 (q) Corner lot means a lot having two or more adjacent front lot lines in which the
6 interior angle formed by the extensions of the front lot lines in the direction which they
7 take at their intersections with the side lot lines forms an angle of 135 degrees or less.
8 In the event a street front lot line is a curve at its point of intersection with a side lot
9 line, the tangent to the curve at that point shall be considered the direction of the front
10 lot line.

11 (r) Cottage Housing means a development consisting of at least two or more attached
12 and/or detached dwelling units on one lot as a legal nonconforming use as of May 15,
13 1979.

14 (s) Council means the council of the City of Salem, Oregon.

15 (t) Court apartment is a dwelling unit which is one of three or more dwelling units
16 contained in two or more buildings on the same lot, and which is designed, built,
17 rented, leased, let, or hired out to be occupied, or which is occupied by a family which
18 does not include an owner of the apartment; or which is a condominium unit in a
19 complex containing three or more dwelling units in two or more buildings.

20 (u) CSDP (Central Salem Development Program) area means that area of the City
21 within the following boundaries: Beginning at the SE corner of 12th Street SE and
22 Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County,
23 Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with
24 the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing
25 Northerly along said East line of Railroad to the North side of "D" Street NE; Thence
26 Westerly along the North side of "D" Street NE to the West Side of Fifth Street NE;
27 Thence Northerly along the West side of Fifth Street NE to the North side of Market
28 Street NE; Thence Easterly along the North side of Market Street NE to an Alley
29 running between Fifth Street NE and Church Street NE; Thence Northerly along Said
30 Alley to the North side of Gaines Street NE; Thence Easterly along the North side of

1 Gaines Street to the West side of Church Street NE; Thence Northerly along the West
2 Side of Church Street to the North line of an Alley running between Hood Street NE
3 and Shipping Street NE; Thence Westerly along the North side of Said Alley to the East
4 bank of the Willamette River; Thence Southerly along the East Bank of the Willamette
5 River and Willamette Slough to the Westerly projection of the South line of Mission
6 Street SE; Thence running Easterly along the South side of Mission Street SE to the
7 Place of Beginning.

8 **Section 24.** SRC 116.100 is amended to read as follows:

9 **116.100. Administrative Conditional Uses; General Concept.** An administrative conditional
10 use is a use that, because of the manner of development and use, must be conditioned to
11 appropriately adapt the use to its location and neighborhood. The administrative conditional uses
12 listed in this Chapter are decided by the planning administrator based upon specified nonvariable
13 conditions and criteria, with notice of the decision being sent to affected property owners and
14 neighborhood organizations.

15 **Section 25.** SRC 116.130 is amended to read as follows:

16 **116.130. Wireless Communication Facilities.** Where designated on administrative conditional
17 use, freestanding support structures and equipment enclosures shall be located and developed in
18 compliance with this section. Freestanding support structures 35 feet or less in height and
19 antennas attached to existing structures are, notwithstanding alternative provisions,
20 administrative conditional uses in historic districts and on historic building sites designated by
21 the City, and shall be located and developed in compliance with this section. Wireless
22 communications facilities are not permitted on City-owned historic property.

23 **(a) Application.** In addition to any other information generally required under SRC
24 Chapter 300, the following information shall be provided:

25 **(1)** An evaluation of the feasibility of collocation of the subject facility as an
26 alternative to the requested permit. The feasibility study must include:

27 **(A)** The location and ownership of existing telecommunication structures
28 within the cell service area not to exceed two (2) miles;

29 **(B)** Written verification or other documentation revealing the availability
30 and/or cooperation shown by other providers to gain access to existing

1 sites/facilities to meet the needs of the applicant;

2 (C) The tower type and height of potential collocation facilities;

3 (D) Anticipated capacity of the wireless communication facility
4 (including number and types of antennas which can be accommodated);
5 and

6 (E) The specific reasons why collocation is or is not feasible.

7 (2) Alternatives for locating/relocating support structures within 250 feet of the
8 proposed location; and

9 (3) Analysis of the visual impacts of the proposed facility on residential
10 dwellings within 250 feet of the proposed site, and an assessment of potential
11 mitigation measures, including relocation.

12 **(b) Approval criteria and minimum conditions:**

13 (1) Collocation on existing wireless communication facilities within the cell
14 service area of the proposed site is not feasible;

15 (2) The wireless facility shall be located and designed to preserve the ability for
16 collocation of at least one additional user on all support structures exceeding 35
17 feet in height, if feasible;

18 (3) Based on the visual analysis and mitigating measures, the location and design
19 of a freestanding wireless communication facility shall be conditioned to
20 minimize visual impacts from residential areas, such as considering setbacks,
21 building heights, bulk, color, and landscaping requirements;

22 (4) The design minimizes identified adverse impacts of the proposed use to the
23 extent feasible; and

24 (5) Any obsolete freestanding or attached wireless communication facility shall
25 be removed by the facility owner within 6 months of the date it ceases to be
26 operational or if it falls into disrepair.

27 (6) Freestanding support structures greater than 35 feet in height shall be at least
28 300 feet from an R or CO zone. Notwithstanding SRC 116.120, this setback
29 requirement may be varied by the decision maker upon a finding that the criteria
30 in SRC 245.005(d) are met.

1 **Section 26.** SRC 118.010 is amended to read as follows:

2 **118.010. Application and Scope of Chapter.** The specific conditional uses set forth in this
3 Chapter shall be reviewed by the hearings officer. Where a use set forth in this Chapter is listed
4 as a permitted use in a particular zone, the provisions of this Chapter shall not apply, and the use
5 may be established without any further review or approval. The minimum standards and
6 conditions set forth in this Chapter may be supplemented by the hearings officer with other
7 standards as allowed for conditional uses, generally, under SRC Chapter 240.

8 **Section 27.** SRC 118.170 is amended to read as follows:

9 **118.170. Child Day Care Centers.** Where permitted as a specific conditional use in a
10 residential zone, child day care centers shall be developed and operated in compliance with SRC
11 118.170 to 118.180 together with any other conditions imposed on the conditional use approval.
12 Notwithstanding SRC 270.005(c), non-conforming residential structures shall not be extended,
13 altered, or expanded to accommodate more than 30 children.

14 **Section 28.** SRC 118.220 is amended to read as follows:

15 **118.220. Reclamation Plan Required; Other Conditions.** A plan for reclamation of the
16 surface mining site which, at a minimum, satisfies the requirements of OAR 632-30-025 (except
17 that the word "commission" shall replace the word "department" as used therein) shall be
18 submitted with an application for conditional use approval for a surface mining operation. In
19 addition to conditions as to the reclamation of the site, the commission may impose any
20 condition as to conduct of the surface mining operation otherwise permitted under SRC 300.830.
21 Compliance with an approved rehabilitation plan as well as any other conditions as to conduct of
22 the surface mining operation shall be a condition of every such conditional use approval.

23 **Section 29.** SRC 118.340 is amended to read as follows:

24 **118.340. Freestanding Support Structures and Equipment Enclosures.** Where provided as
25 a specific conditional use, freestanding support structures for wireless communications facilities
26 shall be developed in compliance with this section, together with any other conditions imposed
27 by conditional use approval.

28 (a) **Application.** In addition to any information required under SRC Chapter 300, the
29 applicant shall provide:

30 (1) An evaluation of the feasibility of collocation as an alternative. The

1 feasibility study must include:

2 (A) The location and ownership of existing telecommunication facilities
3 within the cell service area not to exceed two miles;

4 (B) Written verification or other documentation indicating the availability
5 of and/or cooperation shown by other providers to gain access to existing
6 sites or facilities to meet the needs of the applicant;

7 (C) The tower type and height of potential collocation facilities;

8 (D) Anticipated capacity of the wireless communication facility,
9 including number and types of antennas which can be accommodated; and

10 (E) The specific reasons why collocation is or is not feasible.

11 (2) Alternatives for locating or relocating support structures within two hundred
12 and fifty feet of the proposed location; and

13 (3) Analysis of the visual impacts of the proposed wireless communication
14 facility on any residential dwellings, historic resources, or historic districts located
15 within two hundred and fifty feet of the proposed site, and an assessment of
16 potential mitigation measures, including relocation.

17 **(b) Approval criteria and minimum conditions:**

18 (1) Collocation on existing wireless communication facilities within the cell
19 service area of the proposed site is not feasible;

20 (2) If feasible, the wireless communication facility shall be located and designed
21 to provide the ability to collocate at least one additional wireless communication
22 facility on all support structures exceeding seventy feet in height;

23 (3) Based on the visual impacts analysis and mitigating measures, the wireless
24 communication facility shall be located and designed to minimize visual impacts
25 to residential areas by use of measures such as setbacks, building height
26 restrictions, limitations on bulk, use of color, and landscaping, and to minimize
27 other identified adverse impacts to the extent feasible; and

28 (4) Any obsolete wireless communication facility shall be removed by the owner
29 within six months of the date it ceases to be operational.

30 (5) Freestanding wireless communications facilities greater than thirty-five feet in

1 height shall be located at least three hundred feet from an R or CO zone.
2 Notwithstanding SRC 118.010, this setback requirement may be varied upon a
3 finding the criteria in SRC 245.005(d) are met.

4 **Section 30.** SRC 118.410 is amended to read as follows:

5 **118.410. Other Uses.** Where elsewhere designated in this zoning code as requiring specific
6 conditional use approval, specific uses and development shall be reviewed pursuant to this
7 Chapter.

8 **Section 31.** SRC 119.010 is amended to read as follows:

9 **119.010. General Concept.** Special uses are like conditional uses in that they are permitted
10 uses where certain conditions beyond those applicable to all uses in a particular district are met.
11 Unlike conditional uses, however, those conditions can be standardized so that special review of
12 a proposed development is unnecessary if they are met. Where the proposed development does
13 not fully meet the applicable standards of this Chapter, the developer may choose to apply for
14 conditional use approval. The hearings officer shall apply the standards set forth in this Chapter
15 for the proposed use and may, on application, grant a conditional use permit to vary the
16 development standards in this Chapter upon finding that the conditional use permit approval
17 criteria under SRC Chapter 240 have been met. The standards set forth in this Chapter apply
18 only where the particular use is a special use in a particular district, and are in addition to the use
19 and development standards generally applicable to all use and development in that zone unless
20 specifically exempted by the provisions of this Chapter.

21 **Section 32.** SRC 119.500 is amended to read as follows:

22 **119.500. Religious Organizations.** Where permitted as a special use, religious organizations
23 (SIC 866) shall meet the development standards in Table 119-1 and the following
24 standards/exceptions:

- 25 (a) Maximum seating capacity shall be a non-variable standard. The applicant may
26 request a conditional use to vary any one of the remaining ten development standards at
27 the time the application is submitted to the City.
- 28 (b) Where a structure and site occupy two or more zones, the entire structure and site
29 shall meet the more restrictive development standards of the zones involved.
- 30 (c) Notwithstanding the provisions of SRC 270, non-conforming churches existing on

1 the effective date of this ordinance that are substantially damaged or destroyed by any
2 cause may be rebuilt provided that the degree of non-conformity is not increased.

3 **Section 33.** SRC 119.560 is amended to read as follows:

4 **119.560. Cottage Housing.** Cottage housing and structures existing within the RA (Residential
5 Agriculture) and RS (Single Family Residential) zones prior to May 15, 1979, are deemed
6 special uses and conforming structures. Such structures may be structurally altered, enlarged, or
7 rebuilt following damage or destruction, provided such alteration, enlargement or construction
8 otherwise complies with the regulations specified by the Salem Zoning Ordinance for the zone in
9 which the use is permitted. Abandonment of such structures shall not preclude future residential
10 use; however, conversion of such structures to nonresidential use shall thereafter prevent
11 conversion back to a residential use. Such structures may be structurally altered, enlarged, or
12 rebuilt following damage or destruction providing that such alteration, enlargement or
13 construction otherwise complies with the following standards:

14 (a) The residence be rebuilt on the same location on the lot or in compliance with the
15 setback standards of the underlying zone.

16 (b) The square footage and the height of the replacement structure does not exceed the
17 square footage and/or height of the original structure by more than twenty percent
18 (20%); and

19 (c) The replacement structure otherwise complies with the regulations specified by the
20 Salem Zoning Ordinance, including any design review if required under SRC Chapter
21 225, for the zone in which the use is permitted and to all other applicable provisions of
22 this zoning code and other laws, ordinances and regulations.

23 **Section 34.** SRC 119.570 is amended to read as follows:

24 **119.570. Single Family Dwelling Units In Commercial And Industrial Zones.** Where
25 permitted as a special use in commercial and industrial zones, single family dwellings, other than
26 manufactured dwellings, constructed prior to February 1, 1983, are deemed allowed uses and
27 conforming structures under the Salem Zoning Code. Abandonment of such structures shall not
28 preclude future residential use; however, conversion of such structures to nonresidential use shall
29 thereafter prevent conversion back to a residential use. Such structures may be structurally
30

1 altered, enlarged, or rebuilt following damage or destruction providing that such alteration,
2 enlargement or construction otherwise complies with the following standards:

3 (a) The residence is rebuilt on the same location on the lot or in compliance with the
4 setback standards of the underlying zone;

5 (b) The square footage and the height of the replacement structure does not exceed the
6 square footage and/or height of the original structure by more than twenty percent
7 (20%); and

8 (c) The replacement structure otherwise complies with the regulations specified by the
9 Salem Zoning Ordinance, including any design review if required under SRC Chapter
10 225, for the zone in which the use is permitted and to all other applicable provisions of
11 this zoning code and other laws, ordinances and regulations.

12 **Section 35.** SRC 121.242 is amended to read as follows:

13 **121.242. Zone Change Concurrent with Planned Unit Development Approval.** In the event
14 the density is greater than is permitted in the zone in which the planned development is located, a
15 zone change shall be required. If a zone change is required by this section or any other provision
16 of the zoning code, the zone change application shall be filed within ten days of the filing of the
17 tentative plans and processed as for a zone change requiring a comprehensive plan change. The
18 public hearing for any zone change shall be held concurrently with the hearing for the planned
19 development. If the zone is changed for a planned development, use of the property shall be
20 limited to the construction of the approved planned development only, and shall be so annotated
21 on the official zoning map. If any change of use is desired, a new zone change petition must be
22 filed and approved by the planning commission.

23 **Section 36.** SRC 121.680 is amended to read as follows:

24 **121.680. Minor Modifications.** During construction of the planned development, the director
25 may authorize the following minor modifications:

26 (a) Lot area. Maximum possible modification of 1 percent of the minimum lot area but
27 not more than 500 square feet.

28 (b) Percentage of lot coverage. A maximum modification of 2 percent more than
29 permitted but not more than 250 square feet.

30 (c) Front yard and any yard adjacent to a street.

1 (1) A maximum modification of 10 percent of the required front yard depth.

2 (d) Side yards. A maximum modification of one foot but in no instance shall this
3 permit a side yard depth of less than five feet for a one story building or less than six
4 feet for a two or two and one-half story building.

5 (e) Rear yard depth. A maximum modification of:

6 (1) Either four feet for the main building; or

7 (2) Ten feet if a yard area equal in area to that being covered is provided at some
8 other place on the lot other than a required yard area.

9 (f) Subjects not included for minor modification. The number of dwelling units
10 permitted, parking requirements, building height, vision clearance area, and the use of
11 property are not subjects for minor modification by the planning administrator.

12 (g) Minimum modification only. The modification must be held to the minimum
13 necessary.

14 **Section 37.** SRC 121.690 is amended to read as follows:

15 **121.690. Variances.** Variances from the terms of the planned development provisions, may be
16 considered concurrently with the application for the planned development by the planning
17 commission in the same manner as is provided for the hearings officer in SRC Chapter 245. The
18 commission shall make the findings set forth in SRC 245.005(d) prior to the granting of a
19 variance request. If an application for a variance is filed at the same time as the filing of the
20 tentative plan on which the planned development public hearing is to be held, then the variance
21 may be processed and considered concurrently in all respects. The notice of hearing for the
22 planned development shall be considered as fulfilling other notice requirements of this zoning
23 code, and no additional fee shall be required.

24 **Section 38.** SRC 121.870 is amended to read as follows:

25 **121.870. Zone Changes.** Zone changes for property within a planned development may be
26 considered and heard concurrently with the application for a planned development. All of the
27 requirements for the preparation of the application shall be observed as provided in SRC Chapter
28 265. In the event that a zone change is included in the application for a planned development,
29 the decision on the planned development shall not be effective until the planning commission has
30 approved the zone change.

1 **Section 39.** SRC 123.050 is amended to read as follows:

2 **123.050. Site Plan Review; RM Districts.**

3 (a) The administrator shall review all manufactured dwelling park use permit
4 applications for RM zoned property and shall, if the application meets all requirements
5 of this Chapter, issue a manufactured dwelling park use permit with such conditions as
6 may be necessary to comply with the intent and purpose of this Chapter. Failure of the
7 applicant to comply with such conditions shall be grounds for revocation of the permit.
8 The planning administrator's decision may expressly authorize a variance from the
9 applicable development requirements of this zoning code, regardless of whether an
10 application was filed for such variance, provided, each of the following conditions is
11 met:

- 12 (1) The granting of the variance meets the criteria set forth in SRC 245.005(d),
13 except that the applicant shall bear no burden of proof as to such criteria; and
14 (2) The variance is required to accomplish a condition imposed as a part of the
15 manufactured dwelling park permit.

16 **Section 40.** SRC 123.100 is amended to read as follows:

17 **123.100. Manufactured Dwelling Parks in RM Districts; Minimum Requirements.** All
18 manufactured dwelling parks in RM districts are subject to the minimum standards and
19 conditions set forth in this section.

20 (a) **Dwelling Units Permitted.** Only those manufactured dwellings used as permanent
21 residences complying with state manufactured dwelling construction and safety
22 standards shall be permitted.

23 (b) **Minimum Area.** Manufactured dwelling parks shall be located on not less than
24 one acre of land. No manufactured dwelling space shall contain less than 2,000 square
25 feet and the average area of all spaces within a manufactured dwelling park shall
26 contain not less than 3,000 square feet, provided that a space, any portion of which is
27 within 15 feet of the boundary of an RS or RA district, shall be not less than 4,000
28 square feet.

29 (c) **Space Coverage.** Not more than 60 percent of a manufactured dwelling space may
30 be occupied by a manufactured dwelling and any other attached or detached structures
used in conjunction with such manufactured dwelling. The manufactured dwelling

1 space shall be exclusive of space provided for the common use of tenants, such as
2 roadway, structures, guest parking, walkways, and areas for recreation purposes.

3 **(d) On-site Storage.** The outdoor storage of furniture, tools, equipment, building
4 materials, or supplies belonging to the management of the park shall be screened.
5 Screening shall be sight-obscuring and shall blend with the park environment.

6 **(e) Street Names and Addresses.** The naming of each public street and park street
7 and the numbering of each manufactured dwelling space shall be done in accordance
8 with SRC Chapter 255.

9 **(f) Fire Hydrants.** Each hydrant within the park shall be located on a public street or
10 park street, and shall conform in design and capacity to the requirements of the fire
11 chief.

12 **(g) Street Standards.** Park streets shall conform to the following requirements:

13 (1) Park streets shall be a minimum of 20 feet in width, curb to curb; provided
14 that if parking is to be allowed on either side of the street the minimum width
15 shall be 30 feet. Parking shall be parallel.

16 (2) Streets shall be paved with cement or asphaltic concrete, and designed and
17 constructed to adequately support traffic loads and provide adequate drainage, all
18 as approved by the director of public works.

19 (3) Dead-end streets over 400 feet in length shall have a standard cul-de-sac bulb
20 with a 38-foot curb radius. Shorter dead-end streets shall have a turnaround area
21 approved by the director of public works. No dead-end street shall exceed 500
22 feet in length.

23 (4) Standard curbs to the specifications of the director of public works shall be
24 provided.

25 **(h) Connection to a Public Way.** The park street system shall have direct connection
26 to a public street with a right-of-way of not less than 50 feet in width.

27 **(i) Parking.** There shall be two automobile parking spaces for each manufactured
28 dwelling space; parking spaces may be designed end-to-end, side-to-side, or provided
29 in off-street parking areas as approved by the administrator.

30 **(j) Walks.** Provisions shall be made for hard-surfaced, well-drained walks, not less

1 than 48 inches in width, from each manufactured dwelling space to the park buildings
2 and to a public street or park street.

3 **(k) Lighting.** Streets and walkways designed for the general use of the park residents
4 shall be lighted during the hours of darkness. Such lighting shall not be under control of
5 the manufactured dwelling occupant. Lighting shall be designed to a minimum of 0.35
6 candlepower per square foot and a maximum of 0.1 watts per square foot energy use.

7 **(l) Driveway.** Each manufactured dwelling space within the park shall have direct
8 access to a park street or to a public residential street which the park abuts on both
9 sides. The driveway shall be an unobstructed area, not less than 10 feet in width, and
10 shall be constructed of hard surface materials and well drained, meeting the standards
11 of the department of public works for residential driveways.

12 **(m) Decks, Patios.** Each manufactured dwelling space shall be provided with one or
13 more slabs or decks adjacent to the manufactured dwelling stand, constructed of
14 concrete, asphalt, flag stone, wood, or other equivalent surface material which singly or
15 in combination, total not less than 120 square feet of area and are not less than four feet
16 in width in their least dimension.

17 **(n) Separations and Setbacks.** Building separations and setbacks from the park
18 boundary for manufactured dwellings, accessory structures, and buildings shall
19 conform to the following:

20 (1) A manufactured dwelling shall not be located closer than 15 feet to any other
21 manufactured dwelling, or closer than ten feet to a building.

22 (2) Manufactured dwellings on spaces any portion of which is within 24 feet of
23 the park boundary shall be set back from the boundaries of the space the same
24 distance as would be required for structures in the underlying zone to set back
25 from side and rear property lines. Side and rear lines of a manufactured dwelling
26 space shall be determined with relation to a park street the same as side and rear
27 lot lines are determined with relation to a public street as provided in this zoning
28 code.

29 (3) An accessory building shall not be located closer than six feet from any
30 manufactured dwelling or other accessory building on an adjacent space, except

1 that a double carport or garage may be built that serves two adjacent
2 manufactured dwellings. Accessory buildings shall be set back at least ten feet
3 from the park boundary.

4 (4) When a double carport or garage is built to serve two adjacent manufactured
5 dwellings, a minimum six foot separation shall be provided between the double
6 carport and any adjacent structure, manufactured dwelling, or manufactured
7 dwelling accessory structure. In the alternative, a one-hour fire separation may be
8 provided through the center of the double carport, serving adjacent manufactured
9 dwellings.

10 (5) Manufactured dwellings shall be set back a minimum distance of eight feet
11 from any adjacent park street, and five feet from any adjacent sidewalk, provided
12 that there shall be maintained a vision clearance triangle kept open as provided in
13 SRC 130.280, and having ten-foot legs along the edges of all driveways and the
14 streets or park streets they intersect.

15 (6) A manufactured dwelling and a main or accessory building in the park, other
16 than a sign or fence, shall be at least 25 feet from a public street right-of-way.

17 (7) Accessory buildings may not exceed 15 feet in height. For every one foot of
18 height over ten feet of height up to a maximum of 15 feet, the accessory building
19 shall set back an additional one foot from the park property boundary from the
20 minimum required in paragraph (3) of this subsection.

21 (o) **Water Supply.** All spaces shall be served by the water system of the City of
22 Salem. Such water supply systems shall be designed and constructed according to all
23 applicable provisions of the Salem Revised Code and the standards and specifications
24 on file in the office of the director of public works.

25 (p) **Sewage Disposal.** All spaces shall be served by the sanitary sewer system of the
26 City of Salem. Such sewer systems shall be designed and constructed according to all
27 applicable provisions of this the Salem Revised Code and the standards and
28 specifications on file in the office of the director of public works.

29 (q) **Storm Drainage.** All spaces shall be provided with adequate storm drainage and
30 connected to the storm drainage system of the City if such system is available. Where a

1 public street is to be dedicated or improved by the applicant, the applicant shall provide
2 and dedicate to the City a storm drainage system in such street. Storm drainage
3 facilities shall include suitable on-site detention facilities when deemed appropriate by
4 the director of public works. Such facilities shall be sufficient to safely transport
5 through the park all volumes of water generated upstream and on the site specified by
6 the director of public works. Storm drainage shall be provided in accordance with all
7 applicable provisions of the Salem Revised Code and the standards and specifications
8 on file in the office of the director of public works.

9 **(r) Foundations.** Manufactured dwelling and accessory building foundations shall be
10 of sufficient strength to support the loads imposed by the manufactured dwelling, based
11 on accepted engineering design standards as approved by the building official.
12 Foundations, tie-downs, or other supports shall be provided to withstand the specified
13 horizontal, up-lift, and overturning wind forces on a manufactured dwelling and any
14 attached or supported structures based on accepted engineering design standards, as
15 approved by the building official. See SRC Chapter 140 for foundation and tie-down
16 requirements in floodplains.

17 **(s) Vacation Trailers.** Manufactured dwelling parks may accommodate only
18 manufactured dwellings and not vacation trailers except for storage. A manufactured
19 dwelling shall not remain overnight in a manufactured dwelling park unless it is parked
20 in a manufactured dwelling space.

21 **(t) Building Height, Location, and Lot Coverage.** Except as modified by this
22 section, all buildings within a manufactured dwelling park shall comply with all
23 provisions of the district in which the park is located as to height, location, and lot
24 coverage.

25 **(u) Building Code Requirements.** All buildings within a manufactured dwelling park
26 shall comply with SRC Chapter 56.

27 **(v) Play Areas.** A separate play area shall be provided in all manufactured dwelling
28 parks that accommodate children less than 14 years of age. Such play area shall be not
29 less than 2,500 square feet of area with at least 100 square feet of play area provided for
30 each manufactured dwelling space occupied by children. Suitable separations or other

1 safeguards shall be provided if the play area abuts upon a railroad, a public street, a
2 sharp declivity, or other hazard. The play area shall be located so that no space is
3 farther from the play area than two-thirds of the distance between the two most distant
4 points on the park boundary.

5 **Section 41.** SRC 123.200 is amended to read as follows:

6 **123.200. Manufactured Dwelling Parks in RA and RS Districts: Minimum Requirements.**

7 All manufactured dwelling parks in RA and RS districts are subject to the minimum standards
8 and conditions set forth in this section.

9 (a) **Park Size and Separation.** Manufactured dwelling parks shall be between one and
10 twelve acres in size. No portion of a manufactured dwelling park site may be located
11 closer than 500 lineal feet from any portion of another existing or permitted
12 manufactured home park site. For purposes of this subsection, a manufactured
13 dwelling park held in common ownership shall constitute a single manufactured
14 dwelling park, notwithstanding the existence of internal public streets.

15 (b) **Dwelling Units Permitted.** Only manufactured homes shall be permitted. All such
16 manufactured homes shall be at least twenty-four feet or wider, with exterior
17 dimensions enclosing a space not less than 864 square feet. In addition, the
18 manufactured home shall have siding materials similar to that presently used on houses
19 constructed under the Uniform Building Code (UBC); a composition or wood shingle
20 or shake roofs, at a minimum slope of nominal three inches in twelve inches; and,
21 unless the manufactured home is set on a ground level foundation, skirting which in
22 design, color, and texture appears to be an integral part of the adjacent exterior wall of
23 the manufactured home.

24 (c) **Minimum Space Area, Width and Depth.** The minimum space area requirement
25 for manufactured homes is 4,000 square feet, with a minimum width of forty feet and
26 an average space depth between the front and rear space lines of not less than seventy
27 feet and not more than 300 percent of the average width between the side space lines. A
28 minimum of ten percent of the spaces within a manufactured dwelling park shall be
29 "theater spaces" in order to accommodate the siting of homes with the longer width of
30 the home parallel to the street. A "theater space" shall have an average space depth

1 between the front and rear space lines of not less than fifty feet, and shall have a width
2 that is greater than the depth.

3 **(d) Space Coverage.** No manufactured home, including attached accessory structures,
4 shall occupy more than sixty percent of the space area.

5 **(e) On-Site Storage.** All trash enclosures and the outdoor storage of furniture, tools,
6 equipment, building materials or supplies belonging to the management of the park
7 shall be screened. Screening shall be sight-obscuring and shall blend with the park
8 environment.

9 **(f) Home Orientation.** Homes on spaces which abut public streets on the perimeters of
10 parks shall be oriented so that the front door faces the street. All homes shall be
11 oriented to the street. As used herein, "oriented to the street" means that the home has a
12 porch or entryway visible from the street, with a walkway leading to the porch or
13 entryway.

14 **(g) Street Names and Addresses.** The naming of each public street and park street
15 and the numbering of each manufactured dwelling space shall be done in accordance
16 with SRC Chapter 255.

17 **(h) Fire Hydrants.** Fire hydrants shall be provided according to the standards and
18 specifications on file in the office of the Public Works Director and applicable state
19 law.

20 **(i) Street Standards.** Private streets shall be designed and constructed according to
21 state law and to a width of twenty feet if no parking is allowed and thirty feet if parking
22 is allowed. All public streets shall be designed and constructed according to the street
23 standards in SRC Chapter 63, standards and specifications on file in the office of the
24 Public Works Director, and applicable state law. All streets providing access to more
25 than twenty spaces shall have on-street parking on at least one side of the street.

26 **(j) Street Trees.** Street trees shall be provided along all public streets according to the
27 requirements and specifications of SRC Chapter 86. Street trees shall be provided
28 along all private streets according to these requirements and specifications, except that
29 trees shall be placed within eight feet of the curb.

30 **(k) Street System.**

1 (1) Manufactured homes must have driveways connecting onto a street.

2 (2) The street system in and adjacent to a manufactured dwelling park shall be
3 consistent with the Salem Transportation System Plan, and designed in such a
4 manner as to provide for the safe, orderly, and efficient circulation of traffic into,
5 through, and out of the manufactured dwelling park.

6 (3) Streets shall be oriented to or connecting with existing or planned streets and
7 neighborhood activity centers located within one half mile of the development.
8 Provision shall be made for extension of local streets to adjoining major
9 undeveloped properties and eventual connection with the existing street system.
10 Connections to existing or planned streets and undeveloped properties along the
11 border of the parcel shall be provided at no greater than 600-foot intervals unless
12 the planning administrator determines that the following conditions exist:

13 (A) Physical or topographic conditions make a street or accessway
14 connection impracticable. Such conditions include but are not limited to
15 freeways, railroads, steep slopes, wetlands or other bodies of water where
16 a connection could not reasonably be provided;

17 (B) Buildings or other existing development on adjacent lands physically
18 preclude a connection now or in the future considering the potential for
19 redevelopment; or

20 (C) Where streets or accessways would violate provisions of leases,
21 easements, covenants, restrictions, or other agreements existing as of May
22 1, 1995, which preclude a required street or accessway connection. Streets
23 which provide for through vehicular access to connecting public streets
24 shall be dedicated public streets.

25 (l) **Parking.** Two parking spaces per dwelling are required, at least one of which shall
26 be within a carport or garage. Tandem parking is allowed.

27 (m) **Walks.** Sidewalks shall be provided on both sides of park streets. Sidewalks shall
28 be a minimum of thirty-six inches wide and constructed to the standards and
29 specifications on file in the office of the Public Works Director and applicable state and
30 federal law.

1 (n) **Lighting.** Street and walkway lighting shall be as required by state law.

2 (o) **Driveways.** Each manufactured dwelling space within the park shall have a
3 driveway conforming to the development standards of SRC 133.210.

4 (p) **Decks, Patios.** Each manufactured dwelling space shall be provided with one or
5 more slabs or decks adjacent to the manufactured home stand, constructed of concrete,
6 asphalt, flag stone, wood, or other equivalent surface material which singly or in
7 combination, total not less than 120 square feet of area and not less than four feet in
8 width in the smallest dimension.

9 (q) **Yards.** Each manufactured dwelling space, park buildings, garage, or carport shall
10 have such yards and setbacks as are required for buildings and structures in the
11 underlying zoning district. Accessory structures shall conform to the requirements of
12 SRC Chapter 131. Except where a park property line is the boundary of a yard, yards
13 and setback determinations shall be made with reference to space lines, rather than lot
14 lines.

15 (r) **Sewer System.** All spaces shall be served by the sanitary sewer system of the City
16 of Salem. Such sewer systems shall be designed and constructed according to all
17 applicable provisions of this the Salem Revised Code and the standards and
18 specifications on file in the office of the Public Works Director.

19 (s) **Water Supply.** All spaces shall be served by the water system of the City of
20 Salem. Such water supply systems shall be designed and constructed according to all
21 applicable provisions of the Salem Revised Code and the standards and specifications
22 on file in the office of the Public Works Director.

23 (t) **Storm Drainage.** Storm drainage shall be provided in accordance with all
24 applicable provisions of the Salem Revised Code and the standards and specifications
25 on file in the office of the Public Works Director.

26 (u) **Foundations, tie-downs, or other supports** shall be provided and shall meet
27 requirements in state building code. Foundation and tie-down requirements in
28 floodplains shall be as provided in SRC Chapter 140.

29 (v) **Vacation Trailers.** Vacation trailers are prohibited except for storage of vacation
30 trailers of occupant on driveways within a yard adjacent to a street and in side or rear

1 yards that are screened from all public areas, public and private right-of-ways and
2 property that is used for residential purposes by a six-foot sight-obscuring fence, wall,
3 or hedge. Manufactured dwelling parks may accommodate only manufactured
4 dwellings and not vacation trailers except for storage. A manufactured dwelling shall
5 not remain overnight in a manufactured dwelling park unless it is parked in a
6 manufactured dwelling space.

7 **(w) Building Height.** All buildings within a manufactured dwelling park shall comply
8 with the height restrictions of the zoning district in which the park is located.

9 **(x) Play Areas.** A separate play area shall be provided in all manufactured dwelling
10 parks that accommodate children less than fourteen years of age. Such play area shall
11 be not less than 2,500 square feet of area with at least 100 square feet of play area
12 provided for each manufactured dwelling space occupied by children. Suitable
13 separations or other safeguards shall be provided if the play area abuts upon a railroad,
14 a public street, a sharp declivity, or other hazard. The play area shall be located so that
15 no space is farther from the play area than two-thirds of the distance between the two
16 most distant points on the park boundary.

17 **(y) Terracing Restrictions.** If retaining walls are required, they shall not exceed a
18 height of four feet. If greater wall height is required, the retaining walls shall be
19 terraced and dirt areas shall be planted with living plant material.

20 **Section 42.** SRC 125.080 is amended to read as follows:

21 **125.080. Variances.** Any person desiring to erect or increase the height of any structure, or
22 permit the growth of any tree, contrary to the regulations prescribed in this Chapter, may apply to
23 the Planning Commission for a variance from such regulations. The application shall be filed
24 pursuant to SRC Chapter 300 and shall be accompanied by a determination from the Federal
25 Aviation Administration and the Oregon State Aeronautics Division (O.A.D.) of the effect of the
26 proposal on the operation of air navigation facilities and the safe, efficient use of navigable
27 airspace. The Airport Advisory Board shall be notified of any application under this section. No
28 application for variance to the requirements of this Chapter may be considered by the planning
29 commission unless a copy of the application has been furnished to the Airport Advisory Board
30 for advice as to the aeronautical effects of the variance. The Planning Commission shall allow

1 the variance where it finds that application or enforcement of the regulations will result in
2 unreasonable hardship or practical difficulties which can be most effectively relieved by a
3 variance; that granting the variance will not be contrary to the public welfare and will not create
4 a hazard to air navigation.

5 **Section 43.** SRC 126.050 is amended to read as follows:

6 **126.050. Locally Significant and Non-Significant Wetlands Maps; Adoption and**
7 **Amendment.**

8 (a) The Director shall develop a map depicting each wetland, using the criteria under
9 SRC 126.030. The map shall show the boundary of the wetland, based on the best
10 available information and shall identify each wetland as Locally Significant or Non-
11 Significant. The wetland map shall be adopted or amended by resolution of the City
12 council. Any wetland identified as Locally Significant on the official map shall be
13 subject to the regulations for Locally Significant Wetlands under SRC Chapter 68.

14 (b) Wetlands not identified in the Local Wetlands Inventory shall be assessed for local
15 significance pursuant to SRC 126.030 as soon as practicable after discovery, and added
16 to the official wetland map, if determined by the Director to be locally significant.

17 (c) Amendments to the official wetland map may be made if the property owner
18 demonstrates, using the best available information, that the designation fails to satisfy
19 the criteria for a locally significant wetland under SRC 126.030(a) and (b), or the
20 delineation is no longer accurate. No adjustment to the official map based on the
21 accuracy of a delineation shall be made unless a redelineation has been approved by the
22 Oregon Division of State Lands.

23 (d) Notice of proposed amendments to the official wetlands map shall be made
24 pursuant to SRC 126.040(a). Any property owner who receives a notice of under
25 subsection (d) of this section may file a request for redesignation or delineation with the
26 Director within 90 days of the date the notice is issued. Appeals from the decisions
27 amending the official wetlands map shall be made to the hearings officer pursuant to
28 SRC Chapter 300.

29 **Section 44.** SRC 130.609 is amended to read as follows:
30

1 **130.609. Administrative Relief.** When special circumstances or exceptional site characteristics
2 are applicable to the property involved, the requirements of SRC 130.604 to 130.608 may be
3 modified, except as otherwise limited in the zoning code, through a Class 3 Site Plan Review
4 process pursuant to SRC Chapter 220 upon finding that each of the following criteria is met:

5 (a) There are special conditions applying to the land, buildings, or use referred to in the
6 application, which circumstances or conditions do not apply generally to land,
7 buildings, or uses in the same district, and which create unreasonable hardships or
8 practical difficulties, which can be most effectively relieved, modifying the standards in
9 this section. Nonconforming land, uses, or structures in the vicinity shall not in
10 themselves constitute such special conditions, nor shall the purely economic interests of
11 the applicant. The potential for economic development of the subject property itself
12 may, however, be considered among the factors specified in this subsection;

13 (b) Granting the modification will not be unreasonably detrimental to the public
14 welfare or to property or improvements in the neighborhood of the subject property;
15 and

16 (c) Granting the modification will not, under the circumstances of the particular case,
17 unreasonably affect the health or safety of persons working or residing in the
18 neighborhood of the subject property.

19 Upon receipt of a Class 3 Site Plan Review application that seeks to modify the requirements of
20 SRC 130.604 to 130.608, notification and an opportunity to comment shall be provided to the
21 applicable solid waste collection franchisee. This notice shall be in addition to any notification
22 required of a Class 3 Site Plan Review application under SRC Chapter 300.

23 **Section 45.** SRC 133.100 is amended to read as follows:

24 **133.100. Off-street Vehicle Parking Requirements.**

25 (a) Except as otherwise specifically provided in this zoning code, off-street parking
26 spaces shall be provided in amounts not less than those set forth in Table 133-1.

27 (b) Off-street parking spaces shall not exceed 2.5 times the amount required under
28 Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such
29 amount is more than 20.

30 (c) For any proposed use not shown on Table 133-1, the administrator shall determine

1 the parking space requirement for the most nearly similar use listed in Table 133-1 with
2 regard to traffic generation, and render such determination as an adjustment pursuant to
3 SRC Chapter 250.

4 (d) The provisions of this section shall apply only to residential uses within the
5 boundaries of the Downtown Parking District created by SRC 7.010.

6 **Section 46.** SRC 135.070 is amended to read as follows:

7 **135.070. Variances.** Any person desiring to develop or make a change of use contrary to the
8 regulations prescribed in this Chapter may make application in accordance with the procedures
9 in Chapter 300. The hearings officer may vary any of the provisions of SRC Chapter 135 upon a
10 finding that the variance criteria of Chapter 245 have been met.

11 **Section 47.** SRC 136.050 is amended to read as follows:

12 **136.050. Variances.** Any person desiring to develop contrary to the regulations prescribed in
13 this Chapter may make application in accordance with the procedures in SRC Chapter 300. The
14 Hearings Officer may vary development standards upon finding that the variance criteria of SRC
15 Chapter 245 have been met.

16 **Section 48.** SRC 137.040 is amended to read as follows:

17 **137.040. Approval Process.**

18 (a) An application for development within the North Downtown Riverfront Overlay
19 Zone shall conform to either 1) the prescriptive design standards or 2) the design
20 guidelines contained in the City of Salem Development Design Handbook. Both the
21 design standards and guidelines found in the City of Salem Development Design
22 Handbook are in addition to all other applicable City code requirements.

23 (b) Industrial uses existing within the overlay zone area that conform to the zoning
24 code on December 1, 1998, are exempt from the approval process and requirements
25 contained in this section and the Development Design Handbook. The requirements of
26 this section and the Development Design Handbook shall apply upon abandonment of
27 industrial uses or structures or change of an industrial use to a non-industrial use.

28 (c) A pre-application conference with City staff is required prior to submittal of
29 application materials to provide the applicant an opportunity to discuss with City staff
30 development review procedures, requirements, and options early in the development

1 process.

2 **Section 49.** SRC 137.080 is amended to read as follows:

3 **137.080. Variances.** Any person desiring to develop contrary to the regulations prescribed in
4 this Chapter may make application in accordance with the procedures in SRC Chapter 300. The
5 Hearings Officer may vary development standards upon finding that the variance criteria of SRC
6 Chapter 245 have been met.

7 **Section 50.** SRC 138.040 is amended to read as follows:

8 **138.040. Approval Process.**

9 (a) An application for development within the Broadway/High Street overlay zone
10 shall conform to either the prescriptive design standards or the design guidelines
11 contained in the City of Salem Development Design Handbook. Both the design
12 standards and guidelines found in the City of Salem Development Design Handbook
13 are in addition to all other applicable City code requirements.

14 (b) A pre-application conference with City staff is required prior to submittal of
15 application materials to provide the applicant an opportunity to discuss with City staff,
16 development review procedures, requirements, and options early in the development
17 process.

18 **Section 51.** SRC 138.070 is amended to read as follows:

19 **138.070. Variances.** Any person desiring to develop contrary to the regulations prescribed in
20 this Chapter may make application in accordance with the procedures in SRC Chapter 300. The
21 Hearings Officer may vary development standards upon finding that the variance criteria of SRC
22 Chapter 245 have been met.

23 **Section 52.** SRC 139.040 is amended to read as follows:

24 **139.040. Permitted Uses.** The following uses are permitted in the compact development
25 overlay district:

26 (a) Any permitted, special, administrative conditional use, or conditional uses allowed
27 in the RS, (Single Family Residential) district.

28 (b) Any combination of single family detached, duplex, or triplex units, up to a
29 maximum of three (3) units on a lot subject to the per lot density requirements of SRC
30 139.060 and the development design guidelines or standards contained in the City of

1 Salem Development Design Handbook. Three or more units on a lot shall also comply
2 with SRC 139.150.

3 (c) Townhouses on individual lots subject to the per lot density requirements of SRC
4 139.060 and the development design guidelines or standards contained in the
5 Development Design Handbook.

6 **Section 53.** SRC 139.050 is amended to read as follows:

7 **139.050. Conforming Uses.** Multiple Family Residential uses and structures existing within an
8 area designated for Compact Development that conform to the zoning code prior to the effective
9 date of this ordinance are deemed allowed uses and conforming structures under the zoning code.
10 Such structures may be altered, enlarged or rebuilt and such uses may be extended or intensified;
11 provided such alteration, enlargement, rebuilding, expansion or intensification otherwise
12 complies with the regulations specified by the Chapter of the zoning ordinance in which the use
13 is permitted. Abandonment shall remove the use or structure, and the legal lot associated with
14 such use or structure, from the scope of this section. Upon an administrative determination of
15 abandonment, all subsequent uses and structures must comply with the regulations of the
16 Compact Development Overlay Zone.

17 **Section 54.** SRC 139.160 is amended to read as follows:

18 **139.160. Variances.** The hearings officer may grant a variance from certain standards
19 contained in this Chapter, subject to the provisions of SRC Chapter 245. Standards contained in
20 this Chapter which are identified as non-variable shall not be granted a variance.

21 **Section 55.** SRC 140.020 is amended to read as follows:

22 **140.020. Definitions.** Unless specifically defined in this section, words or phrases used in this
23 Chapter shall be interpreted so as to give them the meaning they have in common usage and to
24 give this Chapter its most reasonable application.

25 (a) **Appeal** means a request for review of the interpretation of any provision of this
26 Chapter or a request for a variance.

27 (b) **Area of shallow flooding** means an area designated as an "AO" or "AH" zone on
28 the Flood Insurance Rate Map (FIRM). In an area of shallow flooding, the base flood
29 depths range from one to three feet; a clearly defined channel does not exist; the path of
30 flooding is unpredictable and indeterminate, and velocity flow may be evident. AO is

1 characterized as sheet flow and AH indicates ponding.

2 (c) **Area of special flood hazard** means the land in the floodplain subject to a one
3 percent or greater chance of flooding in any given year, as designated by the most
4 recent version of the FIRM. Designation on maps always includes the letters A or V.

5 (d) **Base flood** means the flood having a one percent chance of being equaled or
6 exceeded in any given year. Base flood also referred to as the "100-year flood."

7 (e) **Change of use** means making different use of the land or water than that which
8 existed on June 15, 1979. "Change of use" includes a change that requires construction,
9 alterations of the land, water or other areas outside of existing buildings or structures
10 which significantly alters or affects the land or water. For the purposes of this
11 definition, an existing open storage area shall be considered a building. Change of use
12 does not include:

13 (1) A change of use of a building or other structure which does not significantly
14 alter or affect the land or water upon which it is situated.

15 (2) The completion of a structure for which a valid permit has been issued and
16 under which permit substantial construction was undertaken by June 15, 1979.

17 (3) The sale of property.

18 (4) Minor landscaping which does not have an appreciable effect on flow
19 characteristics of a waterway.

20 (5) Construction of driveways which do not involve significant earthwork or
21 supporting structures that affect flow characteristics of a waterway.

22 (6) Minor modifications of existing structures for which no building permit is
23 required.

24 (7) The construction or placement of such minor subsidiary structures or facilities
25 that are usual and necessary for the use and enjoyment of existing improvements,
26 except such structures or facilities specifically prohibited or regulated by this
27 Chapter.

28 (f) **Develop** means to bring about growth or availability; to construct, alter, or place a
29 structure; to conduct a mining, filling, grading, paving, drilling, dredging or excavation
30 operation; to make a physical change in the use or appearance of land; to partition or

1 divide land into parcels; or to create or terminate rights of access.

2 **(g) Existing manufactured home park or subdivision** means a manufactured home
3 park for which the construction of facilities to service the lot on or which the
4 manufactured homes are to be affixed (including, at a minimum, the installation of
5 utilities, either final site grading or the pouring of concrete pads, and the construction of
6 streets) was completed prior to July 27, 1987.

7 **(h) Expansion to an existing manufactured home park or subdivision** means the
8 preparation of additional sites by the construction of facilities to service the lots on
9 which the manufactured homes are to be affixed (including the installation of utilities,
10 either final site grading or pouring of concrete pads, or the construction of streets).

11 **(i) Fish habitat enhancement** means the addition or modification of aquatic habitat
12 components whose absence, scarcity, or condition has been determined by the Director
13 of Public Works to limit fish presence or abundance in the immediate project area,
14 specific stream corridor, or watershed.

15 **(j) Flood or Flooding** means a general and temporary condition of partial or complete
16 inundation of normally dry land areas from the overflow of inland waters or from the
17 unusual and rapid accumulation of runoff of surface waters from any source.

18 **(k) Flood Insurance Rate Map (FIRM)** means the official map, in paper or digital
19 form, on which the Federal Insurance Administration, Federal Emergency
20 Management Agency (FEMA) has delineated both the areas of special flood hazards
21 and the risk premium zones applicable to the City of Salem, and includes the
22 accompanying floodway and floodway fringe boundary maps accompanying the FIRM
23 as a part of the flood insurance study. The FIRM and all amendments thereto are
24 adopted as a part of this Chapter, and a copy thereof shall be kept on file in the office of
25 the Director of Public Works.

26 **(l) Flood insurance study** means the official report provided by the Federal Insurance
27 Administration that includes flood profiles, the Flood Boundary - Floodway Map, and
28 the water surface elevation of the base flood. The flood insurance study, and all
29 subsequent amendments thereto or supplements thereof, is hereby adopted as a part of
30 this Chapter, and a copy thereof shall be kept on file in the office of the Director of

1 Public Works.

2 (m) **Floodplain** means any land or water area which is subject to one percent flood
3 probability along any waterway. "Floodplain" includes the officially designated
4 floodway, floodway fringe, areas of shallow flooding or special flood hazard, as
5 delineated on the FIRM, and interim flood hazard areas.

6 (n) **Floodway** means the channel of a river or other waterway and the adjacent land
7 areas that must be reserved in order to discharge the waters of a base flood without
8 cumulatively increasing the water surface elevation by more than one foot. Once the
9 floodway is established, nothing can be placed in the floodway which will increase base
10 flood elevation. The floodway limits are as delineated on the FIRM, or located within
11 interim flood hazard areas and designated as floodway by the Director of Public Works
12 pursuant to SRC 140.110.

13 (o) **Floodway fringe** means the area of the 100-year floodplain lying outside of the
14 floodway within interim flood hazard areas, and designated as floodway fringe by the
15 director of public works pursuant to SRC 140.110.

16 (p) **Floodproofing** means any combination of structural or nonstructural provisions,
17 changes or adjustments to structures, land or a waterway for the reduction or
18 elimination of flood damage to real property or any improvements thereon, water and
19 sanitary facilities, structures, and their contents during a base flood.

20 (q) **Intensification** means any additions which increase or expand the area, level or
21 activity, or amount of an existing use; or any remodeling of the exterior of a structure
22 that will substantially alter the appearance of the structure. As used in this definition,
23 "intensification" does not include:

- 24 (1) Completion of a structure for which a valid permit has been issued and under
25 which permit substantial construction was undertaken prior to June 15, 1979.
- 26 (2) Maintenance and repair usual and necessary for the continuance of an existing
27 use.
- 28 (3) Reasonable emergency procedures necessary for the safety and protection of
29 property.
- 30 (4) Seasonal increases in gravel mining operations.

1 (r) **Interim flood hazard area** means an area of special flood hazard designated by the
2 Director of Public Works, but not designated as such on the FIRM. The Interim Flood
3 Hazard Area is established on a waterway which does not have base flood water surface
4 elevations and floodway and floodway fringe boundaries established through a Flood
5 Insurance Study. An interim flood hazard area is an approximation of the floodplain.
6 Minimally the Interim Flood Hazard Area shall include the area which would be
7 designated as the floodway and floodway fringe if a Flood Insurance Study were done.

8 (s) **Lowest floor** means the lowest habitable floor of the lowest enclosed area,
9 including the basement. For the purposes of floodplain management, "habitable" shall
10 mean the floor of the building which is used by persons for living or working. For
11 example, a restroom (living area) or a janitor's storage space (working area) on a floor
12 of the structure would constitute that floor as being habitable. An unfinished or flood
13 resistant enclosure usable solely for parking of vehicles, building access, or storage in
14 an area other than a basement is not considered the lowest floor.

15 (t) **Manufactured Home** means a building or structure, transportable in one or more
16 sections, which is built on a permanent chassis and is designed for use with or without a
17 permanent foundation when connected to the required utilities. For floodplain
18 management purposes the term "manufactured home" also includes park trailers, travel
19 trailers, and other similar vehicles placed on a site for greater than 180 consecutive
20 days. For insurance purposes, the term "manufactured home" does not include park
21 trailers, travel trailers, and other similar vehicles.

22 (u) **Manufactured Home Park** means a lot or parcel (or contiguous lots or parcels) of
23 land divided into two or more manufactured home lots for sale or rent.

24 (v) **Obstruction** means any dam, wall, wharf, embankment, levee, dike, pile,
25 abutment, projection, excavation, channel rectification, bridge, conduit, culvert,
26 building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or
27 projecting into any channel, waterway, or floodplain which may impede, retard, or
28 change the direction of the flow of water, either in itself or by catching or collecting
29 debris carried by such water, or that is placed where the flow of water might carry the
30 debris downstream and endanger life or damage property.

1 (w) **Start of Construction** means the date the building permit was issued, provided the
2 actual start of construction, repair, reconstruction, placement or other improvement was
3 commenced within 180 days of the permit date. The actual start of construction means
4 either the date of the first permanent construction of a structure on a site, such as the
5 pouring of slab or footings, the installation of piles, the construction of columns, or any
6 work beyond excavation; or the date of the placement of a manufactured home on a
7 foundation.

8 (x) **Stream enhancement** means the modification of stream channel width, length,
9 depth, alignment, location, profile, bank shape, or in-stream structures, for the purpose
10 of improving ecological or habitat functions that have been determined by the Director
11 of Public Works to have been degraded or lost in the immediate project area, specific
12 stream corridor, or watershed.

13 (y) **Structure** means any building; any gas or liquid storage tank that is principally
14 above ground.

15 (z) **Substantial Damage** means damage sustained by a structure whereby the cost of
16 restoring the structure to its condition immediately prior to the damage would equal or
17 exceed fifty percent of the market value of the structure before the damage occurred.

18 (aa) **Substantial Improvement** means, for the purposes of floodplain management
19 only, and notwithstanding the provisions for nonconforming use and development
20 under SRC Chapter 270, any repair, reconstruction, or improvement of a structure, the
21 cost of which equals or exceeds fifty percent of the market value of the structure either:

22 (1) before the improvement or repair is started, or

23 (2) if the structure has been damaged and is being restored, before the damage
24 occurred. For the purpose of this definition, "substantial improvement" is
25 considered to occur when the first alteration of any wall, ceiling, or floor, or
26 other structural part of the building commences, whether or not that alteration
27 affects the external dimensions of the structure. The cost of the improvement,
28 repair, or restoration shall be determined by the building official. The term
29 "substantial improvement" does not include either:

30 (A) Any project or improvement of a structure to comply with existing

1 state or local health, sanitary, or safety code specifications which are
2 solely necessary to assure safe living conditions, or

3 (B) Any alteration of the structure listed in the National Register of
4 Historic Places or the State Inventory of Historic Places.

5 (bb) **Waterway** means any perennial river, stream, or creek within the City of Salem.

6 (cc) **Waterway centerline** means a line one-half the distance between the edges of the
7 low flow channel of the waterway.

8 **Section 56.** SRC 140.170 is amended to read as follows:

9 **140.170. Variances, Generally.**

10 (a) **Appeal board:** The hearings officer as established by the City of Salem shall hear
11 and decide appeals and requests for variances from the requirements of this ordinance.

12 (b) The hearings officer shall hear and decide appeals when it is alleged there is an
13 error in any requirement, decision, or determination made by the director of public
14 works in the enforcement or administration of this ordinance.

15 (c) Variances from the strict application of the terms of this Chapter may be granted by
16 the hearings officer pursuant to SRC Chapter 245, subject to the restrictions contained
17 in this section and 140.180. Except as provided in SRC 140.180, variances shall be
18 granted only upon the conditions set forth in subsection (d) of this section. No variance
19 shall be granted unless the hearings officer is satisfied that the variance is the absolute
20 minimum necessary, considering the flood hazard, to afford relief from a hardship
21 affecting use and development of land which would be worked by strict application of
22 the provisions of this Chapter. The larger the size of the lot on which the variance is
23 requested, the greater is the burden on the applicant to justify the need for a variance.
24 No variance shall be granted in the FW (Floodway) overlay zone which would have the
25 effect of producing any increase in base flood elevation. Generally, the only condition
26 under which a variance from the elevation standard may be issued is for new
27 construction and substantial improvements to be erected on a lot of one-half acre or less
28 in size contiguous to and surrounded by lots with existing structures constructed below
29 the base flood level, providing items in Section 140.170(d) have been fully met.

30 (d) No variance shall be granted except upon the following findings:

- 1 (1) The applicant shows good and sufficient cause;
- 2 (2) Failure to grant the variance would result in exceptional hardship to the
- 3 applicant;
- 4 (3) Granting of a variance will not result in increased flood heights, additional
- 5 threats to public safety, extraordinary public expense, create nuisances, cause
- 6 fraud on or victimization of the public or conflict with existing local laws or
- 7 ordinances.
- 8 (4) Minimal danger exists that materials may be swept onto other lands to the
- 9 injury of others;
- 10 (5) Minimal danger exists to life and property due to flooding or erosion damage;
- 11 (6) The proposed facility and its contents have minimal susceptibility to flood
- 12 damage, and the individual owner would be minimally affected by such damage;
- 13 (7) The services provided by the proposed facility are critical to the community;
- 14 (8) The use or facility requires a waterfront location;
- 15 (9) Alternative locations free from the possibility of flooding or erosion damage
- 16 are not available for the proposed use.
- 17 (10) Safe access is available to the property in times of flood for ordinary and
- 18 emergency vehicles;
- 19 (11) Negligible increase would result in the expected heights, veloCity, duration,
- 20 rate of rise, or sediment transport of the flood waters at the site; and
- 21 (12) Minimal costs would result from the provision of governmental services
- 22 during and after flood conditions, including maintenance and repair of public
- 23 utilities and facilities such as sewer, gas, electrical and water systems, and streets
- 24 and bridges.
- 25 (e) Those aggrieved by the decision of the hearings officer, or any taxpayer, may
- 26 appeal such decision to the City council.
- 27 (f) Upon consideration of the factors of Section 140.170 (d) (1-12) and the purposes of
- 28 this ordinance, the hearings officer may attach such conditions to the granting of
- 29 variances as it deems necessary to further the purposes of this ordinance.
- 30 (g) The director of public works shall maintain the records of all appeal actions and

1 report any variances to the Federal Insurance Administration upon request.

2 **Section 57.** SRC 140.180 is amended to read as follows:

3 **140.180. Variances for Historic Buildings and Other Structures.**

4 (a) Variances may be granted for the reconstruction, rehabilitation, or restoration of
5 structures listed on the National Register of Historic Places or designated as historically
6 or architecturally significant buildings pursuant to SRC 230.010, without regard to any
7 of the conditions and findings required in SRC 140.170 except those set forth in
8 paragraphs (4), (5), (10), and (12) of subsection (d) of that section.

9 (b) Variances as interpreted in the National Flood Insurance Program are based on the
10 general zoning principle that the variance pertains to a physical piece of property; are
11 not personal in nature and do not pertain to the structure, its inhabitants, economic or
12 financial circumstances. Variances primarily address small lots in densely populated
13 residential neighborhoods. As such, variances from the flood elevations should be
14 quite rare.

15 (c) Variances may be issued for nonresidential buildings in very limited circumstances
16 to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it
17 can be determined that such action will have low damage potential, complies with all
18 other variance criteria, and otherwise complies with 140.130.

19 (d) Any applicant to whom a variance is granted shall be given written notice that the
20 structure will be permitted to be built with a lowest floor elevation below the base flood
21 elevation and that the cost of flood insurance will be commensurate with the increased
22 risk resulting from the reduced lowest floor elevation.

23 **Section 58.** SRC 141.080 is amended to read as follows:

24 **141.080. Issuance of Permit.** All applications for Greenway Development Permits within the
25 Compatibility Review Boundary shall be reviewed by the hearings officer, and shall be
26 processed as conditional uses under SRC Chapter 240. All applications for Greenway
27 Development Permits outside the Compatibility Review Boundary shall be reviewed by the
28 planning administrator, and shall be processed as administrative conditional uses under SRC
29 116.100-116.120.

30 **Section 59.** SRC 142.070 is amended to read as follows:

1 **142.070. Variances.** Any person desiring to develop or make a change of use contrary to the
2 regulations prescribed in this Chapter may make application in accordance with the procedures
3 in SRC Chapter 300. The hearings officer may vary any of the provisions of SRC 142.200 to
4 142.500 upon a finding that the variance criteria of Chapter 245 have been met.

5 **Section 60.** SRC 143.070 is amended to read as follows:

6 **143.070. Variances.** Any person desiring to develop or make a change of use contrary to the
7 regulations prescribed in this Chapter may make application in accordance with the procedures
8 in SRC Chapter 300. The hearings officer may vary any of the provisions of SRC 143.200 upon
9 a finding that the variance criteria of Chapter 245 have been met.

10 **Section 61.** SRC 143A.060 is amended to read as follows:

11 **143A.060. Special Uses.**

12 (a) The following uses, when restricted, developed and conducted as required in SRC
13 Chapter 119, are permitted in the CHR overlay zone.

14 (1) Mixed Use Buildings as defined in SRC Chapter 119;

15 (2) Bed and Breakfast establishments;

16 (3) Nursing and Personal Care Facilities (805);

17 (4) Individual and Family Social Services (832);

18 (5) Adult Day Care Center;

19 (6) Used merchandise stores (953) with all retail and storage of merchandise and
20 equipment conducted entirely within a building;

21 (7) Entertainment establishments;

22 (8) Keeping of miniature swine;

23 (9) Antennas attached to existing or approved structures;

24 (10) Public Automobile Parking Areas;

25 (11) General Warehousing and Storage;

26 (12) Construction of a replacement single family dwelling unit on an individual
27 lot;

28 (13) Ambulance Station;

29 (14) Ambulance Service Facility.

30 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use

1 under SRC Chapter 119, the developer may elect to apply for conditional use approval
2 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

3 **Section 62.** SRC 143A.070 is amended to read as follows:

4 **143A.070. Conditional Uses.** The following uses, with conditional use approval as provided in
5 SRC Chapter 240 or 118 as applicable, are permitted in the CHR overlay zone.

- 6 (a) Water Supply (494);
- 7 (b) Historically or architecturally significant buildings as specific conditional uses
8 under SRC Chapter 118;
- 9 (c) Child day care centers as specific conditional uses under SRC Chapter 118;
- 10 (d) Drive-through uses;
- 11 (e) Automotive repair services and garages (75).

12 **Section 63.** SRC 143A.190 is amended to read as follows:

13 **143A.190. Variances.** The hearings officer may grant a variance from the variable standards
14 contained in this Chapter, subject to the provisions of SRC Chapter 245.

15 **Section 64.** SRC 143B.060 is amended to read as follows:

16 **143B.060. Conditional Uses Within Overlay Zone.**

17 (a) The following uses and activities, where permitted in the underlying zone, are
18 permitted with conditional use approval as provided in SRC Chapter 240 or 118, as
19 applicable.

- 20 (1) Drive-through uses as defined by this Chapter;
- 21 (2) Automotive dealers and gasoline service stations (55);
- 22 (3) Automotive repair services and garages (75);
- 23 (4) Loading of Commercial Vehicles over 20,000 pounds of gross vehicle weight
24 within mixed-use areas; and
- 25 (5) Outside storage and parking of professional and commercial equipment.

26 **Section 65.** SRC 143B.090 is amended to read as follows:

27 **143B.090. Special Uses - Pine Street CG Mixed-Use Area.**

28 (a) The following uses, when restricted, developed and conducted as required in SRC
29 Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial
30 General underlying zone:

- 1 (1) Used merchandise stores (593);
- 2 (2) Entertainment establishments (58);
- 3 (3) Wildlife rehabilitation facility;
- 4 (4) Antennas attached to existing or approved structures;
- 5 (5) Public automobile parking areas;
- 6 (6) Mobile food unit;
- 7 (7) Ambulance Station;
- 8 (8) Ambulance Service Facility.

9 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
10 under SRC Chapter 119, the developer may elect to apply for conditional use approval
11 pursuant to SRC Chapter 240 or 118.

12 **Section 66.** SRC 143B.100 is amended to read as follows:

13 **143B.100. Conditional Uses - Pine Street CG Mixed-Use Area.**

14 (a) The following uses, with conditional use approval as provided in SRC Chapter 240
15 or 118 as applicable, are permitted in Pine Street Mixed-Use Area with a Commercial
16 General underlying zone:

- 17 (1) Those uses listed in SRC 153.030, at the developer's option, as provided in
18 subsection (b) of that section;
- 19 (2) Farm labor Contractors and Crew Leaders (0761);
- 20 (3) Jewelry, silverware, and plated ware (391);
- 21 (4) Costume jewelry and notions (396);
- 22 (5) Signs and advertising specialties (3993);
- 23 (6) Residential care (836), including homeless shelters serving 5 or fewer
24 persons;
- 25 (7) Unlimited number of dwelling units and guest rooms in apartment houses,
26 court apartments, and condominiums when not constructed as part of a mixed-use
27 development, and room and board facilities serving 6 to 75 persons;
- 28 (8) Home occupations not otherwise permitted in SRC 153.020 or 153.030; and
- 29 (9) Off-site response actions in accordance with applicable law to discharges of
30 oil and releases of hazardous substances, pollutants and contaminants.

1 **Section 67.** SRC 143B.120 is amended to read as follows:

2 **143B.120. Special Uses - Pine Street IC Mixed-Use Area.**

3 (a) The following uses, when restricted, developed and conducted as required in SRC
4 Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial
5 Commercial underlying zone:

- 6 (1) Entertainment establishments;
- 7 (2) Wildlife rehabilitation facility;
- 8 (3) Mobile food unit;
- 9 (4) Antennas attached to existing structures;
- 10 (5) Used Merchandise Stores;
- 11 (6) Ambulance Station;
- 12 (7) Ambulance Service Facility.

13 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
14 under SRC Chapter 119, the developer may elect to apply for conditional use approval
15 pursuant to SRC Chapter 240 or 118.

16 **Section 68.** SRC 143B.130 is amended to read as follows:

17 **143B.130. Conditional Uses - Pine Street IC Mixed-Use Area.** The following uses, with
18 conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in
19 the Pine Street Mixed-Use Area with an Industrial Commercial underlying zone:

20 (a) The following uses are permitted provided more than 40 percent of the on the lot
21 (or contiguous lots) is for the sale of merchandise for household or personal
22 consumption by the general public:

- 23 (1) Millwork (2431);
- 24 (2) Wooden containers (244);
- 25 (3) Miscellaneous wood products (249);
- 26 (4) Furniture and fixtures (25);
- 27 (5) Rubber and plastics footwear (302);
- 28 (6) Fabricated rubber products, not elsewhere classified (306);
- 29 (7) Miscellaneous plastics products (308);
- 30 (8) Coating, engraving, and allied services (347);

- 1 (9) Miscellaneous fabricated metal products (349);
- 2 (10) Heating equipment, except electric and warm air; and plumbing fixtures
- 3 (343);
- 4 (11) Metal forgings and stampings (346); Metal cans and shipping containers
- 5 (341); and
- 6 (12) Motor vehicles and motor vehicle equipment (371).

7 (b) Utilities:

- 8 (1) Water supply (494).

9 (c) Wholesale trade: The following uses are permitted, provided more than 40 percent
10 of the building square footage for the activity on the lot (or contiguous lots) is for the
11 sale of merchandise for household or personal consumption by the general public:

- 12 (1) Durable goods, not elsewhere classified (5099).

13 (d) Services:

- 14 (1) Residential care (836).

15 (e) Dwellings, dwelling units and temporary accommodations:

- 16 (1) Townhouses (as defined in SRC 139.020(c));
- 17 (2) Unlimited number of dwelling units and guest rooms in apartment houses,
- 18 court apartments, lodging houses, duplexes, condominiums, and mixed-use
- 19 developments; and
- 20 (3) Homeless shelters and room and board facilities serving 5 or fewer persons.

21 (f) Other uses:

- 22 (1) Off-site response actions in accordance with applicable law to discharges of
- 23 oil and releases of hazardous substances, pollutants, and contaminants.
- 24 (2) Those uses listed in SRC 155.030, at the developer's option, as provided in
- 25 subsection (b) of that section.

26 **Section 69.** SRC 143B.150 is amended to read as follows:

27 **143B.150. Special Uses - Northgate CR Mixed-Use Area.**

- 28 (a) The following uses, when restricted, developed and conducted as required in SRC
- 29 Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail
- 30 underlying zone:

- 1 (1) Used merchandise store (593);
- 2 (2) Entertainment establishments;
- 3 (3) Existing wildlife rehabilitation facility;
- 4 (4) Mobile food unit;
- 5 (5) Antennas attached to existing or approved structures;
- 6 (6) Ambulance station; and
- 7 (7) Ambulance service facility.

8 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
9 under SRC Chapter 119, the developer may elect to apply for conditional use approval
10 pursuant to SRC Chapter 240 or 118.

11 **Section 70.** SRC 143B.160 is amended to read as follows:

12 **143B.160. Conditional Uses - Northgate CR Mixed-Use Area.** The following uses, with
13 conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in
14 the Northgate Mixed-Use Area with a Commercial Retail underlying zone.

15 (a) Those uses listed in SRC. 152.030, at the developer's option, as provided in
16 subsection (b) of that section.

17 (b) Manufacturing:

- 18 (1) Jewelry, silverware, and plated ware (391);
- 19 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
20 except precious metal (396); and
- 21 (3) Signs and advertising specialties (3993).

22 (c) Transportation, communications, electric, gas, and sanitary services:

- 23 (1) Local and suburban passenger transportation (411); and
- 24 (2) InterCity and rural highway passenger transportation within 2,000 feet from
25 the center point of the Portland Road/Interstate 5 interchange and having direct
26 access onto a major arterial (413).

27 (d) Retail:

- 28 (1) Non-store retailers (596).

29 (e) Services:

- 30 (1) Carpet and upholstery cleaning (7217);

1 (2) Electrical repair shops (762); BUT EXCLUDING electrical repair within
2 automobiles, boats and other vehicles;

3 (3) Re-upholstery and furniture repair (764); and

4 (4) Professional sports clubs and promoters (7941).

5 (f) Dwellings, dwelling units and temporary accommodations:

6 (1) Unlimited number of dwelling units and guest rooms in apartment houses,
7 court apartments, lodging houses, duplexes, and condominiums, when not
8 constructed as part of mixed-use developments; and

9 (2) Homeless shelters and room and board facilities serving five or fewer
10 persons.

11 (g) Other uses:

12 (1) Off-site response actions in accordance with applicable law to discharges of
13 oil and releases of hazardous substances, pollutants, and contaminants.

14 **Section 71.** SRC 143B.170 is amended to read as follows:

15 **143B.170. Development Density.**

16 (a) Non-residential uses and mixed-use developments shall be developed at a
17 minimum Floor Area Ratio (FAR) of .50 within defined mixed-use areas, except within
18 Area 1, where there is no minimum FAR requirement.

19 (b) Residential uses, except planned unit developments, shall be developed at a
20 minimum density of 20 dwelling units per acre, except where the second floor of a
21 mixed-use building is entirely used for housing. Residential density shall be a non-
22 variable standard.

23 (c) Planned unit developments shall be developed at a minimum density of 14 dwelling
24 units per acre. Planned unit development density is variable pursuant to the
25 requirements of SRC Chapter 245.

26 **Section 72.** SRC 143B.290 is amended to read as follows:

27 **143B.290. Variances.** The Hearings Officer may grant a variance from the variable standards
28 contained in this Chapter, subject to the provisions of SRC Chapter 245.

29 **Section 73.** SRC 143C.060 is amended to read as follows:

30 **143C.060. Permitted Uses.** Only the uses identified in Table 143C-1 are permitted in the FMU

1 zone and as provided in SRC113.090. Uses permitted “by right” are designated with the letter
2 “P”. Certain uses are permitted only as a special use and have special conditions attached to
3 them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC
4 Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit
5 are designated with a “C” and are pursuant to SRC Chapter 240. Uses requiring an
6 Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100
7 through 116.130.

8 **Section 74.** SRC 143C.080 is amended to read as follows:

9 **143C.080. Fairview Plan.** The Fairview Plan is intended to identify goals and policies that
10 guide future development within the FMU zone.

11 **(a) Adoption of Fairview Plan.**

12 (1) **Application.** Application for the Fairview Plan shall follow the procedures
13 set forth in SRC Chapter 300.

14 (2) **Criteria for Approval.** A quasi-judicial public hearing shall be conducted
15 by the planning commission pursuant to SRC Chapter 300, and shall apply the
16 criteria set forth in this section.

17 **(b) Fairview Plan Requirements.** The Fairview Plan shall include the following
18 elements in the form of map(s), text, or both, as applicable:

19 (1) A description of the purpose, scope, main concepts, goals, policies, and
20 general development guidelines for the FMU zone in light of the intent and
21 purpose provisions of the Chapter.

22 (2) An overall open space plan for the FMU zone, identifying an integrated
23 network of open spaces for the purpose of preserving and enhancing identified
24 natural drainage patterns, significant trees and vegetation, and wetlands on the
25 site, accommodating significant topographical features, and providing
26 opportunities for active and passive recreation.

27 (3) An overall transportation and mobility plan for the FMU zone addressing the
28 integration of pedestrian, transit, and vehicular use on the site for the purpose of
29 providing for safe and efficient pedestrian, bicycle, and other non-single
30 occupancy vehicle (SOV) mobility, promoting transit, and reducing SOV trips.

1 (4) A site analysis, which shall include the following:

2 (A) Significant natural and built constraints of the site and surroundings;

3 (B) A transportation impact analysis (TIA) of the major transportation
4 and circulation elements intended to serve the FMU zone;

5 (C) Existing and potential transit connections;

6 (D) Adjacent parcels and structures within one hundred and fifty (150)
7 feet of the FMU zone boundary;

8 (E) On-site open space, recreational facilities, parks, and trails;

9 (F) Inventory and delineation of existing natural resources, including, but
10 not limited to wetlands, as identified on the Local Wetlands Inventory,
11 perennial and intermittent streams, and significant tree stands or groves,
12 including any provisions for the preservation or conservation of these
13 resources with attention given to the Natural Resource Guidelines in
14 143C.160;

15 (G) Inventory of existing structures, roads, and other development;

16 (H) Location and extent of existing provisions for sewage disposal, storm
17 water drainage, and utilities;

18 (I) Inventory of existing infrastructure and public services;

19 (J) Area hydrology and water resources;

20 (K) Topography and slope;

21 (L) General geologic character of the site;

22 (M) Identification of general soil types on the site;

23 (N) Area viewsheds and visual analysis; and

24 (O) An inventory of known archeological sites and buildings, structures,
25 or sites which possess the criteria for historic resource designation under
26 SRC Chapter 230. The inventory shall include a designation of those
27 buildings, structures, or sites for which official historic resource
28 designation will be sought. The inventory may, but is not required to,
29 include a list of buildings, structures, and sites designated by the applicant
30 as "historically significant," and for which official historic resource

1 designation will not be sought, but which may be subject to adaptive reuse
2 or renovation.

3 **(c) Criteria for Approval.** Approval of the Fairview Plan shall be based on the
4 following criteria:

5 (1) Conformance with the Salem Area Comprehensive Plan;

6 (2) The compatibility of the Fairview Plan with adjoining land uses;

7 (3) The physical feasibility of the Fairview Plan with existing or proposed
8 infrastructure and services; and

9 (4) Conformance with the following goals:

10 (A) To encourage mixed-use development, improved protection of open
11 spaces and natural features, and greater housing and transportation
12 options;

13 (B) To encourage the innovative integration of park and school uses;

14 (C) To encourage the principles of sustainable development and
15 sustainable business practices;

16 (D) To support affordable housing options and mixed-income
17 neighborhoods;

18 (E) To facilitate the resourceful use of land through the efficient
19 arrangement of land uses, buildings, circulation systems, open space and
20 infrastructure;

21 (F) To encourage economic opportunities that comply with and support
22 business practices;

23 (G) To recognize the historic significance of buildings, structures and
24 sites, including archaeological sites, through appropriate means, including,
25 but not limited to, obtaining official historic resource designation; and

26 (H) To encourage energy conservation and improved air and water
27 quality.

28 **(d)** Upon approval, the Fairview Plan shall be the guiding document for development
29 occurring within the FMU zone, and, except as otherwise provided in this section,
30 control development proposed to be undertaken within the FMU zone.

1 (e) **Expiration.** The Fairview Plan shall expire, unless the applicant has commenced
2 exercise of the rights contained therein, as defined in SRC Chapter 300, within a period
3 of two years from the date of the final decision approving the Fairview Plan.

4 **Section 75.** SRC 143C.090 is amended to read as follows:

5 **143C.090. Fairview Plan Amendment Procedures.**

6 (a) Amendments to the Fairview Plan shall be made as follows:

7 (1) **Major Amendment.** Major amendments to the Fairview Plan are those
8 changes that result in a substantial change to the Fairview Plan. A substantial
9 change is one that:

- 10 (A) Changes the uses permitted in the FMU zone or within any Overlay
11 Area in the FMU zone;
- 12 (B) Varies or changes a Fairview Plan policy;
- 13 (C) Increases or decreases the number of proposed residential units per
14 acre by more than twenty (20) percent or exceeds the maximum number of
15 dwelling units permitted within the FMU zone;
- 16 (D) Changes designated buffers, perimeter landscaping, or significant
17 natural resource areas, as delineated in the Fairview Plan, that were
18 established to adapt the FMU zone to specific site characteristics or
19 mitigate development impacts on the site and surrounding area;
- 20 (E) Varies the building height, FARs, lot coverage, or building setbacks
21 by more than twenty (20) percent of that delineated in the adopted
22 Fairview Plan;
- 23 (F) As a consequence of more than one (1) non-substantial change
24 submitted concurrently, cumulatively results in a significant change in the
25 purpose, scope, main concepts, goals, policies, or general development
26 guidelines of the Fairview Plan; or
- 27 (G) Results in a significant change in pedestrian or traffic circulation
28 within the FMU zone or in the surrounding area.

29 (2) **Minor Amendment.** Any amendment not identified in paragraph (1) of this
30 subsection shall be considered a minor amendment.

1 (b) Application for Amendments to the Fairview Plan.

2 (1) The property owner, the owner's agent, the Planning Commission, or the City
3 Council may initiate an amendment to the Fairview Plan.

4 (2) A statement documenting the need for the amendment shall accompany the
5 application.

6 (3) The Planning Administrator shall review the application to determine if the
7 request constitutes a substantial change to the adopted Fairview Plan, applying the
8 criteria set forth under 143C.090(a)(1).

9 (4) If the Planning Administrator determines the request is for a Major
10 Amendment, the Planning Administrator shall refer the request to the Planning
11 Commission for public hearing pursuant to SRC 143C.080(a)(2).

12 (5) If the Planning Administrator determines the request is for a Minor
13 Amendment, the Planning Administrator shall process the request for
14 administrative approval pursuant to SRC Chapter 250.

15 (6) When requested in writing by the applicant, the Planning Administrator may
16 authorize a delay in the amendment process.

17 **Section 76.** SRC 143C.100 is amended to read as follows:

18 **143C.100. Refinement Plans.**

19 (a) The approval of a Refinement Plan constitutes an amendment to the Fairview Plan.
20 Such amendments are either "Major" or "Minor" as defined in 143C.090.

21 (b) Review and approval of a Refinement Plan may occur concurrently with the review
22 and adoption of the Fairview Plan.

23 (c) The area subject to a Refinement Plan shall contain no less than forty (40) acres.

24 (d) Standards or processes stipulated in an approved Refinement Plan shall supercede
25 the standards or processes of the zoning code and shall be used as review criteria for
26 any specific development proposal within the area covered by the Refinement Plan. If
27 residential development standards are provided for in the Refinement Plan, then
28 approval of such standards shall be reviewed and approved as "alternative approval
29 criteria" under ORS 197.307. All such standards shall apply in lieu of the clear and
30 objective standards set forth under SRC 143.110 and shall govern all residential

1 development identified within the area subject to the Refinement Plan. The use of such
2 alternative standards shall be documented pursuant to SRC 143C.190.

3 (e) Refinement Plan requirements. The Refinement Plan shall include the following
4 elements in the form of map(s), text, or both, as applicable:

5 (1) Illustrative site plan;

6 (2) The general allocation and identification of major proposed land uses,
7 including residential (by density range), nonresidential, open space, and
8 recreational land uses;

9 (3) Name, location, and extent of existing or proposed major streets located
10 within the Refinement Plan area or needed for servicing the Refinement Plan area;

11 (4) Typical street cross-sections;

12 (5) A detailed listing of the permitted land uses in the Refinement Plan area;

13 (6) Detailed standards or regulations governing permitted uses, such as
14 performance standards and standards for development, regulations for
15 development densities, heights, floor area and FAR, open space, lot area and
16 coverage, parking, landscaping, and other site improvements;

17 (7) Standards for the conservation, development, or utilization of natural
18 resources, including surface water, soils, vegetation, and wildlife;

19 (8) An inventory and identification of all wetland and riparian resources, all
20 intermittent and perennial waterways, and all trees regulated under SRC Chapter
21 68;

22 (9) Where applicable, the methods of protection or conservation for natural
23 features, historic structures, and viewsheds;

24 (10) Standards and responsibilities for maintenance of infrastructure and whether
25 the infrastructure is to be public or private;

26 (11) Standards for phasing and construction of streets proposed for the
27 Refinement Plan area or needed for servicing the project as identified in the
28 required study(ies) submitted with the Refinement Plan proposal;

29 (12) Standards for the phasing and construction of sewage disposal, effluent use,
30 stormwater drainage, solid waste disposal, and public utilities as identified in the

1 required studies submitted with the Refinement Plan proposal;

2 (13) A phasing schedule for the following, as applicable:

3 (A) The preservation of site features established by the Fairview Plan;

4 (B) The development of the Refinement Plan area; and

5 (C) The construction, dedication, and provision of public services;

6 (14) A draft form of financial assurances to be recorded prior to Refinement Plan
7 approval;

8 (15) Specifications as to how and to what extent the Refinement Plan is to
9 supplement or supersede adopted City regulations;

10 (16) Standards for the interpretation of the Refinement Plan regulations and
11 requirements;

12 (17) Development design guidelines and applicable approval process;

13 (18) General landscape plan;

14 (19) General Drainage plan;

15 (20) A traffic impact analysis (TIA) update or refinement from the Fairview Plan
16 TIA that includes trip generation factors for various modes, estimated trips per
17 day by land use, proposed vehicular access and circulation plan, and traffic
18 impacts by mode on adjacent development;

19 (21) Impacts on existing structures and other development;

20 (22) Impacts on existing infrastructure and public services;

21 (23) Location and extent of proposed provision for sewage disposal, effluent use,
22 storm water drainage, and utilities;

23 (24) Location of any buildings, structures or sites which are identified in the
24 Fairview Plan inventory of known archeological sites and buildings, structures or
25 sites which possess the criteria for historic resource designation under SRC
26 Chapter 230, or which have been designated as "historically significant" in the
27 Fairview Plan inventory pursuant to SRC 143C.080(b)(4)(O); and

28 (25) Other information, as may be determined necessary by the Planning
29 Administrator.

30 (f) Approval of Refinement Plans. Review and approval of Refinement Plans shall be

1 considered major amendments to the Fairview Plan and shall follow the provisions of
2 143C.090. Approval of a Refinement Plan shall be based on the following:

3 (1) The Refinement Plan shall be consistent with the Fairview Plan; and

4 (2) The Refinement Plan shall be in conformance with all applicable portions of
5 the Salem Revised Code unless alternative standards are proposed and approved.

6 (g) Amendment of Refinement Plans. Amendment of Refinement Plans shall be
7 considered amendments to the Fairview Plan, and shall be made pursuant to SRC
8 143C.090, except that the planning administrator shall act on an application for minor
9 amendment to a Refinement Plan within thirty-five (35) days following the receipt of a
10 complete application.

11 **Section 77.** SRC 143C.150 is amended to read as follows:

12 **143C.150. Historic Preservation.**

13 (a) Development within the FMU zone shall include the adaptive reuse or renovation
14 of historically significant buildings or structures designated as such in the Fairview
15 Plan or any refinement plan, or the adaptive reuse or rehabilitation of any building or
16 structure officially designated as a historic resource under SRC Chapter 230.

17 (b) Any structure existing on December 24, 2003, and identified for demolition shall
18 be documented according to the survey and inventory practices set forth by the Oregon
19 State Historical Preservation Office.

20 (c) Prior to the approval of the Fairview Plan, the Historic Landmarks Commission
21 shall, pursuant to SRC Chapter 230, review the demolition, exterior alteration, or
22 replacement of frames, sashes, sills, heads, muntins or mullions that alters window
23 design or materials of any building or structure, or addition to a building or structure,
24 which was completed on or before December 31, 1953.

25 (d) Development Activity Subsequent to the Approval of the Fairview Plan.

26 (1) Subsequent to the approval of the Fairview Plan, the owner shall obtain
27 historic design review prior to the alteration of a building, structure or site for
28 which historic resource designation will be sought or has been obtained by either:

29 (A) The Historic Landmarks Commission, pursuant to SRC Chapter 230;

30 or

1 (B) The State Historic Preservation Office for buildings under special
2 assessment or utilizing federal investment tax credits.

3 (2) Minor historic design review is required for the following projects altering a
4 building or structure for which historic resource designation will be sought or has
5 been obtained:

6 (A) Installation of replacement windows that contain the same frame, sash
7 muntin and mullion dimensions and configuration as the existing historic
8 windows;

9 (B) Installation of mechanical equipment not visible from a public right-
10 of-way;

11 (C) Installation of sky windows on a roof surface not adjacent to a public
12 right-of-way;

13 (D) Installation of an unenclosed fire exit stairway on a building face not
14 adjacent to a public right-of-way;

15 (E) A minor addition consisting of less than a ten (10) percent increase in
16 gross floor area on a building face not adjacent a public right-of-way; or

17 (F) Installation of signs.

18 (3) No historic review is required for the following projects involving a building
19 or structure for which historic resource designation will be sought or has been
20 obtained:

21 (A) Ordinary maintenance and repair;

22 (B) Paint color selection;

23 (C) Interior alterations; or

24 (D) Replacement in kind.

25 **Section 78.** SRC 143D.045 is amended to read as follows:

26 **143D.045. Variances.** The Hearings Officer may grant a variance from the standards contained
27 in this Chapter, subject to the provisions of SRC Chapter 245.

28 **Section 79.** SRC 143D.170 is amended to read as follows:

29 **143D.170. Site Area.** Uses listed in Section 143D.150(b) shall be limited to parcels six acres or
30 less in gross area unless approved pursuant to SRC Chapter 240 or 118.

1 **Section 80.** SRC 143E.050 is amended to read as follows:

2 **143E.050. Conditional Uses Within Overlay Zone.**

3 (a) The following uses and activities, where permitted in the underlying zone, are
4 permitted, subject to conditional use approval as provided in SRC Chapter 240 or 118:

5 (1) Gasoline service stations (554);

6 (2) Automotive repair services and garages (75); and

7 (3) Outside storage and parking of professional and commercial equipment.

8 **Section 81.** SRC 143F.050 is amended to read as follows:

9 **143F.050. Development Standards.**

10 (a) Except as provided in subsection (b) of this section, all development standards
11 applicable in the base zone shall apply within the Mixed Use Center and Corridor
12 Overlay.

13 (b) The following standards shall apply to all development authorized by this Chapter:

14 (1) The minimum density for residential development shall be 12 dwelling units
15 per acre only on parcels that are developed exclusively with dwelling units.

16 (2) The number of off-street parking spaces for dwelling units shall be no less
17 than one parking space, and not more than 2.5 parking spaces, per unit.

18 (3) The height of structures used for Mixed Use or residential development shall
19 not exceed 75 feet.

20 (4) For the purpose of determining bufferyards, each use on the ground-floor
21 along the building perimeter shall separately govern the bufferyard requirements.

22 (5) Structures used for residential development shall meet either the development
23 design standards contained in the City of Salem Development Design Handbook
24 or shall be reviewed and approved by the Planning Commission pursuant to the
25 guidelines contained in the adopted Development Design Handbook.

26 **Section 82.** SRC 144.040 is amended to read as follows:

27 **144.040. Conditional Uses.** The following uses, with conditional use approval as provided in
28 Salem Revised Code Chapter 240, as applicable, are permitted in the EFU District:

29 (a) Dwellings customarily provided in conjunction with farm use.

30 (b) Commercial activities in conjunction with farm uses, involving products that are

1 produced on the subject property.

2 (c) Commercial utility facilities for the purpose of generating power for public use by
3 sale.

4 (d) The boarding of horses for profit.

5 (e) Golf courses.

6 (f) Transmission towers over 200 feet in height.

7 **Section 83.** SRC 145.030 is amended to read as follows:

8 **145.030. Special Uses.**

9 (a) The following uses, when restricted, developed and conducted as required in SRC
10 Chapter 119, are permitted in the RA district:

11 (1) Veterinary services for animal specialties (0742).

12 (2) Funeral service (726) except crematories.

13 (3) Public golf courses (7992).

14 (4) Membership sports and recreation clubs (7997) having golf courses.

15 (5) Elementary and secondary schools (821).

16 (6) Religious organizations (866).

17 (7) Boat and recreational vehicle storage area.

18 (8) Zero side yard dwellings.

19 (9) Two family shared housing.

20 (10) Public automobile parking areas.

21 (11) Manufactured homes on individual lots.

22 (12) Bed and breakfast establishments.

23 (13) Adult day care center.

24 (14) Keeping of a miniature swine.

25 (15) Residential Sales/Development Office.

26 (16) Wildlife Rehabilitation facility.

27 (17) Construction of a replacement single family dwelling unit on an individual
28 lot.

29 (18) Individual and Family Social Service (832).

30 (19) Antennas attached to existing or approved structures.

1 (20) Parking for Special Activities at High Schools with Community Parks.

2 (21) Cottage Housing.

3 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
4 under SRC Chapter 119, the developer may elect to apply for conditional use approval
5 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

6 **Section 84.** SRC 145.040 is amended to read as follows:

7 **145.040. Conditional Uses.** The following uses, with conditional use approval as provided in
8 SRC Chapter 240 or 118, as applicable, are permitted in the RA district:

9 (a) Those uses listed in SRC 145.030, at the developer's option, as provided in
10 subsection (b) of that section.

11 (b) Agricultural production, livestock (02).

12 (c) Veterinary services for livestock, except animal specialties (0741).

13 (d) Animal services, except veterinary (075).

14 (e) Landscape and horticultural services (078).

15 (f) Crude petroleum and natural gas extraction (131).

16 (g) Electrical services (491).

17 (h) Gas production and distribution (492).

18 (i) Water supply (494).

19 (j) Livestock, wholesale and auction (5154).

20 (k) Camps and trailering parks (703).

21 (l) Beauty shops (723).

22 (m) Barber shops (724).

23 (n) Arboreta, botanical, and zoological gardens (842).

24 (o) Civic, social, and fraternal organizations (864).

25 (p) Commercial radio and television transmitters and antennae.

26 (q) Community or neighborhood club buildings, including swimming pools and similar
27 recreation facilities, when operated by a non-profit community club.

28 (r) Riding clubs and riding stables.

29 (s) Child day care centers as specific conditional uses under SRC Chapter 118.

30 (t) Nursing and personal care facilities (805) as specific conditional uses under SRC

1 Chapter 118.

2 (u) Residential care facilities, including homeless shelters serving five or fewer
3 persons (836), except residential homes and other structures housing families of
4 handicapped persons.

5 (v) Off-site response actions in accordance with applicable law to discharges of oil and
6 releases of hazardous substances, pollutants, and contaminants.

7 **Section 85.** SRC 145.050 is amended to read as follows:

8 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be used,
9 erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to
10 145.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
11 nonconforming use pursuant to SRC Chapter 270.

12 **Section 86.** SRC 146.030 is amended to read as follows:

13 **146.030. Special Uses.**

14 (a) The following uses, when restricted, developed and conducted as required in SRC
15 Chapter 119, are permitted in the RS district:

- 16 (1) Funeral service (726) except crematories.
- 17 (2) Public golf courses (7992).
- 18 (3) Membership sports and recreation clubs (7997) having golf courses.
- 19 (4) Elementary and secondary schools (821).
- 20 (5) Religious organizations (866).
- 21 (6) Boat and recreational vehicle storage area.
- 22 (7) Zero side yard dwellings.
- 23 (8) Two family shared housing.
- 24 (9) Public automobile parking areas.
- 25 (10) Manufactured homes on individual lots.
- 26 (11) Bed and breakfast establishments.
- 27 (12) Adult day care center.
- 28 (13) Keeping of a miniature swine.
- 29 (14) Residential Sales/Development Office.
- 30 (15) Existing wildlife rehabilitation facility.

1 (16) Construction of a replacement single family dwelling unit on an individual
2 lot.

3 (17) Antennas attached to existing or approved structures.

4 (18) Parking for Special Activities at High Schools with Community Parks.

5 (19) Cottage Housing.

6 (b) In lieu of establishing any use listed in subsection (a) of this section as a special
7 use under SRC Chapter 119, the developer may elect to apply for conditional use
8 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

9 **Section 87.** SRC 146.040 is amended to read as follows:

10 **146.040. Conditional Uses.** The following uses, with conditional use approval as provided in
11 SRC Chapter 240 or 118, as applicable, are permitted in the RS district:

12 (a) Those uses listed in SRC 146.030, at the developer's option, as provided in
13 subsection (b) of that section.

14 (b) Crude petroleum and natural gas extraction (131).

15 (c) Electric services (491).

16 (d) Gas production and distribution (492).

17 (e) Water supply (494).

18 (f) Beauty Shops (723).

19 (g) Barber shops (724).

20 (h) Civic, social, and fraternal organizations (864).

21 (i) Community or neighborhood club buildings, including swimming pools and similar
22 recreation facilities, when operated by a nonprofit community club.

23 (j) Child day care centers as specific conditional uses under SRC Chapter 118.

24 (k) Nursing and personal care facilities (805) as specific conditional uses under SRC
25 Chapter 118.

26 (l) Residential care facilities, including homeless shelters serving five or fewer persons
27 (836), except residential homes and other structures housing families of handicapped
28 persons and inpatient or outpatient drug or alcohol treatment facilities.

29 **Section 88.** SRC 146.050 is amended to read as follows:

30 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be used,

1 erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to
2 146.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
3 nonconforming use pursuant to SRC Chapter 270.

4 **Section 89.** SRC 147.030 is amended to read as follows:

5 **147.030. Special Uses.**

6 (a) The following uses, when restricted, developed and conducted as required in SRC
7 Chapter 119, are permitted in the RD district:

8 (1) Nursing and personal care facilities (805).

9 (2) Residential care facilities, including homeless shelters serving five or fewer
10 persons (836), except residential home and other structures housing families of
11 handicapped persons.

12 (3) Zero side yard dwellings.

13 (4) Keeping of a miniature swine.

14 (5) Manufactured homes on individual lots.

15 (6) Antennas attached to existing or approved structures.

16 (7) Religious organizations (866).

17 (b) In lieu of establishing any use listed in subsection (2) of this section as a special
18 use under SRC Chapter 119, the developer may elect to apply for conditional use
19 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

20 **Section 90.** SRC 147.040 is amended to read as follows:

21 **147.040. Conditional Uses.** The following uses, with conditional use approval as provided in
22 SRC Chapter 240 or 118, as applicable, are permitted in the RD district:

23 (a) Those uses listed in SRC 147.030, at the developer's option, as provided in
24 subsection (b) of that section.

25 (b) Crude petroleum and natural gas extraction (131).

26 (c) Electric services (491).

27 (d) Gas production and distribution (492).

28 (e) Water supply (494).

29 (f) Membership sports and recreation clubs (7997).

30 (g) Child day care centers as specific conditional uses under SRC Chapter 118.

1 **Section 91.** SRC 147.050 is amended to read as follows:

2 **147.050. Prohibited Uses.** Within any RD district, no building, structure, or land shall be used,
3 erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to
4 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
5 nonconforming use pursuant to SRC Chapter 270.

6 **Section 92.** SRC 148.170 is amended to read as follows:

7 **148.170. RM1 Special Uses.**

8 (a) The following uses, when restricted, developed and conducted as required in SRC
9 Chapter 119, are permitted in the RM1 district:

10 (1) Nursing and personal care facilities.

11 (2) Elementary and secondary schools.

12 (3) Religious organizations.

13 (4) Zero side yard dwellings.

14 (5) Manufactured homes on individual lots, provided the minimum density
15 requirements of SRC 148.220 are met.

16 (6) Adult day care center.

17 (7) Keeping of miniature swine.

18 (8) Residential Sales/Development Office.

19 (9) Antennas attached to existing or approved structures.

20 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
21 under SRC Chapter 119, the developer may elect to apply for conditional use approval
22 pursuant to SRC Chapter 240 or 118.

23 **Section 93.** SRC 148.190 is amended to read as follows:

24 **148.190. RM1 Conditional Uses.** The following uses, with conditional use approval as
25 provided in SRC Chapter 240 or 118, as applicable, are permitted in the RM1 district:

26 (a) Those uses listed in SRC 148.170, at the developer's option, as provided in
27 subsection (b) of that section.

28 (b) Electric services (491).

29 (c) Water supply (494).

30 (d) Membership sports and recreation clubs (7997).

- 1 (e) Swimming pools opened to the public, with or without charge.
- 2 (f) Child day care centers as specific conditional uses under SRC Chapter 118.
- 3 (g) Homeless shelters and room and board facilities serving six to ten persons.

4 **Section 94.** SRC 148.200 is amended to read as follows:

5 **148.200. RM1 Prohibited Uses.** Within any RD district, no building, structure, or land shall be
6 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to
7 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
8 nonconforming use pursuant to SRC Chapter 270.

9 **Section 95.** SRC 148.220 is amended to read as follows:

10 **148.220. RM1 Dwelling Unit Density.** The number of dwelling units permitted on property
11 shall be calculated by dividing the lot area in square feet by 43,560 and multiplying that figure
12 by the minimum or maximum density allowed. Any fractional number shall be rounded to the
13 next highest whole number.

14 (a) The minimum residential density in the RM1 district shall be eight (8) dwellings
15 per acre; the minimum density is variable pursuant to the requirements of SRC 245.
16 Manufactured dwelling parks developed pursuant to SRC Chapter 123 shall have a
17 minimum density of six (6) dwellings per acre; the minimum density is variable
18 pursuant to the requirements of SRC Chapter 245.

19 (b) The maximum residential density in the RM1 district shall be fourteen (14)
20 dwellings per acre. The maximum density is a non-variable standard.

21 **Section 96.** SRC 148.300 is amended to read as follows:

22 **148.300. RM1 Reference to Additional Standards.** Additional or alternative use and
23 development standards may be found in the following Chapters:

24		
25	Landslide Hazards	SRC Chapter 69
26	Planned Unit Development	SRC Chapter 121
27	Mobile Homes Parks	SRC Chapter 123
28	Home Occupations	SRC Chapter 124
29	Lot Development Standards	SRC Chapter 130
30	Accessory Structures	SRC Chapter 131

1	Landscaping	SRC Chapter 132
2	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
3	Flood Plain Overlay Zones	SRC Chapter 141
4	City of Salem Development Design Handbook	

5 **Section 97.** SRC 148.320 is amended to read as follows:

6 **148.320. RM2 Special Uses.**

7 (a) The following uses, when restricted, developed, and conducted as required in SRC
8 Chapter 119, are permitted in the RM2 district:

- 9 (1) Membership sports and recreation clubs (7997) having golf courses.
- 10 (2) Funeral service (726) except crematories; and cemetery subdividers and
11 developers (6553).
- 12 (3) Nursing and personal care facilities (805).
- 13 (4) Elementary and secondary schools (821).
- 14 (5) Religious organizations (866).
- 15 (6) Boat and recreational vehicle storage area.
- 16 (7) Zero side yard dwellings.
- 17 (8) Replacement of one existing manufactured home on an individual lot.
- 18 (9) Adult day care center.
- 19 (10) Ambulance Station.

20 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
21 under SRC Chapter 119, the developer may elect to apply for conditional use approval
22 pursuant to SRC Chapter 240.

23 **Section 98.** SRC 148.340 is amended to read as follows:

24 **148.340. RM2 Conditional Uses.** The following uses, with conditional use approval as
25 provided in SRC Chapter 240 or 118, as applicable, are permitted in the RM2 district:

- 26 (a) Those uses listed in SRC 148.320, at the developer's option, as provided in
27 subsection (b) of that section.
- 28 (b) Electric services (491).
- 29 (c) Water supply (494).
- 30 (d) Beauty shop (723).

- 1 (e) Barber shop (724).
- 2 (f) Membership sports and recreation clubs (7997).
- 3 (g) Civic, social, and fraternal organizations (864).
- 4 (h) Swimming pools opened to the public, with or without charge.
- 5 (j) Child day care centers as specific conditional uses under SRC Chapter 118.
- 6 (k) Homeless shelters and room and board facilities serving six to ten persons.

7 **Section 99.** SRC 148.350 is amended to read as follows:

8 **148.350. RM2 Prohibited Uses.** Within any RD district, no building, structure, or land shall be
9 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to
10 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
11 nonconforming use pursuant to SRC Chapter 270.

12 **Section 100.** SRC 148.370 is amended to read as follows:

13 **148.370. RM2 Dwelling Unit Density.** The number of dwelling units permitted on property
14 shall be calculated by dividing the lot area in square feet by 43,560 and multiplying that figure
15 by the minimum or maximum density allowed. Any fractional number shall be rounded to the
16 next highest whole number.

17 (a) The minimum residential density in the RM2 zone shall be twelve (12) dwellings
18 per gross acre; the minimum density is variable pursuant to the requirements of SRC
19 Chapter 245. Manufactured dwelling parks developed pursuant to SRC Chapter 123
20 shall have a minimum density of six (6) dwellings per acre; the minimum density is
21 variable pursuant to the requirements of SRC Chapter 245.

22 (b) The maximum residential density in the RM2 zone shall be twenty-eight (28)
23 dwellings per gross acre; the maximum density is a non-variable standard.

24 (c) There is no minimum residential density requirement for a new single-family
25 dwelling located on lot of record less than 6,000 square feet in area.

26 **Section 101.** SRC 148.450 is amended to read as follows:

27 **148.450. RM2 Reference to Additional Standards.** Additional or alternative use and
28 development standards may be found in the following Chapters:

29	Landslide Hazards	SRC Chapter 69
30	Planned Unit Development	SRC Chapter 121

1	Mobile Home Parks	SRC Chapter 123
2	Home Occupations	SRC Chapter 124
3	Lot Development Standards	SRC Chapter 130
4	Accessory Structures	SRC Chapter 131
5	Landscaping	SRC Chapter 132
6	Off-Street Parking, Loading and Driveways	SRC Chapter 133
7	Flood Plain Overlay Zones	SRC Chapter 140
8	Willamette Greenway Overlay Zones	SRC Chapter 141
9	City of Salem Design Review Handbook	

10 **Section 102.** SRC 149.030 is amended to read as follows:

11 **149.030. Special Uses.**

12 (a) The following uses, when restricted, developed and conducted as required in SRC
13 Chapter 119, are permitted in the RH district:

- 14 (1) Nursing and personal care facilities (805).
- 15 (2) Elementary and secondary schools (821).
- 16 (3) Religious organizations (866).
- 17 (4) Mixed use buildings.
- 18 (5) Adult day care center.
- 19 (6) Keeping of a miniature swine.
- 20 (7) Residential Sales/Development Office.
- 21 (8) Antennas attached to existing or approved structures.
- 22 (9) Ambulance Station.

23 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
24 under SRC Chapter 119, the developer may elect to apply for conditional use approval
25 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

26 **Section 103.** SRC 149.040 is amended to read as follows:

27 **149.040. Conditional Uses.** The following uses, with conditional use approval as provided in
28 SRC Chapter 240 or 118, as applicable, are permitted in the RH district:

- 29 (a) Those uses listed in SRC 149.030, at the developer's option, as provided in
30 subsection (b) of that section.

- 1 (b) Crude petroleum and natural gas extraction (131).
- 2 (c) Electric services (491).
- 3 (d) Gas production and distribution (492).
- 4 (e) Water supply (494).
- 5 (f) Beauty shop (723).
- 6 (g) Barber shop (724).
- 7 (h) Membership sports and recreation clubs (7997).
- 8 (i) Single family dwellings.
- 9 (j) Child day care centers as specific conditional uses under SRC Chapter 118.
- 10 (k) Homeless shelters and room and board facilities serving six to ten persons.

11 **Section 104.** SRC 149.050 is amended to read as follows:

12 **149.050. Prohibited Uses.** Within any RH district, no building, structure or land shall be used,
13 erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to
14 149.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
15 nonconforming use pursuant to SRC Chapter 270.

16 **Section 105.** SRC 150.030 is amended to read as follows:

17 **150.030. Special Uses.**

18 (a) The following uses, when restricted, developed and conducted as required in SRC
19 Chapter 119, are permitted in the CO district:

- 20 (1) Veterinary services for animal specialties (0742).
- 21 (2) Public golf courses (7992); and Membership sports and recreation clubs
22 (7997) having golf courses.
- 23 (3) Nursing and personal care facilities (805).
- 24 (4) Religious organizations (866).
- 25 (5) Boat and recreational vehicle storage area.
- 26 (6) Zero side yard dwellings.
- 27 (7) Orthopedic and artificial limb offices - retail (5999).
- 28 (8) Keeping of miniature swine.
- 29 (9) Antennas attached to existing or approved structures.
- 30 (10) Ambulance Station.

1 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
2 under SRC Chapter 119, the developer may elect to apply for conditional use approval
3 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

4 **Section 106.** SRC 150.040 is amended to read as follows:

5 **150.040. Conditional Uses.** The following uses, with conditional use approval as provided in
6 SRC Chapter 240 or 118, as applicable, are permitted in the CO district:

7 (a) Those uses listed in SRC 150.030, at the developer's option, as provided in
8 subsection (b) of that section.

9 (b) Farm labor and management services (076).

10 (c) Crude petroleum and natural gas extraction (131).

11 (d) Telephone communication (481).

12 (e) Telegraph and other message communication (wire or radio) (482).

13 (f) Radio and Television Broadcasting (483).

14 (g) Electric services (491).

15 (h) Gas production and distribution (492).

16 (i) Water supply (494).

17 (j) Homeless shelters and room and board facilities serving 6 to 75 persons; and
18 relocation of larger than 75-person facilities in existence as of September 1, 1993, from
19 one location in a CB zone site to another location within the Broadway/High Street
20 Overlay Zone portion of the CO zone, providing there is no increase in bed capacity.

21 (k) Off-site response actions in accordance with applicable law to discharges of oil and
22 releases of hazardous substances, pollutants, and contaminants.

23 **Section 107.** SRC 150.050 is amended to read as follows:

24 **150.050. Prohibited Uses.** Within any CO district, no building, structure, or land shall be used,
25 erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to
26 150.040, unless the use is deemed an equivalent use pursuant to except as provided in SRC
27 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

28 **Section 108.** SRC 151.030 is amended to read as follows:

29 **151.030. Special Uses.**

30 (a) The following uses, when restricted, developed and conducted as required in SRC

1 Chapter 119, are permitted in the CR district:

- 2 (1) Keeping of a miniature swine.
- 3 (2) Antennas attached to existing or approved structures.
- 4 (3) Freestanding support structures 35 feet or less in height and equipment
- 5 enclosures.

6 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
7 under SRC Chapter 119, the developer may elect to apply for conditional use approval
8 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

9 **Section 109.** SRC 151.040 is amended to read as follows:

10 **151.040. Conditional Uses.** The following uses, with conditional use approval as provided in
11 SRC Chapter 240 or 118, as applicable, are permitted in the CN district:

- 12 (a) Crude petroleum and natural gas extraction (131).
- 13 (b) Electric services (491).
- 14 (c) Gas production and distribution (492).
- 15 (d) Water supply (494).
- 16 (e) Off-site response actions in accordance with applicable law to discharges of oil and
- 17 releases of hazardous substances, pollutants, and contaminants.
- 18 (f) Freestanding support structures greater than 70 feet in height and equipment
- 19 enclosures.

20 **Section 110.** SRC 151.050 is amended to read as follows:

21 **151.050. Prohibited Uses.** Within any CN district, no building, structure, or land shall be used,
22 erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to
23 151.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
24 nonconforming use pursuant to SRC Chapter 270.

25 **Section 111.** SRC 152.030 is amended to read as follows:

26 **152.030. Special Uses.**

27 (a) The following uses, when restricted, developed and conducted as required in SRC
28 Chapter 119, are permitted in the CR district:

- 29 (1) Gasoline service stations (554).
- 30 (2) Used merchandise store (593).

- 1 (3) Secondary dwellings and guest rooms.
- 2 (4) Entertainment establishments.
- 3 (5) Keeping of a miniature swine.
- 4 (6) Existing wildlife rehabilitation facility.
- 5 (7) Mobile food unit.
- 6 (8) Antennas attached to existing or approved structures.
- 7 (9) Freestanding support structures 35 feet or less in height and equipment
- 8 enclosures.
- 9 (10) Temporary motor vehicle sales (551).
- 10 (11) Temporary recreational vehicle sales (556).
- 11 (12) One single family dwelling, other than a manufactured home, per lot;
- 12 (13) Ambulance Station.
- 13 (14) Ambulance Service Facility.

14 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
15 under SRC Chapter 119, the developer may elect to apply for conditional use approval
16 pursuant to SRC Chapter 240 or 118. See SRC. 119.010.

17 **Section 112.** SRC 152.040 is amended to read as follows:

18 **152.040. Conditional Uses.** The following uses, with conditional use approval as provided in
19 SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

20 (a) Those uses listed in SRC 152.030, at the developer's option, as provided in
21 subsection (b) of that section.

22 (b) Crude petroleum and natural gas extraction (131).

23 (c) **Manufacturing:**

24 (1) Jewelry, silverware, and plated ware (391).

25 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
26 except precious metal (396).

27 (3) Signs and advertising specialties (3993).

28 (d) **Transportation, communications, electric, gas, and sanitary services:**

29 (1) Local and suburban passenger transportation (411).

30 (2) InterCity and rural highway passenger transportation within 2,000 feet from

1 the center point of an I-5 interchange and having direct access on to a major
2 arterial (413).

3 (3) Communication services, not elsewhere classified (489).

4 (4) Electric services (491).

5 (5) Gas production and distribution (492).

6 (6) Water supply (494).

7 (7) Free standing support structures greater than 70 feet in height and equipment
8 enclosures.

9 **(e) Retail:**

10 (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
11 and auto and home supply stores as permitted under SRC 152.020(e)(14).

12 (2) Nonstore retailers (596).

13 **(f) Services:**

14 (1) Camps and recreational vehicle parks (703).

15 (2) Carpet and upholstery cleaning (7217).

16 (3) Automotive rental and leasing, without drivers (751).

17 (4) Automotive repair shops (753).

18 (5) Automotive services, except repair (754).

19 (6) Electrical repair shops (762).

20 (7) Reupholstery and furniture repair (764).

21 (8) Motorcycle repair service.

22 (9) Professional sports clubs and promoters (7941).

23 (10) Homeless shelters and room and board facilities serving 6 to 75 persons.

24 **(g) Unlimited number of dwelling units and guest rooms in apartment houses, court
25 apartments, lodging houses, condominiums, and residential hotels.**

26 **(h) Other uses:**

27 (1) Utilities - secondary truck parking and material storage yard.

28 (2) Recycling depots.

29 (3) Solid waste transfer stations.

30 (4) Off-site response actions in accordance with applicable law to discharges of

oil and releases of hazardous substances, pollutants, and contaminants.

Section 113. SRC 152.050 is amended to read as follows:

152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020 to 152.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 114. SRC 153.030 is amended to read as follows:

153.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CG district:

- (1) Used merchandise stores (593).
- (2) Entertainment establishments.
- (3) Keeping of a miniature swine.
- (4) Wildlife rehabilitation facility.
- (5) Antennas attached to existing or approved structures.
- (6) Freestanding support structures 35 feet or less in height and equipment enclosures.
- (7) Mobile food unit.
- (8) Temporary motor vehicles sales (551).
- (9) Temporary recreational vehicle sales (556).
- (10) One single family dwelling, other than a manufactured home, per lot.
- (11) Ambulance Station.
- (12) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 115. SRC 153.040 is amended to read as follows:

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

- (a) Those uses listed in SRC 153.030, at the developer's option, as provided in

1 subsection (b) of that section.

2 (b) Animal specialty services, except veterinary (0752).

3 (c) Farm labor and management services (076).

4 (d) Crude petroleum and natural gas extraction (131).

5 (e) Jewelry, silverware, and plated ware (391).

6 (f) Costume jewelry and notions (396).

7 (g) Signs and advertising specialties (3993).

8 (h) Electric services (491).

9 (i) Gas production and distribution (492).

10 (j) Water supply (494).

11 (k) Durable goods, not elsewhere classified (5099).

12 (l) Fish and seafoods (5146).

13 (m) Drive-in motion picture theaters (7833).

14 (n) Racing, including track operations (7948).

15 (o) Residential care (836), including homeless shelters serving 6 to 75 persons, except
16 residential home.

17 (p) Unlimited number of dwelling units and guest rooms in apartment houses, court
18 apartments, duplexes, and condominiums, room and board facilities serving 6 to 75
19 persons.

20 (q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.

21 (r) Solid waste transfer stations.

22 (s) Off-site response actions in accordance with applicable law to discharges of oil and
23 releases of hazardous substances, pollutants, and contaminants.

24 (t) Freestanding support structures greater than 70 feet in height and equipment
25 enclosures.

26 **Section 116.** SRC 153.050 is amended to read as follows:

27 **153.050. Prohibited Uses.** Within any CG district, no building, structure, or land shall be used,
28 erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to
29 153.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
30 nonconforming use pursuant to SRC Chapter 270.

1 **Section 117.** SRC 154.030 is amended to read as follows:

2 **154.030. Special Uses.**

3 (a) The following uses, when restricted, developed and conducted as required in SRC
4 Chapter 119, are permitted in the CB district:

- 5 (1) Keeping of a miniature swine.
- 6 (2) Antennas attached to existing or approved structures.
- 7 (3) Freestanding support structures thirty-five feet or less in height and
8 equipment enclosures.
- 9 (4) Mobile food unit.
- 10 (5) Ambulance station.
- 11 (6) Ambulance service facility.

12 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
13 under SRC Chapter 119, the developer may elect to apply for conditional use approval
14 pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

15 **Section 118.** SRC 154.040 is amended to read as follows:

16 **154.040. Conditional Uses.** The following uses, with conditional use approval as provided in
17 SRC Chapter 240 or 118, as applicable, are permitted in the CB district:

- 18 (a) Helicopter landing area, with or without passenger and freight terminal facilities.
- 19 (b) Farm labor and management services (076).
- 20 (c) Crude petroleum and natural gas extraction (131).
- 21 (d) Jewelry, silverware, and plated ware (391).
- 22 (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except
23 precious metal (396).
- 24 (f) Electric services (491).
- 25 (g) Gas production and distribution (492).
- 26 (h) Water supply (494).
- 27 (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement
28 of SRC 154.020(e).
- 29 (j) Durable goods, not elsewhere classified (5099) subject to the retail sales
30 requirement of SRC 154.020(e).

1 (k) Recycling depots.

2 (l) Solid waste transfer stations.

3 (m) Homeless shelters and room and board facilities serving six to seventy-five
4 persons; and relocation of larger than seventy-five-person facilities in existence as of
5 September 1, 1993, from one CB zone site to another site within the CB zone,
6 providing there is no increase in bed capacity.

7 (n) Off-site response actions in accordance with applicable law to discharges of oil and
8 releases of hazardous substances, pollutants, and contaminants.

9 (o) Freestanding support structures greater than seventy feet in height and equipment
10 enclosures.

11 (p) Drive-through for a bank or credit union in the downtown Historic Core District,
12 where construction of the bank or credit union is commenced on or after October 1,
13 2011 and adequate measures are taken to ensure pedestrian safety.

14 **Section 119.** SRC 154.050 is amended to read as follows:

15 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be used,
16 erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to
17 154.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
18 nonconforming use pursuant to SRC Chapter 270. Otherwise permitted uses in the downtown
19 Historic Core District, other than banks and credit unions where construction of the bank or
20 credit union is commenced on or after October 1, 2011, may not be conducted as drive-through
21 uses, defined as business activities involving the buying and selling of goods or the provision of
22 services to a motorist customer or the customer's motor vehicle and typically involving queuing
23 lanes, service windows, service islands, and service bays.

24 **Section 120.** SRC 155.030 is amended to read as follows:

25 **155.030. Special Uses.**

26 (a) The following uses, when restricted, developed and conducted as required in SRC
27 Chapter 119, are permitted in an IC district:

28 (1) Mobile home as a dwelling for a caretaker.

29 (2) Entertainment establishments.

30 (3) Keeping of a miniature swine.

- 1 (4) Wildlife rehabilitation facility.
- 2 (5) Mobile food unit.
- 3 (6) Antennas attached to existing structures.
- 4 (7) Freestanding support structures 35 feet or less in height and equipment
- 5 enclosures.
- 6 (8) One single family dwelling, other than a manufactured home, per lot;
- 7 (9) Ambulance Station.
- 8 (10) Ambulance Service Facility.

9 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
10 under SRC Chapter 119, the developer may elect to apply for conditional use approval
11 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

12 **Section 121.** SRC 155.040 is amended to read as follows:

13 **155.040. Conditional Uses.** The following uses, with conditional use approval as provided in
14 SRC Chapter 240 or 118, as applicable, are permitted in the IC district:

15 (a) **Agriculture:**

- 16 (1) Animal specialty services (0752).

17 (b) **Mining:**

- 18 (1) Crude petroleum and gas extraction (131).

19 (c) **Manufacturing:**

- 20 (1) Millwork (2431).
- 21 (2) Structural wood members, not elsewhere classified (2439).
- 22 (3) Wooden containers (244).
- 23 (4) Miscellaneous wood products (249).
- 24 (5) Furniture and fixtures (25).
- 25 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous
- 26 chemical products (289).
- 27 (7) Rubber and plastics footwear (302).
- 28 (8) Fabricated rubber products, not elsewhere classified (306).
- 29 (9) Miscellaneous plastics products (307).
- 30 (10) Leather tanning and finishing (311).

- 1 (11) Fabricated structural metal products (344).
- 2 (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).
- 3 (13) Coating, engraving, and allied services (347).
- 4 (14) Miscellaneous fabricated metal products (349).
- 5 (15) Metalworking machinery and equipment (354).
- 6 (16) Woodworking machinery (3553).
- 7 (17) Refrigeration and service industry machinery (358).
- 8 (18) Ship and boat building and repairing (373).
- 9 (19) Jewelry, silverware, and patch ware (391).
- 10 (20) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
- 11 except precious metals (396).

12 **(d) Transportation, communication, electric, gas, and sanitary services: Air**
13 **transportation, Nonscheduled (452).**

- 14 (1) Freestanding support structures greater than 70 feet in height and equipment
- 15 enclosures.

16 **(e) Utilities:**

- 17 (1) Electrical service (491).
- 18 (2) Gas production and distribution (492).
- 19 (3) Water supply (494).

20 **(f) Wholesale trade:**

- 21 (1) Durable goods, not elsewhere classified (5099).

22 **(g) Services:**

- 23 (1) Residential care (836).

24 **(h) Residential:**

- 25 (1) Single family dwellings, other than mobile homes.
- 26 (2) Manufactured Homes on individual lots subject to the non-variable standards
- 27 of SRC 119.710.
- 28 (3) Unlimited number of dwelling units and guest rooms in apartment houses,
- 29 court apartments, lodging houses, duplexes, and condominiums.
- 30 (4) Homeless shelters and room and board facilities serving between 6 and 75

1 persons; and,

2 (i) **Other uses:**

3 (1) Solid waste transfer stations.

4 (2) Off-site response actions in accordance with applicable law to discharges of
5 oil and releases of hazardous substances, pollutants, and contaminants.

6 (j) Those uses listed in SRC 155.030, at the developer's option, as provided in
7 subsection (b) of that section.

8 **Section 122.** SRC 155.050 is amended to read as follows:

9 **155.050. Prohibited Uses.** Within any IC district, no building, structure, or land shall be used,
10 erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to
11 155.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
12 nonconforming use pursuant to SRC Chapter 270.

13 **Section 123.** SRC 156.035 is amended to read as follows:

14 **156.035. Conditional Uses.** The following uses, with conditional use approval as provided in
15 SRC Chapter 240 or 118, as applicable, are permitted in the IBC district:

16 (a) **Transportation, communication, electric, gas, and sanitary services:**

17 (1) Air transportation, Nonscheduled (452).

18 (2) Freestanding support structures greater than 70 feet in height and equipment
19 enclosures.

20 (b) **Utilities:**

21 (1) Electrical service (491).

22 (2) Gas production and distribution (492).

23 (3) Water supply (494).

24 **Section 124.** SRC 156.050 is amended to read as follows:

25 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be used,
26 erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC
27 156.030, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
28 nonconforming use pursuant to SRC Chapter 270.

29 **Section 125.** SRC 157.030 is amended to read as follows:

30 **157.030. Special Uses.**

1 (a) The following uses, when restricted, developed, and conducted as required in SRC
2 Chapter 119, are permitted in the IP district:

- 3 (1) Gasoline service stations (554).
- 4 (2) Mobile home as a dwelling for a caretaker.
- 5 (3) Antennas attached to existing or approved structures.
- 6 (4) Freestanding support structures 35 feet or less in height and equipment
7 enclosures.
- 8 (5) One single family dwelling, other than a manufactured home, per lot.
- 9 (6) Ambulance Station.
- 10 (7) Ambulance Service Facility.

11 (b) In lieu of establishing any use listed in subsection (a) of this section as a special
12 use under SRC Chapter 119, the developer may elect to apply for conditional use
13 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

14 **Section 126.** SRC 157.040 is amended to read as follows:

15 **157.040. Conditional Uses.** The following uses, with conditional use approval as provided in
16 SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

17 (a) **Transportation, communication, electric, gas, and sanitary services:**

- 18 (1) Air transportation, Nonscheduled (452).
- 19 (2) Freestanding support structure greater than 70 feet in height and equipment
20 enclosures.

21 (b) Crude petroleum and natural gas extraction (131).

22 (c) Carpentering and flooring (175).

23 (d) **Manufacturing:**

- 24 (1) Food and kindred products (20) BUT EXCLUDING beverages (208).
- 25 (2) Miscellaneous textile goods (229).
- 26 (3) Lumber and wood products, except furniture (24).
- 27 (4) Furniture and fixtures (25).
- 28 (5) Paper and allied products (26).
- 29 (6) Chemicals and allied products (28).
- 30 (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires

1 and inner tubes (301) and reclaimed rubber (303).

2 (8) Leather tanning and finishing (311).

3 (9) Flat glass (321).

4 (10) Glass and glassware, pressed or blown (322).

5 (11) Pottery and related products (326).

6 (12) Cut stone and stone products (328).

7 (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).

8 (14) Coating, engraving, and allied services (347).

9 (15) Ordnance and accessories, except vehicles and guided missiles (348).

10 (16) Industrial and commercial machinery and computer equipment (35) BUT
11 EXCLUDING industries permitted under SRC 157.020.

12 (17) Storage batteries (3691).

13 (18) Primary batteries, dry and wet (3692).

14 (19) Transportation equipment (37) BUT EXCLUDING industries permitted
15 under SRC 157.020.

16 (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and
17 advertising displays (3993).

18 **(e) Public utilities:**

19 (1) Electric services (491).

20 (2) Gas production and distribution (492).

21 (3) Water supply (494).

22 **(f) Wholesale trade:**

23 (1) Durable goods, not elsewhere classified (5099).

24 (2) Chemicals and allied products (516).

25 (3) Petroleum and petroleum products (517).

26 **(g) Animal specialty services, excluding veterinary (0752).**

27 **(h) Other uses:**

28 (1) Solid waste transfer stations.

29 **(i) Those uses listed in SRC 157.030, at the developer's option, as provided in**
30 **subsection (b) of that section.**

1 Section 127. SRC 157.050 is amended to read as follows:

2 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be used,
3 erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to
4 157.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a
5 nonconforming use pursuant to SRC Chapter 270.

6 Section 128. SRC 158.030 is amended to read as follows:

7 **158.030. Special Uses.**

8 (a) The following uses, when restricted, developed and conducted as required in SRC
9 Chapter 119, are permitted in the IG district:

- 10 (1) Scrap and waste materials establishments (5093).
- 11 (2) Mobile home as a dwelling for a caretaker.
- 12 (3) Wildlife rehabilitation facility.
- 13 (4) Mobile food unit.
- 14 (5) Lumber and other building materials.
- 15 (6) Retail nurseries, lawn and garden supply stores.
- 16 (7) Antennas attached to existing or approved structures.
- 17 (8) Freestanding support structures 70 feet or less in height whose base is greater
18 than 300 feet from an R or CO zone and equipment enclosures.
- 19 (9) Recreational vehicle sales (5561).
- 20 (10) One single family dwelling, other than a manufactured home, per lot.
- 21 (11) Ambulance Station.
- 22 (12) Ambulance Service Facility.

23 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
24 under SRC Chapter 119, the developer may elect to apply for conditional use approval
25 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

26 Section 129. SRC 158.040 is amended to read as follows:

27 **158.040. Conditional Uses.** The following uses, with conditional use approval as provided in
28 SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

29 (a) Those uses listed in SRC 158.030, at the developer's option, as provided in
30 subsection (b) of that section.

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(b) Agriculture, forestry, and fishing:

(1) Livestock, except dairy, poultry, and animal specialties (021).

(c) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of a R or CO zone and equipment enclosures.

(d) Mining:

(1) Crude petroleum and natural gas extraction (131).

(2) Surface mining operations as a specific conditional use under SRC Chapter 118.

(e) Manufacturing:

(1) Meat products (201).

(2) Animal and marine fats and oils (2077).

(3) Logging camps and logging contractors (241).

(4) Hardwood veneer and plywood (2435).

(5) Softwood veneer and plywood (2436).

(6) Structural wood members, not elsewhere classified (2439).

(7) Sawmills and planing mills (242).

(8) Paper and allied products (26) where not otherwise permitted under SRC 158.020.

(9) Agricultural chemicals (287).

(10) Miscellaneous chemical products (289).

(11) Petroleum and coal products (29).

(12) Cement hydraulic (324).

(13) Structural clay products (325).

(14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271).

(15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).

(16) Iron and steel foundries (332).

(17) Primary smelting and refining of nonferrous metals (333).

- 1 (18) Secondary smelting and refining of nonferrous metals (334).
- 2 (19) Rolling, drawing, and extruding of nonferrous metals (335).
- 3 (20) Nonferrous foundries (castings) (336).
- 4 (21) Miscellaneous primary metal products (339).
- 5 (22) Ordinance and accessories, except vehicles and guided missiles (348).
- 6 (23) Storage batteries (3691).
- 7 (24) Primary batteries, dry and wet (3692).

8 (f) **Wholesale trade:**

- 9 (1) Livestock (5154).
- 10 (2) Chemicals and allied products (516).

11 (g) **Services:**

- 12 (1) Racing, including track operation (7948).

13 (h) **Other uses:**

- 14 (1) Solid waste transfer stations.

15 **Section 130.** SRC 158.050 is amended to read as follows:

16 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be used,
17 erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to
18 158.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) allowed as a
19 nonconforming use pursuant to SRC Chapter 270.

20 **Section 131.** SRC 159.040 is amended to read as follows:

21 **159.040. Conditional Uses.** The following uses, with conditional use approval as provided in
22 SRC Chapter 240 or 118, as applicable, are permitted in the II district:

23 (a) **Transportation, communication, electric, gas, and sanitary services:**

- 24 (1) Air transportation, Nonscheduled (452).
- 25 (2) Freestanding support structures greater than 70 feet in height whose base is
26 within 300 feet of a R or CO zone and equipment enclosures.

27 (b) **Crude petroleum and natural gas extraction (131).**

28 (c) **Animal and marine fats and oils (2077).**

29 (d) **Ordinance and Accessories except vehicles and guided missiles (348).**

30 (e) **Eating and drinking places (58).**

1 (f) Dwelling unit for a caretaker or watchman on the premises being cared for or
2 guarded.

3 (g) Surface mining, including washing, screening, processing, asphalt concrete, and
4 cement concrete making, as a specific conditional use under SRC Chapter 118.

5 (h) Solid waste transfer stations.

6 **Section 132.** SRC 159.050 is amended to read as follows:

7 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be used,
8 erected, structurally altered, or enlarged for any use not permitted under SRC 159.020, unless the
9 use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use
10 pursuant to SRC Chapter 270.

11 **Section 133.** SRC 160.020 is amended to read as follows:

12 **160.020. Prohibited Uses.** Within any P district, no building, structure, or land shall be used,
13 erected, structurally altered, or enlarged for any use not permitted in the particular district under
14 SRC 160.030 to 160.120 unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
15 or allowed as a nonconforming use pursuant to SRC Chapter 270.

16 **Section 134.** SRC 160.100 is amended to read as follows:

17 **160.100. Special Uses in P Zones.**

18 (a) The following uses, when restricted, developed, and conducted as required in SRC
19 Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

20 (1) Mobile home as a dwelling for a caretaker.

21 (2) Existing wildlife rehabilitation facility.

22 (3) Wildlife rehabilitation facility.

23 (4) Mobile food unit.

24 (5) Compost facility for yard debris franchise haulers and government entities
25 only, when located on the site of and in compliance with the Oregon State
26 Corrections Area Plan as adopted by the Capital Planning Commission.

27 (6) Antennas attached to existing or approved structures.

28 (7) Freestanding support structures 70 feet or less in height whose base is greater
29 than 300 feet from a R or CO zone and equipment enclosures.

30 (8) Ambulance Station.

1 (9) Ambulance Service Facility.

2 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
3 under SRC Chapter 119, the developer may elect to apply for conditional use approval
4 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

5 **Section 135.** SRC 160.120 is amended to read as follows:

6 **160.120. Conditional Uses.** The following uses, with conditional use approval as provided in
7 SRC Chapter 240 or 118, as applicable, are permitted in the P district:

8 (a) Freestanding support structures greater than 70 feet in height and equipment
9 enclosures.

10 **Section 136.** SRC 162.070 is amended to read as follows:

11 **162.070. Mix of Uses Required.**

12 (a) A minimum of fifteen percent of each Development Site shall be nonresidential and
13 a minimum of fifteen percent of each Development Site shall be residential. The
14 percentage shall be calculated by determining the percentage of total habitable building
15 floor area devoted to residential uses and non-residential uses, relative to the total
16 habitable building floor area, exclusive of parking structures and other non-habitable
17 space. Total habitable building floor area used for hotels, motels, and other temporary
18 lodging with an average length of stay of thirty days or less may be substituted for up to
19 twenty-five percent of the required residential area.

20 (b) The Planning Administrator may allow a reduction in the percentage of uses
21 required by subsection (a) of this section to a minimum of five percent provided all of
22 the following criteria are met:

23 (1) There is a vertical mix of uses in one or more mixed-use buildings. The mix
24 shall include space for nonresidential uses on at least a portion of the ground floor
25 and residential uses on one or more upper floors; and

26 (2) All ground floor residential units facing a public street shall maintain a
27 minimum structural ceiling height of twelve feet to provide the opportunity for
28 future conversion to nonresidential uses.
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1 (c) A Development Phasing Plan shall be submitted to the Planning Administrator for
2 multi-phased developments where the required mix of uses is proposed to be met in
3 phases.

4 (1) The Development Phasing Plan shall demonstrate:

5 (A) How the required mix of uses will be provided through phasing,
6 including the approximate locations, amount in square feet (a size range
7 may be provided), and timing of each use.

8 (B) How onsite circulation, parking, landscaping and other onsite
9 improvements will function, after the completion of each phase and
10 following complete build-out of the development site.

11 (C) If a size range(s) for a use(s) is provided, the Development Phasing
12 Plan shall demonstrate how both the minimum and maximum amounts
13 enabled by the range meet the requirements of this section.

14 (2) The Development Phasing Plan shall also identify the timeframe, in what
15 order and how proposed public utilities, public facilities and other improvements
16 and amenities necessary to support the project will be constructed, dedicated or
17 reserved.

18 (3) A Development Phasing Plan does not convey subsequent phases of a project
19 with any vested rights to the proposed development.

20 (4) If a development application for a subsequent phase is submitted which is not
21 consistent with a previously approved Development Phasing Plan for that site, a
22 revised Development Phasing Plan must be submitted which meets the
23 requirements of this section. The revised Development Phasing Plan shall include
24 the entire site area shown in the original Development Phasing Plan. Development
25 that has occurred in prior phases of the original Development Phasing Plan may
26 be used by the applicant in the percentage calculations of the revised
27 Development Phasing Plan, regardless of property ownership or control at the
28 time of the resubmittal. It is not necessary that owners of previously developed
29 lots shown on the original Development Phasing Plan sign the review application
30 for the revised Development Phasing Plan unless the revised Development

1 Phasing Plan would impact the mix of uses or onsite circulation, parking,
2 landscaping and other onsite improvements on the previously developed lot.

3 (5) Development Phasing Plans shall be reviewed in accordance with the Type II
4 procedures under SRC Chapter 300.

5 **Section 137.** SRC 215.030 is amended to read as follows:

6 **215.030. Site Plan Review Under an Approved Neighborhood Center Master Plan.**

7 (a) **Applicability.** No building permit shall be issued for development within an
8 approved NCMP without receiving Class 2 Site Plan Review approval as provided
9 under SRC Chapter 220 and this section.

10 (b) **Additional Criteria for Approval for Class 2 Site Plan Review.** An application
11 for Class 2 Site Plan Review for development within an approved NCMP shall be
12 approved if the application meets the approval criteria in SRC 220.005(f) and conforms
13 to the approved NCMP.

14 **Section 138.** SRC 300.100 is amended to read as follows:

15 **300.100. Procedure Types.**

16 (a) All land use actions required under the Salem Revised Code are classified as one of
17 four procedure types in Table 300-1. The procedure type governs the decision making
18 process for the specific land use application.

19 **TABLE 300-1**

20 **LAND USE PROCEDURE TYPES**

21 **Table 300-1: Land Use Procedure Types**

22 Procedure Type	23 Decision Process	24 Decision Type	25 Process Description
26 Type I	27 Ministerial	28 Permit	29 Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
30 Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.

Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

**TABLE 300-2
LAND USE APPLICATIONS BY PROCEDURE TYPE**

Table 300-2: Land Use Applications by Procedure Type						
Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ADJUSTMENT						
-Class 1 Adjustment	II	N	PA	HO	N	SRC 250
-Class 2 Adjustment	II	Y	PA	HO	Y	SRC 250
ADMINISTRATIVE CONDITIONAL USE						
CODE INTERPRETATION	III	N	PC	CC	Y	SRC 110
COMPREHENSIVE PLAN CHANGE						
-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
-Minor Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	-	SRC 64
CONDITIONAL USE						
DESIGN REVIEW	III	Y	HO	PC	Y	SRC 240
DESIGN REVIEW						
-Class 1 Design Review	I	Y	PA	-	N	SRC 225
-Class 2 Design Review	II	Y	PA	PC	N	SRC 225
-Class 3 Design Review	III	Y	PC	CC	Y	SRC 225
FAIRVIEW MIXED-USE ZONE						
-Fairview Plan	III	Y	PC	CC	Y	SRC 143C
-Fairview Plan Amendment – Minor	II	Y	PA	PC	Y	SRC 143C
-Fairview Plan Amendment – Major	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan Amendment – Minor	II	Y	PA	PC	Y	SRC 143C
-Refinement Plan Amendment – Major	III	Y	PC	CC	Y	SRC 143C
FLOOD PLAIN OVERLAY						

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Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ZONE						
-Floodplain Development Permit	I	N	BO & PWD	-	N	SRC 140
-Floodplain Overlay Zone Variance	III	N	HO	CC	Y	SRC 140
HISTORIC REVIEW						
-Historic Design Review (Minor)	I	N	PA	HLC	N	SRC 230
-Historic Design Review (Major)	III	N	HLC	HO	N	SRC 230
-Historic Resource Adaptive Reuse	III	N	HO	PC	Y	SRC 230
-Historic Resource Demolition	III	N	HLC	CC	Y	SRC 230
-Local Historic Resource Designation	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
-Local Historic Resource Designation Removal (Class 1)	I	N	PA	-	N	SRC 230
-Local Historic Resource Designation Removal (Class 2)	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	Y	SRC 123
NEIGHBORHOOD CENTER MASTER PLAN						
-Class 1 NCMP	III	Y	PC	CC	Y	SRC 215
-Class 2 NCMP	III	Y	PC	CC	Y	SRC 215
-Class 2 NCMP Detailed Plan (Subsequent Phases)	II	N	PA	PC	Y	SRC 215
-Class 3 NCMP (First Subarea)	III	Y	PC	CC	Y	SRC 215
-Class 3 NCMP (Subsequent Subareas)	III	Y	PC	CC	Y	SRC 215
-NCMP Minor Amendment	II	N	PA	PC	Y	SRC 215
-NCMP Major Amendment	III	N	PC	CC	Y	SRC 215
NEIGHBORHOOD PLANS						
-Neighborhood Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
-Neighborhood Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	-	SRC 64
NONCONFORMING USE EXTENSION,	III	Y	HO	PC	Y	SRC 270

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Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ALTERATION, EXPANSION, or SUBSTITUTION						
PARTITION						
-Tentative Plan	II	N	PA	PC	Y	SRC 63
-Final Plat	Exempt	N	PA	-	N	SRC 63
PLANNED UNIT DEVELOPMENT						
-Tentative Plan	III	Y	PC	CC	Y	SRC 121
-Tentative Plan w/ Subdivision	III	Y	PC	CC	Y	SRC 121
-Final Plan	I	N	PA	-	N	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	N	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	N	SRC 63
REPLAT	II	N	PA	PC	Y	SRC 63
SIGNS						
-Sign Permit	I	N	CDD	-	N	SRC 900
-Sign Adjustment	II	N	CDD	-	N	SRC 900
-Sign Conditional Use Permit	III	N	HO	PC	Y	SRC 900
-Sign Variance	III	N	HO	PC	Y	SRC 900
SITE PLAN REVIEW						
-Class 1 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 2 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 3 Site Plan Review	II	N	PA	HO	Y	SRC 220
SPECIFIC CONDITIONAL USE	III	Y	HO	PC	Y	SRC 118
SUBDIVISION						
-Tentative Plan	II	N	PA	PC	Y	SRC 63
-Final Plat	Exempt	N	PA	-	N	SRC 63
-Subdivision of Manufactured Dwelling Park	II	N	PA	PC	Y	SRC 63
TREE & VEGETATION REMOVAL						
-Tree Conservation Plan	I	N	PA	-	N	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	N	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	N	SRC 68
-Hardship Variance	II	N	PA	HO	Y	SRC 68
-Economic Use Variance	II	N	PA	HO	Y	SRC 68
URBAN GROWTH						

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
MANAGEMENT						
-Urban Service Area Amendment	IV	N	CC	-	N	SRC 66
-UGA Development Permit Preliminary Declaration	II	N	PA	CC	Y	SRC 66
-UGA Development Permit	I	N	PWD	-	N	SRC 66
VALIDATION OF UNITS OF LAND						
VARIANCE	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
-Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	Y	SRC 141
-Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	Y	SRC 141
ZONE CHANGE						
-Quasi-Judicial Zone Change	III	Y	HO	CC	Y	SRC 265
LEGEND						
PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council						

Section 139. SRC 300.110 is amended to read as follows:

300.110. Review Authorities.

(a) **Review Authorities, Generally.** Review authorities are those designated individuals or bodies that make recommendations or decisions regarding land use actions. The applicable review authorities for specific land use actions are identified under Table 300-2. The Review Authority shall review an application following the applicable procedure type for the application and according to the applicable approval standards and criteria.

(b) **Review Authority Hierarchy.** Review authorities are organized under the following hierarchy, from lowest to highest:

- 1 (1) Staff, including, but not limited to, the Planning Administrator, Community
- 2 Development Director, Public Works Director, Building Official;
- 3 (2) Historic Landmarks Commission;
- 4 (3) Hearings Officer;
- 5 (4) Planning Commission;
- 6 (5) City Council.

7 **(c) Historic Landmarks Commission Jurisdiction over Certain Applications.**

8 Notwithstanding any other provision of this section, the Historic Landmarks
9 Commission shall have exclusive jurisdiction over those land use applications under
10 SRC Chapter 230 requiring Historic Landmarks Commission review.

11 **Section 140.** SRC 300.120 is amended to read as follows:

12 **300.120. Procedures for Review of Multiple Applications.** When multiple land use actions
13 are required or proposed by an applicant, the applications may be processed individually in
14 sequence, concurrently, or through the consolidated procedure provided in this section. The
15 applicant shall elect how the land use applications are to be processed, except where a specific
16 review process or sequence is otherwise required or where the land use applications are subject
17 to the same procedure type and decided upon by the same review authority. When multiple land
18 use applications are subject to the same procedure type and decided upon by the same review
19 authority, the land use applications shall be consolidated.

20 **(a) Applications Processed Individually in Sequence.** Multiple applications
21 processed individually require the filing of separate applications for each land use
22 action. Each application shall be reviewed separately according to the applicable
23 procedure type and processed sequentially, as follows:

- 24 (1) Applications with the highest numbered procedure type must be processed
- 25 first;
- 26 (2) Notwithstanding any other provision in this subsection, where a particular
- 27 sequence for the review of land use applications is established by another section
- 28 of the Salem Revised Code, the applications shall be processed in that sequence;
- 29 and

1 (3) Notwithstanding any other provision in this subsection, where one land use
2 application is dependent upon the approval of another land use application (e.g.
3 conditional use permit is subject to prior approval of a zone change), the land use
4 application upon which the other is dependant shall be processed first.

5 (b) **Applications Processed Concurrently.** Multiple applications processed
6 concurrently require the filing of separate applications for each land use action. Each
7 application shall be reviewed separately according to the applicable procedure type and
8 processed simultaneously.

9 (c) **Consolidated Applications.** When multiple applications are consolidated, a
10 single application is filed for all land use actions. The application shall be accompanied
11 by the information and supporting documentation required for each individual land use
12 action. Review of the application shall be according to the highest numbered procedure
13 type required for any of the land use applications. The Review Authority shall be the
14 highest applicable Review Authority under the highest numbered procedure type
15 required for any of the land use applications. Notwithstanding the provisions of this
16 subsection, where multiple applications that are proposed to be consolidated include an
17 application subject to review by the Historic Landmarks Commission, the application
18 that is subject to Historic Landmarks Commission review shall be processed
19 individually or concurrently.

20 **Section 141.** SRC 300.210 is amended to read as follows:

21 **300.210. Application Submittal.**

22 (a) Land use applications shall be submitted on forms prescribed by the Planning
23 Administrator. A land use application shall not be accepted in partial submittals. All of
24 the following must be submitted to initiate completeness review under SRC 300.220.
25 All information supplied on the application form and accompanying the application
26 shall be complete and correct as to the applicable facts.

27 (1) A completed application form. The application form shall contain, at a
28 minimum, the following information:

29 (A) The names and addresses of the applicant(s), the owner(s) of the
30 subject property, and any authorized representative(s) thereof;

1 (B) The address or location of the subject property and its assessor's map
2 and tax lot number;

3 (C) The size of the subject property;

4 (D) The comprehensive plan designation and zoning of the subject
5 property;

6 (E) The type of application(s);

7 (F) A brief description of the proposal; and

8 (G) Signatures of the applicant(s), owner(s) of the subject property,
9 and/or the duly authorized representative(s) thereof authorizing the filing
10 of the application(s).

11 (2) Recorded deed/land sales contract with legal description;

12 (3) Any information that would give rise to an actual or potential conflict of
13 interest under State or local ethics laws for any member of a Review Authority
14 that will or could make a decision on the application;

15 (4) Pre-application conference written summary, if a pre-application conference
16 was required under SRC 300.310(a) and Table 300-100-2; or copy of the
17 approved pre-application conference waiver, if such approval was granted
18 pursuant to SRC 300.310(b);

19 (5) A statement as to whether any City-recognized neighborhood associations
20 whose boundaries include, or are adjacent to, the subject property were contacted
21 in advance of filing the application and, if so, a summary of the contact. The
22 summary shall include the date when contact was made, the form of the contact
23 and who it was with (e.g. phone conversation with neighborhood association
24 chairperson, meeting with land use committee, presentation at neighborhood
25 association meeting), and the result;

26 (6) A statement as to whether the Salem-Keizer Transit District was contacted in
27 advance of filing the application; and if so, a summary of the contact. The
28 summary shall include the date when contact was made, the form of the contact,
29 who it was with, and the result;
30

1 (7) A written statement addressing each applicable approval criterion and
2 standard;

3 (8) Any additional information required under the Salem Revised Code for the
4 specific land use action sought;

5 (9) Any additional information, as determined by the Planning Administrator,
6 that may be required by another provision, or for any other permit elsewhere in
7 the Salem Revised Code and any other information that may be required to
8 adequately review and analyze the proposed development plan as to its
9 conformance to the applicable criteria;

10 (10) Payment of the applicable application fee(s) pursuant to SRC 300.240.

11 (b) The Planning Administrator may waive any submittal requirement if the Planning
12 Administrator determines that the specific requirement would not provide evidence
13 needed to satisfy any of the applicable criteria.

14 (c) Each application, when received, shall be date-stamped with the date the
15 application was received, and designated with a receipt number and a notation of the
16 staff person who received the application.

17 **Section 142.** SRC 300.220 is amended to read as follows:

18 **300.220. Completeness Review.**

19 (a) Except as otherwise provided under ORS 227.178, the Planning Administrator shall
20 review an application for completeness within 30 days of its receipt.

21 (b) Determination of completeness shall be based upon the information required under
22 SRC 300.210 and shall not be based on opinions as to quality or accuracy. A
23 determination that an application is complete indicates only that the application is ready
24 for review on its merits, not that the City will make a favorable decision on the
25 application.

26 (c) If an application is determined to be complete, review of the application shall
27 commence.

28 (d) If an application is determined to be incomplete, written notice shall be provided to
29 the applicant identifying the specific information that is missing and allowing the
30 applicant the opportunity to submit the missing information. An application which has

1 been determined to be incomplete upon initial filing shall be deemed complete for
2 purposes of this section upon receipt of:

- 3 (1) All of the missing information;
4 (2) Some of the missing information and written notice from the applicant that no
5 other information will be provided; or
6 (3) Written notice from the applicant that none of the missing information will be
7 provided.

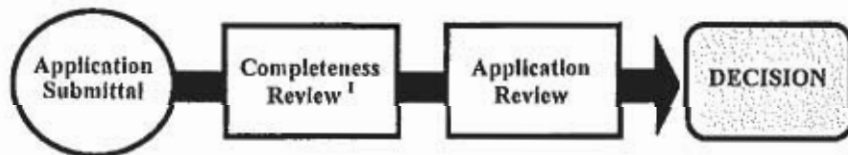
8 (e) If an application was complete at the time it was first submitted, or if the applicant
9 submits additional required information within 180 days of the date the application was
10 first submitted, approval or denial of the application shall be based upon the standards
11 and criteria that were in effect at the time the application was first submitted.

12 (f) An application shall be deemed void if the application has been on file with the City
13 for more than one hundred and eighty days and the applicant has not provided the
14 missing information or otherwise responded, as provided in subsection (d) of this
15 section.

16 **Section 143.** SRC 300.400 is amended to read as follows:

17 **300.400. General Description.** Type I applications are ministerial in nature, and involve land
18 use actions governed by clear and objective approval criteria and non-discretionary standards. A
19 Type I application is an administrative review process, where the Review Authority reviews the
20 application for conformance with the applicable standards and approval criteria and issues a
21 decision. The Type I application process is illustrated in Figure 300-1.

22
23 **FIGURE 300-1 - TYPE I PROCEDURE**



27 ¹ Completeness review conducted within 30 days of application submittal.

28
29 **Section 144.** SRC 300.410 is amended to read as follows:

30 **300.410. Type I Applications.** The following land use actions are Type I applications:

- (a) Those identified in Table 300-2 as Type I applications;

- 1 (b) Those identified in the Salem Revised Code as Type I applications; and
2 (c) Those identified by the Planning Administrator as Type I applications based upon
3 the guidelines for classification of applications under SRC 300.100(c).

4 **Section 145.** SRC 300.420 is amended to read as follows:

5 **300.420. Type I Procedure.**

6 (a) **Application Requirements.**

7 (1) **Application Form.** Type I applications shall be made on forms provided by
8 the Planning Administrator.

9 (2) **Submittal Requirements.** Type I applications shall include the information
10 required under SRC 300.210.

11 (b) **Public Notice and Comment Period.** Public notice and opportunity for comment
12 is not provided for Type I applications.

13 (c) **Decision.** The Review Authority shall approve or deny the application according to
14 the applicable standards and criteria. The decision shall be a written order.

15 (d) **Notice of Decision.**

16 (1) Except as provided under subsection (2) of this section, notice of the decision
17 for Type I applications shall be mailed to the applicant.

18 (2) Notice of the decision on a Minor Historic Design Review application shall
19 be mailed to:

20 (A) The applicant;

21 (B) The owner of the subject property;

22 (C) Any City-recognized neighborhood association whose boundaries
23 include, or are adjacent to, the subject property; and

24 (D) Property owners of record, as shown on the most recent property tax
25 assessment roll, within 250 feet of the subject property.

26 (e) **Appeal and Review.**

27 (1) Except as provided under subparagraphs (A) and (B) of this paragraph, the
28 decision on a Type I application shall be the final decision of the City, may not be
29 appealed, and is not subject to City Council review under SRC 300.1050.
30

1 (A) The decision on a Minor Historic Design Review application may be
2 appealed, pursuant to SRC 300.1010. Only the applicant, the owner of the
3 subject property, or any person entitled to notice of the decision have
4 standing to appeal the decision on a Minor Historic Design Review
5 application.

6 (B) The decision of the Review Authority on appeal of a Minor Historic
7 Design Review application shall be the final decision of the City.

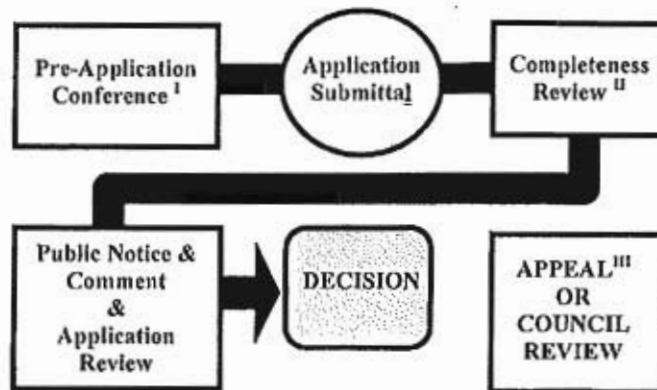
8 (2) Appeal of the City's final decision is to the Oregon Land Use Board of
9 Appeals.

10 (f) **Expiration.** Approval of a Type I application does not expire, unless otherwise
11 provided under SRC 300.860(a) or another provision of the Salem Revised Code.

12 **Section 146.** SRC 300.500 is amended to read as follows:

13 **300.500. General Description.** Type II applications are administrative in nature, and involve
14 land use actions governed by approval criteria and standards which require the exercise of
15 limited discretion. Impacts on nearby properties associated with the land use action may require
16 imposition of conditions of approval to minimize those impacts or to ensure compliance with the
17 Salem Revised Code. A Type II application is an administrative review process where the
18 Review Authority reviews the application for conformance with the applicable standards and
19 approval criteria and issues a decision. The Type II process is illustrated in Figure 300-2.

1 **FIGURE 300-2 - TYPE II PROCEDURE**



10 I Pre-application conferences required for applications identified under Table 300-2.

11 II Completeness review conducted within 30 days of application submittal.

12 III Appeal period of 15 days from decision mailing date.

13 **Section 147.** SRC 300.510 is amended to read as follows:

14 **300.510. Type II Applications.** The following land use actions are Type II applications:

- 15 (a) Those identified in Table 300-2 as Type II applications;
- 16 (b) Those identified in the Salem Revised Code as Type II applications; or
- 17 (c) Those identified by the Planning Administrator as Type II applications based upon the guidelines for classification of applications under SRC 300.100(c).

18 **Section 148.** SRC 300.520 is amended to read as follows:

19 **300.520. Type II Procedure**

20 (a) **Application Requirements.**

21 (1) **Application Form.** Type II applications shall be made on forms provided by the Planning Administrator.

22 (2) **Submittal Requirements.** Type II applications shall include the information required under SRC 300.210.

23 (b) **Public Notice and Comment.** Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

24 (1) **Mailed Notice.** Mailed notice shall be provided as follows:

1 (A) The City shall mail notice of the application within ten days after the
2 application is deemed complete. An affidavit of mailing shall be prepared
3 and made part of the file.

4 (B) Notice of the application shall be mailed to:

- 5 (i) The applicant(s) and/or the applicant's authorized
6 representative(s);
- 7 (ii) The owner(s) or contract purchaser(s) of record of the subject
8 property;
- 9 (iii) Any City-recognized neighborhood association whose
10 boundaries include, or are adjacent to, the subject property;
- 11 (iv) Property owners of record, as shown on the most recent
12 property tax assessment roll, within 250 feet of the subject
13 property;
- 14 (v) Any governmental agency which is entitled to notice by law or
15 under an intergovernmental agreement with the City; and
- 16 (vi) Any community organizations, public utilities, agencies, or
17 individuals who have submitted written requests for notification to
18 the City.

19 (C) Mailed notice shall include:

- 20 (i) The names of the applicant(s), any representative(s) thereof,
21 and the owner(s) of the subject property;
- 22 (ii) The type of application and a concise description of the nature
23 of the land use action;
- 24 (iii) The proposed site plan;
- 25 (iv) The street address, or other easily understood geographical
26 reference, for the subject property;
- 27 (v) A vicinity map identifying the subject property with relation to
28 nearby major streets or other landmarks;
- 29 (vi) A list of the approval criteria by name and code section;
- 30

- 1 (vii) A statement that the application and all documents and
2 evidence submitted by the applicant are available for review and
3 that copies can be obtained at reasonable cost;
- 4 (viii) A brief summary of the decision making process for the
5 application;
- 6 (ix) The place, date, and time that written comments are due, and
7 the person to whom the comments should be addressed;
- 8 (x) A statement that comments received after the close of the
9 public comment period will not be considered;
- 10 (xi) A statement that issues which may provide the basis for an
11 appeal to the Oregon Land Use Board of Appeals must be raised in
12 writing prior to the expiration of the comment period and with
13 sufficient specificity to enable the applicant and Review Authority
14 to respond to the issue;
- 15 (xii) A statement that subsequent to the closing of the public
16 comment period a decision will be issued and mailed to the
17 applicant, property owner, everyone entitled to the initial notice of
18 the application, anyone who submitted written comments on the
19 application, and to any other persons otherwise legally entitled to
20 notice of the decision; and
- 21 (xiii) The name and contact information for the staff case
22 manager.

23 **(2) Posted Notice.** Posted notice shall be provided, when required, as follows:

24 (A) The applicant shall post notice on the subject property no earlier than
25 14 and no later than 10 days prior to the end of the 14 day comment
26 period. The notice shall remain in place throughout the comment period.
27 The applicant shall file an affidavit of posting with the City no later than 5
28 days after the date of original posting. The affidavit shall be made a part
29 of the file.
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1 (B) Notice shall be posted on each street frontage of the subject property,
2 in a conspicuous place that is visible from the public right-of-way. If no
3 street abuts the subject property, the notice shall be placed as near as
4 possible to the subject property in a conspicuous place that can be readily
5 seen by the public.

6 (C) Posted notice shall be on signs prepared by the Planning
7 Administrator.

8 (D) To replace signs that are lost or damaged to the extent they can no
9 longer be reused, the Planning Administrator shall establish a refundable
10 sign deposit fee required for each sign, to be paid by the applicant at the
11 time signs are issued to the applicant.

12 (E) The applicant shall remove the signs from the subject property and
13 return them to the Planning Administrator within 7 days after the date the
14 decision is issued. The Planning Administrator shall refund the sign
15 deposit fee if the sign is returned within the required seven days, in an
16 undamaged and reusable condition.

17 (c) **Application Review.** The Review Authority shall review the application, all
18 written comments submitted during the public comment period, and the applicant's
19 response to the comments, if any. Written comments received after the expiration of
20 the public comment period shall not be considered by the Review Authority.

21 (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
22 application based upon the facts contained within the record and according to the
23 applicable standards and criteria. The decision of the Review Authority shall be a
24 written order containing findings that explain the criteria and standards applicable to
25 the decision, stating the facts relied upon in rendering the decision, and explaining the
26 justification for the decision.

27 (e) **Notice of Decision.** Notice of the decision shall be mailed within ~~five~~5 days after
28 the decision is signed. An affidavit of mailing shall be prepared and made part of the
29 file.

30 (1) Notice of the decision shall be mailed to:

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- (A) The applicant(s) and/or authorized representative(s);
- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (D) Any group or individual who submitted written comments during the comment period;
- (E) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;
- (F) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
- (G) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.

(2) Notice of the decision shall include:

- (A) A brief description of the application;
- (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
- (C) A brief summary of the decision, and conditions of approval, if any;
- (D) A statement of the facts relied upon;
- (E) The date the Review Authority's decision becomes effective, unless appealed;
- (F) The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- (G) A statement that all persons entitled to notice of the decision may appeal the decision; and

1 (H) A statement that the complete case file, including findings,
2 conclusions, and conditions of approval, if any, is available for review.
3 The notice shall state where the case file is available and the name and
4 telephone number of the staff case manager to contact about reviewing the
5 case file.

6 **(f) Appeal and Review.**

7 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City
8 Council pursuant to SRC 300.1050, the decision by the Planning Administrator on
9 a Type II application shall be the final decision of the City.

10 (2) Only the applicant, persons who provided comments during the public
11 comment period, and persons entitled to notice of the decision have standing to
12 appeal the decision.

13 (3) The Review Authorities for appeals are identified under Table 300-2. Except
14 as otherwise provided in subparagraphs (A) and (B) of this paragraph, the
15 decision of the Review Authority on appeal, or, if review is initiated by the City
16 Council, the City Council on review, shall be the final decision of the City.

17 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review
18 or a Class 2 adjustment, notice of the appeal shall be provided to the City
19 Council at its next regular meeting. The Council may, pursuant to SRC
20 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If
21 the City Council does not assume jurisdiction, then the decision of the
22 Review Authority is the final decision of the City.

23 (B) The decision on a Class 1 adjustment is not subject to Council review.
24 The decision of the Review authority is the final decision of the City.

25 (4) Appeal of the City's final decision is to the Oregon Land Use Board of
26 Appeals.

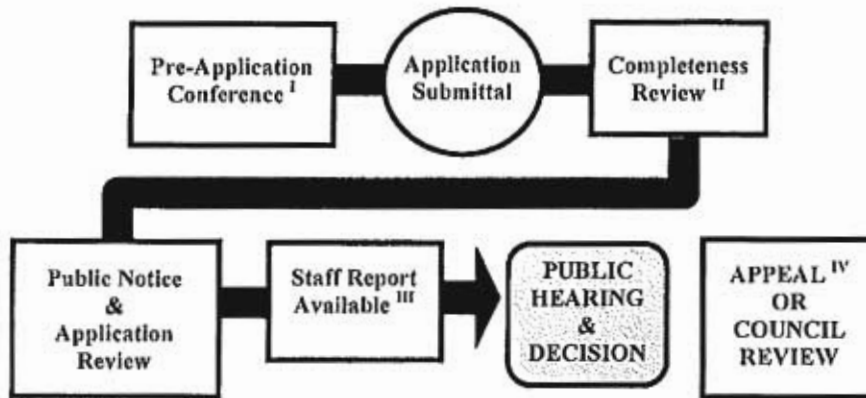
27 **(g) Expiration of Approval.** Approval of a Type II application expires automatically
28 as provided by SRC 300.860(a).

29 **Section 149.** SRC 300.600 is amended to read as follows:

30

1 **300.600. General Description.** Type III applications are quasi-judicial in nature, and involve
 2 land use actions governed by criteria and standards that require the use of discretion and
 3 judgment. The issues associated with the land use action may be complex and the impacts
 4 significant, and conditions of approval may be imposed to mitigate the impacts and ensure
 5 compliance with the Salem Revised Code and Salem Area Comprehensive Plan. A Type III
 6 application is a quasi-judicial review process where the Review Authority receives evidence and
 7 testimony, reviews the application for conformance with the applicable standards and approval
 8 criteria and issues a decision. The Type III application process is illustrated in Figure 300.600-3.

10 **FIGURE 300-3 - TYPE III PROCEDURE**



- 19 I Pre-application conferences required for applications identified under Table 300.400-2.
 20 II Completeness review conducted within 30 days of application submittal.
 21 III Staff report available 7 days prior to public hearing.
 22 IV Appeal period of 15 days from decision mailing date.

22 **Section 150.** SRC 300.610 is amended to read as follows:

23 **300.610. Type III Applications.** The following land use actions are Type III applications:

- 24 (a) Those identified in Table 300-2 as Type III applications;
 25 (b) Those identified in the Salem Revised Code as Type III applications; or
 26 (c) Those identified by the Planning Administrator as Type III applications based upon
 27 the guidelines for classification of applications under SRC 300.100(c).

28 **Section 151.** SRC 300.620 is amended to read as follows:

29 **300.620. Type III Procedure.**

- 30 (a) **Application Requirements.**

1 (1) **Application Form.** Type III applications shall be made on forms provided
2 by the Planning Administrator.

3 (2) **Submittal Requirements.** Type III applications shall include the
4 information required under SRC 300.210.

5 (b) **Public Notice.** Public notice is required for Type III applications. Public notice
6 shall be by first class mail and by posting on the subject property.

7 (1) **Oregon Department of Land Conservation and Development Notice.**

8 Notice to the Oregon Department of Land Conservation and Development is
9 required for certain Type III applications, pursuant to ORS 197.610. Notice to the
10 Oregon Department of Land Conservation and Development is provided as
11 follows:

12 (A) The City shall provide notice of the application to the Oregon
13 Department of Land Conservation and Development no later than the
14 minimum number of days required by ORS Chapter 197. An affidavit of
15 mailing shall be prepared and made part of the file.

16 (B) Notice to the Oregon Department of Land Conservation and
17 Development shall be made on forms provided by the Oregon Department
18 of Land Conservation and Development. Notice shall be accompanied by
19 information of sufficient detail to convey the nature and effect of the
20 application, and a certificate of mailing.

21 (2) **Mailed Notice.** Mailed notice shall be provided as follows:

22 (A) The City shall mail notice of the public hearing not less than 20 days
23 prior to the public hearing. An affidavit of mailing shall be prepared and
24 made part of the file.

25 (B) Notice of public hearing shall be mailed to:

26 (i) The applicant(s) and/or authorized representative(s);

27 (ii) The owner(s) or contract purchaser(s) of record of the subject
28 property;

29 (iii) Any City-recognized neighborhood association whose
30 boundaries include, or are adjacent to, the subject property;

1 (iv) Property owners of record, as shown on the most recent
2 property tax assessment roll, within 250 feet of the subject
3 property;

4 (v) Any governmental agency entitled to notice by law or under an
5 intergovernmental agreement with the City;

6 (vi) Any community organizations, public utilities, agencies, or
7 individuals who have submitted written requests for notification to
8 the City;

9 (vii) The tenants of a manufactured home or mobile home park,
10 for applications involving a Comprehensive Plan map change
11 and/or Zone change affecting all or part of the manufactured home
12 or mobile home park; and

13 (viii) All property owners within the historic district, for Major
14 Historic Design Review applications within a historic district and
15 historic resource demolition applications.

16 (C) Mailed notice shall include:

17 (i) The names of the applicant(s), any representative(s) thereof,
18 and the owner(s) of the subject property;

19 (ii) The type of application and a concise description of the nature
20 of the request;

21 (iii) The proposed site plan, if any;

22 (iv) The street address or other easily understood geographical
23 reference to the subject property;

24 (v) A vicinity map identifying the subject property with relation to
25 nearby major streets or other landmarks;

26 (vi) A list of the applicable criteria by name and code section;

27 (vii) The date, time, and place of the public hearing;

28 (viii) A statement that the application and all documents and
29 evidence submitted by the applicant are available for review and
30 that copies can be obtained at reasonable cost;

- 1 (ix) A brief summary of the decision making process for the
2 application;
- 3 (x) A general explanation of the requirements for submission of
4 testimony and the procedure for conduct of hearings;
- 5 (xi) A statement that all interested persons may appear either in
6 person or with representation by an attorney and provide
7 testimony; and that only those participating at the hearing, in
8 person or by submission of written testimony, have the right to
9 appeal the decision;
- 10 (xii) A statement that failure to raise an issue prior to the close of
11 the public hearing, in person or in writing, or failure to provide
12 statements or evidence with sufficient specificity to afford the
13 applicant and Review Authority to respond to the issue precludes
14 an appeal to the Oregon Land Use Board of Appeals on that issue;
- 15 (xiii) A statement that a copy of the staff report with
16 recommendation to the Review Authority will be available for
17 inspection at no cost at least seven days prior to the hearing, and
18 that copies will be provided at reasonable cost;
- 19 (xiv) A statement that after the close of the public hearing a
20 decision shall be made that will be mailed to the applicant,
21 property owner, affected neighborhood association, anyone who
22 participated in the hearing, either in person or in writing, and
23 anyone who requested to receive notice of the decision; and
- 24 (xv) The name and contact information for the staff case manager.

25 **(3) Posted Notice.** Posted notice shall be provided as follows:

26 (A) The applicant shall post notice on the subject property no earlier than
27 14 and no later than 10 days prior to the public hearing. The notice shall
28 remain in place through the day of the public hearing. The applicant shall
29 file an affidavit of posting with the City no later than 5 days after the date
30 of the original posting. The affidavit shall be made a part of the file.

1 (B) Notice shall be posted on each street frontage of the subject property
2 in a conspicuous place that is visible from the public right-of-way. If no
3 street abuts the subject property, the notice shall be placed as near as
4 possible to the subject property in a conspicuous place that can be readily
5 seen by the public.

6 (C) Posted notice shall be on signs prepared by the Planning
7 Administrator.

8 (D) To replace signs that are lost or damaged to the extent they can no
9 longer be reused, the Planning Administrator shall establish a sign deposit
10 fee required for each sign, to be paid by the applicant at the time signs are
11 issued to the applicant.

12 (E) The applicant shall remove the signs from the subject property and
13 return them to the Planning Administrator within 7 days after the close of
14 the public hearing. The Planning Administrator shall refund the sign
15 deposit fee if the sign is returned within the required 7 days in an
16 undamaged and reusable condition.

17 (c) **Application Review and Staff Report.** Staff shall review the application, written
18 comments, and evidence submitted prior to the public hearing and prepare a staff report
19 summarizing the application, comments received to-date, and relevant issues associated
20 with the application; and making a recommendation to the Review Authority. The staff
21 report shall be made available to the public for review a minimum of 7 days prior to the
22 hearing.

23 (d) **Public Hearing.** A public hearing shall be held before the Review Authority for
24 the purpose of receiving evidence and testimony regarding the application. The hearing
25 shall be conducted in accordance with the public hearing procedures established under
26 SRC 300.900. The Review Authority shall consider in its review the application, all
27 evidence and testimony submitted for the record, and the recommendation of staff.

28 (e) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
29 application based upon the facts contained within the record and according to the
30 applicable standards and criteria. The decision shall be a written order and include:

- 1 (1) A list of the approval criteria by section number;
- 2 (2) A statement of facts upon which the Review Authority relied to find the
- 3 application does or does not comply with each approval criterion and to justify
- 4 any conditions of approval. The Review Authority may direct the party whose
- 5 position is adopted to prepare the statement of facts, and may adopt or incorporate
- 6 a staff report or written findings prepared by any party to the proceeding into the
- 7 order;
- 8 (3) A statement of conclusions based on the statement of facts; and
- 9 (4) An order approving, approving with conditions, or denying the application.

10 (f) **Notice of Decision.** Notice of the decision shall be mailed within 7 days from the
11 date the Review Authority adopts the written order. An affidavit of mailing shall be
12 prepared and made part of the file.

13 (1) Notice of decision shall be mailed to:

- 14 (A) The applicant(s) and/or authorized representative(s);
- 15 (B) The owner(s) or contract purchaser(s) of record of the subject
- 16 property;
- 17 (C) Any City-recognized neighborhood association whose boundaries
- 18 include, or are adjacent to, the subject property;
- 19 (D) Any group or individual who submitted testimony for the record prior
- 20 to the close of the public hearing;
- 21 (E) Any governmental agency which is entitled to notice by law or under
- 22 an intergovernmental agreement with the City, and any governmental
- 23 agency that submitted testimony prior to the close of the public hearing;
- 24 (F) Any community organizations, agencies, or individuals who
- 25 submitted written requests for notice of the decision to the City; and
- 26 (G) The Oregon Department of Land Conservation and Development, for
- 27 decisions which required notice to the Oregon Department of Land
- 28 Conservation and Development.

29 (2) Notice of decision shall include:

- 30 (A) A brief description of the application;

- 1 (B) A description of the site sufficient to inform the reader of its location,
2 including site address, if available, map and tax lot number, and its
3 comprehensive plan designation and zoning;
4 (C) A brief summary of the decision, and conditions of approval, if any;
5 (D) A statement of the facts relied upon;
6 (E) The date the Review Authority's decision becomes effective, unless
7 appealed;
8 (F) The date, time, and place by which an appeal must be filed, a brief
9 statement explaining how to file an appeal, and where further information
10 may be obtained concerning the appeal process;
11 (G) A statement that all persons who presented evidence or testimony as
12 part of the hearing may appeal the decision; and
13 (H) A statement that the complete case file, including findings,
14 conclusions, and conditions of approval, if any, is available for review.
15 The notice shall state where the case file is available and the name and
16 telephone number of the staff case manager to contact about reviewing the
17 case file.

18 **(g) Appeal and Review.**

- 19 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City
20 Council pursuant to SRC 300.1050, the decision by the Review Authority on a
21 Type III application shall be the final decision of the City.
22 (2) Only the applicant and persons who provided evidence or testimony prior to
23 the close of the public hearing have standing to appeal a Type III application.
24 (3) The Review Authorities for appeals are identified under Table 300-2. Except
25 as otherwise provided in paragraph (4) of this subsection, the decision of the
26 Review Authority on appeal, or, if review is initiated by the City Council, the City
27 Council on review, shall be the final decision of the City.
28 (4) The decision on a Major Historic Design Review application is not subject to
29 Council review.
30

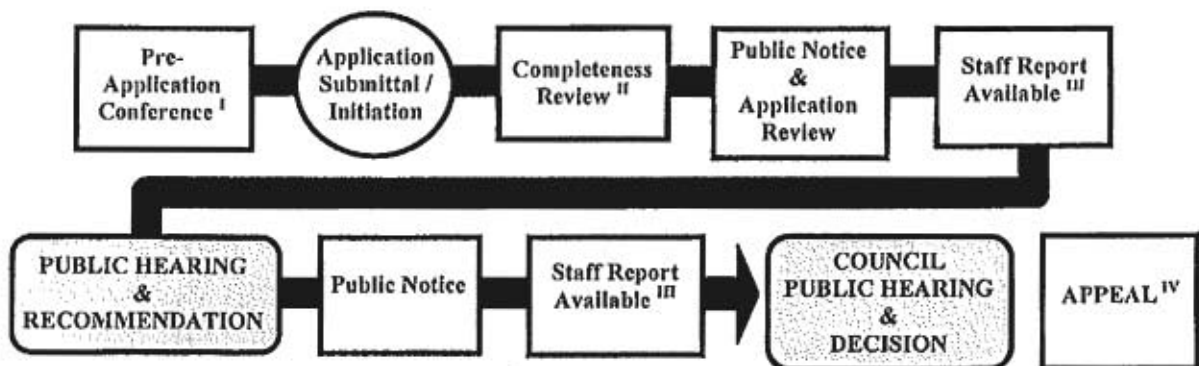
(5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

(h) **Expiration of Approval.** Approval of a Type III application expires automatically as provided under SRC 300.860(a).

Section 152. SRC 300.700 is amended to read as follows:

300.700. General Description. Type IV applications are quasi-judicial in nature, and involve land use actions governed by criteria that require the use of discretion and judgment. Type IV applications may be applicant-initiated or City-initiated. The Type IV application procedure is a quasi-judicial review process where Historic Landmarks Commission or Planning Commission makes recommendation to the City Council for final decision. The Type IV application process is illustrated in Figure 300-4.

FIGURE 300-4 - TYPE IV PROCEDURE



I Pre-application conferences required for applications identified under Table 300-400-2. Does not apply to City initiated applications.

II Completeness review conducted within 30 days of application submittal. Does not apply to City initiated applications.

III Staff report available 7 days prior to public hearing.

IV Appeal to the Oregon Land Use Board of Appeals. Appeal period of 21 days from decision mailing date.

Section 153. SRC 300.710 is amended to read as follows:

300.710. Type IV Applications. The following land use actions are Type IV applications:

- (a) Those identified in Table 300-2 as Type IV applications;
- (b) Those identified in the Salem Revised Code as Type IV applications; or
- (c) Those identified by the Planning Administrator as Type IV applications based upon the guidelines for classification of applications by procedure under SRC 300.100(c).

Section 154. SRC 300.720 is amended to read as follows:

1 **300.720. Type IV Procedure.**

2 **(a) Application Requirements.**

3 **(1) Applicant Initiated.** If the Type IV application is applicant initiated, the
4 following shall apply.

5 **(A) Application Form.** Type IV applications shall be made on forms
6 provided by the Planning Administrator.

7 **(B) Submittal Requirements.** Type IV applications shall include the
8 information required under SRC 300.210.

9 **(2) City Initiated.** If the Type IV application is City initiated, the application
10 shall be initiated by resolution of the City Council, Planning Commission, or
11 Historic Landmarks Commission.

12 **(b) Public Notice.** Public notice is required for Type IV applications. Because Type
13 IV applications require evidentiary public hearings before the initial Review Authority
14 and before the City Council, public notice is required for each hearing. Public notice
15 shall be mailed and posted on the subject property.

16 **(1) Oregon Department of Land Conservation and Development Notice.**

17 Notice to the Oregon Department of Land Conservation and Development is
18 required for certain Type IV applications, pursuant to ORS 197.610. Notice to the
19 Oregon Department of Land Conservation and Development shall be provided as
20 follows:

21 **(A)** The City shall provide notice of the application to the Oregon
22 Department of Land Conservation and Development no later than the
23 minimum number of days required by ORS Chapter 197. An affidavit of
24 mailing shall be prepared and made part of the file.

25 **(B)** Notice to the Oregon Department of Land Conservation and
26 Development shall be provided on forms provided by the Oregon
27 Department of Land Conservation and Development. The notice shall be
28 accompanied by information of sufficient detail to convey the nature and
29 effect of the application and approval being sought, and the certificate of
30 mailing of the notice.

1 (2) **Mailed Notice.** Mailed notice shall be provided as follows:

2 (A) **Applicant Initiated Applications.**

3 (i) **Initial Public Hearing.** When a Type IV application is
4 applicant initiated, the City shall mail notice of the initial
5 evidentiary hearing a minimum of 20 days prior to the hearing.
6 Affidavits of mailing shall be prepared and made part of the file.
7 Notice of the initial public hearing shall be mailed to:

- 8 (aa) The applicant(s) and/or authorized representative(s);
9 (bb) The owner(s) or contract purchaser(s) of record of the
10 subject property, if different from the applicant;
11 (cc) Any City-recognized neighborhood association whose
12 boundaries include, or are adjacent to, the subject property;
13 (dd) Property owners of record, as shown on the most
14 recent property tax assessment roll, within 250 feet of the
15 subject property;
16 (ee) Any governmental agency which is entitled to notice
17 by law or under an intergovernmental agreement with the
18 City;
19 (ff) Any community organizations, public utilities,
20 agencies, or individuals who have submitted written
21 requests for notification to the City; and
22 (gg) The tenants of a manufactured home or mobile home
23 park for applications involving a comprehensive plan map
24 change and/or zone change affecting all or part of the
25 manufactured home or mobile home park.

26 (ii) **Subsequent Public Hearings.** The City shall mail notice of a
27 subsequent public hearing, including, but not limited to, a final
28 hearing, a minimum of 10 days prior to the hearing. Affidavits of
29 mailing shall be prepared and made part of the file. Notice of any
30 subsequent public hearing shall be mailed to:

- 1 (aa) The applicant(s) and/or authorized representative(s);
2 (bb) The owner(s) or contract purchaser(s) of record of the
3 subject property, if different from the applicant;
4 (cc) Any City-recognized neighborhood association whose
5 boundaries include, or are adjacent to, the subject property;
6 (dd) Property owners of record, as shown on the most
7 recent property tax assessment roll, within 250 feet of the
8 subject property;
9 (ee) Any governmental agency which is entitled to notice
10 by law or under an intergovernmental agreement with the
11 City;
12 (ff) Any community organizations, public utilities,
13 agencies, or individuals who have submitted written
14 requests for notification to the City;
15 (gg) The tenants of a manufactured home or mobile home
16 park for applications involving a comprehensive plan map
17 change and/or zone change affecting all or part of the
18 manufactured home or mobile home park;
19 (hh) Any group or individual who submitted testimony for
20 the record prior to the close of the initial public hearing;
21 and
22 (ii) Any group or individual who requested notice of the
23 initial decision of the Review Authority making
24 recommendation to the City Council.

25 **(B) City Initiated Applications.**

26 (i) **Initial Public Hearing.** When a Type IV application is City
27 initiated, the City shall mail notice of the initial evidentiary hearing
28 a minimum of 20 days prior to the hearing. The City shall mail
29 notice of the final public hearing a minimum of 10 days prior to
30

1 the hearing. Affidavits of mailing shall be prepared and made part
2 of the file. Notice of the initial public hearings shall be mailed to:

3 (aa) The owner(s) or contract purchaser(s) of record of the
4 subject property;

5 (bb) Any City-recognized neighborhood association
6 whose boundaries include, or are adjacent to, the subject
7 property;

8 (cc) Property owners of record, as shown on the most
9 recent property tax assessment roll, within 250 feet of the
10 subject property;

11 (dd) Any governmental agency which is entitled to notice
12 by law or under an intergovernmental agreement with the
13 City;

14 (ee) Any community organizations, public utilities,
15 agencies, or individuals who have submitted written
16 requests for notification to the City;

17 (ff) The tenants of a manufactured home or mobile home
18 park for applications involving a comprehensive plan map
19 change and/or zone change affecting all or part of the
20 manufactured home or mobile home park.

21 **(ii) Subsequent Public Hearings.** The City shall mail notice of
22 any subsequent public hearing, including, but not limited to, a final
23 public hearing, a minimum of 10 days prior to the hearing.

24 Affidavits of mailing shall be prepared and made part of the file.

25 Notice of any subsequent public hearing shall be mailed to:

26 (aa) The owner(s) or contract purchaser(s) of record of the
27 subject property;

28 (bb) Any City-recognized neighborhood association whose
29 boundaries include, or are adjacent to, the subject property;
30

1 (cc) Property owners of record, as shown on the most
2 recent property tax assessment roll, within 250 feet of the
3 subject property;

4 (dd) Any governmental agency which is entitled to notice
5 by law or under an intergovernmental agreement with the
6 City;

7 (ee) Any community organizations, public utilities,
8 agencies, or individuals who have submitted written
9 requests for notification to the City;

10 (ff) The tenants of a manufactured home or mobile home
11 park for applications involving a comprehensive plan map
12 change and/or zone change affecting all or part of the
13 manufactured home or mobile home park;

14 (gg) Any group or individual who submitted testimony for
15 the record prior to the close of the initial public hearing;
16 and

17 (hh) Any group or individual who requested notice of the
18 initial decision of the Review Authority making
19 recommendation to the City Council.

20 (C) **Contents.** Mailed notice of each public hearing on a Type IV
21 application shall include:

22 (i) The names of the applicant(s) and any representative(s) of the
23 applicant, if applicable, and the owner(s) of the subject property;

24 (ii) The type of application and a concise description of the nature
25 of the request;

26 (iii) Site plan, if applicable;

27 (iv) The street address or other easily understood geographical
28 reference to the subject property;

29 (v) A vicinity map identifying the subject property with relation to
30 nearby major streets or other landmarks;

- 1 (vi) A list of the approval criteria by name and code section;
2 (vii) The date, time, and place of the public hearing;
3 (viii) A statement that the application and/or all documents and
4 evidence submitted are available for review, and that copies can be
5 obtained at a reasonable cost;
6 (ix) A brief summary of the decision making process for the
7 application;
8 (x) A general explanation of the requirements for submission of
9 testimony and the procedure for conduct of hearings;
10 (xi) A statement that all interested persons may appear either in
11 person or with representation by an attorney and provide testimony
12 and that only those participating at the hearing, or in writing, shall
13 be entitled to appeal;
14 (xii) A statement that failure to raise an issue prior to the close of
15 the public hearing, in person or in writing, or failure to provide
16 statements or evidence with sufficient specificity to afford the
17 applicant and Review Authority to respond to the issue precludes
18 an appeal to the Oregon Land Use Board of Appeals on that issue;
19 (xiii) A statement that a copy of the staff report with
20 recommendation to the Review Authority will be available for
21 inspection at no cost at least 7 days prior to the hearing, and that
22 copies will be provided at reasonable cost;
23 (xiv) For the initial public hearing, a statement that subsequent to
24 the close of the hearing a recommendation will be forwarded to the
25 City Council; and for the final public hearing a statement that
26 subsequent to the close of the hearing notice of the decision will be
27 mailed to the applicant, if applicable, the property owner, affected
28 neighborhood association, anyone who participated in the hearing,
29 either in person or in writing, and anyone who requested notice of
30 the decision; and

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(xv) The name and contact information for the staff case manager.

(3) Posted Notice. Posted notice is required for Type IV applications. Posted notice shall be provided for each public hearing as follows:

(A) The applicant, or City, if application is City-initiated, shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be filed no later than 5 days after the date of the original posting.

(B) Notice shall be posted on each street frontage of the subject property in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.

(C) Posted notice shall be on signs prepared by the Planning Administrator.

(D) To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.

(E) The applicant shall remove the signs from the subject property and return them to the Planning Administrator within 7 days after the close of the public hearing. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days in an undamaged and reusable condition.

(c) Application Review and Staff Report. Staff shall review the application, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the application, comments received to-date, and the relevant issues associated with the application. Each staff report shall make a recommendation to the Review Authority. The staff reports shall be made available to the public for review a minimum of 7 days prior to each public hearing.

1 (d) **Public Hearings.** An initial evidentiary public hearing shall be held before the
2 applicable Review Authority. The purpose of the initial evidentiary public hearing is
3 for the Review Authority to receive evidence and testimony on the application and to
4 forward a recommendation to the City Council. A final public hearing shall be held
5 before the City Council. The purpose of the final public hearing before the City
6 Council is to receive additional evidence and testimony and the recommendations of
7 the Review Authority and staff and to make a final decision on the application. Each
8 hearing shall be conducted as provided in SRC 300.900.

9 (e) **Recommendation.** Subsequent to the close of the initial public hearing, the
10 Review Authority shall make a recommendation to approve, approve with conditions,
11 or deny the application, based upon the facts contained in the record and according to
12 the applicable standards and criteria. The recommendation of the Review Authority
13 shall be a written order that shall include:

- 14 (1) A list of the approval criteria by section number;
- 15 (2) A statement of the facts relied upon by the Review Authority in making its
16 recommendation. The Review Authority may direct the party whose position is
17 adopted to prepare the statement of facts, or adopt or incorporate a staff report or
18 written findings prepared by any party to the proceeding into the order;
- 19 (3) A statement of conclusions based on the statement of facts; and
- 20 (4) The recommendation of the Review Authority.

21 (f) **Notice of Recommendation.** Notice of the recommendation shall be mailed within
22 7 days from the date the Review Authority adopts its order. An affidavit of mailing
23 shall be prepared and made part of the file.

24 (1) Notice of recommendation shall be mailed to:

- 25 (A) The applicant(s) and/or authorized representative(s), if applicable;
- 26 (B) The owner(s) or contract purchaser(s) of record of the subject
27 property;
- 28 (C) Any City-recognized neighborhood association whose boundaries
29 include, or are adjacent to the subject property;
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1 (D) Any group or individual who submitted testimony prior to the close
2 of the public hearing;

3 (E) Any governmental agency which is entitled to notice by law or under
4 an intergovernmental agreement with the City, and any governmental
5 agency which submitted testimony prior to the close of the public hearing;
6 and

7 (F) Any community organizations, agencies, or individuals who
8 submitted written requests for notice of the recommendation.

9 (2) Notice of recommendation shall include:

10 (A) A brief description of the application;

11 (B) A description of the site sufficient to inform the reader of its location,
12 including site address, if available, map and tax lot number, and the
13 comprehensive plan designation, and zoning;

14 (C) A brief summary of the recommendation;

15 (D) A statement of the facts relied upon by the Review Authority in
16 making its recommendation;

17 (E) A brief statement explaining the next steps in the Type IV application
18 process; and

19 (F) A statement that the complete case file is available for review. The
20 notice shall state where the case file is available and the name and
21 telephone number of the staff case manager to contact about reviewing the
22 case file.

23 (g) **Decision.** Subsequent to the close of the final public hearing, the City Council
24 shall approve, approve with conditions, or deny the application, taking into
25 consideration the recommendations of the Review Authority and staff; and based upon
26 the facts contained within the record and according to the applicable standards and
27 criteria; or refer the matter back to the Review Authority for further consideration. The
28 decision of the City Council shall be a written order that shall include:

29 (1) A list of the applicable approval criteria by section number;
30

1 (2) A statement of the facts relied upon by the City Council in making its
2 decision. The City Council may direct the party whose position is adopted to
3 prepare the statement of facts, or adopt or incorporate a staff report or written
4 findings prepared by any party to the proceeding into the order;

5 (3) A statement of conclusions based on the statement of facts; and

6 (4) An order approving, approving with conditions, or denying the application.

7 (h) **Notice of Decision.** Notice of the decision shall be mailed within 7 days from the
8 date the City Council adopts its written order. An affidavit of mailing shall be prepared
9 and made part of the file.

10 (1) Notice of decision shall be mailed to:

11 (A) The applicant(s) and/or authorized representative(s), if applicable;

12 (B) The owner(s) or contract purchaser(s) of record of the subject
13 property;

14 (C) Any City-recognized neighborhood association whose boundaries
15 include, or are adjacent to the subject property;

16 (D) Any group or individual who submitted testimony for the record prior
17 to the close of the public hearing;

18 (E) Any governmental agency which is entitled to notice by law or under
19 an intergovernmental agreement with the City, and any governmental
20 agency which submitted testimony prior to the close of the public hearing;

21 (F) Any community organizations, agencies, or individuals who
22 submitted written requests for notice of the decision to the City; and

23 (G) The Oregon Department of Land Conservation and Development for
24 decisions which required initial notice to the Oregon Department of Land
25 Conservation and Development.

26 (2) Notice of decision shall include:

27 (A) A brief description of the application;

28 (B) A description of the site sufficient to inform the reader of its location,
29 including site address, if available, map and tax lot number, and the
30 comprehensive plan designation and zoning;

- 1 (C) A brief summary of the decision, and conditions of approval, if any;
2 (D) A statement of the facts relied upon by the City Council in making its
3 decision;
4 (E) The date the City Council's decision becomes the City's final
5 decision;
6 (F) The date, time, and place by which an appeal must be filed and where
7 further information may be obtained concerning the appeal process; and
8 (G) A statement that the complete case file, including findings,
9 conclusions, and conditions of approval, if any, is available for review.
10 The notice shall state where the case file is available and the name and
11 telephone number of the staff case manager to contact about reviewing the
12 case file.

13 (i) **Appeals.** The decision of the City Council on a Type IV application shall be the
14 final decision of the City. Appeals of Type IV applications are to the Oregon Land Use
15 Board of Appeals.

16 (j) **Expiration of Approval.** Approval of a Type IV application does not expire.

17 **Section 155.** SRC 300.820 is amended to read as follows:

18 **300.820. 120-Day Rule.** The City shall take final action on land use actions subject to ORS
19 227.178, including resolution of all local appeals, within 120 days after the application has been
20 deemed complete pursuant to SRC 300.220, unless the applicant provides written request or
21 consent to an extension of such period pursuant to ORS 227.178(5).

22 **Section 156.** SRC 300.840 is amended to read as follows:

23 **300.840. Amended Decisions.**

24 (a) After notice of a decision on a land use action has been provided, an amended
25 decision may be issued correcting typographical errors, rectifying inadvertent
26 omissions, and/or making other minor changes that do not materially alter the decision
27 if the amended decision is issued prior to the expiration of the appeal period of the
28 original decision, but in no event beyond the 120-day period set forth under ORS
29 227.178 unless the applicant otherwise agrees to and requests an extension pursuant to
30 ORS 227.178(5).

1 (b) Notice of an amended decision shall be given using the same mailing and
2 distribution list as for the original notice of the decision.

3 (c) A new appeal period equal to that of the original decision shall be provided from
4 the date of mailing the amended decision.

5 **Section 157.** SRC 300.850 is amended to read as follows:

6 **300.850. Issuance; Effective Date.**

7 (a) Each decision shall be specific as to the approval granted and shall be subject to
8 the standards and conditions set forth in Salem Revised Code, including any variances
9 or conditions authorized pursuant to the Salem Revised Code.

10 (b) Decisions on land use actions become effective on:

11 (1) The day the decision is issued, if no appeal is allowed;

12 (2) The day after the appeal period expires, if an appeal is allowed, but no notice
13 of appeal is timely filed; or

14 (3) The day the decision is issued by the final appeal body, if an appeal is
15 allowed and notice of appeal is timely filed.

16 **Section 158.** SRC 300.860 is amended to read as follows:

17 **300.860. Expiration and Extensions.**

18 (a) **Approval Expiration and Termination.**

19 (1) Unless a different period of time is established in the Salem Revised Code or
20 in the decision, all approvals of land use actions shall expire automatically upon
21 the dates set forth in Table 300-3 unless one of the following has occurred:

22 (A) Development has commenced in compliance with the land use
23 approval;

24 (B) An extension has been granted pursuant to SRC 300.860(b); or

25 (C) The land use approval has been revoked as provided under SRC
26 300.870 or is otherwise invalidated by an administrative board or court of
27 competent jurisdiction.

28 (2) Where the decision involves work for which a building permit is required, no
29 exercise of the rights granted under the land use action shall be deemed to have
30 commenced until a building permit has been issued. Unless otherwise extended,

the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.

(b) Extensions.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.

(2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to the standards and criteria used to approve the original application.

(3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

**TABLE 300-3
EXPIRATION AND EXTENSION OF APPROVALS**

Table 300-3: Expiration and Extension of Approvals				
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Type I				
Class 1 Design Review	2 Years	2	2 Years	
Minor Historic Design Review	2 Years	2	2 Years	
Sign Permit (Requiring Building Permit)	180 Days	1	90 Days	
Sign Permits (All Others).	90 Days	1	90 Days	
Class 1 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
Class 2 Site Plan Review				

Table 300-3: Expiration and Extension of Approvals				
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
All Other Type I	No Expiration Period	N/A	N/A	
Type II				
Partition Tentative Plan; Tentative Replat	2 Years	4	2 Years	
Subdivision Tentative Plan	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (First Phase)	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (All Other Phases)	10 Years	None	N/A	
Class 3 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
All Other Type II	2 Years	2	2 Years	
Type III				
Comprehensive Plan Change; Quasi-Judicial Zone Change	No Expiration Period	N/A	N/A	
All Other Type III	2 Years	2	2 Years	
Type IV				
All Type IV	No Expiration Period	N/A	N/A	
<p>1 The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal.</p> <p>2 The extension period is calculated from the date of expiration of the approval.</p>				

Section 159. SRC 300.970 is amended to read as follows:

300.970. Continued Hearing; Extension of the Record.

(a) Procedure When Hearing Does Not Constitute the First Evidentiary Hearing.

If additional evidence or documents are provided by any party after the date the staff report is made available to the public, the Review Authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the date for closing the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations set forth under ORS 227.178-227.179.

1 **(b) Procedure When Hearing Constitutes the First Evidentiary Hearing.** Prior to
2 the conclusion of a quasi-judicial land use proceeding which constitutes the first
3 evidentiary hearing on the matter, any party may request an opportunity to present
4 additional evidence, arguments or testimony regarding the proposal. Upon such request,
5 the Review Authority shall either continue the hearing or hold the record open as
6 provided in this subsection.

7 **(c) Continuances.**

8 (1) If the Review Authority grants a continuance, the hearing shall be continued
9 to a time certain at least 7 days after the date of the hearing. The continued
10 hearing shall provide an opportunity for persons to present and rebut new
11 evidence, arguments and testimony.

12 (2) If new written evidence is submitted at the continued hearing, any person may
13 request, prior to the conclusion of the continued hearing, that the record be left
14 open for at least 7 days to submit additional written evidence, arguments or
15 testimony for the purpose of responding to the new written evidence.

16 (3) Only one continuance is available of right under this subsection; provided,
17 however, nothing in this subsection shall restrict the Review Authority, in its
18 discretion, from granting additional continuances.

19 **(d) Holding the Record Open.**

20 (1) If the Review Authority holds the record open for additional written evidence,
21 arguments or testimony, the record shall be left open for at least 7 days after the
22 close of the hearing.

23 (2) Any participant may file a written request with the City Recorder for an
24 opportunity to respond to any new evidence submitted during the period the
25 record was left open. Any such request shall be filed no later than the end of the
26 last business day the record is held open. If such a request is filed, the Review
27 Authority shall reopen the record.

28 **(e) Reopening the Record.** If the record is reopened, any person may submit
29 additional evidence, arguments or testimony to respond to the new evidence or new
30 testimony submitted during the period the record was left open, or raise new issues or

1 make new arguments which relate to the new evidence, new arguments or new
2 testimony. Notice of the reopened record shall be provided to any person who presented
3 evidence or testimony in the proceedings prior to the date the record was reopened.

4 **(f) Presentation of Final Written Argument.** Prior to the close of the record, the
5 applicant may, in writing, request an opportunity to submit final written argument. If an
6 applicant makes such a request, as provided in this subsection, the applicant shall have
7 at least 7 days after the record is closed to all other parties to submit final written
8 argument in support of the application. The applicant's final submittal shall be
9 considered part of the record, but shall not include any new evidence. A failure by an
10 applicant to make a request to submit final written argument, as provided by this
11 subsection, shall be deemed a waiver by the applicant of this right.

12 **(g) Effect on 120-Day Rule.** Any continuance of the hearing or extension of the date
13 for closing the record which is agreed to or requested by the proponent shall result in a
14 corresponding extension of the 120-day time limitations imposed by ORS 227.178-
15 227.179. A 7 day period for submittal of final written argument provided to the
16 proponent shall likewise result in a corresponding extension of the 120-day time
17 limitations. Any other continuance or extension shall be subject to the 120-day time
18 limitations.

19 **(h) As used in this subsection:**

20 (1) "Argument" means assertions and analysis regarding the satisfaction or
21 violation of legal standards or policy believed relevant by the proponent of a
22 decision. "Argument" does not include facts.

23 (2) "Evidence" means facts, documents, data or other information offered to
24 demonstrate compliance or noncompliance with the standards and criteria
25 believed by the proponent to be relevant to the proposal.

26 **Section 160.** SRC 300.1010 is amended to read as follows:

27 **300.1010. Appeal Filing.** A decision on a land use action may be appealed by a person or entity
28 with standing to appeal by filing a notice of appeal with the Planning Administrator within 15
29 days of the date notice of the decision is mailed.

30 **Section 161.** SRC 300.1040 is amended to read as follows:

1 **300.1040. Appeal Procedures; Scope.** Appeals shall be conducted in accordance with the
2 procedures set forth in this section.

3 (a) **Appeal Hearing.** Appeals shall be de novo. In a de novo review, all issues of law
4 and fact are heard anew, and no issue of law or fact decided by the lower level Review
5 Authority is binding on the parties in the hearing. New parties may participate, and any
6 party may present new evidence and legal argument by written or oral testimony. The
7 record of the initial proceeding shall be made a part of the record. For purposes of this
8 subsection, the record consists of:

9 (1) All staff reports, exhibits, materials, pleading, memoranda, stipulations, and
10 motions submitted by any party and reviewed or considered in reaching the
11 original decision that is being appealed.

12 (2) An electronic recording or transcript of the original hearing.

13 (b) **Public Notice.**

14 (1) **Mailed Notice.** The City shall mail notice of a public hearing to all persons
15 who had standing to appeal the decision not less than 20 days prior to the hearing.
16 An affidavit of mailing shall be prepared and made part of the file. Mailed notice
17 shall include:

18 (A) The names of the applicant(s), any representative(s) thereof, and the
19 owner(s) of the subject property;

20 (B) The type of land use action, and concise description of the nature of
21 the land use action;

22 (C) The proposed site plan, if any;

23 (D) The street address or other easily understood geographical reference
24 to the subject property;

25 (E) A vicinity map identifying the subject property with relation to nearby
26 major streets or other landmarks;

27 (F) A list of the approval criteria by name and code section;

28 (G) The specific issues raised by the appellant;

29 (H) The date, time, and place of the hearing;
30

1 (I) A statement that the application and all documents and evidence
2 submitted as part of the original proceeding, and any new documents and
3 evidence, are available for review, and that copies can be obtained at a
4 reasonable cost;

5 (J) A brief summary of the decision making process for the appeal;

6 (K) A general explanation of the requirements for submission of
7 testimony and the procedure for conduct of hearings;

8 (L) A statement that all interested persons may appear either in person or
9 with representation by an attorney and provide testimony and that only
10 those participating at the appeal hearing, or in writing, shall be entitled to
11 appeal the decision to the Oregon Land Use Board of Appeals;

12 (M) A statement that failure to raise an issue prior to the close of the
13 public hearing, in person or in writing, or failure to provide statements or
14 evidence with sufficient specificity to afford the applicant and Review
15 Authority to respond to the issue precludes an appeal to the Oregon Land
16 Use Board of Appeals on that issue;

17 (N) A statement that a copy of the staff report with recommendation to
18 the Review Authority will be available for inspection at no cost at least 7
19 days prior to the hearing, and that copies will be provided at a reasonable
20 cost;

21 (O) A statement that subsequent to the close of the public hearing a copy
22 of the decision will be mailed to the appellant, the applicant, if other than
23 the appellant, the property owner, affected neighborhood associations,
24 anyone who participated in the appeal hearing, either in person or in
25 writing, and anyone who requested to receive notice of the decision; and

26 (P) The name and contact information for the staff case manager.

27 (2) **Posted Notice.** The City shall post notice of the appeal hearing on the subject
28 property no earlier than 14 days, but not later than 10 days, prior to the public
29 hearing. The notice shall remain in place through the day of the public hearing.
30 An affidavit of posting shall be made part of the file. Posted notice shall:

1 (A) Be posted on each street frontage of the subject property in a
2 conspicuous place so as to be visible from the public right-of-way. If no
3 street abuts the subject property, the notice shall be placed as near as
4 possible to the subject property in such a manner to be readily seen by the
5 public.

6 (B) Be provided on signs prepared by the Planning Administrator.

7 (c) **Staff Report.** The Planning Administrator shall prepare a staff report and make it
8 available a minimum of 7 days prior to the appeal hearing.

9 (d) **Continuances.** The appeal body may continue the hearing to a date, time, and
10 location certain. Additional notice of a continued hearing is not required, unless the
11 hearing is continued without announcing a date, time, and location certain, in which
12 case notice of the continued hearing shall be given as though it was the initial hearing.
13 Actions by the appeal body holding the record open or continuing the hearing shall be
14 consistent with ORS 197.763.

15 (e) **Decision.**

16 (1) The appeal body may affirm the decision, affirm the decision with additional
17 conditions or modifications, remand the decision to the lower level Review
18 Authority for further action, or reverse the decision.

19 (2) The appeal body shall adopt a written order, which shall be signed, dated, and
20 mailed to the appellant, the applicant, if other than the appellant, the property
21 owner, affected neighborhood associations, anyone who appeared either orally or
22 in writing before the close of the public record on the appeal, and anyone who
23 requested to receive notice of the decision. The order shall contain:

24 (A) A statement of facts relied upon by the appeal body in reaching its
25 decision.

26 (B) Conclusions of how the standards or criteria are satisfied, based on
27 the statement of facts.

28 (C) An order affirming, modifying, remanding or reversing the decision
29 of the lower body.
30

1 (3) The appeal body may direct the party whose position prevails in the appeal to
2 prepare the order, or any part thereof, for its consideration and adoption.

3 (4) The decision upon appeal shall become final on the date when written notice
4 of the decision is mailed to persons entitled to notice of the decision. Any further
5 appeal shall be to the Oregon Land Use Board of Appeals.

6 **Section 162.** SRC 300.1080 is amended to read as follows:

7 **300.1080. Remand from the Land Use Board of Appeals.** The City shall take final action on
8 decisions remanded by the Oregon Land Use Board of Appeals within 90 days of the effective
9 date of the final order, pursuant to ORS 227.181.

10 **Section 163.** SRC 300.1110 is amended to read as follows:

11 **300.1110. Legislative Procedure.**

12 (a) **Initiation.** Legislative land use proceedings may be initiated by the City Council,
13 Planning Commission, Historic Landmarks Commission, or staff.

14 (1) The City Council may initiate a legislative land use proceeding by the
15 adoption of a resolution, which shall state whether the matter is to be referred to
16 another Review Authority for public hearing and recommendation.

17 (2) The Planning Commission or Historic Landmarks Commission may initiate a
18 legislative land use proceeding by the adoption of a resolution referring the matter
19 to public hearing for review and recommendation to the City Council.

20 (3) Staff may initiate a legislative land use proceeding by preparing an ordinance
21 bill and placing the ordinance on the City Council agenda for first reading. The
22 City Council may schedule a public hearing on the ordinance bill, may refer the
23 ordinance bill to public hearing before the Planning Commission or Historic
24 Landmarks Commission, as applicable, for its review and recommendation, may
25 refer the ordinance to a subcommittee for further review, prior to holding a public
26 hearing, or may decline to advance the ordinance to second reading.

27 (b) **Public Hearings; When Required.**

28 (1) Except as provided in paragraph (2) of this subsection, at least one hearing
29 shall be held for the purpose of receiving evidence and testimony in a legislative
30

1 land use proceeding. The hearing may be held by the Planning Commission, the
2 Historic Landmarks Commission, or the City Council.

3 (2) No public hearing is required in a legislative land use proceeding if the
4 purpose of the amendment is to conform to new requirements in state land use
5 statutes, Statewide Land Use Planning Goals, or administrative rules of the
6 Oregon Land Conservation and Development Commission implementing state
7 land use statutes or Statewide Land Use Planning Goals, if the Oregon
8 Department of Land Conservation and Development confirms in writing that the
9 only effect of the proposed change is to conform the Salem Area Comprehensive
10 Plan or City's land use regulations to the new state requirements. The City
11 Council, may, in its discretion, hold a public hearing although none is required
12 under this section, in which case the hearing procedures in this section shall be
13 followed.

14 **(c) Concurrency Requirement.** The Comprehensive Plan requires concurrent review
15 and action on certain legislative land use proceedings initiated by one jurisdiction
16 sharing the Salem/Keizer Urban Growth Boundary be coordinated with one or more of
17 the other regional jurisdictions. The regional jurisdictions within the Salem/Keizer
18 Urban Growth Boundary include the City of Salem, the City of Keizer, Marion County,
19 and Polk County. Land use decisions identified by the Salem Area Comprehensive
20 Plan as requiring concurrence are defined as "Regional Planning Actions" and "Non-
21 Regional Planning Actions." The review of regional and non-regional planning actions
22 shall be conducted as provided in the Salem Area Comprehensive Plan.

23 **(d) Oregon Department of Land Conservation and Development Pre-Adoption**
24 **Notice.** Notice to the Oregon Department of Land Conservation and Development is
25 required for legislative land use proceedings, unless state land use statutes, Statewide
26 Planning Goals, or administrative rules of the Oregon Land Conservation and
27 Development Commission implementing state land use statutes or Statewide Land Use
28 Planning Goals do not apply to the legislative land use proceeding, in which case no
29 notice is required. Where notice of a legislative land use proceeding is required, the
30 City shall provide notice to the Oregon Department of Land Conservation and

1 Development no later than the minimum number of days required by ORS Chapter
2 197.610. An affidavit of submission or affidavit mailing shall be prepared and made
3 part of the file. Notice shall be on forms provided by the Oregon Department of Land
4 Conservation and Development and be accompanied by the information required by
5 ORS 197.610.

6 **(e) Public Notice.** Public notice is required for public hearings in legislative land use
7 proceedings. The purpose of this notice is to provide citizens, affected property
8 owners, and other interested parties with the opportunity to submit written comments
9 concerning the proposal and to invite participation in the public hearing process.

10 **(1) Mailed Notice.**

11 **(A) First Evidentiary Hearing.** The City shall mail notice of the first
12 evidentiary public hearing in a legislative land use proceeding not more
13 than 40 days, but not less than 20 days, prior to the first evidentiary
14 hearing. Affidavits of mailing shall be prepared and made part of the file.

15 Notice of the first evidentiary public hearing shall be mailed to:

- 16 (i) The Boards of Commissioners of Marion and Polk Counties;
17 (ii) All City-recognized neighborhood associations;
18 (iii) The owner(s) or contract purchaser(s) of record of each
19 property that will be rezoned, as defined by ORS 227.186(9), in
20 order to comply with the proposal, if adopted;
21 (iv) The Oregon State Department of Parks and Recreation for all
22 comprehensive plan and zone code text amendments relating to the
23 goals and policies of the Willamette River Greenway and the
24 Willamette Greenway Zone; and for all proposed modifications to
25 the boundaries of such zone;
26 (v) The Oregon State Department of Geology and Mineral
27 Resources for all zone code text amendments relating to mining,
28 quarry operations, or mineral aggregate extraction;
29 (vi) The Capitol Planning Commission for every zone code text
30 amendment relating to a Public zone;

- 1 (vii) The Federal Insurance Administration, U.S. Department of
2 Housing and Urban Development, for all zone code text
3 amendments relating to the Flood Plain Overlay Zones; and for all
4 proposed modifications to the boundaries of such zones;
5 (viii) The tenants of manufactured home or mobile home parks for
6 comprehensive plan map and/or zone changes affecting all or part
7 of a manufactured home or mobile home park;
8 (ix) Any governmental agency which is entitled to notice by law
9 or under an intergovernmental agreement with the City; and
10 (x) Any community organizations, public utilities, agencies, or
11 individuals who have submitted written requests for notification of
12 legislative land use proceedings.

13 **(B) Subsequent Public Hearings.** The City shall mail notice of each
14 subsequent evidentiary public hearing in a legislative land use proceeding
15 a minimum of 10 days prior to the evidentiary hearing. Affidavits of
16 *mailing shall be prepared and made part of the file.* Notice of each
17 subsequent evidentiary hearing shall be mailed to:

- 18 (i) Any group or individual who submitted testimony prior to the
19 close of first evidentiary hearing.
20 (ii) All City-recognized neighborhood associations;
21 (iii) Any governmental agency which is entitled to notice by law
22 or under an intergovernmental agreement with the City; and
23 (iv) Any community organizations, public utilities, agencies, or
24 individuals who have submitted written requests for notification of
25 subsequent evidentiary hearings.

26 **(C) Mailed notice of a public hearing shall include:**

- 27 (i) A concise description of the proposal;
28 (ii) A map identifying the property affected by the proposal, if
29 applicable, in relation to major streets or other landmarks;
30 (iii) A list of the applicable standards or criteria;

- 1 (iv) The date, time, and location of the public hearing;
- 2 (v) A brief summary of the decision making process;
- 3 (vi) A general explanation of the requirements for submission of
- 4 testimony and the procedure for conduct of hearings;
- 5 (vii) A statement that all interested persons may appear either in
- 6 person or with representation by an attorney and provide testimony
- 7 and that only those participating at the hearing, in person or by
- 8 submission of written testimony, have the right to appeal the
- 9 decision;
- 10 (viii) A statement that a copy of the staff report with
- 11 recommendation will be available for inspection at no cost at least
- 12 seven days prior to the hearing, and that copies will be provided at
- 13 a reasonable cost;
- 14 (ix) The information required under ORS 227.186, if the hearing
- 15 is the first evidentiary hearing and the final decision by the City
- 16 Council would require the rezoning of land, as defined by ORS
- 17 227.186.
- 18 (x) If the hearing is the first evidentiary hearing and held before
- 19 the Planning Commission or the Historic Landmarks Commission,
- 20 a statement that subsequent to the close of the hearing a
- 21 recommendation will be forwarded to the City Council;
- 22 (xi) For the final public hearing before the City Council, if held, a
- 23 statement that subsequent to the close of the hearing notice of a
- 24 decision adopting a new land use regulation will be mailed to all
- 25 neighborhood associations, anyone who participated in the hearing,
- 26 either in person or in writing, and anyone who requested to receive
- 27 notice; and
- 28 (xii) The name and contact information for the staff case manager.

29 (2) **Published Notice.** The City shall cause notice of each hearing in a legislative

30 land use proceeding to be published in a newspaper of general circulation within

1 the City at least once a week for two consecutive weeks prior to the hearing, with
2 the second notice to be published at least 2 days immediately preceding the
3 hearing. An affidavit of publication from the newspaper shall be obtained and
4 made part of the file.

5 **(f) Staff Report.** Staff shall prepare a staff report summarizing the legislative land use
6 proposal, any comments received, and the relevant issues associated with the proposal;
7 and making recommendation on the proposal. Staff reports shall be made available to
8 the public for review a minimum of 7 days prior to the hearing or first reading of the
9 ordinance, if no hearing is held.

10 **(g) Recommendation.** If the proposal has been referred to the Planning Commission
11 or Historic Landmarks Commission for review and recommendation, the Planning
12 Commission or Historic Landmarks Commission, as the case may be, shall, within any
13 time frame set by the City Council, make a recommendation to adopt, to adopt with
14 modifications, or to not adopt the proposal based upon the facts in the record and
15 according to applicable standards or criteria. The recommendation shall be a written
16 order and include:

17 (1) A list of the applicable standards or criteria;

18 (2) A statement of facts relied upon in making the recommendation. The order
19 may adopt or incorporate a staff report or written findings prepared by any party
20 to the proceeding into the order; and

21 (3) The recommendation.

22 **(h) Notice of Recommendation.** Notice of the recommendation shall be mailed
23 within 7 days from the date the Planning Commission or Historic Landmarks
24 Commission adopts its written order. An affidavit of mailing shall be prepared and
25 made part of the file.

26 (1) Notice of recommendation shall be mailed to:

27 (A) Any group or individual who submitted testimony prior to the close
28 of the public hearing;

29 (B) All City-recognized neighborhood associations;
30

1 (C) Any governmental agency which is entitled to notice by law or under
2 an intergovernmental agreement with the City, and any governmental
3 agency which submitted testimony for the record prior to the close of the
4 public hearing; and

5 (D) Any community organizations, agencies, or individuals who
6 submitted written requests for notice of the recommendation to the City.

7 (2) Notice of recommendation shall include:

8 (A) A brief description of the proposal;

9 (B) A brief summary of the recommendation;

10 (C) A brief statement explaining the next steps in the review process; and

11 (D) A statement that the complete case file is available for review. The
12 notice shall state where the case file is available and the name and
13 telephone number of the staff case manager to contact about reviewing the
14 case file.

15 (i) **Decision.** City Council action on legislative land use proposals shall, in addition to
16 the requirements of this Chapter, conform to the Salem City Charter and City Council
17 Rules.

18 (1) Subsequent to receiving a recommendation, the City Council may in its sole
19 discretion:

20 (A) Proceed with enactment of an ordinance;

21 (B) Refer the proposal back to the Planning Commission or Historic
22 Landmarks Commission for additional deliberation;

23 (C) Abandon the proposal; or

24 (D) Hold a public hearing on the proposal, and, after the hearing, proceed
25 as provided in subparagraphs (A)-(C) of this paragraph.

26 (2) Decisions in legislative land use proceedings may be accompanied by
27 findings demonstrating the proposal's conformance with any applicable standards
28 or criteria.

29 (j) **Notice of Decision.** Notice of final decision in a legislative land use proceeding
30 shall be mailed within 20 days from the date the ordinance is enacted. An affidavit of

1 mailing shall be prepared and made part of the file. Notice of the final decision shall be
2 provided as follows:

3 (1) Notice of final decision shall be mailed to:

- 4 (A) Any group or individual who submitted testimony prior to the close
5 of the public hearing;
6 (B) All City-recognized neighborhood associations;
7 (C) Any governmental agency which is entitled to notice by law or under
8 an intergovernmental agreement with the City, and any governmental
9 agency which submitted testimony prior to the close of the public hearing;
10 (D) Any community organizations, agencies, or individuals who
11 submitted written requests for notice of the decision; and
12 (E) The Oregon Department of Land Conservation and Development, on
13 forms provided by the Oregon Department of Land Conservation and
14 Development.

15 (2) Notice of final decision shall include:

- 16 (A) A brief description of the proposal;
17 (B) A brief summary of the final decision and any modifications to the
18 proposal;
19 (C) The date, time, and place by which an appeal must be filed and where
20 further information may be obtained concerning the appeal process; and
21 (D) A statement that the complete case file, including findings,
22 conclusions, modifications, and conditions of approval, if any, is available
23 for review. The notice shall state where the case file is available and the
24 name and telephone number of the staff case manager to contact about
25 reviewing the case file.

26 (k) **Appeals.** Appeals of final decisions in legislative land use proceedings are to the
27 Oregon Land Use Board of Appeals and must be filed with the Oregon Land Use Board
28 of Appeals within 21 days of the mailing date of the notice of enactment of the
29 ordinance as provided pursuant to subsection (j) of this section..

30 **Section 164.** The Table of Contents and pages 1, 5, 7, 9, 11, 13, 132, 133, 137, 139, and 140 of

1 the "City of Salem Development Design Handbook" are amended to read as set forth in "Exhibit
2 1," which is attached hereto, and incorporated herein by this reference.

3 **Section 165.** The following sections are hereby renumbered as follows:

4 SRC 165.010 is renumbered SRC 260.001

5 SRC 165.020 is renumbered SRC 260.005

6 SRC 165.030 is renumbered SRC 260.010

7 SRC 165.040 is renumbered SRC 260.015

8 SRC 165.050 is renumbered SRC 260.020

9 SRC 165.060 is renumbered SRC 260.025

10 SRC 165.070 is renumbered SRC 260.030

11 SRC 165.080 is renumbered SRC 260.035

12 SRC 165.090 is renumbered SRC 260.040

13 SRC 165.100 is renumbered SRC 260.045

14 SRC 165.110 is renumbered SRC 260.050

15 SRC 165.120 is renumbered SRC 260.055

16 SRC 165.130 is renumbered SRC 260.060

17 SRC 165.140 is renumbered SRC 260.065

18 SRC 165.150 is renumbered SRC 260.070

19 SRC 165.160 is renumbered SRC 260.075

20 SRC 165.170 is renumbered SRC 260.080

21 SRC 165.180 is renumbered SRC 260.085

22 SRC 165.190 is renumbered SRC 260.090

23 SRC 165.200 is renumbered SRC 260.095

24 **Section 166. Repeal.** SRC 63.042, 63.043, 63.330, 63.331, and 63.332, SRC 76.130 through
25 76.144, 84.010 through 84.200, 112.020 through 112.080, 113.100 through 113.205, 115.010
26 through 115.040, 116.010 through 116.060, 117.010 through 117.050, 120.010 through 120.100,
27 and 163.010 through 163.100 are repealed.

28 **Section 167. References.** This ordinance is the first phase in a two-phase revision of the City of
29 Salem's land use regulations, and it is the intent of this ordinance that the chapters established
30 hereby together with those chapters of Title X of the Salem Revised Code that are not repealed

1 or amended by this ordinance, shall be construed in a manner that creates a unified regulatory
2 scheme. Therefore, (1) any references in Title X of the Salem Revised Code to "the Salem
3 Zoning Code," "zoning code," or other similar references to the Salem Zoning Code, shall, unless
4 the context otherwise specifically requires, be deemed to refer to the chapters of the Unified
5 Development Code established by this ordinance, and (2) any reference in the chapters of the
6 Unified Development Code established by this ordinance to "standards," "criteria," or "uses" "in
7 the UDC," shall, where the context specifically requires, refer to those chapters in Title X that
8 have not been repealed or amended by this ordinance; provided, however, in the event of a
9 conflict between this ordinance and any provision of Title X that has not been repealed or
10 amended by this ordinance, this ordinance shall control.

11 **Section 168. Codification.** In codifying this ordinance the City Recorder may change the word
12 "ordinance," "code," "article," "section," or "chapter" to reflect the proper terminology; may
13 renumber sections, subsections, paragraphs, subparagraphs, and clauses to reflect proper
14 sequencing; may correct any cross-references; and may correct any typographical errors in the
15 text which do not affect the meaning of the text.

16 **Section 169. Severability.** Each section of this ordinance, and any part thereof, is severable,
17 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
18 remainder of the ordinance shall remain in full force and effect.

19 **Section 170. Effective Date.** This ordinance shall become effective thirty days after enactment,
20 unless a notice of appeal is timely filed, in which case the ordinance shall become effective on
21 the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

22 PASSED by the City Council this 28th day of May, 2017. *klh*

23 ATTEST:

24 *Kathleen Hall*

25 City Recorder

26 Approved by City Attorney: _____
27
28

29 Checked by: B. Bishop

30 g:\group\legal\council\2012\062512 udc phase 1 land use and development review ord 12-12 engrossed 5-13-13.doc

EXHIBIT 1



**Development
Design
Handbook**

Multiple Family Development

Compact Development

Core Area Development

North Downtown Planning District

**Portland/Fairgrounds Road Overlay
Zone**

**Edgewater Street/Wallace Road
Overlay Zone**

South Waterfront Mixed Use Zone

January 2011

DEVELOPMENT DESIGN HANDBOOK



Prepared by:
The Department of Community Development
Planning Division
City of Salem, Oregon
555 Liberty Street SE · Zip Code 97301

January 1999
Amended November 2000, October 2001,
April 2002, November 2002, December 2002,
February 2003, February 2006, March 2006,
April 2008, January 2009, January 2011

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PREFACE

The City of Salem Development Design Handbook is divided into ten sections. Each section is intended to provide the necessary information for a successful development proposal.

Section one provides an introduction to the city's development design process;

Section two outlines the design requirements for multiple family development;

Section three identifies the requirements for compact development;

Section four contains requirements for the core area;

Section five covers historic resources, removed;

Section six covers requirements for development within the City's North Downtown Planning Districts;

Section seven covers requirements for development within the City's Portland/Fairgrounds road Overlay Zone;

Section eight lists the standards and guidelines for the Edgewater Street/Wallace Road Overlay Zone;

Section nine lists the standards and guidelines for the South Waterfront Mixed-Use zone; and

Section ten is the appendix which provides the definition of terms and project submittal requirements.

Salem's development design review process is unique (see Figure 1, pages 10-11). Other cities that offer a design review process may require that projects be evaluated by the Historic Landmarks Commission. Often it is not clear what criteria guides the decision-making body. In other instances, jurisdictions create very strict requirements as to appropriate architectural style or building color. Salem's process offers an applicant choices in determining how a project is reviewed.

The Salem design process is sensitive to the added costs, added time, and potentially subjective decisions which can result from a design review process, yet is equally sensitive to the inherent difficulty in requiring all projects to meet the same set of rigid standards. In balancing the two alternatives, the Salem design process allows the applicant to select either: (1) adherence to prescribed and detailed specific design standards, or (2) review of the project through a more flexible design review process. In this way, the applicant, not the City, selects the review process that best suit the objectives of the project.

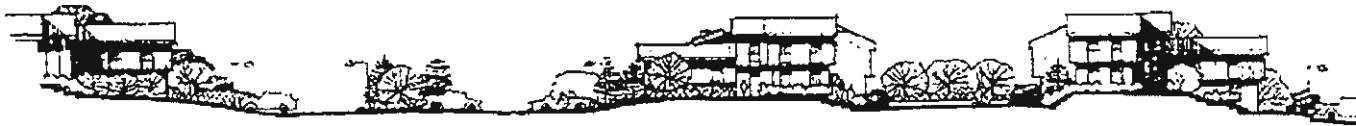
Strict adherence to the specific design standards results in a project design which, by definition, is acceptable to the City. Applicants selecting this alternative save processing time and their projects are checked for conformance with the design standards much like they are now checked for conformance with building code standards. There are no additional "processes" or additional City decisions required under this alternative; if the project meets the standards the City must approve the plans. And, like projects reviewed for conformity with building code standards, projects approved under this alternative would not be considered land use decisions; there are no public notice or hearing requirements; and the approved plans are not appealable to the State Land Use Board of Appeals (LUBA).

However, in recognition that it is difficult to regulate good design, some very well designed projects may not meet all of the City's prescribed design standards. In this instance, the applicant may choose to follow the more general design guidelines and seek project approval from the City's Historic Landmarks Commission (for historic design review) or Planning Commission (for non-historic design review). This process adds considerable design flexibility, yet lengthens the review and involves City discretion for approval. Under this alternative, the project becomes a limited land use decision under State law, subject to public notice requirements and possible appeal to LUBA.

Whether the applicant chooses to design within the parameters of the specific design standards, or to go through the more flexible design review process, the goal is better overall project design and compatibility with existing neighborhoods.

To ensure project success, applicants should be certain that their development proposal complies with all city code requirements. Any submittal requirements of the development review process must be accurate and complete.

Perhaps the most important aspect to consider in the project proposal is the character of the area surrounding the project. This handbook helps applicants clear the hurdles often associated with defining neighborhood character.



SECTION 1 - NOTES

SECTION 1 - INTRODUCTION

A. The Intent and Purpose of Design Review

The intent and purpose of design review may be summed up as follows:

Provide flexibility in the administration of development review;

Encourage creative and cost-effective building and site design;

Encourage design that "fits" the subject property;

Establish standards and policies that will promote good neighborhood design; and

Encourage development that upholds property values and becomes a long term asset to the community.

Thoughtful design goes a long way toward improving the quality of life of residents, preserving the integrity of surrounding sites and generally enhancing the long term value of property.

Project success often hinges on whether the proposal adds to rather than detracts from the established nature of the neighborhood. A successful project proposal identifies a site's characteristics and then incorporates the good qualities into the site plan. The following site characteristics should be considered as an integral part of project design:

1. Topography
2. Existing Significant trees
3. Access to the site
4. Views
5. Natural drainage ways
6. Prevailing winds

7. Off-site undesirable activities
8. Utility locations
9. Solar access
10. Wetlands and flood plains
11. Neighboring architecture
12. Land form and natural features

The characteristics identified above and the design guidelines and standards contained in this handbook will provide a sound basis for a project proposal.



SECTION 1 - NOTES

SECTION 1 - INTRODUCTION

B. Background

Salem Revised Code (SRC) Chapter 420225, describes the Design Review process for all designated zones, except the design review for designated historic resources. SRC Chapter 120A, describes the alteration/design review process for designated historic resources. An applicant who proposes a project subject to Development Design Review must make a critical decision. An applicant has the choice of having their project proposal reviewed by the Historic Landmarks and Design Review Planning Commission or having their proposal evaluated based on compliance with conventional development standards. The Development Design Process applies to all new multiple family and compact development projects, to projects within Salem's downtown core area, ~~historic resources throughout the city~~, the north downtown planning district, the Portland/Fairgrounds Overlay Zone, and the Edgewater Street/Wallace Road Overlay Zone.

If the applicant chooses review by the Historic Landmarks and Design Review Planning Commission, review of projects is based on clearly defined design guidelines, not arbitrary assumptions. Design guidelines deal with such project elements as open space, landscaping, parking, site access and building massing. This type of project review is considered a limited land use decision because the Historic Landmarks and Design Review Planning Commission must decide what meets the intent of the design guidelines. Limited land use decisions require public notice and the final decision is subject to appeal to the State Land Use Board of Appeals (LUBA).

Projects reviewed by the Historic Landmarks and Design Review Planning Commission must also comply with all code requirements in addition to the design guidelines.

Projects not reviewed by the Historic Landmarks and Design Review Planning Commission are subject to compliance with design standards and all city code requirements. Design standards are distinguished from design guidelines in that standards provide no discretion in decision making and are measurable, clear, and objective. Design standards address the same project elements as design guidelines. Since project review based on measurable standards involves no discretion (either a project proposal meets the standards or it does not) the decision is not considered a limited land use decision. Therefore, this type of project review does not require public notice or hearing.

The City of Salem Development Design Handbook is structured to clearly identify what is required for projects reviewed by the Historic Landmarks and Design Review Planning Commission and projects that must comply with design standards. Design guidelines are always presented on the left side of the page with design standards on the right side of the page.

SECTION 1 - NOTES

SECTION 1 – INTRODUCTION

C. The Review Process

This first step in the design review process is for an applicant to discuss a project proposal with city staff. A planner is on duty at the city's Permit Application Center to assist applicants. The planner on duty helps applicants become familiar with the city's development design process and design guidelines and standards. The design guidelines and standards serve as the framework for a project proposal.

After preparation of a project concept, an applicant must schedule a mandatory pre-application conference with Planning Division staff. This second step in the design review process allows planning staff to explain the two types of development review available and discuss other applicable development standards. The type of project review that an applicant selects is very important because it determines the time needed to review the proposal.

During the pre-application conference, Planning Division staff may address areas of the proposal that do not meet the design guidelines or standards. Information received during the pre-application conference allows the applicant to refine the project proposal, if necessary, and avoid unnecessary delays and costs.

The third step in the review process is to select the type of development review. If the applicant chooses project review based on compliance with conventional development standards, the applicant must submit the necessary application materials to the Urban Planning Administrator. The Urban Planning Administrator may approve the project application if the applicant demonstrates that the project proposal meets all conventional development standards.

If the project proposal does not meet all conventional development standards, the Urban Planning Administrator may recommend that the project be redesigned. (The design review standards may not be modified through a zoning adjustment or variance procedure). The applicant may choose to redesign the project or have the project reviewed through the design review process. If the applicant chooses to have the project reviewed by the ~~Historic Landmarks Commission (for historic design review) or the Planning Commission (for non-historic design review)~~, the Commission's evaluation is based on the entire project proposal, not just the areas that did not comply with the conventional design standards.

If the applicant chooses project review based on design guidelines, the applicant must complete a development review application. The applicant must submit support documentation including all submittal requirements which are identified in the appendix.

The Urban Planning Administrator refers project plans to the ~~Historic Landmarks Commission or Planning Commission~~ after the completed development review application and submittal information have been submitted for consideration. The Urban Planning Administrator schedules development review ~~at for the earliest possible Historic Landmarks Commission or Planning Commission hearing.~~

The ~~Historic Landmarks Commission or Planning Commission meeting hearing~~ is open to the public and comments on the proposal are heard by the Commission. The ~~Historic Landmarks Commission or Planning Commission~~ considers the project proposal based on the information submitted by the applicant and public comment. Based on this information, the ~~Historic Landmarks Commission or Planning Commission~~ may elect to approve the project. If the ~~Historic Landmarks Commission or Planning Commission~~ approves the project, the applicant may file for a building permit. In contrast, the ~~Historic Landmarks Commission or Planning Commission~~ may recommend that the project be redesigned to comply with design guidelines that are not met or the ~~Historic Landmarks Commission or Planning Commission~~ may deny the project design. If the ~~Historic Landmarks Commission or Planning Commission~~ denies the project proposal, the applicant may choose to reapply or appeal the decision. Decisions of the ~~Historic Landmarks Commission or Planning Commission~~ are appealable to the ~~Hearings Officer and decisions of the Planning Commission~~ City Council.

Appeal by the applicant is not the only appeal that may be filed. Recognized neighborhood associations, persons who provide testimony to the ~~Historic Landmarks Commission or Planning Commission~~, and persons surrounding the site may also appeal the decision.

SECTION 1 - NOTES

INTRODUCTION

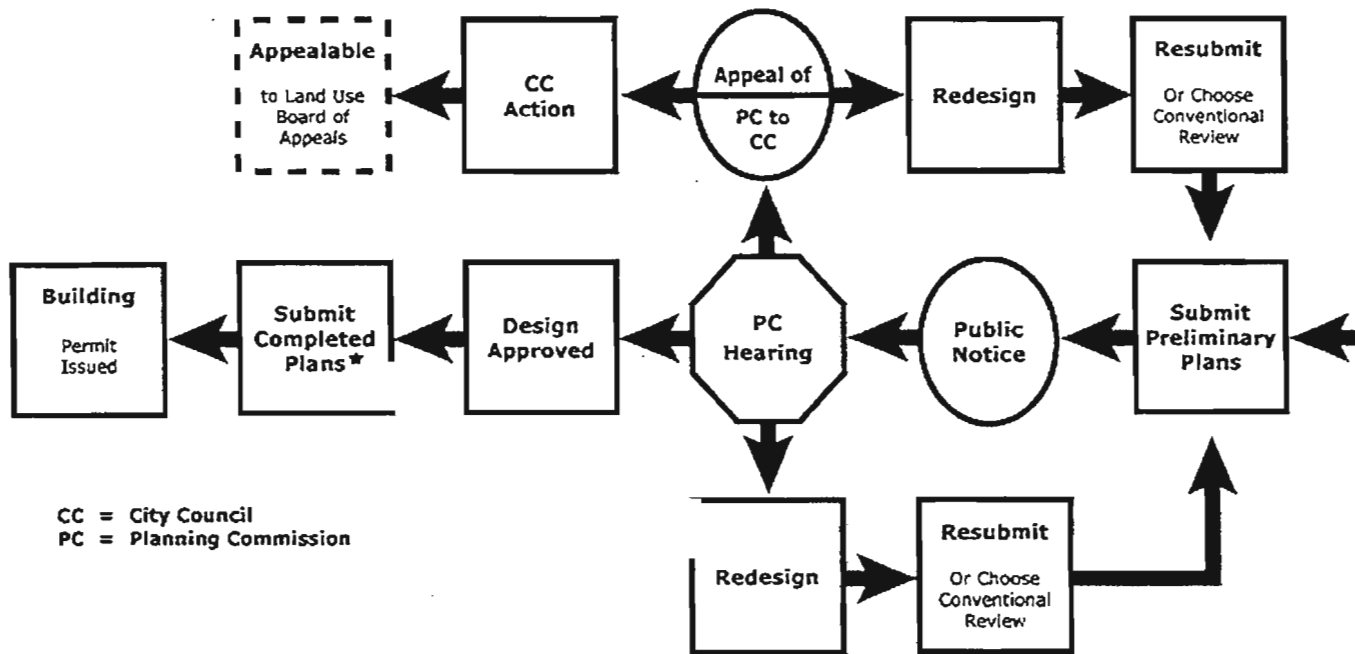
D. General Outline of Design Review Process

- 1) Discuss project design requirements with the planner on duty at the City's Permit Application Center (PAC), Salem City Hall, 555 Liberty Street SE, Room 305, (503) 588-6256, extension 7427;
- 2) Schedule a project pre-application conference with Planning Division staff;
- 3) After a pre-application conference, select type of development review;
- 4) Submit necessary project plans;
- 5) Project reviewed by Urban Planning Administrator, ~~Historic Landmarks Commission (for historic design review)~~, or Planning Commission (~~for non-historic design review~~) for conformance with design requirements;
- 6) Project approved or denied;
- 7) If project approved; proceed through building permit process;
- 8) If project denied by Urban Planning Administrator, redesign and resubmit plans or submit project to ~~Historic Landmarks Commission (for historic design review)~~, or Planning Commission (~~for non-historic design review~~) for review;
- ~~9) If project denied by Historic Landmarks and Design Review Commission, redesign and resubmit plans or appeal decision to Hearings Officer.~~
- ~~10) If project denied by Planning Commission, redesign and resubmit plans or appeal decision to City Council.~~

SECTION 1 - INTRODUCTION

**OPTION 2-A
DISCRETIONARY DESIGN REVIEW PROCESS
(Maximum 120 Day Review Process)
- Design Guidelines Apply -**

**Review
Non-Historic Design Review**



★ Including Design Review Worksheet

SECTION 1 - INTRODUCTION

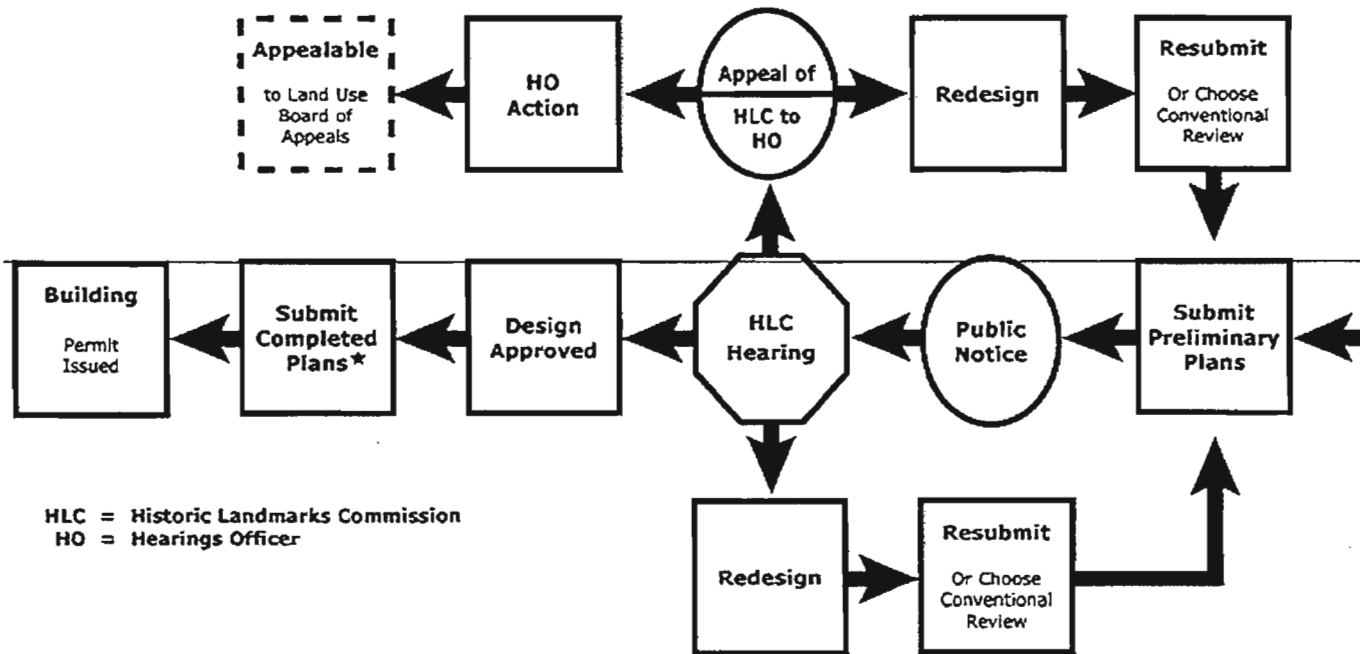
OPTION 2-B

DISCRETIONARY DESIGN REVIEW PROCESS

(Maximum 120 Day Review Process)
 - Design Guidelines Apply -

Review

Historic Design Review



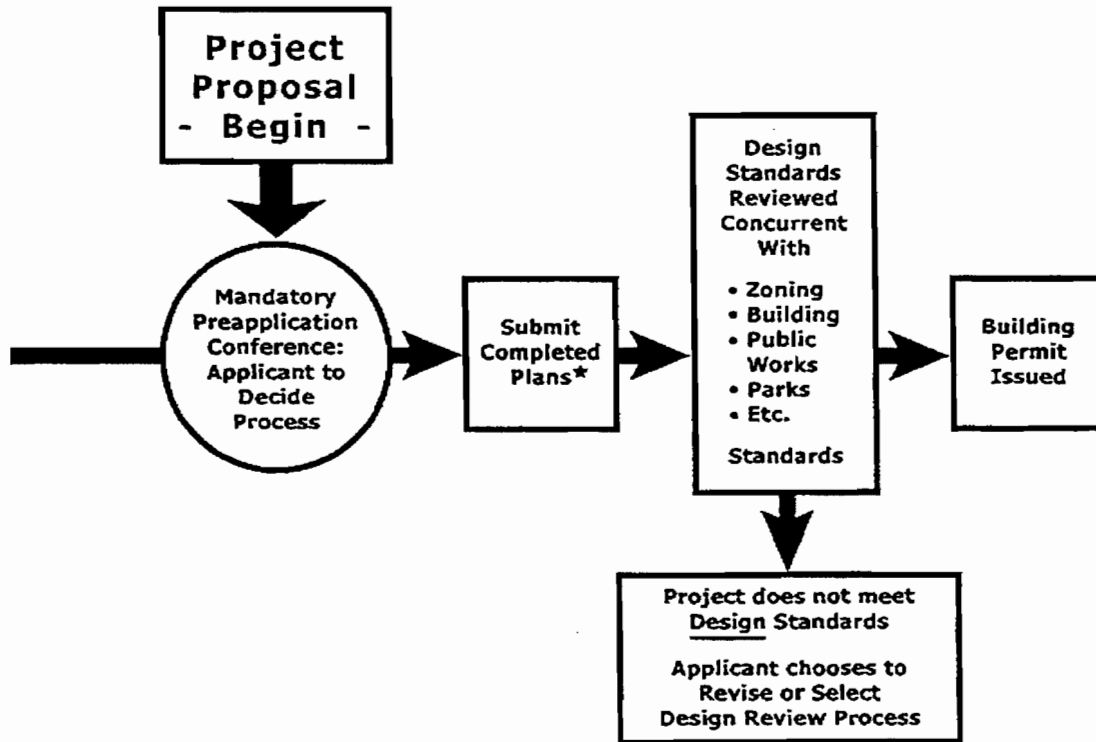
HLC = Historic Landmarks Commission
 HO = Hearings Officer

★ Including Design Review Worksheet

SECTION 1 - INTRODUCTION

Process

OPTION 1
ADMINISTRATIVE DESIGN REVIEW PROCESS
- Design Standards Apply -



SECTION 1 – INTRODUCTION

E. City Code Requirements

Requirements of the Salem Revised Code (SRC) apply to all projects subject to Development Design Review. It is the responsibility of the applicant to confirm with city staff which code sections apply to a particular proposal. Applicants are encouraged to discuss project proposals with the Permit Application Center staff early and also review the Salem Revised Code prior to scheduling a project pre-application conference.

Uniform Building Code

SRC Title I - Government

SRC Chapter 20C - Historic Landmarks Commission

SRC Title V - Community Development Design Standards

SRC Chapter 56, Building Code
SRC Chapter 58, Fire Prevention Code
SRC Chapter 62900, Sign Code

SRC Title VII - Streets and Public Ways

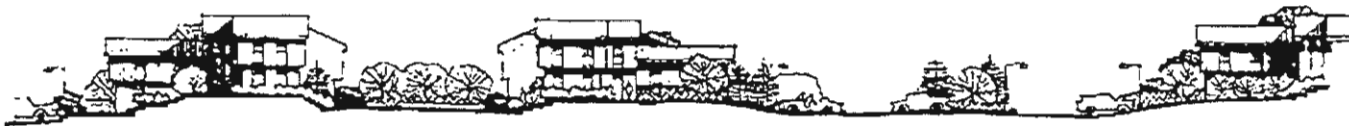
SRC Chapter 68, Preservation of Trees and Vegetation
SRC Chapter 69, Landslide Hazards
SRC Chapter 75, Erosion Prevention and Sediment Control
SRC Chapter 86, Trees and Shrubs

Permit Application Center staff may be contacted at (503) 588-6256. Provided below are specific code references which may be helpful to review. The list is not intended to be comprehensive but rather highlight the most applicable sections of the code.

SRC Title X - Zoning

SRC chapter 110, General Zoning Provisions
SRC Chapter 111, Definitions
SRC Chapter 444300, Proceedings on Land Use Actions Procedures for Land Use Applications and Legislative Land Use Proposals
SRC Chapter 420225, Design Review
SRC Chapter 420A230, Historic Preservation
SRC Chapter 130, General Development Standards
SRC Chapter 132, Landscaping
SRC Chapter 133, Off-street Parking, Loading and Driveways
SRC Chapter 137, Riverfront Overlay Zone
SRC Chapter 138, Broadway / High Street Overlay Zone
SRC Chapter 139, CD - Compact Development
SRC Chapter 143A, Commercial/High Density Residential Overlay Zone
SRC Chapter 143B, Portland/Fairgrounds Overlay Zone
SRC Chapter 143D, Edgewater Street/Wallace Road Overlay Zone
SRC Chapter 148, RM1 / RM2 Multiple Family Residential
SRC Chapter 150, Commercial Office (CO)
SRC Chapter 152, Commercial Retail (CR)
SRC Chapter 154, Central Business District (CB)
SRC Chapter 162, South Waterfront Mixed-Use (SWMU)

Department of Public Works Design Standards



SECTION 1 - NOTES

SECTION 2 – MULTIPLE FAMILY

**MULTIPLE FAMILY
DESIGN GUIDELINES AND STANDARDS**

SECTION 2 – MULTIPLE FAMILY - NOTES

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

A. Open Space Design Elements 1. Design Goals and Objectives

a. Open Space Design Goals

- 1) Implement City Council goals and neighborhood policies that encourage open space in multiple family developments;
- 2) Provide common and private open space for active and passive uses;
- 3) Encourage the preservation of natural open qualities which may exist on site;
- 4) Ensure that open space is accessible with identified pedestrian routes available to all residents of the complex; and
- 5) Provide visual relief from structural bulk.

b. Open Space Design Objectives

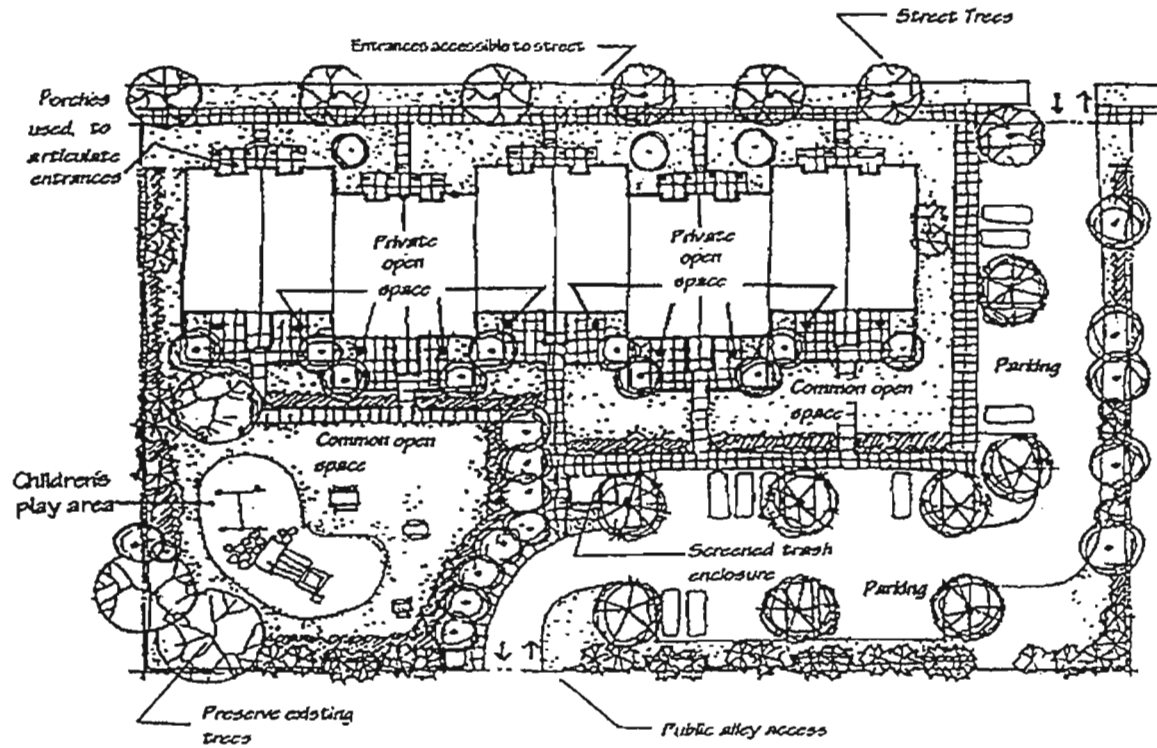
- 1) Locate open space interspersed throughout the site and proximate to dwelling units;
- 2) Provide centrally located open space in increments large enough to accommodate intended activities;
- 3) Integrate open space with the natural topography;
- 4) Maximize private open space for each dwelling unit;
- 5) Preserve exposure to light, air and visual access;
- 6) Provide children's play areas interspersed and centrally located within multiple family developments;
- 7) Maximize visual relief from structural bulk;
- 8) Provide separation between buildings on and off-site;
- 9) Promote active recreational opportunities within open space; and
- 10) Provide pedestrian access to all common open space areas to promote active use.

Walker School Area

See Development Design Handbook, Walker School area for additional Standards and Guidelines. The area is defined according to the Edgewater Street/Wallace Road area.

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

Multiple-Family Conceptual Site Design



An approved site plan must meet all city code requirements in addition to the design guidelines and standards contained in this handbook or shown on this conceptual site plan.

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

A. Open Space (cont.) 2. Common Open Space Requirements

a. Guidelines:

- 1) Provide a variety of open space opportunities and of sufficient size for use by all residents.
- 2) Open space shall be comprised of common and private open space.
- 3) Minimize the amount of perimeter yard used for common open space.

Conceptual Open Space Design



b. Standards:

- 1) Provide common open space in all newly constructed multiple family developments with five (5) or more units.
 - (a) Designate and permanently reserve as common open space a minimum of 30 percent of the gross site area.
 - (b) Restrict the common open space to not more than 15 percent on land with slopes greater than 25 percent.
 - (c) Limit the common open space to no more than 50 percent of the required setbacks and bufferyards located at the perimeter of the development.
 - (d) Include for a development of:
 - (1) five (5) to ten (10) units, at least one (1) common open space area that contains a minimum of five hundred (500) square feet, with no horizontal dimension less than twenty (20) feet.
 - (2) eleven (11) to twenty (20) units, at least one (1) common open space area that contains a minimum of 750 square feet with no horizontal dimension less than 25 feet.
 - (3) greater than twenty (20) units, 1,000 square feet with an additional 250 square feet of open space for every 20 units, with no horizontal dimension less than twenty-five (25) feet. For larger complexes, multiple areas may be used to provide the required square footage with location as indicated in 2.A.2.b.(1)(c), above.

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

A. Open Space (cont.)

2. Common Open Space Requirements (cont.)

Number of Units	Minimum Open Space	Minimum Horizontal Dimension
5-10	500 square feet	20 feet
11-20	750 square feet	25 feet
20+	1000 square feet plus 250 square feet for every 20 units	25 feet

Remember
All property zoned for multiple family development is subject to the requirements of Salem Revised Code Chapter 148 (Residential Multiple Family).

- 2) Provided such indoor space does not exceed 30 percent of the common open space requirement, count indoor or covered recreation space toward meeting the common open space requirement.

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

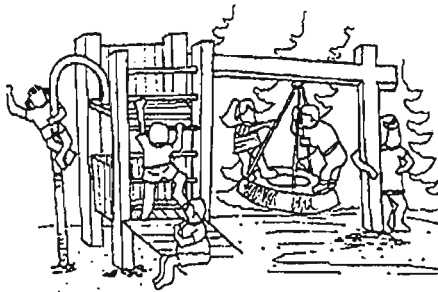
A. Open Space (cont.) 3. Children's Play/Adult Recreation Areas

a. Guidelines:

- 1) Provide a variety of common open area enjoyment by all residents.
- 2) Distribute common open space around buildings and throughout the site.
- 3) Centrally located within the development common open space that includes provisions for children's play or adult recreation areas.
- 4) If provided, locate children's play areas incorporating safety aspects into the design, including such things as visibility to area from dwelling units, location in regards to accessways and parking lots, and selection of equipment.

b. Standards:

- 1) Provide outdoor children's play and/or adult recreation areas a minimum of nine hundred fifty (950) square feet in size for multiple family developments of twenty (20) units. For each increment of twenty (20) units, the complex requires an additional 250 square feet of common space. No horizontal dimension of the play or recreation area(s) shall be less than twenty-five (25) feet. Outdoor children's play areas or adult recreation areas count toward meeting the common open space requirement.



SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

A. Open Space (cont.)

3. Children's Play/Adult Recreation Areas (cont.)

- 2) Locate centrally the children's play and/or adult recreation area(s). These areas are not allowed within any required setback or bufferyard. The play areas may be allowed within detention ponds/areas if the area meets the following:
 - (a) No dimension is less than fifteen feet in width;
 - (b) Side slopes are 4:1 or less, and
 - (c) There is a minimum 250 square foot area with a slope no greater than 2 percent.
- 3) Install a fence a minimum thirty (30) inches in height to separate a parking lot, street, or accessway from any children's play area.

Additional information on playground equipment is available as follows:

U.S. Consumer Product Safety Commission
Washington, D.C. 20207

www.access-board.gov
(Play Area Guide and FAQs)

American Society for Testing and Material Standards
www.ASTM.org
(Standards, Individual Standards, Search: Playground Equipment, F1487)

SECTION 2 – MULTIPLE FAMILY – OPEN SPACE

A. Open Space (cont.) 4. Private Open Space Requirements

a. Guidelines:

- 1) Provide individual private open space areas for each dwelling unit in multiple family developments.
- 2) Provide direct access through a doorway to private open space that is contiguous to the dwelling unit.
- 3) If private open space is adjacent common open space, provide a buffer between the two areas.

b. Standards:

- 1) In all newly constructed multiple family developments:
 - (a) For dwellings located at finished grade, or within five (5) feet of finished grade, provide a minimum of ninety-six (96) square feet of private open space per dwelling unit, with no dimension less than six (6) feet.
 - (b) For dwellings located more than five (5) feet from finished grade, provide a minimum of forty-eight (48) square feet of private open space per dwelling unit, with no dimension less than six (6) feet.
- 2) For each unit, provide a direct and accessible route on the same level to all private open space through the use of a doorway.
- 3) Separate visually the private open space from the common open space through the use of perimeter landscaping or fencing.

SECTION 2 – MULTIPLE FAMILY - NOTES

SECTION 2 – MULTIPLE FAMILY – LANDSCAPING

B. Landscaping Design Element 1. Design Goals and Objectives

a. Landscaping Design Goals

- 1) Encourage a quality living environment for all residents of the City of Salem;
- 2) Ensure aesthetic values in the construction of multiple family developments;
- 3) Achieve compatibility between multiple family residential developments and surrounding land uses; and
- 4) Encourage a mix of landscaping treatments and techniques that enhance multiple family residential developments.



b. Landscaping Design Objectives

- 1) Provide adequate separation between abutting properties;
- 2) Mitigate noise;
- 3) Screen objectionable views;
- 4) Establish a sense of place;
- 5) Provide definition to dwelling unit entries and pedestrian pathways;
- 6) Promote safety, security and privacy;
- 7) Enhance structural elements;
- 8) Provide visual relief from blank exterior walls, building mass and bulk;
- 9) Help retain the long term value of property;
- 10) Minimize the visual impact of impervious surfaces; and
- 11) Provide protection from winter wind and summer sun.

SECTION 2 – MULTIPLE FAMILY – LANDSCAPING

B. Landscaping (cont.) 2. General Landscaping Requirements

a. Guidelines:

- 1) Distribute a variety of tree types throughout the site to maximize site coverage.
- 2) Use landscaping to shield the site from winter winds and summer sun.
- 3) To the maximum extent possible, preserve significant trees on site.
- 4) When abutting single family residential zoned properties (RA or RS), provide an appropriate combination of landscaping and screening to buffer between the multiple family use and the adjacent single family zone.

b. Standards:

- 1) For every two thousand (2,000) square feet of gross site area, plant at least one (1) tree or preserve at least one existing tree.
- 2) Plant trees, approved by the Parks Operation Division, that at maturity provide canopy coverage to at least one-third (1/3) of the open space and bufferyards.
- 3) On arterial or collector streets, install landscaping or a combination of landscaping and fencing to prevent headlights from shining into windows on buildings adjacent the street.
- 4) In addition to the requirements of SRC Chapter 132 (Landscaping), when abutting single family residential zoned properties (RA or RS), provide a combination of landscaping and screening to buffer between the multiple family use and the adjacent single family zone that shall include the following:
 - (a) At least one tree not less than 1-1/2 inches in caliper for every thirty (30) lineal feet of buffer width.
 - (b) A minimum six (6)-foot, decorative, sight-obscuring fence or wall. Such fence or wall shall be constructed of materials commonly used in the construction of fences and walls such as wood, stone, rock, brick, or other durable materials.
 - (c) Chain link fencing with slats may not be counted toward satisfying this requirement.

Remember

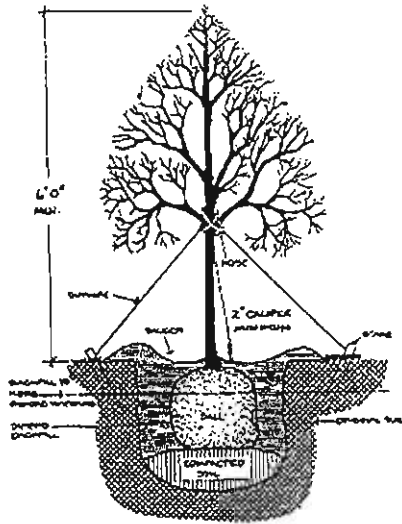
Additional landscaping requirements are contained in Salem Revised Code Chapter 132, Landscaping. The Salem Parks Operation Division will evaluate project specific landscaping plans for compliance with City code and design requirements.

SECITON 2 – MULTIPLE FAMILY – LANDSCAPING

B. Landscaping (cont.) 3. Site Frontage Requirements

a. Guidelines:

- 1) Plant trees within the public right-of-way, according to requirements of the Parks Operation Division that enhance the residential character of the site.

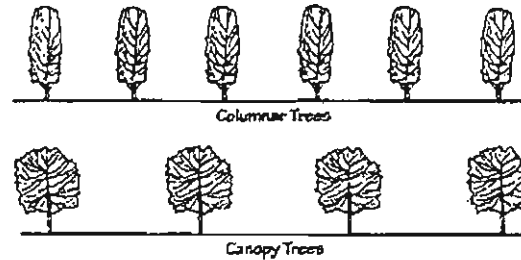


b. Standards:

- 1) Within the public right-of-way and with permission of the Parks Operation Division, plant trees at one of the following ratios:
 - (a) Canopy Trees
One (1) canopy tree per fifty (50) linear feet of street frontage or fraction thereof.
 - (b) Columnar Trees
One (1) columnar tree per thirty (30) linear feet of street frontage or fraction thereof.

Remember

Additional street tree planting requirements are contained in Salem Revised Code Chapter 86, trees and shrubs. For planting and maintenance requirements, see SRC 86.050.



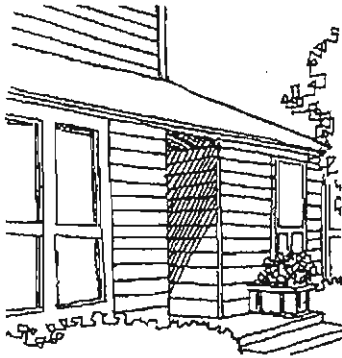
SECTION 2 – MULTIPLE FAMILY – LANDSCAPING

B. Landscaping (cont.)

4. Exterior Building Requirements

a. Guidelines:

- 1) Plant landscaping to define and accentuate the primary entry way of a dwelling unit or combination of dwelling units.
- 2) Provide vertical and horizontal landscape elements along all exterior walls to soften the visual impact of the building and promote the residential character of the site.



b. Standards:

- 1) Provide a minimum two (2) plant units, as defined by Salem Revised Code, Chapter 132, adjacent the primary entry way of a dwelling unit or combination of dwelling units.
- 2) Provide new or preserve existing trees at a minimum density of ten (10) plant units per sixty (60) linear feet of exterior wall. Such tree plantings shall not be more than twenty-five (25) feet from the edge of a building.
- 3) When provided, distribute shrubs at a minimum density of one (1) plant unit per fifteen (15) linear feet of each exterior wall.

Remember

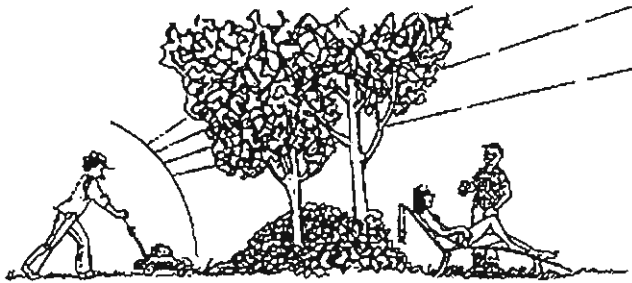
Refer to SRC Chapter 132, Table 132-3 for more guidance.

SECTION 2 – MULTIPLE FAMILY - LANDSCAPING

B. Landscaping (cont.) 5. Privacy Requirements

a. Guidelines:

- 1) Use landscaping or a combination of landscaping and fencing to buffer multiple family developments from abutting properties.
- 2) Enhance with landscaping the privacy of dwelling units. Fencing may be used in combination with plant units.

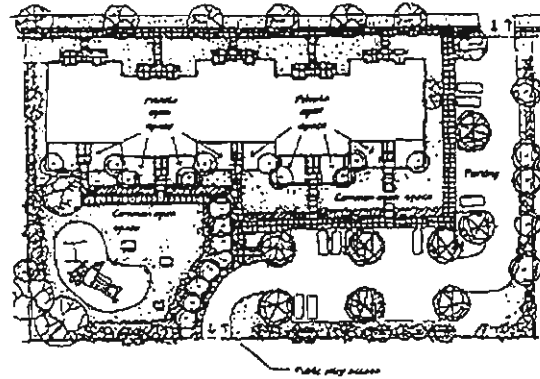


b. Standards:

- 1) Separate visually and physically ground level private open space from common open space through the use of perimeter landscaping or fencing.

Remember

Additional landscaping requirements are contained in Salem Revised Code Chapters 86 and 132.

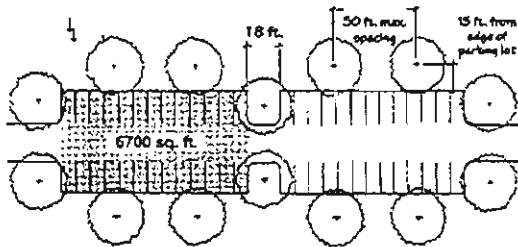


SECTION 2 - MULTIPLE FAMILY - LANDSCAPING

B. Landscaping (cont.) 6. Parking Lot Landscaping

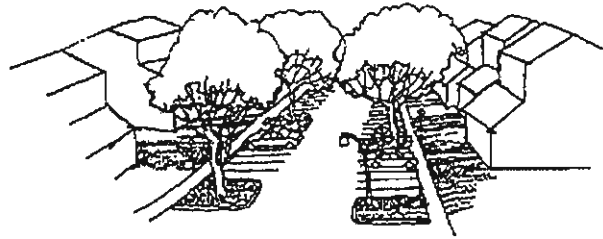
a. Guidelines:

- 1) Distribute canopy trees throughout the parking area and including the perimeter of the parking lot.



b. Standards:

- 1) Plant at least one (1) canopy tree every fifty (50) feet along the perimeter of parking areas. The trunks of these trees shall be located within fifteen (15) feet of the edge of the parking area. The Department of Community Services maintains a tree list of acceptable parking area canopy trees, those trees requiring minimum maintenance and the least property damage.
- 2) Plant canopy tree(s) within the planter bays that shall be a minimum of eighteen (18) feet in width.



SECTION 2 - MULTIPLE FAMILY - CRIME PREVENTION & SAFETY

C. Crime Prevention Through Environmental Design (CPTED)

1. Safety Features for Residents

a. Guideline:

- 1) Consider in the design of the project, crime prevention and resident safety.
- 2) Plant landscaping and install fencing that does not obscure visual surveillance of common open space, parking areas or dwelling entryways.

b. Standards:

- 1) Install fences, walls and plant materials between a street-facing dwelling unit and a public or private street in locations that do not obstruct visibility of the dwelling unit's entry from the street. Obstructed visibility shall mean the entry is not in view from the street along one-half or more of the unit's frontage.
- 2) Limit the height of landscaping and fencing adjacent common open space, parking areas, and dwelling entryways to a maximum of three (3) feet in height. The height limitation is so as to not obscure surveillance of these areas.
- 3) Install windows within habitable rooms where the dwelling units face common open space, pedestrian paths, and parking lots to allow visual surveillance by residents of these areas.
- 4) For safety and security, install lighting that illuminates all exterior dwelling unit entrances, pedestrian walkways and parking areas within the project site.
- 5) File an "Enhanced Safety Assessment Report for Multi-Family Construction" at the time of the building pre-application conference. This assessment form is available through the City's Permit Application Center (PAC) and/or the Police Department. Filing of the report is required, however, compliance with the provisions of the assessment are advisable but not mandatory.

Concept

Crime Prevention Through Environmental Design

Crime prevention through environmental design is a concept that has been used to enhance the safety of residents and address the crime problem that afflicts many communities. Crime prevention through environmental design has been successfully used in such communities as Eugene, Oregon, Ft. Lauderdale, Florida, and Sarasota, Florida.

English criminologist Barry Poyner found that real estate development and management is a largely unexplored way to control crime. Research has shown that both population characteristics and location factors influence the distribution of crime in a particular area.

SECTION 2 – MULTIPLE FAMILY - NOTES

SECTION 2 - MULTIPLE FAMILY - PARKING, SITE ACCESS & CIRCULATION

D. Parking, Site Access & Circulation Design Element

1. Design Goals and Objectives

a. Parking, Site Access & Circulation Design Goals

- 1) Ensure safe and efficient site access, pedestrian and vehicle circulation and parking in multiple family developments;
- 2) Promote the circulation and access requirements of all modes of transportation;
- 3) Encourage aesthetic and functional site design with consideration for natural contours and topography as it relates to parking and site access in multiple family developments; and
- 4) Encourage pedestrian and vehicle circulation linkages which will integrate amenities within the multiple family developments and with the surrounding area.

b. Parking, Site Access & Circulation Design Objectives

- 1) Provide transportation connections to surrounding areas;
- 2) Promote accessibility to and within the site;
- 3) Integrate the design of parking areas and pedestrian pathways with natural contours and topography;
- 4) Minimize views of parking areas from public rights-of-way;
- 5) Provide clear and identifiable connections to and between buildings;
- 6) Minimize vehicle, pedestrian and bicycle circulation conflicts;
- 7) Provide adequate lighting levels for parking and pedestrian pathways;
- 8) Promote the separation of pedestrian, bicycle and vehicular traffic;
- 9) Maximize the convenience of parking for residents;
- 10) Provide pedestrian access to common open space;
- 11) Locate loading and service areas for ease of use with minimal conflict with on-site parking and circulation activities;
- 12) Locate building entrances and exits to provide direct connections between parking areas and the street;
- 13) Provide compatibility in design and materials between parking and the dwelling units; and
- 14) Minimize the expanse of continuous parking areas.

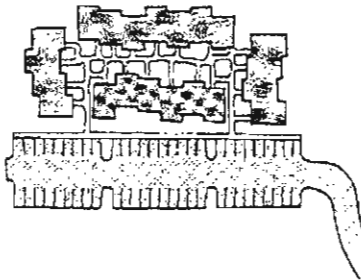
SECTION 2 - MULTIPLE FAMILY - PARKING, SITE ACCESS & CIRCULATION

D. Parking, Site Access, and Circulation (cont.)

2. General Parking, Site Access Requirements

a. Guidelines:

- 1) Design parking areas to design shall minimize the expanse of continuous parking.
- 2) Provide pedestrian pathways that connect to and between buildings, open space, parking areas, and surrounding uses.
- 3) Locate parking to maximize the convenience of residents.
- 4) Consider site topography, natural contours, and abutting single family zones in the design of parking areas and circulation systems.



b. Standards:

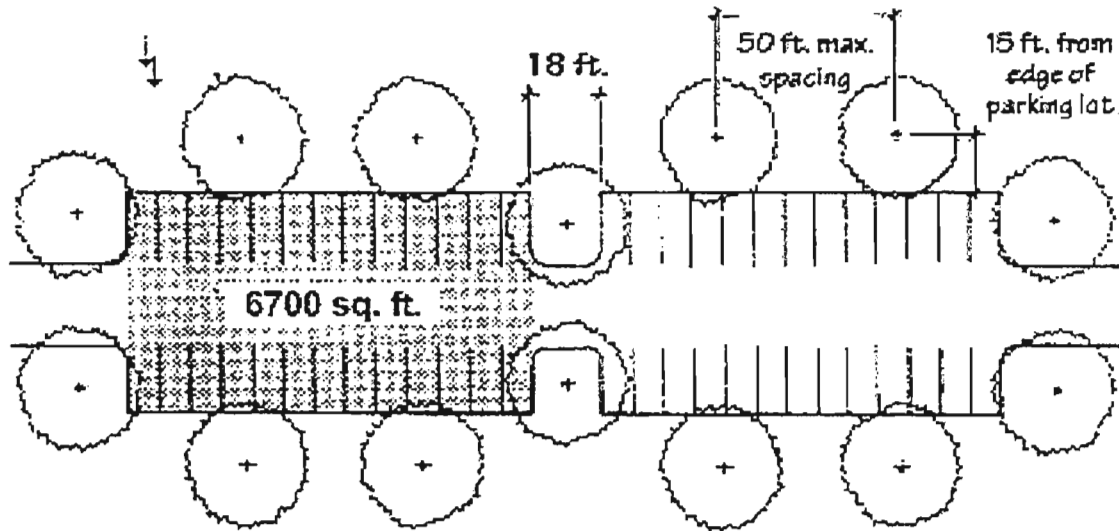
- 1) Separate physically and visually parking areas greater than 6,700 square feet in area with landscaped planter bay(s) that are at least eighteen (18) feet in width. Individual parking areas may be connected by an aisle or driveway.
- 2) Design and construct pedestrian pathways that connect to and between buildings, open space, and parking areas.
- 3) Separate pathways that connect buildings, open spaces, and parking areas from the dwelling by a minimum distance of ten (10) feet. The separation is measured from the pathway edge closest to any dwelling unit.
- 4) Design and construct carports, garages and/or parking areas that are not located within twenty (20) feet of public right-of-way.
- 5) For properties located uphill having a slope of fifteen (15) percent or greater within forty (40) feet of abutting single family zoned properties (RA or RS), parking areas shall be set back from the common property line a minimum of twenty (20) feet. Decorative walls, earthen berms, fencing, landscaping, or any combination thereof shall be provided to prevent glare from headlights onto abutting properties.
- 6) If included within the development, design and construct garages/carports that are compatible with the structure design and materials of the dwelling units.
- 7) Avoid areas of slope for placement of parking areas and minimize the disturbance of environmentally sensitive areas.

Remember

Check the landscaping section of the Development Design Handbook for additional parking requirements.

SECTION 2 - MULTIPLE FAMILY - PARKING, SITE ACCESS & CIRCULATION

Conceptual Parking Lot Layout to Achieve Design Standards



SECTION 2 - MULTIPLE FAMILY - PARKING, SITE ACCESS & CIRCULATION

D. Parking, Site Access, and Circulation (cont.)

3. Site Access Requirements

a. Guidelines:

- 1) Promote via an internal circulation plan, accessibility to and from the site for both automobiles and pedestrians.
- 2) Incorporate into the site design methods to minimize vehicle and pedestrian conflicts.
- 3) Where possible, connect driveway access to collector or frontage streets rather than directly onto arterial streets.
- 4) Where possible, consolidate driveway access with driveways serving adjacent sites.
- 5) Locate parking so as to minimize views of parking areas from the public right-of-way and abutting properties.

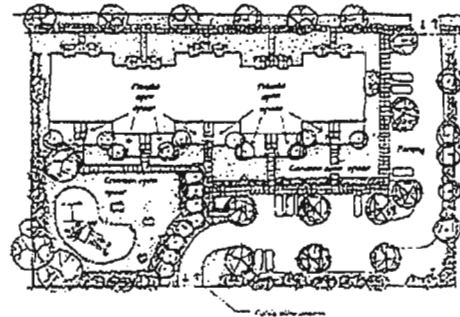
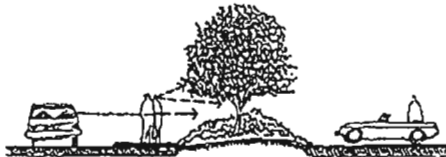
b. Standards:

- 1) Provide pedestrian connectivity from the site to the public sidewalk system through the use of paths or easements.
- 2) Provide direct access from the street to individual units, clusters of units, or common interior lobbies when a residential building is sited within thirty-two (32) feet of a street right-of-way.
- 3) Design and construct driveways to access the street with a lower classification for those developments with frontage on more than one street.
- 4) When physically possible, design and construct accessways in combination with either existing or future adjacent developments.
- 5) Install a wall, fence, or landscaping to buffer parking areas from public right-of-way or abutting properties.

Remember

Additional access design requirements are contained in the Public Works Department publication "Public Works Department Design Standards." The document provides design standards for sidewalks, driveways, curbing and parking lots.

Also review Salem Zone Code Chapter 130, General Development Standards, Chapter 133, Off-Street Parking, Loading and Driveways, and Chapter 148, Residential Multiple Family Development.



SECTION 2 - MULTIPLE FAMILY - BUILDING MASS & FACADE

E. Building Mass & Façade Design Element

1. Design Goals and Objectives

a. Building Mass & Façade Design Goals

- 1) Ensure that structures do not present excessive visual mass or bulk to public view or to adjoining properties;
- 2) Achieve architecturally defined entryways and building design which relates to human scale;
- 3) Encourage aesthetically pleasing, interesting and functional architecture and site design, including compatibility between parking facilities and the dwelling units;
- 4) Provide architectural design that integrates well with adjoining development; and
- 5) Promote interesting and non-monotonous architecture and site design.

b. Building Mass & Façade Design Objectives

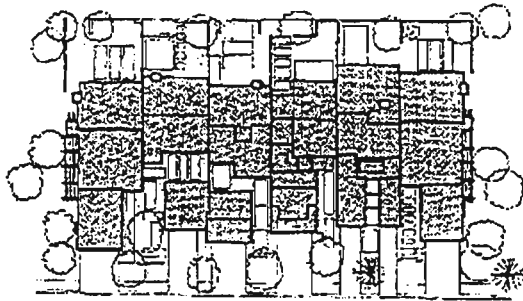
- 1) Integrate structures on-site with natural topography;
- 2) Encourage an appropriate transition between new structures on-site with existing structures on abutting sites;
- 3) Promote human scale development;
- 4) Preserve exposure to light, air and visual access;
- 5) Create visually interesting buildings by integrating structures with landscaping;
- 6) Integrate new structures into the existing neighborhood;
- 7) Promote the relationship of structures with streets;
- 8) Encourage structure siting which creates useable open spaces;
- 9) Encourage the interplay of contrast and compatibility in building siting, including design compatibility between parking facilities and dwelling units;
- 10) Break-up building faces through architecturally defined building entry ways; and
- 11) Design building rooflines which reinforce the residential character of the building and surrounding neighborhood.

SECTION 2 - MULTIPLE FAMILY - BUILDING MASS & FACADE

E. Building Mass & Facade (cont.) 2. General Building Mass and Facade Requirements

a. Guidelines:

- 1) Site building with sensitivity to topography and natural landform.
- 2) Reinforce the human scale of development and avoid buildings with long monotonous exterior walls.



b. Standards:

- 1) Where a hillside lot has an average cross slope of 15 percent or more, do not regrade more than 60 percent of the site surface area.
- 2) Design and construct buildings that have no dimension greater than one-hundred and fifty (150) feet.



SECTION 2 - MULTIPLE FAMILY - BUILDING MASS & FACADE

E. Building Mass & Facade (cont.)

3. Compatibility Requirements

a. Guidelines:

- 1) Provide contrast and compatibility throughout the site in regards to building design, size, and location.
- 2) Provide an appropriate transition between new structures on-site with existing structures on abutting sites.
- 3) Use architectural elements and facade materials to provide continuity throughout the site.
- 4) Design and construct the majority of dwelling units as close as possible to the street right-of-way.
- 5) Incorporate architecturally defined and covered entryways that are easily identified with architectural features.

b. Standards:

- 1) When abutting single family residential zoned properties (RA or RS), buildings or portions of buildings shall be set back a minimum of one (1) foot for every one (1) foot of building height, or fraction thereof; provided however, in no case shall a building be set back less than the following:
 - (a) One (1) story building: 14 feet
 - (b) Two (2) story building: 20 feet
- 2) For properties located uphill having a slope of fifteen (15) percent or greater within forty (40) feet of abutting single family zoned properties (RA or RS), buildings shall be set back from the common property line a minimum of one (1) foot for every one (1) foot of building height, or fraction thereof; provided however, in no case shall a building be set back less than the following:
 - (a) One (1) or two (2) story building: 20 feet
 - (b) Three (3) or more story building: 40 feet

Buildings three (3) stories in height may be set back from abutting single family zoned properties (RA or RS) according to the 1:1 setback ratio when:

 - (a) Within forty (40) feet of the abutting single family zoned properties, buildings are designed so that the longest dimension of the building and any private open space areas (balconies or patios) do not face the abutting single family zoned properties, or
 - (b) Within forty (40) feet of the abutting single family zoned properties, individual buildings contain no more than six (6) dwelling units, the lengths of the buildings abutting the single family zoned properties are no greater than seventy (70) feet, and the buildings are separated by a minimum of one (1) foot for every one (1) foot of building height or fraction thereof.
- 3) On sites with 75 feet or more of buildable width, occupy at least 50 percent of the buildable width by a building placed on the setback line. Accessory structures do not apply towards meeting the required percentage. "Buildable width" is as defined in the definition section of the Handbook.

SECTION 2 - MULTIPLE FAMILY - BUILDING MASS & FACADE

E. Building Mass & Facade (cont.)

3. Compatibility Requirements (cont.)

- 4) Screen roof mounted mechanical equipment, other than vents or ventilators, from ground level view. The screening shall be as high as the height of the equipment and shall be integrated with exterior building design.
- 5) Incorporate into buildings a porch or architecturally defined entry space for each ground level dwelling unit. Shared porches or entry spaces are permitted provided that the porch or entry area is at least twenty five (25) square feet in area per dwelling unit, with no dimension less than five (5) feet for each unit. Porches and entry areas shall be open on at least one exterior side, and may be covered or uncovered. All grade level porches shall include hand-railings, half-walls, or shrubs to define their outside perimeter.
- 6) If included within the development, design and construct garages/carports that are compatible with the structural design and materials of the dwelling units.



Remember

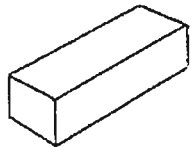
Ensure that your design meets all city code provisions including building code requirements.

SECTION 2 - MULTIPLE FAMILY - BUILDING MASS & FACADE

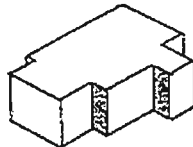
E. Building Mass & Facade (cont.) 4. Building Articulation Requirements

a. Guidelines:

- 1) To minimize the appearance of building bulk, establish a building offset interval along structure faces and incorporate the dispersment of windows within building walls.
- 2) Provide articulation at the common entry way to all residential buildings.
- 3) Construct building roofs that are functional and reinforce the residential character of the neighborhood.



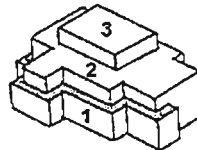
Undesirable architectural treatment



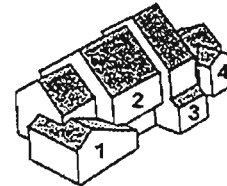
Horizontal articulation added

b. Standards:

- 1) Offset every two (2) attached dwelling units from the next dwelling unit by at least four (4) feet in depth. (See graphics below with the numbers identifying examples of what are considered offsets.)
- 2) Within twenty-eight (28) feet from any property line, the building setback for adjacent buildings on the same lot shall vary by at least four (4) feet.
- 3) When providing a common entrance, limit the access to not more than four (4) dwelling units.
- 4) Articulate individual and common entry ways with a differentiated roof, awning or portico.
- 5) Design and construct a flat roof, or the roof ridge on sloping roofs, not exceed a horizontal length of one hundred (100) feet without providing a difference in elevation of at least four (4) feet.
- 6) Incorporate windows into all habitable rooms, except bathrooms, facing a required yard and in walls facing parking lots and common areas.



Vertical articulation added (1-3 as examples)



Multi planed roofs and awnings add desirable articulation (1-4 as examples)

Concept
<p>Building Offset Interval</p> <p>Building offset is a technique used to break-up larger buildings into smaller identifiable pieces. The length or depth of the identifiable piece is considered the offset interval. The effect of using a building offset interval in building design and construction is to reduce the perception of building bulk or mass. Higher density projects often have the feel of lower density because of the effective use of building offsets.</p>

SECTION 2 – MULTIPLE FAMILY – BUILDING MASS & FAÇADE - NOTES

SECTION 2 - MULTIPLE FAMILY - RECYCLING

F. Recycling

1. On-Site Design and Location of Facilities

a. Guidelines:

- 1) Provide facilities to allow recycling opportunities for tenants as conveniently located as the trash receptacles and in compliance with any applicable federal, state or local laws.
- 2) Construct container areas that are compatible in material and design with the building materials used within the development.
- 3) Locate recycling facilities to provide adequate access for franchised haulers and with containers sufficient to allow collection of all recyclables that are managed by the haulers.

b. Standards:

- 1) Design, construct and locate recycling areas that are not in conflict with any applicable federal, state, or local laws relating to fire, building, access, transportation, circulation, or safety.
- 2) Provide protection against environmental conditions, such as rain, for recycling areas. The purpose is to allow for marketability of collected materials.
- 3) Indicate and mark clearly the instruction for using recycling containers and how to prepare and separate all the materials collected by franchised haulers.
- 4) Provide recycling areas that are sufficient in capacity, number, distribution, and size to serve the tenants of the development and to allow adequate and appropriate access for franchised haulers.
- 5) Design recycling areas to be architecturally compatible with nearby structures and with existing topography and vegetation.

For Additional Information

Specific information regarding recycling is available from the Mid-Valley Garbage and Recycling Association. They can be contacted at the e-mail address mtrash@cyberis.net.

SECTION 2 – MULTIPLE FAMILY - NOTES

SECTION 3 - COMPACT DEVELOPMENT - CONCEPTS

**COMPACT DEVELOPMENT
DESIGN GUIDELINES AND STANDARDS**

SECTION 3 – COMPACT DEVELOPMENT - NOTES

SECTION 3 - COMPACT DEVELOPMENT - CONCEPTS

A. Compact Development Concepts

The compact development (CD) design guidelines and standards apply to single family areas zoned for compact development. The CD zone applies to properties no larger than five acres in area in established residential districts.

The Compact development overlay zone applies to properties with frontage along arterial or collector streets or local streets identified in city plans. Compact development zones may also apply to areas deemed appropriate for such development as identified in neighborhood evaluation studies, specific development or neighborhood plans.

The compact development overlay zone is intended to provide for intensive residential development within the urban growth boundary. The zone encourages the development of vacant infill and underutilized properties, which increases the efficient use of land, provides for home ownership opportunities, and promotes the cost-effective use of public facilities. The compact development zone allows for a variety of housing types while assuring through design guidelines and standards that new development adapts to the established character of existing neighborhoods. Housing types allowed in the compact development overlay zone are limited to detached and attached dwellings including duplexes, triplexes, rowhouses, townhouses and accessory dwelling units.

The compact development overlay zone allows, by right, development up to a maximum density of fourteen (14) units per acre. See SRC 139.060. This is in contrast to density being limited to ten (10) units per acre for single family residential (RS) development outside the overlay zone. All compact development is subject to the design guidelines or standards contained in this handbook as well as other applicable city code requirements.



SECTION 3 – COMPACT DEVELOPMENT - NOTES

SECTION 3 - COMPACT DEVELOPMENT - GENERAL REQUIREMENTS

B. General Development Requirement

1. General Development Requirements

a. Guidelines:

- 1) Provide an appropriate transition that encourages neighborhood compatibility between new structures on-site with structures on abutting sites.
- 2) Comply with the Compact Development design guidelines contained in this handbook as well as the provisions of Salem Revised Code Chapter 146, Single Family Residential, Salem Revised Code Chapter 139, Compact Development, and other Salem Revised Code sections as appropriate for specific project proposals.

b. Standards:

- 1) Comply with Compact Development regulations that apply to single family areas zoned for compact development.
- 2) Comply with the Compact Development design standards contained in this handbook as well as the provisions of Salem Revised Code Chapter 146, Single Family Residential, Salem Revised Code Chapter 139, Compact Development and other Salem Revised Code sections as appropriate for specific project proposals.
- 3) Design and construct buildings, or portions of buildings, up to twenty-eight (28) feet in height that are set back from any property line in accordance with the building setback requirements of the underlying zone. The building setback shall not be less than the minimum setback established by the underlying zone.
- 4) In addition to the minimum setback required by the underlying zone, design and construct buildings, or portions of buildings, that exceed twenty eight (28) feet in height with setbacks from any property line an additional one (1) foot for each additional one (1) foot of building height.

Walker School Area

See Development Design Handbook, Walker School area for additional Standards and Guidelines. The area is defined according to the Edgewater Street/Wallace Road area.

Remember

Ensure that the building design meets all other city code provisions including building code requirements.

SECTION 3 – COMPACT DEVELOPMENT - NOTES

SECTION 3 - COMPACT DEVELOPMENT - OPEN SPACE

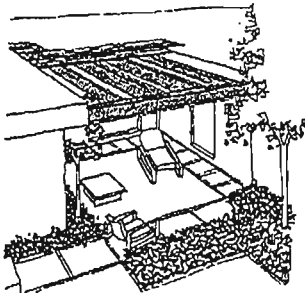
C. Open Space Requirements 1. Private Open Space Requirements

a. Guidelines:

- 1) Provide individual private open areas for each dwelling unit.
- 2) Provide private open space contiguous to the dwelling unit with direct access from the unit.
- 3) If private open space is adjacent common open space, provide a buffer between the two areas.

b. Standards:

- 1) For dwelling units located at finished grade, or within five (5) feet of finished grade, provide a minimum of ninety-six (96) square feet of private open space per dwelling unit, with no dimension less than six (6) feet.
- 2) For dwelling units located more than five (5) feet above finished grade, provide a minimum of forty-eight (48) square feet of private open space per dwelling unit, with no dimension less than six (6) feet.
- 3) For each unit, provide a direct and accessible route on the same level to all private open space through the use of a doorway.
- 4) Separate visually the private open space from the common open space through the use of perimeter landscaping or fencing.



SECTION 3 – COMPACT DEVELOPMENT - NOTES

SECTION 3 - COMPACT DEVELOPMENT - LANDSCAPING

D. Landscaping Requirements 1. Street Trees and On-Site Landscaping

a. Guidelines:

- 1) Use landscaping to buffer compact developments from abutting uses.
- 2) Distribute a variety of trees and other plant materials throughout the site including locations near the buildings and provide a canopy coverage to the parking lot.
- 3) With permission of the Parks Operation Division, plant trees within the public right of way to enhance the residential character of the site.

b. Standards:

- 1) For every 2,000 square feet of gross site area plant one (1) tree or retain at least one (1) existing tree.
- 2) Plant trees, so as to provide canopy coverage to at least one-third (1/3) of open space, and bufferyards within fifteen (15) years of planting. Choice of trees are subject to approval of the Parks Operation Division.
- 3) Within the public right-of-way and with permission of the Parks Operation Division, plant trees at one of the following ratios:
 - (a) Canopy Trees: one (1) canopy tree in each 50 feet of street frontage or fraction thereof.
 - (b) Columnar Trees: One (1) columnar tree in each 30 feet of street frontage or fraction thereof.
- 4) Plant a minimum of two (2) plant units, as defined by Salem Revised Code, Chapter 132, adjacent to the primary entry way of a dwelling unit or combination of dwelling units.

Remember

The Plant Unit Chart is found in the Definitions section of the Appendix.

Remember

Additional landscaping requirements are contained in Salem Revised Code Chapter 132, Landscaping. The Salem Parks Operation Division will evaluate project specific landscaping plans for compliance with City code and design requirements.

For planting and maintenance requirements, see SRC 86.050.

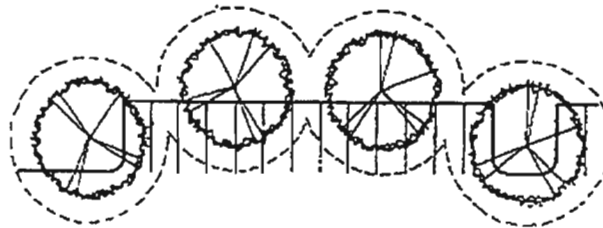
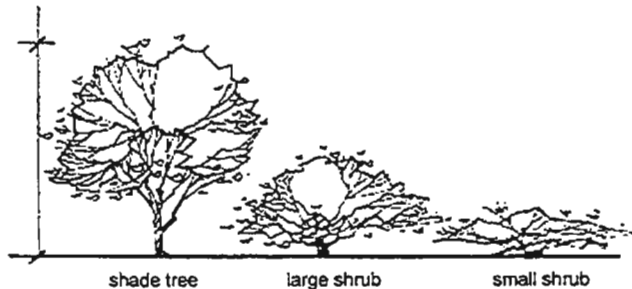
SECTION 3 - COMPACT DEVELOPMENT - LANDSCAPING

D. Landscaping Requirements (cont.)

1. Landscaping Requirements (cont.)

b. Standards: (cont.)

- 5) Provide new or retain existing trees at a minimum density of ten (10) plant units per (60) linear feet of exterior wall. Such tree plantings shall not be more than twenty-five (25) feet from the building's exterior wall.
- 6) When planting shrubs, distribute the plants at a minimum density of one (1) plant unit per fifteen (15) linear feet of exterior walls. Such plantings shall not be more than (25) twenty-five feet from each of the building's exterior walls.
- 7) Plant at least one (1) canopy tree every fifty (50) feet along the perimeter of parking areas. The trunks of these trees shall be located within fifteen (15) feet of the edge of the parking area. The Department of Community Services maintains a tree list of acceptable parking area canopy trees, those trees requiring minimum maintenance and the least property damage.



SECTION 3 - COMPACT DEVELOPMENT - CRIME PREVENTION & SECURITY

E. Crime Prevention Through Environmental Design (CPTED)

1. Crime Prevention & Security

a. Guidelines:

- 1) Consider crime prevention and resident safety in the development's architectural, site, and landscaping designs.
- 2) Plant landscaping and install fencing that does not obscure visual surveillance of common open space, parking areas or dwelling entryways.

b. Standards:

- 1) Design, construct, and install fences, walls and plant materials located between a street-facing dwelling unit and a public or private street so as to not obstruct visibility of the dwelling entry from the street. Obstructed visibility means the entry is not in view from the street along one-half or more of the unit's frontage.
- 2) For safety and security, install lighting that illuminates all exterior dwelling unit entrances, pedestrian walkways and parking areas within the project site.
- 3) File an "Enhanced Safety Assessment Report for Multi-Family Construction" at the time of the building pre-application conference. This Assessment Form is available through the City's Permit Application Center (PAC) and/or the Police Department. Filing the report is required. However, compliance with the provisions of the Assessment are advisable but not mandatory.

Concept

Crime Prevention Through Environmental Design (CPTED)

Crime prevention through environmental design is a concept that has been used to enhance the safety of residents and address the crime problem that afflicts many communities. Crime prevention through environmental design has been successfully used in such communities as Eugene, Oregon, Ft. Lauderdale, Florida, and Sarasota, Florida.

English criminologist Barry Poyner found that real estate development and management is a largely unexplored way to control crime. His research has shown that both population characteristics and location factors influence the distribution of crime in a particular area.

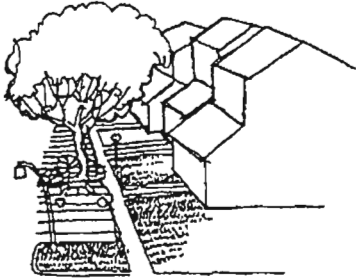
SECTION 3 – COMPACT DEVELOPMENT - NOTES

SECTION 3 - COMPACT DEVELOPMENT - PARKING, ACCESS & CIRCULATION

F. Parking, Access & Circulation 1. Location Requirements

a. Guidelines:

- 1) Design parking areas and driveways to minimize the impact to abutting properties and promote the human scale within the development.
- 2) Provide separate and screened areas, if an area is allowed, for storage of motor vehicles, utility trailers, recreational vehicles, boats, aircraft, or similar vehicles.



b. Standards:

- 1) Limit ingress and egress to individual lots to no more than one (1) street access.
- 2) Access parking areas from alley when properties abut an alley.
- 3) Design and construct garages that do not comprise more than 50 percent of street frontage.
- 4) Provide a garage set back from the street right-of-way at least four (4) feet farther than any enclosed living area.
- 5) Do not design or construct any open or partially enclosed parking, or storage of motor vehicles, utility trailers, recreational vehicles, boats, aircraft or similar vehicles within front yards or side yards abutting a street right of way. (Parking is allowed in driveways.)
- 6) Design and construct carports, garages or parking areas that are not located within twenty (20) feet of the public right of way.

Remember

Additional parking requirements are found in Salem Revised Code Chapter 133, Off-Street Parking, Loading and Driveways.

Salem Revised Code Chapter 130, Section 140, "No Parking in Yards Adjacent to Streets" provides guidance on the placement of on-site parking.

It may also be helpful to review the publication: "Public Works Department Design Standards" available from the Public Works Department. That document provides design standards for sidewalks, driveways, curbing and parking lots.

SECTION 3 – COMPACT DEVELOPMENT - NOTES

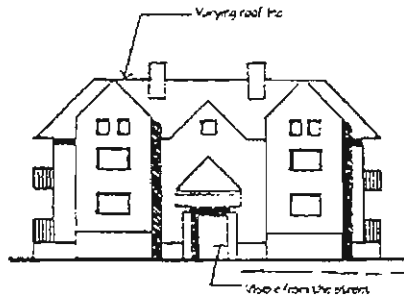
SECTION 3 - COMPACT DEVELOPMENT - BUILDING ORIENTATION & ARTICULATION

G. Building Orientation & Articulation

1. Building Location, Size, and Articulation

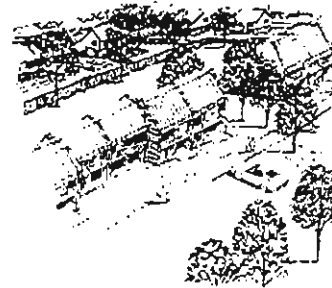
a. Guidelines:

- 1) Design and construct a majority of the units within a close proximity to the street right-of-way and in relationship to adjacent residential development.
- 2) Design and locate buildings to reinforce the residential character of the neighborhood.
- 3) Where possible, provide entry ways to dwellings that are visible from the street, have incorporated weather protection into the design, and have a limited number of units using the same entryway.
- 4) To minimize the appearance of building bulk, establish a building offset interval along structure faces and incorporate the dispersment of windows within building walls.



b. Standards:

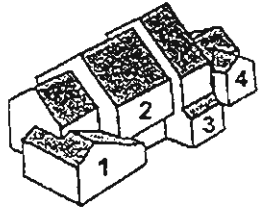
- 1) For dwellings within twenty-eight (28) feet of a street right-of-way, provide entrances that face the street.
- 2) Design and construct buildings that have no dimension greater than one-hundred (100) feet.
- 3) On sites with 75 feet or more of buildable width, occupy at least 50 percent of the buildable width by a building placed on the setback line. Buildable width* is as defined in the definition section of the Handbook.
- 4) Offset every two (2) attached dwelling units from the next dwelling unit by at least four (4) feet. (See graphics on the next page with the numbers identifying examples of what are considered offsets.)
- 5) If included within the development, design and construct garages/carports that are compatible with the structural design and materials of the dwelling units.



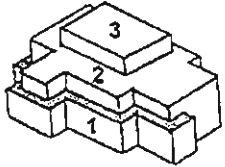
SECTION 3 - COMPACT DEVELOPMENT - BUILDING ORIENTATION & ARTICULATION

G. Building Orientation & Articulation (cont.)

1. Building Location, Size, and Articulation (cont.)



Multi-planed roofs and awnings add desirable articulation

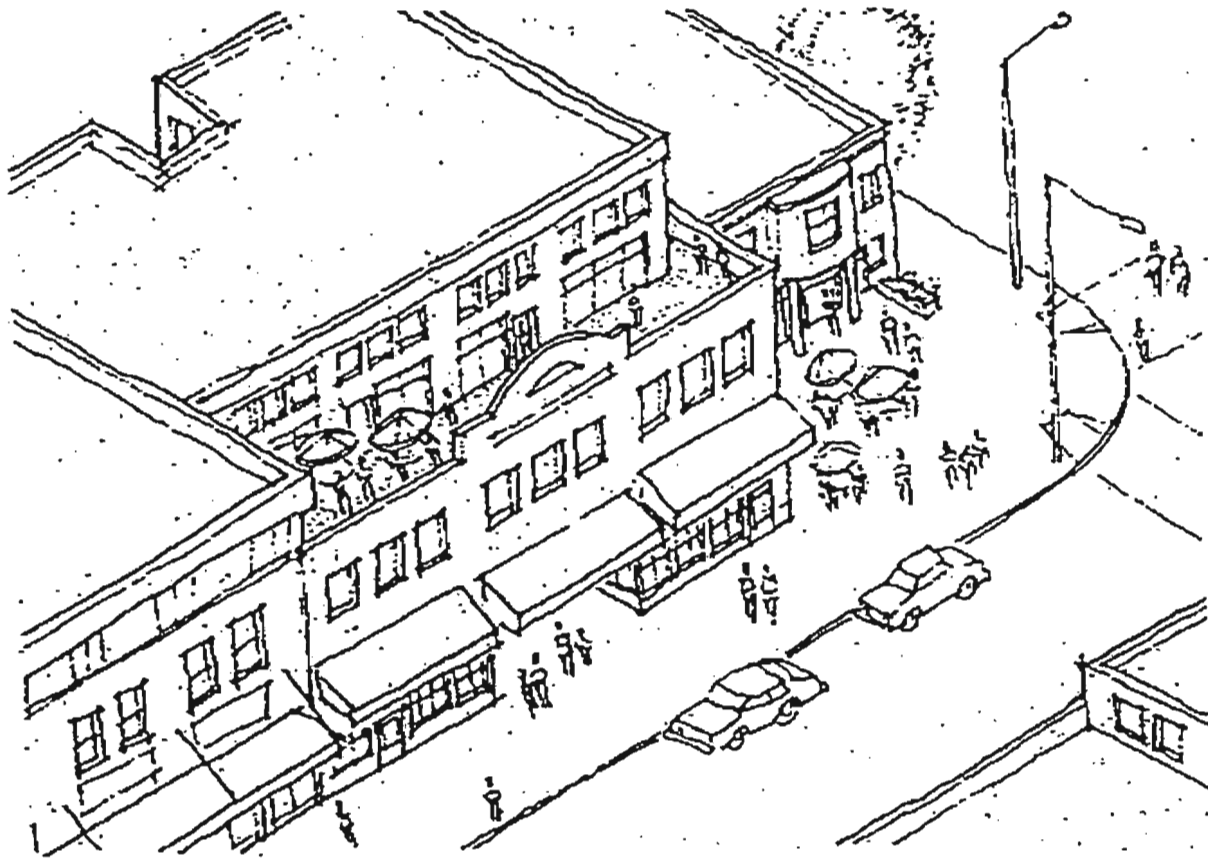


Vertical articulation added

- 6) For ground floor units, design and construct a common entrance that does not provide access to more than (4) dwelling units.
- 7) Articulate individual and common entry ways with a differentiated roof, awning or portico.
- 8) Provide a difference in elevation of at least four (4) feet for every one-hundred (100) feet of horizontal length for a flat roof or roof ridge on sloping roofs.
- 9) For any yard adjacent a street, incorporate windows into the design of all habitable rooms, except bathrooms.

SECTION 4 - CORE AREA

CORE AREA: DESIGN GUIDELINES AND STANDARDS



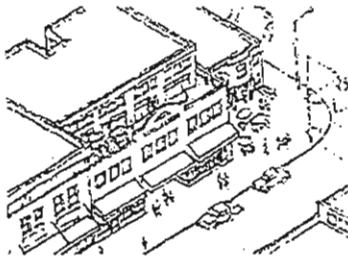
SECTION 4 – CORE AREA - NOTES

SECTION 4 - CORE AREA - GENERAL RETAIL/OFFICE DISTRICT

A. General Retail/Office District 1. Pedestrian and Street Frontage Amenities

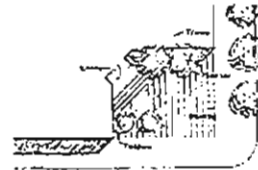
a. Guidelines:

- 1) Design and construct buildings adjacent to a public street right-of-way that create safe, pleasant and active pedestrian environments.
- 2) Minimize building setbacks from any public street right-of-way. Zero lot line buildings along the public street right-of-way are encouraged.
- 3) For building facades, provide weather protection above sidewalks in the form of awnings or marquees appropriate to the design of the structure.
- 4) Design and construction may include above grade pedestrian walkways except across a public street right-of-way in the Historic Core area.



b. Standards:

- 1) Design and construct a primary building entrance for each building facade. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.



Pedestrian open space

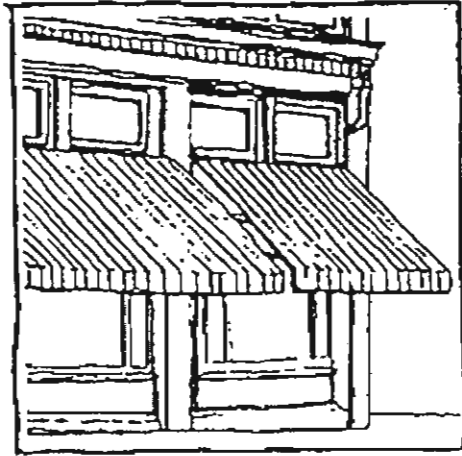
- 2) For buildings facing public street right-of-way, design and construct ground floor facades with at least 65 percent window area. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurements used to make the determination are T-Vis equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
- 3) For upper building floors, incorporate vertical windows.



This commercial building employs the use of varied roof forms, canopies and window boxes to create a well proportioned unified composition.

SECTION 4 - CORE AREA - GENERAL RETAIL/OFFICE DISTRICT

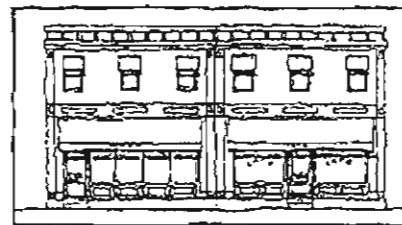
A. General Retail/Office District (cont.) 1. Pedestrian and Street Frontage Amenities (cont.)



- (4) Unless otherwise required by these design standards, design and construct new structures facing a public street right-of-way either:
- (a) contiguous with the right-of-way; or
 - (b) located ten (10) feet from the public right-of-way.

This standard applies to the first twenty-five (25) feet of building height only. Above twenty-five (25) feet in height a building may set back up to ten (10) additional feet from the public right-of-way.

- (5) If a building is placed ten (10) feet from the public right-of-way, use the area between the building and the public right-of-way to create a plaza court or to accommodate an arcade. In no case shall the area be used for storage other than temporary bicycle parking.
- (6) Unless specified elsewhere in these design standards, include weather protection in the form of awnings or marquees adjacent a public street right-of-way along at least 90 percent of the length of the ground floor building facade. Such weather protection may encroach into the public right-of-way subject to SRC 76.160 (Encroachment into Public Right-of-way) and shall meet the requirements of the Uniform Building Code (Chapter 32, Section 3205, 3206).
- (7) Design and construct all above grade pedestrian walkways to meet the requirements of the Uniform Building Code (Chapter 4, Section 409).

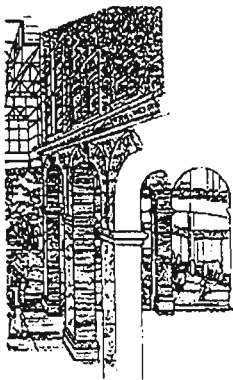


SECTION 4 - CORE AREA - FRONT STREET DISTRICT

B. Front Street District 1. Open Space Pedestrian Amenities

a. Guidelines:

- 1) Design and construct buildings along Front Street to take advantage of views to Riverfront Park and the Willamette River, including private open space on upper floors and building facades with windows.
- 2) Provide an arcade for building facades facing Front Street and weather protection for all building facades within the Front Street District.
- 3) Design and locate buildings and off-street parking within the Front Street district to reinforce the district's traditional pedestrian orientation.
- 4) Design and construct the first floor facade at a greater height than the upper floors. Incorporate architectural detailing that horizontally divides the first and second floors.



b. Standards:

- 1) Include with building facades facing Front Street upper floor balconies for residential units. The balcony shall be no less than forty-eight (48) square feet with no dimension less than six (6) feet.
- 2) Include windows in the design and construction of building facades. Bay windows are encouraged on upper floors.
- 3) Design and construct buildings within the Front Street district that are a minimum of four (4) stories in height.
- 4) Design and construct buildings within the Front Street district that are a maximum of six (6) stories in height.
- 5) Design and construct arcades along the Front Street building frontage that are built contiguous with the public right-of-way. Arcades shall be no less than fourteen (14) feet in height and provide a width of cover of at least eight (8) feet.
- 6) Design and construct building facade along Front Street without awnings.
- 7) When awnings are attached to buildings in the Front Street district, provide a width of cover of at least six (6) feet over the public right-of-way.
- 8) Place new buildings with Front Street frontage that do not incorporate an arcade contiguous with the Front Street public right-of-way.
- 9) Design and construction of automobile access to off-street parking shall not include access directly from Front Street.
- 10) Design and construct first floor facades within the Front Street district a minimum height of fourteen (14) feet. First and second floor facades shall be horizontally divided with belt or string courses.

SECTION 4 – CORE AREA - NOTES

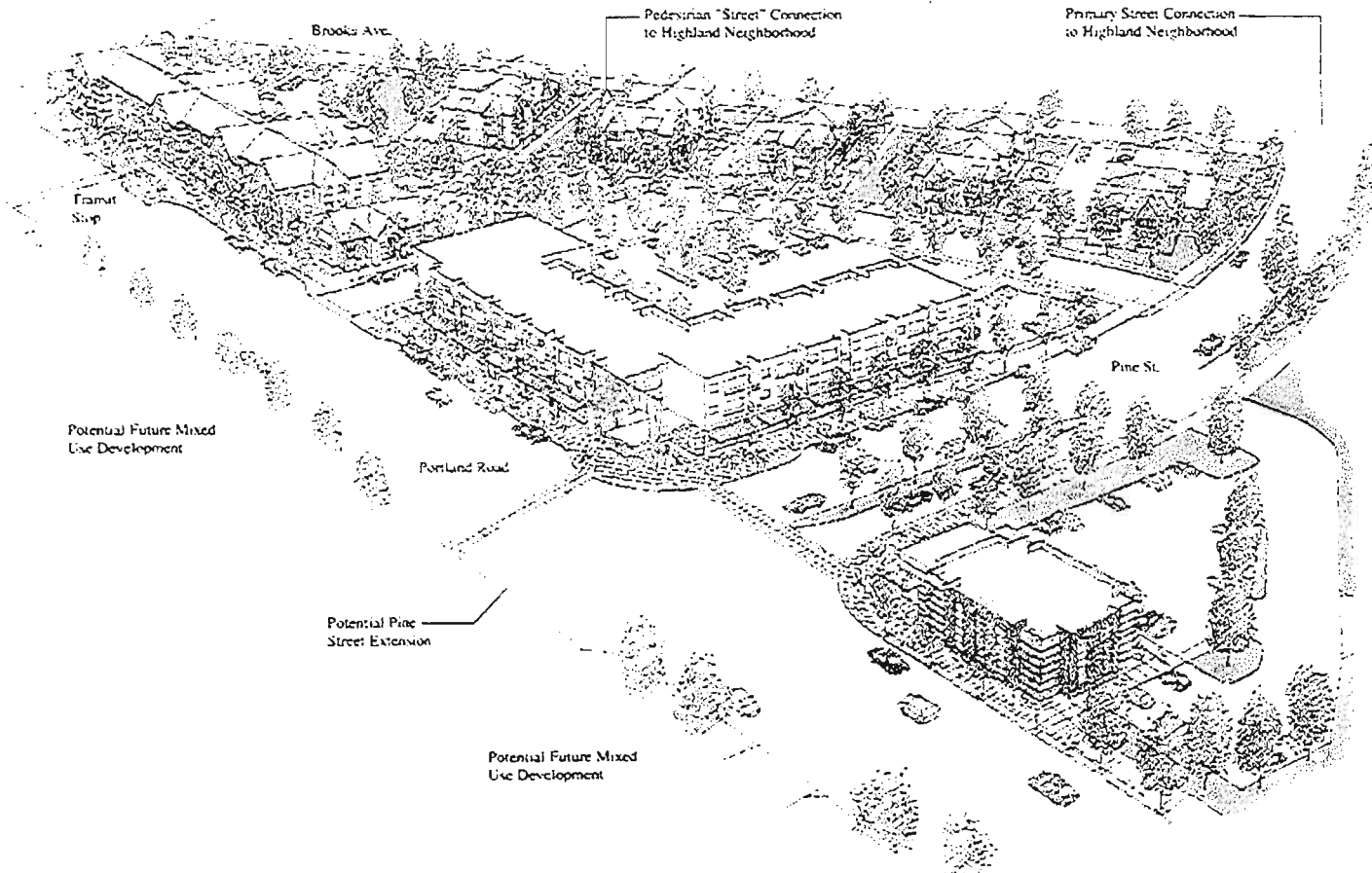
SECTION 4 – CORE AREA - NOTES

**SECTION 5, HISTORIC RESOURCES
*REMOVED***

Superseded by Chapter 230, Historic Preservation, Effective January 12, 2011

SECTION 6 – NORTH DOWNTOWN PLANNING DISTRICT

NORTH DOWNTOWN PLANNING DISTRICT



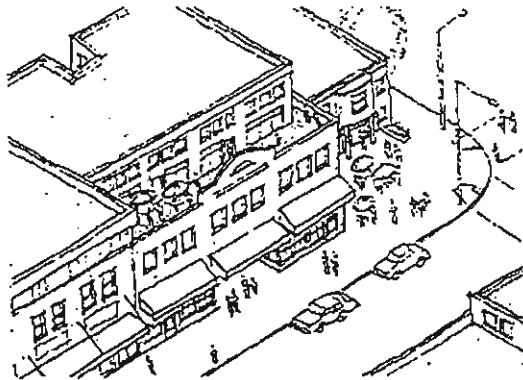
SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - BROADWAY / HIGH STREET

A. Broadway/High Street Overlay Zone

1. Building Setbacks

a. Guidelines:

- 1) Minimize building setbacks from the public street right-of-way. Zero lot line buildings along Broadway and High Street are encouraged.
- 2) Site buildings to minimize impacts to adjacent residential uses.



b. Standards:

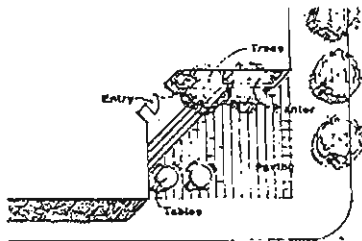
- 1) Unless otherwise required by these design standards, design and construct new structures facing Broadway/High Streets with setbacks that are:
 - (a) Contiguous with the right-of-way; or
 - (b) Located ten (10) feet from the public right-of-way to create plazas or other outdoor facilities open to the public.
 - (c) This standard applies to the first twenty-five (25) feet of building height only. Above twenty-five (25) feet in height a building may set back up to ten (10) additional feet from the public right-of-way.
- 2) For structures not adjacent to Broadway/High Street:
 - (a) Provide building setbacks adjacent to a public street as follows:
 - (i) Minimum setback: 0 feet
 - (ii) Maximum setback:
Buildings 0 to 25 feet in height: 12 feet
Portions of buildings above 25 feet in height: 25 feet
 - (b) There are no side yard requirements, except that any space between a building or structure other than a fence and an interior side lot line shall not be less than five (5) feet in depth, exclusive of any alley area.
 - (c) The minimum setback for an interior rear yard shall be one (1) foot from an adjacent right-of-way line or alley for each foot of building height. The rear yard setback shall not exceed twenty (20) feet.

SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - BROADWAY / HIGH STREET

A. Broadway/High Street Overlay Zone (cont.) 2. Building Orientation and Design

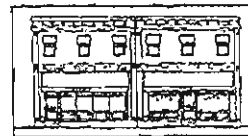
a. Guidelines:

- 1) Design buildings adjacent to the Broadway and High Street rights-of-way to create safe, pleasant and active pedestrian environments.
- 2) Provide views into shops and offices for ground floor facades along Broadway and High Streets. Upper building levels facing Broadway and High Streets should incorporate decks and balconies.
- 3) Provide weather protection above sidewalks in the form of awnings or canopies appropriate to the design of the structure for building facades along Broadway and High Streets.
- 4) Provide for an urban streetscape along the Broadway/High Street right-of-way by locating new buildings close to the Street and close to one another with upper stories wherever practical. Urban streetscapes create a sense of enclosure along sidewalks and provide a variety of street level facades.



b. Standards:

- 1) Design and construct a primary building entrance for each building facade facing the Broadway/High Street right-of-way. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.
- 2) Incorporate at least 65 percent windows along ground floor facades of buildings facing the Broadway/High Street right-of-way. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurements used to make the determination are T-Vis equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
- 3) For building frontages greater than one-hundred (100) feet in length, provide offset jogs, using elements such as bay windows and recessed entrances that reinforce pedestrian scale.
- 4) Include weather protection in the form of canopies or awnings along at least 50 percent of the length of the ground floor building facade which is adjacent to a public right-of-way. Such weather protection may encroach into the public right-of-way subject to SIC 76.160 (Encroachment into Public Right-of-Way) and in compliance with requirements of the Uniform Building Code Chapter 32.
- 5) Place weather protection at least eight (8) feet above any public sidewalk.
- 6) Construct new buildings adjacent to the Broadway/High Street right-of-way, a minimum of twenty-five (25) feet in height. New buildings shall provide space for commercial use on the ground floor with office or residential space above.



SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - BROADWAY / HIGH STREET

A. Broadway/High Street Overlay Zone (cont.)

3. Open Space

a. Guidelines:

- 1) Provide private open space for mixed use and residential buildings.



b. Standards:

- 1) Provide for each dwelling unit at least forty-eight (48) square feet of private open space with no dimension less than six (6) feet.
- 2) For each unit, provide a direct and accessible route to the private open space through the use of a doorway.

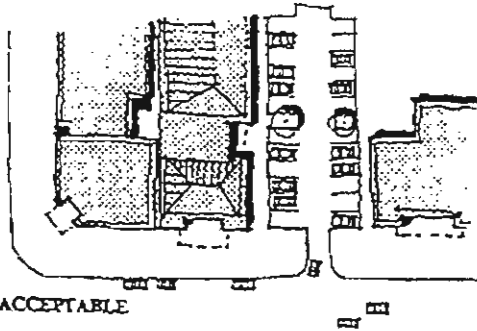
SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - BROADWAY / HIGH STREET

A. Broadway/High Street Overlay Zone (cont.)

4. Access

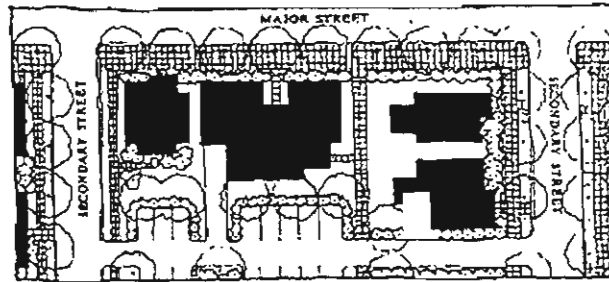
a. Guidelines:

- 1) Minimize vehicle access and driveways onto Broadway and High Streets. The joint use of driveways accessing Broadway and High Streets is encouraged.
- 2) Where feasible, provide vehicle access to buildings facing Broadway and High Streets via an alley or side street.



b. Standards:

- 1) Provide vehicle access to parking and loading areas via an alley or side street.
- 2) No new vehicle access or driveways on Broadway and High Streets shall be permitted.



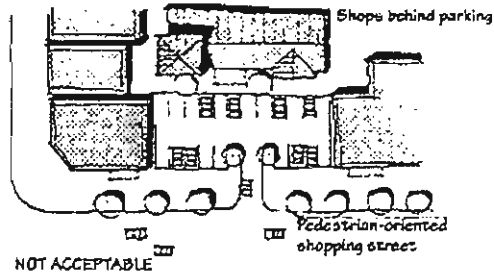
SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - BROADWAY / HIGH STREET

A. Broadway/High Street Overlay Zone (cont.)

5. Off-Street Parking and Loading

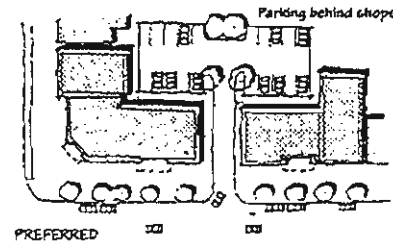
a. Guidelines:

- 1) Provide scale and orientation to parking lots that are consistent with a pedestrian-oriented retail and residential district.
- 2) Where physically possible, provide shared and structured parking to minimize the amount of land necessary to accommodate parking.



b. Standards:

- 1) Locate along Broadway and High Streets, off-street parking lots and loading areas behind or beside structures. Parking and vehicle maneuvering areas shall not be located between a structure and a public street.
- 2) Design and construct off-street surface parking areas that do not occupy more than 50 percent of the public street frontage of the lot where parking is located, except that:
 - (a) Where a site has frontage along two public streets including a side street, a surface parking lot may occupy more than 50 percent of the side street frontage.
 - (b) For properties abutting the Broadway/High Street right-of-way, multi-level parking structures may occupy more than 50 percent of the site's Front Street frontage provided the parking structure includes ground floor commercial space along the frontage.



SECTION 6 – NORTH DOWNTOWN PLANNING DISTRICT - NOTES

SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - RIVERFRONT

B. Riverfront Overlay Zone 1. Building Setbacks

a. Guidelines:

- 1) Provide and enhance for public access to and along the riverfront.
- 2) Provide building setbacks that minimize environmental impacts and protects riparian corridors.

b. Standards:

- 1) For properties adjacent the Willamette River, provide setbacks in compliance with the City's Willamette Greenway Permit process.
- 2) Provide setbacks adjacent to a public street right-of-way a maximum of twelve (12) feet. There shall be no minimum setback along a public street right-of-way.
- 3) There is no minimum side yard requirement.

SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - RIVERFRONT

B. Riverfront Overlay Zone (cont.) 2. Building Orientation and Design

a. Guidelines:

- 1) Where appropriate, incorporate into the project design the riverfront and Mill Creek as public amenities.
- 2) For building faces adjacent the riverfront, facilitate pedestrian interaction by incorporating pedestrian arcades and plazas into project design.
- 3) For ground floor faces adjacent the riverfront, provide views into shops and offices. Upper building levels facing the riverfront should incorporate decks and balconies.
- 4) For new structures within the Riverfront Overlay Zone, take measures to minimize the noise impacts of surrounding industrial uses and the road.



b. Standards:

- 1) Provide for buildings adjacent the riverfront setback area at least one primary building entrance that faces the Willamette River.
- 2) Design and construct a primary building entrance for each building facade facing a public right-of-way. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.
- 3) For buildings facing the riverfront setback area or public street right-of-way, provide ground floor facades comprised of 65 percent window area. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurements used to make the determination are T-Vis equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
- 4) For building frontages greater than one-hundred (100) feet, design and construct offset jogs of not less than four (4) feet, using elements that reinforce pedestrian scale such as bay windows and recessed entrances.
- 5) For building facades adjacent to a public right-of-way include weather protection in the form of canopies or awnings along at least 50 percent of the length of the ground floor building facade. Such weather protection may encroach into the public right-of-way subject to SRC 76.160 (Encroachment into Public Right-of-Way).
- 6) Place weather protection at least eight (8) feet above any public sidewalk.

SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - RIVERFRONT

B. Riverfront Overlay Zone (cont.)

3. Open Space

a. Guideline:

- 1) Provide private open space for mixed use and residential buildings.

b. Standards:

- 1) For each dwelling unit, provide at least forty-eight (48) square feet of private open space with no dimension less than six (6) feet.
- 2) For each unit, provide a direct and accessible route to the private open space through the use of a doorway.

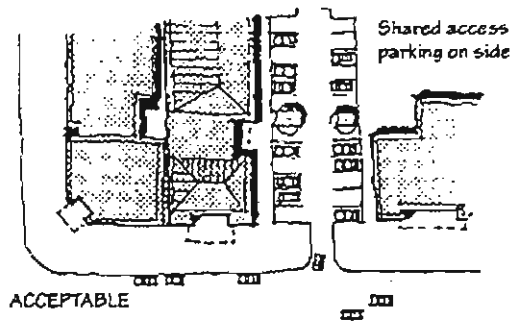
SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - RIVERFRONT

B. Riverfront Overlay Zone (cont.)

4. Access

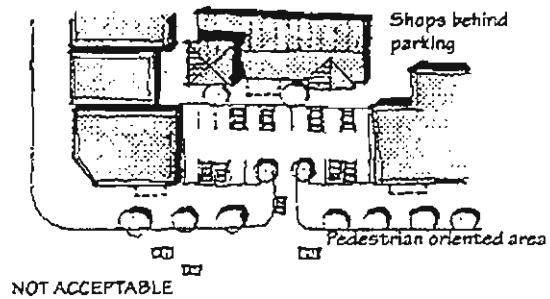
a. Guidelines:

- 1) Minimize vehicle access and driveways onto Front Street. The joint use of driveways accessing Front Street is encouraged.
- 2) Include in the project design public pedestrian access between the riverfront and Front Street to provide an inter-connected pedestrian circulation system.



b. Standards:

- 1) Provide east-west public access via a sidewalk, public street or alley not less than every four-hundred (400) feet to connect the riverfront with Front Street. This access shall not be less than twelve (12) feet in width.



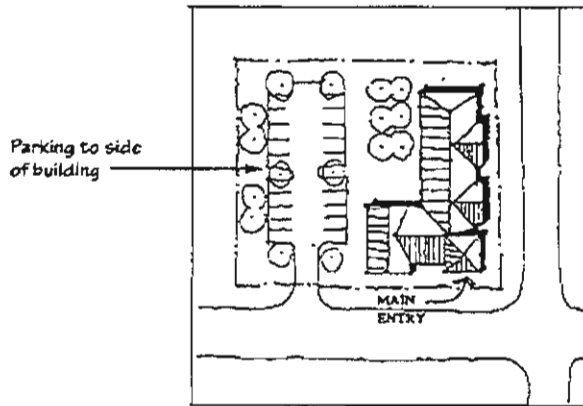
SECTION 6 - NORTH DOWNTOWN PLANNING DISTRICT - RIVERFRONT

B. Riverfront Overlay Zone (cont.)

5. Off-Street Parking and Loading

a. Guidelines:

- 1) Design the scale and orientation of parking lots consistent with a pedestrian-oriented retail and residential district.
- 2) Where physically possible, provide shared and structured parking to minimize the amount of land necessary to accommodate parking.



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b. Standards:

- 1) Locate off-street surface parking and loading areas behind or to the sides of buildings and structures.
- 2) Design and construct parking that is not located within the minimum riverfront setback area.
- 3) Design and construct off-street surface parking areas that do not occupy more than 50 percent of a lot's public street frontage, except that:
 - (a) When a site has frontage along two public streets including a side street, a surface parking lot may occupy more than 50 percent of the side street frontage.
 - (b) Multi-level parking structures may occupy more than 50 percent of the site's Front Street frontage provided the parking structure includes ground floor commercial space along the frontage.

SECTION 6 – NORTH DOWNTOWN PLANNING DISTRICT - NOTES

SECTION 7 - PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

**PORTLAND / FAIRGROUNDS ROAD OVERLAY ZONE
DESIGN GUIDELINES AND STANDARDS**

SECTION 7 – PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE - NOTES

SECTION 7 - PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

A. Building Location, Orientation, and Design

1. Building Setback

a. Guidelines:

- 1) Minimize building setbacks from the public street right-of-way.
- 2) Zero lot line buildings are encouraged within mixed-use areas.

b. Standards:

- 1) Design and construct buildings no farther than sixty (60) feet from the public right-of-way, except in areas defined as mixed-use nodes.
- 2) Design and construct buildings no farther than ten (10) feet from the public right-of-way within mixed-use nodes.

SECTION 7 - PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

A. Building Location, Orientation, and Design (cont.)

2. Building Orientation and Design

a. Guidelines:

- 1) Design and construct buildings facing the Portland/Fairgrounds Road Corridor to create safe, pleasant, and active pedestrian environments.
- 2) Provide views into shops and offices on ground floor facades along the Portland/Fairgrounds Road Corridor.
- 3) Design and construct buildings to reinforce the human scale of development and avoid long monotonous exterior walls. To minimize appearance of bulk, a building offset interval shall be established and repeated along structure facades.
- 4) Provide weather protection in the form of awnings or canopies appropriate to the design of the structure for building facades adjacent to sidewalks or pedestrian connections.
- 5) Design and construct buildings at a human scale.

b. Standards:

- 1) Design and construct a primary building entrance for each building facade facing a public right-of-way. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.
- 2) Incorporate a minimum of 65 percent window on the ground floor facades of buildings facing the Portland/Fairgrounds Road Corridor. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurements used to make the determination are T-Vis equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
- 3) Design and construction of building frontages greater than seventy-five (75) feet shall have offset jogs, using elements such as bay windows and recessed entrances that reinforce pedestrian scale. Building frontages two or more stories in height may be built without offset intervals on the first floor, but all additional floors shall be extended or recessed a minimum of four (4) feet horizontally from the exterior vertical plane of the first story. Such extensions may extend into required yards notwithstanding SRC 76.170(a).
- 4) Design and construct building facades adjacent to sidewalks or pedestrian connections to include weather protection in the form of canopies or awnings along at least 50 percent of the length of the ground floor facade. Such weather protection may encroach into the public right-of-way subject to SRC 76.160 (Encroachment into Public Right-of-Way). Weather protection shall be placed at least eight (8) feet above any public sidewalk.
- 5) Design and construct buildings within mixed-use areas at a minimum height of twenty-five (25) feet.

SECTION 7 - PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

B. Landscaping Requirements

1. Landscaping for Open Sales and Off-Street Parking

a. Guidelines:

- 1) Utilize landscaping to enhance the urban character of the area and provide adequate screening and buffering of open sales areas.
- 2) Utilize landscaping to enhance the urban character of the area and provide adequate screening and buffering of surface parking lots.

b. Standards:

- 1) Screen open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other such items from the public right-of-way with a sight obscuring fence, hedge or masonry wall each a minimum of three (3) feet in height and a minimum landscaped strip three (3) feet in width. The fence, hedge or masonry wall shall not infringe on the vision clearance area pursuant to SRC 76.170. Concertina or barbed wire fencing is prohibited within sixty (60) feet of any public street right-of-way, unless such fencing is obstructed by a building or structure.
- 2) Provide a landscape strip a minimum of ten (10) feet in width between the surface parking lot and public right-of-way in areas without open sales. The strip shall be planted with a minimum of one (1) plant unit per twenty (20) square feet of planting area. Berms, mounds, raised beds and grade drops are allowed if they meet the requirements of SRC 143B.230.

SECTION 7 – PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE - NOTES

SECTION 7 - PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

C. Parking Requirements 1. Off-Street Parking and Loading

a. Guidelines:

- 1) Minimize the area devoted to off-street parking within mixed use areas.
- 2) Include ground floor commercial space in parking structures within defined mixed-use areas and adjacent to Portland/Fairgrounds Road Corridor.

b. Standards:

- 1) Restrict off-street parking to not occupy more than 50 percent of the public street frontage of the lot where such parking is located within mixed-use areas. Within mixed-use areas, where a site has frontage along two public streets including a side street, a surface parking lot may occupy more than 50 percent of the side street frontage.
- 2) Include ground floor commercial space along the Portland/Fairgrounds Road frontage in parking structures located within defined mixed-use areas and adjacent to the Portland/Fairgrounds Road Corridor.

SECTION 7 – PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE - NOTES

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

**EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE
DESIGN GUIDELINES AND STANDARDS**

SECTION 8 – EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE - NOTES

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

A. Wallace Road Corridor Requirements

1. Building Setback, Access to Parking, Screening/Buffering

a. Guidelines:

- 1) Minimize building setbacks from the Wallace Road right-of-way.
- 2) Minimize access to Wallace Road where access to parking is available from a local street.
- 3) Utilize landscaping to provide adequate screening and buffering of open sales areas.

b. Standards:

- 1) Along the Wallace Road right-of-way, design and construct building setbacks a maximum of sixty (60) feet from the public right-of-way. This design standard shall not apply if a building exists within sixty (60) feet of the public right-of-way and comprises at least fifty (50) percent of the lot width.
- 2) Design and construct developments without new driveways on Wallace Road where access to parking is available from a local street.
- 3) Screen open sales areas for construction, communication or recreational equipment, vehicles, boats, recreational vehicles, and building materials, from the Wallace Road public right-of-way with a sight-obscuring fence, hedge or masonry wall each a minimum of three (3) feet in height and a landscaped strip a minimum of six (6) feet in width. The fence, hedge or masonry wall shall not infringe on the vision clearance area pursuant to SRC 76.170 and SRC 88.080. Concertina or barbed wire fencing is prohibited within sixty (60) feet of any public street right-of-way unless such fencing is obstructed by a building or structure.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE -NOTES

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements 1. Building Setback

a. Guidelines:

- 1) Minimize building setbacks from the Edgewater Street right-of-way.

b. Standards:

- 1) Along the Edgewater Street right-of-way, design and construct building setbacks a maximum of ten (10) feet from the public right-of-way. This design standard shall not apply if a building exists within ten (10) feet of the public right-of-way and comprises at least fifty (50) percent of the lot width.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements (cont.)

2. Building Orientation and Design

a. Guidelines:

- 1) Design and construct buildings facing the Edgewater Street right-of-way that create safe, pleasant and active pedestrian environments.
- 2) Design and construct ground floor facades along the Edgewater Street right-of-way that provide views into shops and offices.
- 3) Reinforce the human scale of development and avoid buildings with long monotonous exterior walls. To minimize the appearance of bulk, a building offset interval shall be established and repeated along structure facades.
- 4) Provide weather protection on building facades adjacent to sidewalks or pedestrian connections in the form of awnings or canopies appropriate to the design of the structure.

b. Standards:

- 1) Design and construct a primary building entrance for each building facade facing a public right-of-way. If a building has frontage on more than one public street, a single building entrance on the corner where the two streets intersect is permitted.
- 2) Incorporate a minimum of sixty-five (65) percent window along the ground floor facade for buildings facing the Edgewater Street right-of-way. Such windows shall not be mirrored or treated in such a way as to block views into the window. The measurement used to make the determination area T-V is equal to or greater than 37 percent and the R-Vis equal to or less than 12 percent.
- 3) Design and construct building frontages greater than seventy-five (75) feet with offset jogs, using elements such as bay windows and recessed entrances that reinforce pedestrian scale; building frontages two or more stories in height may be built without offset intervals on the first floor, but all additional floors shall be extended or recessed a minimum of four (4) feet horizontally from the exterior vertical plane of the first story. Such extensions may extend into required yards notwithstanding SRC 76.170(a).
- 4) Design and construct building facades adjacent to sidewalks or pedestrian connections to include weather protection in the form of canopies or awnings along at least ninety (90) percent of the length of the ground floor facade. Such weather protection may encroach into the public right-of-way subject to SRC 76.160 (Encroachment into Public Right-of-Way). Weather protection shall be placed at least eight (8) feet above any public sidewalk.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements (cont.) 3. Landscaping for Open Sales and Off-Street Parking Area

a. Guidelines:

- 1) Utilize landscaping to provide adequate screening and buffering of open sales areas.

b. Standards:

- 1) Screen open sales areas for construction, communication or recreational equipment, vehicles, boats, recreational vehicles, and building materials from the Edgewater Street public right-of-way with a sight obscuring fence, hedge or masonry wall each a minimum of three (3) feet in height and a landscaped strip a minimum of six (6) feet in width. The fence, hedge or masonry wall shall not infringe on the vision clearance area pursuant to SRC 76.170 and SRC 86.080. Concertina or barbed wire fencing is prohibited within sixty (60) feet of any public street right-of-way unless such fencing is obstructed by a building or structure.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

B. Edgewater Street Corridor Requirements (cont.) 4. Off-Street Loading and Parking Requirements

a. Guidelines:

- 1) Minimize the area devoted to off-street surface parking along the Edgewater Street right-of-way.
- 2) Design and construct parking structures adjacent to the Edgewater Street right-of-way with ground floor commercial or office space.
- 3) Where possible, provide access to parking to serve activities along the Edgewater Street right-of-way from Second Street or via an alley.

b. Standards:

- 1) Along the Edgewater Street right-of-way, design and construct off-street surface parking that does not occupy more than 50 percent of the street frontage of the lot where such parking is located. Where a site has frontage along two public streets including a side street, a surface parking lot may occupy more than 50 percent of the side-street frontage.
- 2) For parking structures adjacent to the Edgewater Street right-of-way include ground floor commercial or office space.
- 3) Where access to parking is available from Second Street or via an alley, design and construct developments without any new driveways along Edgewater Street.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

C. Walker School Area Requirements

The following guidelines and standards are intended to apply to both multiple family and compact residential development. These guidelines and standards are in addition to the requirements contained in the multiple family and compact residential sections of the Development Design Handbook.

1. Building Orientation and Design

a. Guidelines:

- 1) For development located across a street from single family dwelling(s) or property zoned for single family dwellings, design and construct units that reflect the scale, shape and details of single family structures.
- 2) Design and construct dwelling units with entries oriented to the street. Apartments may have entries oriented to a central courtyard that is open to the street.
- 3) Achieve architecturally defined entryways and building design which relates to human scale.

b. Standards:

- 1) Use trim boards to mark and define all building roof lines, porches, windows and doors that are on building elevations that face public streets.
- 2) Orient units with building fronts parallel to the street and with side walls at right angles to the street. Ground floor units shall include individual covered entry porches when facing a street. On interior lots less than fifty (50) feet in width at least one (1) unit shall face the street. Additional units shall be located to the rear of the parcel. A paved walkway shall be provided from the street to units at the rear of the property.
- 3) Differentiate attached units using offset jogs.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

C. Walker School Area Requirements (cont.) 2. Parking Site Access and Circulation

a. Guidelines:

- 1) Design and construct parking areas that are minimized, hidden from view and incidental to the structure when viewed from the street.
- 2) Minimize the amount of building frontage devoted to garages facing a public right-of-way.
- 3) Minimize land area for driveways.

b. Standards:

- 1) Unless restricted otherwise in the Salem Revised Code, design and construct parking areas that do not occupy more than 25 percent of any street frontage.
- 2) Design and construct only single car garage doors facing a street. Provide a garage setback from the street right-of-way at least four (4) feet further than any enclosed living area.
- 3) Design and construct driveways serving a garage no greater than eight (8) feet in width. Tandem parking is permitted to meet off-street parking requirements.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

C. Walker School Area Requirements (cont.)

3. Open Space

a. Guidelines:

- 1) Design and construct entry porches with useable private outdoor open space.

b. Standards:

- 1) Design and construct entry porches with minimum dimensions of six (6) feet by eight (8) feet.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

C. Walker School Area Requirements (cont.)

4. Building Mass and Façade

a. Guidelines:

- 1) Design and construct roof lines on new structures that reflect roof lines representative of single family structures in the neighborhood or along the block face.
- 2) Minimize building setbacks along the front property line.
- 3) Minimize building height along the front property line.
- 4) Minimize the scale of building planes.
- 5) For developments with multiple structures, design and create useable common open space and provide visual interest to reduce the appearance of bulk.

b. Standards:

- 1) Design and construct units with a minimum roof pitch of 3:12 or greater.
- 2) Provide minimum building setbacks along the property frontage of eighteen (18) feet.
- 3) Design and construct buildings not to exceed twenty-eight (28) feet in height within fifty (50) feet of the front property line.
- 4) For units that face a street, design and construct buildings with building planes that do not exceed 960 square feet, forty (40) feet by twenty-four (24) feet, within thirty (30) feet of the front property line. No building plane shall exceed 1,400 square feet within fifty (50) of the front property line. No building plane shall have a horizontal dimension greater than forty (40) feet.
- 5) If more than one building plane faces the property line and the building planes align at a common distance from the line, horizontally separate the building planes by at least twenty (20) feet to create a "courtyard" effect. For purposes of this standard "common distance" shall be defined as within twelve (12) feet.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

C. Walker School Area Requirements (cont.)

5. Landscaping

a. Guidelines:

- 1) Plant trees along the street frontage, according to the requirements of SRC Chapter 86.

b. Standards:

- 1) Provide at least one (1) street tree for each dwelling unit except that no more than one (1) tree shall be required for every twenty (20) feet of street frontage or fraction thereof. Street trees shall be canopy trees with a minimum caliper of three (3) inches. Existing trees may be used to satisfy this requirement.

SECTION 8 - EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE - NOTES

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

**SOUTH WATERFRONT MIXED-USE DESIGN
GUIDELINES AND STANDARDS**

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS - NOTES

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Design guidelines versus design standards:

An applicant who proposes a project subject to Development Design Review must make a critical decision: An applicant has the choice of having their project proposal reviewed by the Planning Commission or having their proposal evaluated based on compliance with conventional development standards.

If the applicant chooses review by the Planning Commission, review of projects is based on clearly defined design guidelines. Design guidelines deal with such project elements as open space, landscaping, parking, site access and building massing. This type of project review is considered a limited land use decision because the Planning Commission must decide what meets the intent of the design guidelines. Limited land use decisions require public notice and the final decision is subject to appeal to the State Land Use Board of Appeals (LUBA).

Projects not reviewed by the Planning Commission are subject to compliance with design standards. Design standards are distinguished from design guidelines in that standards provide no discretion in decision making and are measurable, clear, and objective. Design standards address the same project elements as design guidelines. Since project review based on measurable standards involves no discretion (either a project proposal meets the standards or it does not) the decision is not considered a limited land use decision. Therefore, this type of project review does not require public notice or hearing.

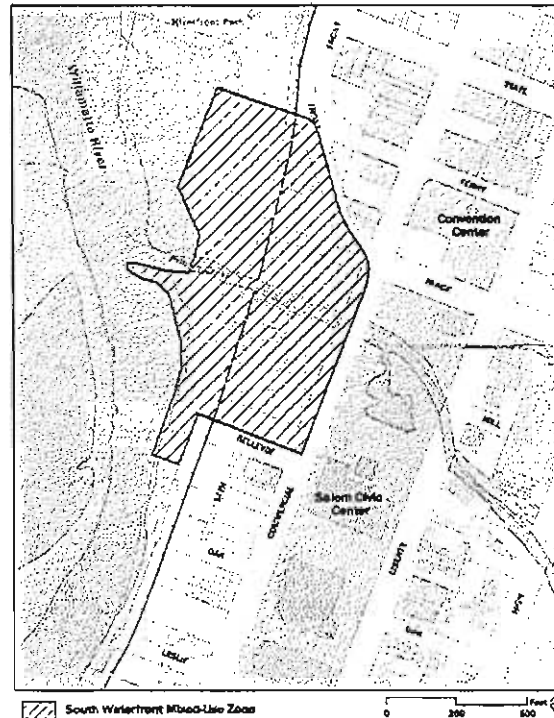
The City of Salem Development Design Handbook is structured to clearly identify what is required for projects reviewed by the Planning Commission and projects that must comply with design standards. Design guidelines are always presented on the left side of the page with design standards on the right side of the page.

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 1. Applicability

- 1) The requirements for pedestrian-oriented ground floors outlined under this section (Section A, "Pedestrian-Oriented Building Design: General") apply to buildings throughout the entire zone, with the following exceptions:
 - a. Building facades that are both facing and within 80 feet of the railroad right-of-way.
 - b. Existing structures (in accordance with Section 162.120 DESIGN APPROVAL)
- 2) For the purposes of Section A, all standards and guidelines relating to ground floor design apply as follows:
 - a. "Ground floor" is defined as the first full building floor which is no more than two feet above grade.
 - b. For buildings facing Pringle Creek, the ground floor is defined as the floor most closely aligned with street level.
 - c. The above grade raised foundation or, if provided, the 1/2 story of visible below-grade parking allowed by C.2 ("Park-Facing Ground Floors") is exempt from the requirements relating to ground floor building design in Section A.

Figure 1: Requirements for pedestrian-oriented ground floors (Section A) apply across the zone



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 2. Building Facades

a. Guidelines:

- 1) Incorporate architectural detailing that visually divides the building's vertical mass in a manner that is complimentary to Downtown Salem's existing building stock.

Figure 2: Dividing horizontal building mass



b. Standards:

- 1) All buildings (regardless of height or number of stories) shall divide vertical mass into three clear and distinct zones: a base, middle, and top. The base must at least encompass the first full building floor above grade. Vertical building mass can be divided by using one or several of the following architectural detailing techniques to differentiate the base, middle, and top of the building (see Figure 2):
 - Horizontal bands (such as a string course or projecting cornice). Horizontal bands shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of $\frac{3}{4}$ inch from the building face. Cornices must project a minimum of 1 foot (5 feet maximum) from the face of the building;
 - Changes in form/architectural massing through the use of architectural setbacks or projections measuring a minimum of 3 feet in depth; and/or
 - Changes in color, pattern, and/or material (this technique must be used in concert with one or more of the techniques outlined above, and does not fulfill this standard when used alone).

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 3. Ground Floor Height

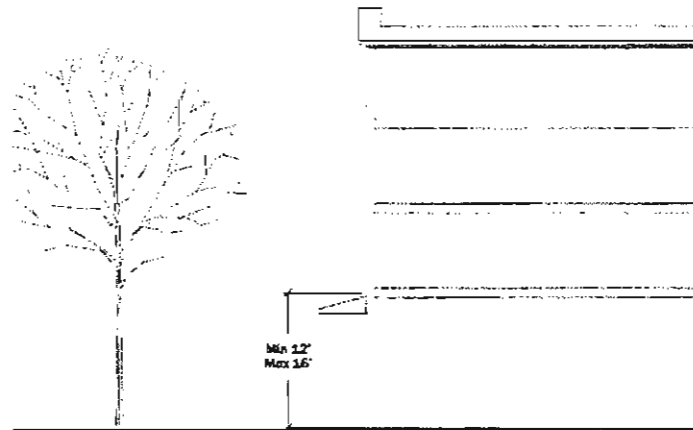
a. Guidelines:

- 1) To ensure that ground floor space is pedestrian-friendly and adaptable to different uses over time, design and construct street or open space-facing ground floors (public or private) to be convertible to commercial uses with a minimum of retrofitting required. If a raised foundation or $\frac{1}{2}$ story of visible below grade parking is provided, this level should be designed so as to enhance the pedestrian environment along the sidewalk.

b. Standards:

- 1) Along public or private streets or facing public or private open space, the ground floor height of buildings shall be a minimum of 12 feet and a maximum of 16 feet (see Figure 3). For the purposes of this standard, the ground floor height is measured from the top of the building foundation to the ceiling of the first floor.

Figure 3: Ground floors should be a minimum of 12 feet high, and a maximum of 16 feet



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 4. Building Transparency

a. Guidelines:

- 1) Ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm by incorporating large, transparent windows along sidewalk and open space-facing ground floor facades.
- 2) Ensure that public and private open spaces are safe and secure at all times by providing sufficient "eyes" on streets, courtyards, forecourts, plazas, and parks through the provision of windows on ground floors and upper stories.

Figure 4: Ground floor windows are required along a minimum of 60% of the street or public space-facing ground floor facade



b. Standards:

- 1) Provide transparent windows along a minimum of 60% of the length, and 60% of the overall area of the street (public or private) or open space-facing ground level facade (see Figure 4). This includes facades facing public streets, Pringle Creek, public open spaces, and private open spaces such as forecourts or plazas. For the purposes of this standard, ground-floor facade areas include exterior wall areas up to twelve feet above finished grade. Loading and service areas, ground floor parking, and ground floor residential dwelling units are exempt from this requirement.
- 2) All ground floor windows shall have a Visible Transmittance (VT) of 60% or higher, with the exception of medical and dental offices which may have tinted windows.
- 3) Upper building floors (above the ground floor) shall provide vertically-oriented windows along a minimum of 30% of each building floor length and 30% of the overall exterior wall area of each street and public space-facing building floor.

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 5. Primary Building Entries

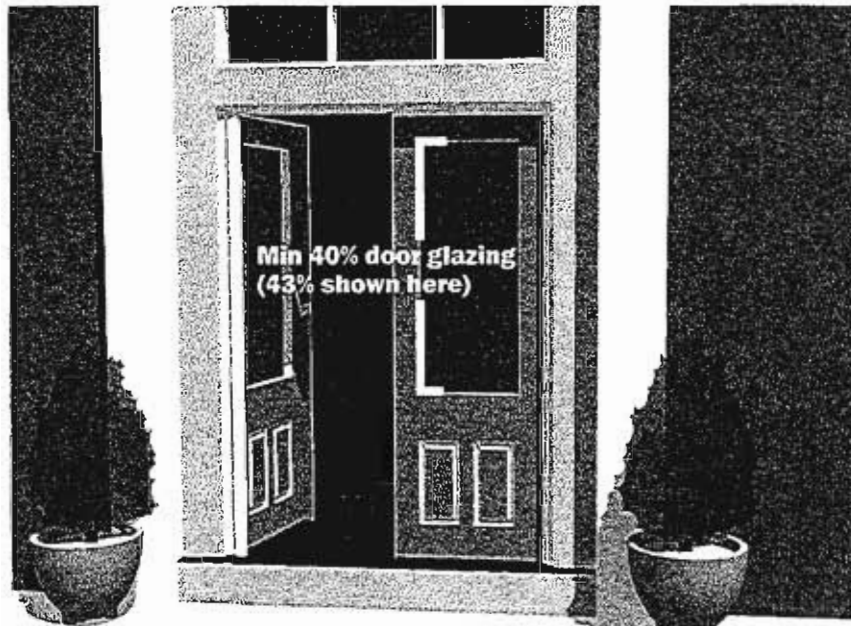
a. Guidelines:

- 1) Design primary building entries that are inviting to pedestrians, which promote a sense of interaction between the public and private realms. Avoid solid, opaque doors.

b. Standards:

- 1) All primary building entries shall be comprised of a minimum of 40% transparent glass, with a Visible Transmittance (VT) of 60% or higher (see Figure 5). Opaque, solid doors are not permitted. Entries opening directly into individual residential dwellings are exempt from this requirement.

Figure 5: Primary building entries must have a minimum of 40% transparent glass



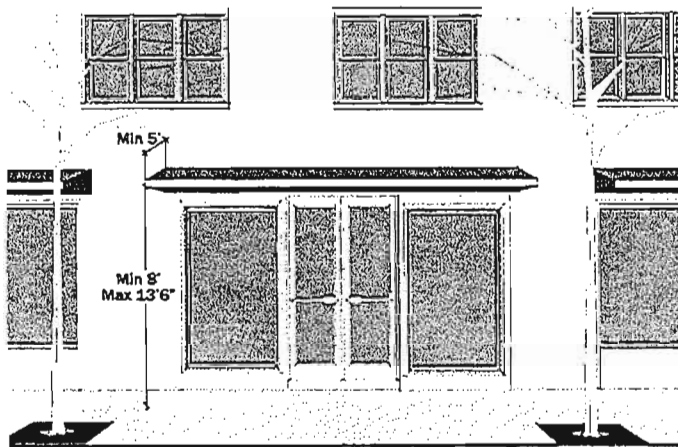
SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 5. Primary Building Entries (cont.)

a. Guidelines:

- 1) Provide well-designed, inviting building entries that create a "transition zone" between the public realm on the sidewalk, and the private realm within the building.

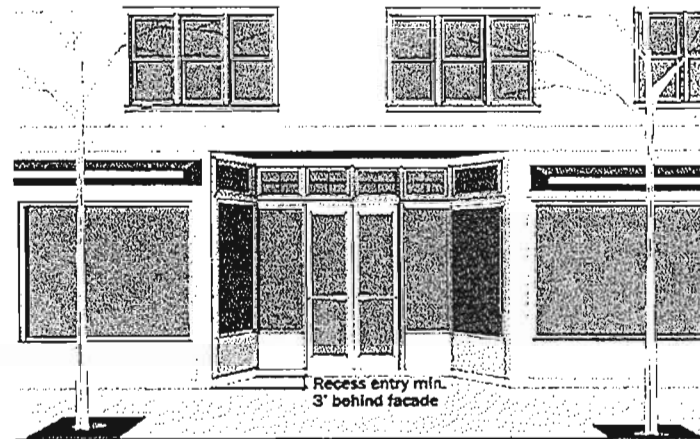
Figure 6: Awning/canopy entry dimensions



b. Standards:

- 1) All primary building entries shall:
 - Provide awnings or canopies. Awnings and canopies shall be a minimum of 5 feet deep, and shall provide a minimum clearance height of 8 feet from the sidewalk (with a maximum height of 13'6") (see Figure 6); or
 - Be recessed into the building facade a minimum of 3 feet (see Figure 7).

Figure 7: Recessed entry dimensions



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

A. Pedestrian-Oriented Building Design: General 6. Mechanical and Service Equipment

a. Guidelines:

- 1) Visually screen building mechanical equipment, service functions (such as trash collection areas), and rooftop appurtenances from public sidewalks and open spaces to the maximum extent feasible.
- 2) Maximize opportunities to incorporate sustainable energy measures such as solar panels and wind generators into buildings.

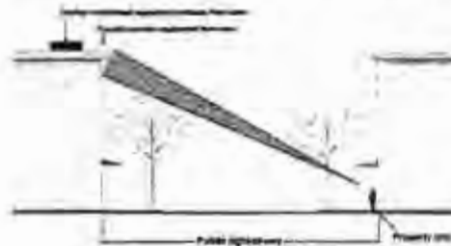
Figure 8: Masonry screening that is architecturally consistent with the principle building hides garbage collection and mechanical equipment areas.



b. Standards:

- 1) Ground level mechanical and service equipment: Screen all exterior garbage collection areas, recycling collection areas, and mechanical equipment with landscaping or a site obscuring fence or wall that is architecturally consistent with the primary building (see Figure 8). Whenever possible, locate such elements and their associated wellheads so that they are not visible from public sidewalks and open spaces.
- 2) Rooftop mechanical equipment: All rooftop mechanical equipment (excluding solar panels and wind generators) shall be screened and/or sufficiently setback so that it is not visible to a person standing on the property line on the far side of any adjacent, at-grade public street (see Figure 9). All rooftop mechanical equipment shall be screened/set back so that it is not visible from any public open space to a person standing 60 feet from the building.
- 3) Pursuant to SRC 162.050, antennas attached to existing or approved structures, are subject to the standards in SRC Chapter 119, and are not subject to the standards outlined above.

Figure 9: Screen rooftop mechanical equipment from view from the opposite side of the street



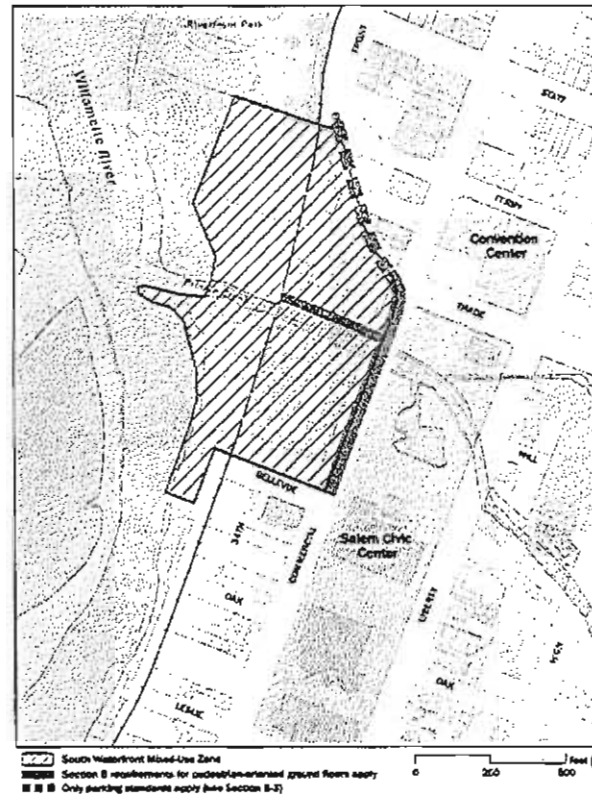
SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS -NOTES

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

B. Pedestrian-Oriented Building Design: Specific 1. Applicability

- 1) The requirements for pedestrian-oriented ground floors outlined in this section (Section B, "Pedestrian-Oriented Building Design: Specific") apply to buildings located along the north side of Pringle Creek, Commercial Street, and the corner of Commercial Street and Front Street (see Figure 10). The standards outlined in Section B-3 ("Parking") apply to all of the above frontages, and to the frontage along Front Street, as shown in Figure 10.
- 2) For the purposes of Section B, all standards and guidelines relating to ground floor design apply as follows:
 - a. "Ground floor" is defined as the first full building floor which is no more than two feet above grade.
 - b. For buildings facing Pringle Creek, the ground floor is defined as the floor most closely aligned with street level.
 - c. The above grade raised foundation or, if provided, the ¼ story of visible below-grade parking allowed by C.2 ("Park-Facing Ground Floors") is exempt from the requirements relating to ground floor building design in Section B.

Figure 10: Applicability of requirements for pedestrian-oriented ground floors (Section B).



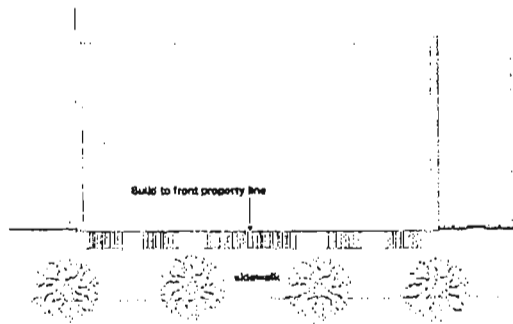
SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

B. Pedestrian-Oriented Building Design: Specific 2. Building Setbacks and Frontages

a. Guidelines:

- 1) Design buildings that create well-defined "edges" to the public realm (the sidewalk) by minimizing setbacks from the street right-of-way. Zero lot line buildings along public street right-of ways are encouraged, or buildings may be sited so as to create opportunities for well-designed public or civic spaces between the building and the sidewalk.
- 2) Create a comfortable, inviting, and well-framed open space environment along Pringle Creek by creating a well-defined building wall "edge" along the north bank of the creek.
- 3) Ensure the preservation of the site's principal natural asset by sufficiently setting buildings back from Pringle Creek along the north bank.
- 4) Design buildings and primary building entries that are oriented to and easily accessible from sidewalks and public open space.

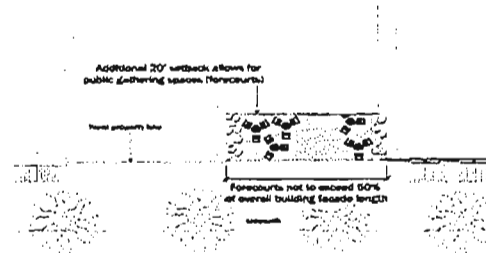
Figure 11: Buildings along Commercial and Commercial/Front Intersection must be built to front property line



b. Standards:

- 1) Except along Pringle Creek, and as provided below, buildings shall be oriented to the right-of-way, and must be built to the front lot line contiguous with the right-of-way (see Figure 11). This standard applies to the first 25 feet or two stories of building height only. Above 25 feet or two stories in height, a building may provide an additional setback from the right-of-way.
- 2) Buildings may be set back up to 50' behind the property line along Front Street, or at identified "Gateway" corners (as illustrated in Figure 21, Section D.1 "Gateways") provided the area within the setback is developed as a public plaza. In other locations, buildings may provide a setback up to 20' (not to comprise more than 50% of the length of the entire building facade), in order to allow for the provision of public or private gathering spaces, such as forecourts and plazas, within the front setback (see Figure 12).
- 3) Buildings that are chamfered at the corner may be set back from the property line to the extent necessary to accommodate the chamfered corner.

Figure 12: Additional 20' front setback allowing for public gathering spaces



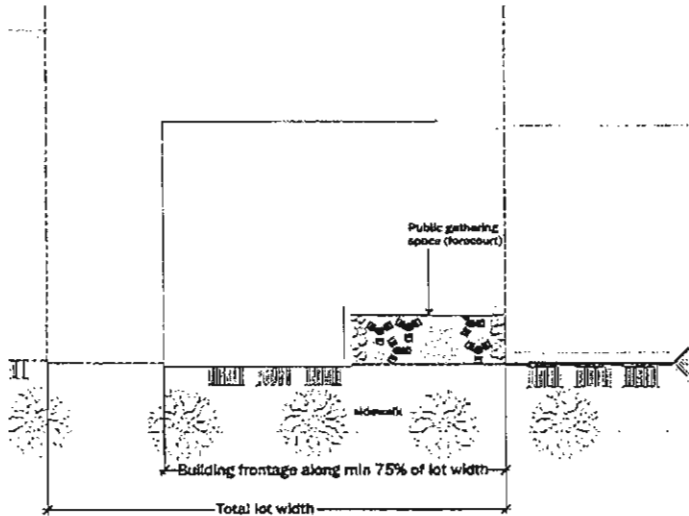
SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

B. Pedestrian-Oriented Building Design: Specific 2. Building Setbacks and Frontages (cont.)

a. Guidelines:

(See guidelines 1-4 on previous page)

Figure 13: Minimum 75% building frontage along front setback



b. Standards:

- 4) Upon redevelopment and to the extent appropriate permitting agencies authorize, the existing buildings over Pringle Creek shall be removed. Construction of new buildings over Pringle Creek is prohibited.
- 5) Along the north bank of Pringle Creek, buildings shall be oriented to the creek, and shall be set back from the creek in order to provide a minimum pedestrian clearance of 20 feet.
- 6) Any lot fronting Commercial Street or abutting Pringle Creek must provide continuous building frontage along the public right-of-way and/or the creek face for a minimum of 75% of the width of the lot (see Figure 13).
- 7) Primary building entrances must be located along Commercial Street, Front Street, or the north bank of Pringle Creek, (or alternatively, may be oriented to public street intersections or street corners), and must be directly connected to the sidewalk.

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

B. Pedestrian-Oriented Building Design: Specific 3. Parking

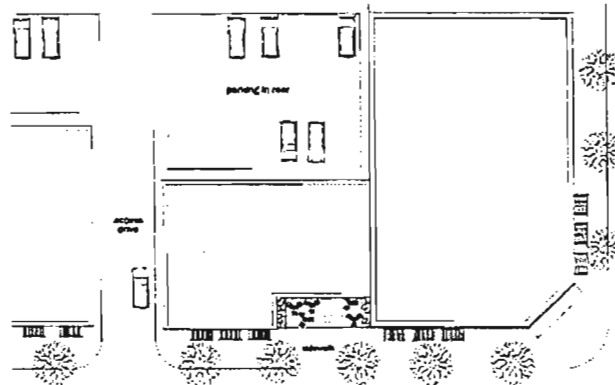
a. Guidelines:

- 1) Along buildings facing public streets, buffer surface parking lots from the view of pedestrians on the sidewalk. Whenever possible, place surface parking lots behind buildings.
- 2) In order to create an active and engaging pedestrian environment, structured parking fronting public streets should be “wrapped” with commercial and/or residential uses at the ground floor.

b. Standards:

- 1) Off-street parking is prohibited between the building and the street (see Figure 14), except along Front Street, where disabled parking and passenger loading and unloading zones are permitted between the building and the street.
- 2) Parking structures fronting Commercial or Front Streets must be “wrapped” at the ground level with commercial and/or residential uses for a minimum of 70% of the street-facing ground floor.

Figure 14: Surface parking is prohibited between the building and the street, and should be located behind buildings.



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

B. Pedestrian-Oriented Building Design: Specific 4. Weather Protection

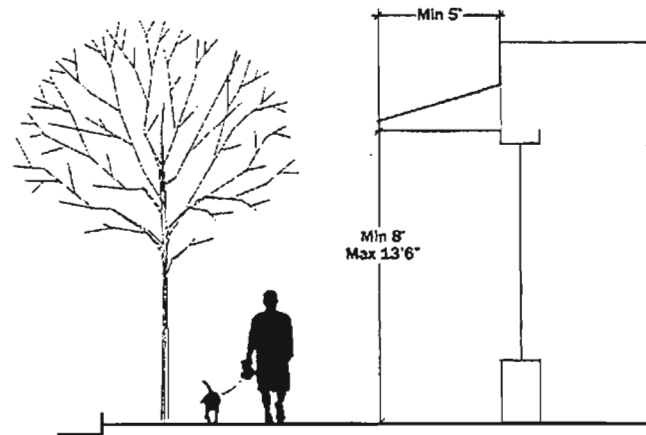
a. Guidelines:

- 1) Create a comfortable and inviting pedestrian realm by providing weather protection along street and public space facing ground floors in the form of canopies, awnings, or arcades appropriate to the design of the structure.

b. Standards:

- 1) Provide weather protection in the form of awnings, canopies, galleries, or arcades along a minimum of 50% of any ground floor.
- 2) Awnings and canopies shall be a minimum of 5 feet deep, and shall provide a minimum clearance height of 8 feet from the sidewalk (with a maximum height of 13'6") (see Figure 15).

Figure 15: Awning/canopy dimensions



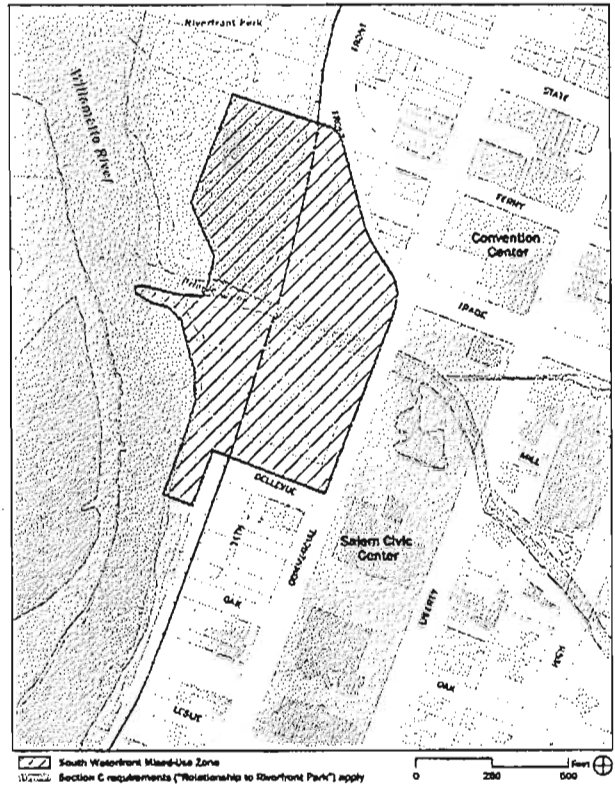
SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS -NOTES

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

C. Relationship to Riverfront Park 1. Applicability

- 1) The requirements outlined in this section (Section C, "Relationship to Riverfront Park") apply to buildings located on parcels immediately adjacent to Riverfront Park, as illustrated by Figure 16.

Figure 16: Applicability of Section C requirements ("Relationship to Riverfront Park")



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

C. Relationship to Riverfront Park 2. Park-Facing Ground Floors

a. Guidelines:

- 1) To ensure that buildings located along Riverfront Park enhance the public environment, design park-facing ground floors to be highly integrated and responsive to the park, including “wrapping” the ground level of any parking structure with commercial or residential uses to the extent practicable in order to activate the ground floor and provide “eyes” on the park.

b. Standards:

- 1) In order to activate the ground floor and provide “eyes” on the park, buildings located along Riverfront Park must provide commercial and/or residential uses along a minimum of 70% of the park-facing ground floor. Commercial uses must provide pedestrian access to and from the park. If residential uses are provided on the ground floor, building entries to individual residential units must provide pedestrian access to and from the park. Fences, privacy hedges, or other partitions may be used to separate private outdoor residential space from public space (as illustrated in Figure 17), but may be no more than 48 inches in height as measured pursuant to SRC 131.110.
- 2) Parking structures must be “wrapped” at the ground level with commercial and/or residential uses as outlined above. However, parking may be “tucked” beneath the building ½ story below grade. If this technique is used, the ground floor must be accessed via a stoop measuring at least 3 feet and no more than 4’6” above grade. Parking levels must provide a minimum of 8 feet of vertical clearance (see Figure 18). Any exposed parking ventilation areas visible from the pedestrian level must be shielded with landscaping. The required 3 foot stoop may be counted toward the required minimum ground floor height outlined in A.3.

Figure 17: Ground-oriented housing can be used to “wrap” the ground floor of park-facing facades, and can hide parking structures

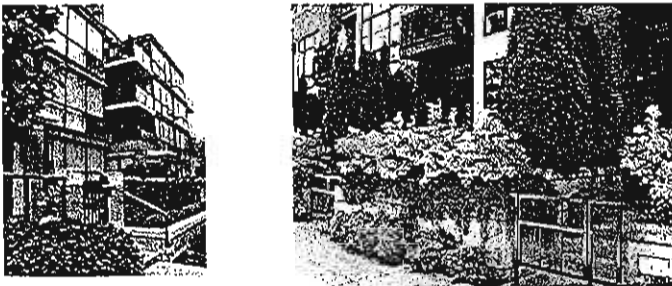
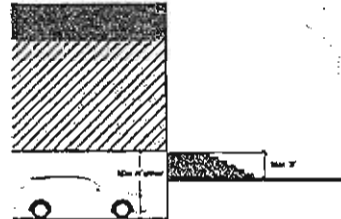


Figure 18: Parking may be tucked ½ story below grade



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

C. Relationship to Riverfront Park 3. Building Shadows

a. Guidelines:

- 1) Design and site buildings adjacent to Riverfront Park in a manner that minimizes shadows on the playground area.

b. Standards:

- 1) Conduct a shadow study showing that the proposed building massing adjacent to Riverfront Park does not cast a shadow on the playground area as described below.
 - a. The shadow study must show that there is no shadow impact on the playground on March 21 (vernal equinox) at 3:00 p.m. (See Figure 19); and
 - b. The shadow study must show that there is no shadow impact on the playground on December 21 (winter solstice) at 3:00 p.m. (See Figure 20).

Figure 19: Example of a shadow study conducted for the park-adjacent parcel illustrating shadow impacts at 3:00 p.m. on March 21. (Note: the model below assumes full build-out of the parcel, and is for illustrative purposes only. The model is not reflective of how an actual building would respond to development standards and design considerations.)

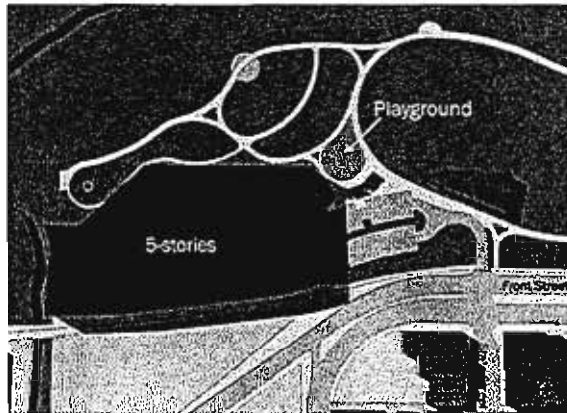
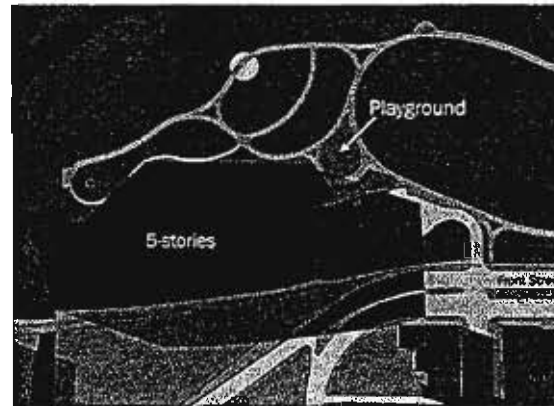


Figure 20: Example of a shadow study conducted for the park-adjacent parcel illustrating the shadow impacts at 3:00 p.m. on December 21. (Note: the model below assumes full build-out of the parcel, and is for illustrative purposes only. The model is not reflective of how an actual building would respond to development standards and design considerations.)



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS -NOTES

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

D. Gateways 1. Applicability

- 1) The requirements outlined under this section (Section D, "Gateways") apply only to corner or "Gateway" locations identified by the map in Figure 21. These locations include the southwest corner at the intersection of Commercial and Front Streets (which serves as a Gateway to the South Waterfront Mixed-Use Zone from Downtown Salem), the corner of Commercial Street northeast and southeast of Pringle Creek, and the corner of Commercial Street and Bellevue.

Figure 21: Applicability of Requirements for Gateways



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

D. Corners and Gateways 2. Corner Treatments

a. Guidelines:

- 1) Emphasize important corners and gateways by incorporating architectural or site planning design elements that visually emphasize the corner of the building. This may be accomplished through various site and building design techniques, including:
 - Utilizing prominent architectural elements which emphasize the corner of the building, such as increased building height or massing, cupolas or turrets, pitched roofs at the corner of the building, special window treatments, etc. (see Figure 22).
 - Incorporating special "signature" signage located at the corner of the building (see Figure 24).
 - Designing public gathering spaces (such as plazas) located at the corner that utilize special paving materials, site furnishings, and/or landscaping treatments (see Figure 25).

b. Standards:

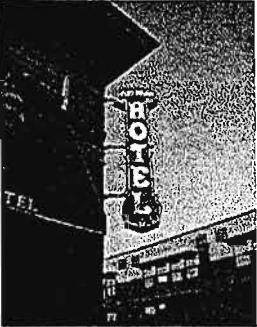
- 1) Buildings located at identified gateways shall adequately address the corner by providing primary building entries at chamfered corners (i.e. cutting the corner of the building at a 45-degree angle) (see Figure 23).

Figure 23: Chamfered corner



Hood River, OR

Figure 24: "Signature" signage at the corner*



Hood River, OR
*City Staff to verify compliance with sign code

Figure 22: Examples of architectural elements which emphasize the corner of the building



Philadelphia, PA

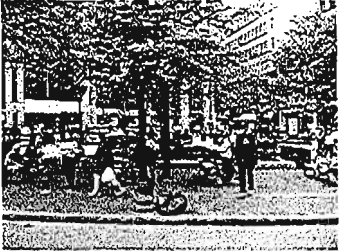


Lake Oswego, OR

Figure 25: Examples of public gathering spaces at the corner



Bend, OR



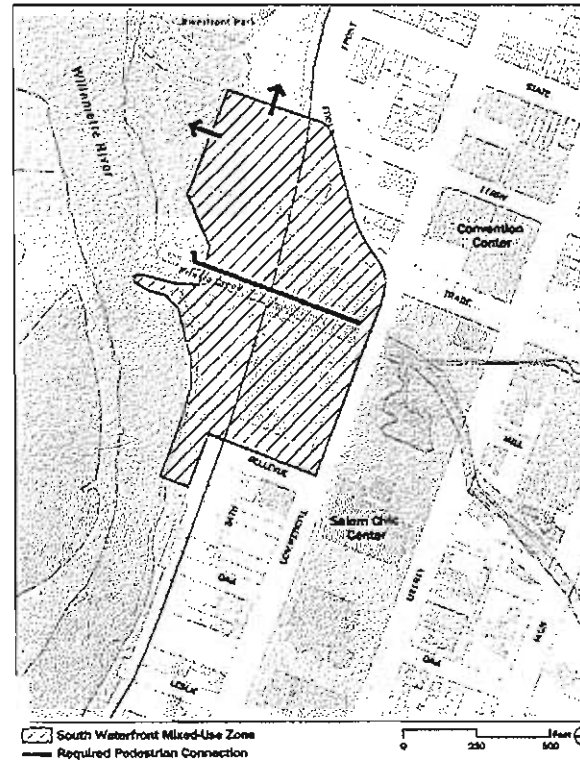
Boston, MA

SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

E. Pedestrian Connections 1. Applicability

- 1) The requirements outlined under this section (Section E, "Pedestrian Connections") apply to developments along the north bank of Pringle Creek and to developments at the western and northern edges of the site abutting Riverfront Park, as identified by the map in Figure 26.
- 2) For buildings facing Pringle Creek, the ground floor is defined as the floor most closely aligned with street level.

Figure 26: Required Pedestrian Connections



SECTION 9 – SOUTH WATERFRONT MIXED-USE ZONE DESIGN GUIDELINES AND STANDARDS

E. Pedestrian Connections 2. Required Pedestrian Connections

a. Guideline:

- 1) Enable for a clear and convenient public pedestrian path along the north bank of Pringle Creek which is accessible from the sidewalk along Commercial Street, and provides a connection to Riverfront Park by providing an easement or public dedication.
- 2) Provide convenient pedestrian access and connectivity from the northwestern portion of the site to pedestrian facilities in Riverfront Park.

b. Standard:

- 1) At least one public pedestrian connection is required along the north bank of Pringle Creek. The required pedestrian path must connect with the sidewalk along Commercial Street at street level.
- 2) At least two pedestrian connections are required to provide access from the site to the established pedestrian paths in Riverfront Park: one that connects to Riverfront Park at the western edge of the site, and one that connects to Riverfront Park at the northern edge of the site.
- 3) A pedestrian connection must be provided to connect the west sidewalk along Commercial Street to established pedestrian paths in Riverfront Park.
- 4) Required pedestrian connections along the north bank of Pringle Creek must comply with the dimensional requirements outlined in Section B-2 ("Pedestrian-Oriented Building Design: Specific, Building Setbacks and Frontages"), standard #5.

SECTION 10 - APPENDICES

APPENDICES

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SECTION 10 - APPENDICES

APPENDIX A: Definition of Terms

Accessory Building Structure: A building structure or use which is incidental and subordinate to and dependent upon the main use on the same premises.

Addition: Construction that increases the size of the original structure by building outside the existing walls or roof.

Adult Recreation Area: Site area set aside for the active recreational pursuits of adult residents.

Alley: A public easement or right-of-way not more than twenty (20) feet and not less than ten (10) feet in width, which intersects with a public street.

Arcade: A continuous passageway parallel to and open to a street, open space, or building usually covered by a canopy or permanent roofing, and accessible and open to the public.

Awning: A shelter supported entirely from the exterior wall of a building.

Balcony: A projecting platform on a building, sometimes supported from below, sometimes cantilevered, enclosed with a railing or balustrade.

Base Course: A foundation or footing layer of masonry running horizontally in a wall.

Bufferyard: A unit of land together with a landscaped area of specified plantings and screening between land uses of differing character to eliminate or minimize potential conflicts or nuisances and provide an aesthetic environment.

Buildable Width: The distance along the street right-of-way radial to the curve, if appropriate, that is sufficiently deep to accommodate a lot depth of 70 feet and meet setback requirements and is exclusive of side yard setbacks and/or bufferyards.

Building Articulation: Design emphasis given to architectural details such as walls, windows, balconies and entries which serve to divide buildings into smaller identifiable pieces.

Building Bulk: The expanse of a structure.

Building Mass: The three dimensional bulk of a structure defined by the height, width and depth of the horizontal and vertical planes of a building.

Building Offset: Change in vertical planes along an exterior building wall of a structure, and does not include decks or covers over entryways. An offset that does not continue the entire length of the building, and therefore, configured as a "bump out," counts as one building offset.

Building Offset Interval: The distance between change of vertical planes of a structure.

Building Scale: The relationship between the mass of a building and its surroundings including the width of street, open space and the mass of surrounding buildings.

Building Transition Area: A unit of land along the perimeter of a site within which structures must be set back from property lines in relation to structure height.

Canopy tree: A deciduous shade tree planted primarily for its high crown of foliage.

Children's Play Area: An area under the immediate supervision of adults set aside for the play activity of children five (5) years of age or younger.

Column: A slender, vertical element that supports or appears to support part of a building or structure.

Columnar Tree: A tree characterized as being tall, cylindrical or tapering.

Common Open Space: An open space area intended for the shared use by residents of the development. Common open space may include landscaping, walkways, play areas, swimming pools, roof gardens, or other open areas which provide visual or recreational amenities for the residents. Common open space may not include storm water retention/detention areas unless it meets the minimum requirements as specified in the handbook. About ratio of slope, common open space is calculated on the size of the entire development regardless of the location of individual property/lot lines. If done in phases, each phase must meet the requirements on a stand-alone basis.

Connectivity: Integrating subject sites with surrounding land uses.

Cornice: The exterior molding or trim on a structure, usually forming the top band of a wall where the facade of the structure meets the roof; may also appear elsewhere on the facade to provide definition to the functional elements of the facade, usually consists of bed molding, soffit, fascia, and crown molding.

Court: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

SECTION 10 - APPENDICES

APPENDIX A: Definition of Terms (cont)

CPTED: Crime Prevention Through Environmental Design

Deck: A platform, built of wood or simulated material, extending from the building to be used for outside leisure activities.

Development Design Guideline: A descriptive statement that allows for flexibility and creativity in achieving a requirement.

Development Design Review: Site plan and design review of specific types of development as authorized by City Council action.

Development Design Standard: A prescriptive statement that is quantifiable and involves no discretion in achieving a requirement.

Duplex: A dwelling or residence containing two (2) independent dwelling units.

Dwelling Unit: A residence intended for occupancy by one household.

Facade: The front or any face of a building with frontage along a public street.

Face: The vertical plane of one exterior side of a building.

Faux Painting: The painting of a surface in such a way that it appears to be a different surface or material (i.e., marble, brick, metal, etc.).

Fenestration: The arrangement or pattern of windows and doors on the facade of a building.

Footprint: The space or shape that a building or structure occupies on the ground.

Ground Cover: A living plant species which normally reaches a height of less than three (3) feet upon maturity, planted in such a manner so as to form a continuous cover over the ground.

Hillside Lot: A lot having an average cross slope of 15 percent or more and zoned or developed for residential use.

Historic Landmarks Commission: A Review body appointed by the City Council responsible for determining if specific development projects have met all city development design guidelines and applicable standards in designated Historic resources, as well as applicable zones.

Horizontal Landscape Element: Shrubs, hedges or similar plantings that grow wider than they are tall.

Human Scale: The size of a building element or space relative to the dimensions and proportions of the human body.

Identical Buildings: Buildings constructed of a single material of uniform texture and on a single plane.

In-Kind: Replacement with the same material and design.

Landscape Island: An area within parking areas which is planted with vegetative ground cover and trees.

Limited Land Use Action (for purposes of this document): A final decision made by the city pertaining to a site based on application of design guidelines. Limited land use decisions involve discretion in decision-making.

Lintel: A structural member placed over an opening or a recess in a wall and supporting construction above.

Marquee: A permanent roof-like shelter over an entrance attached to and supported by the building and projecting over public right-of-way. A marquee is generally flat in shape.

Massing: The three-dimensional bulk or expanse of a building or structure defined by the height, width and depth of the horizontal and vertical planes of a building.

Multiple Family Development: Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.

Open Space: Site area not devoted to buildings, parking, driveways or storage areas. (See Common Open Space).

Overhang: A projection of the roof or upper story of a building or structure beyond the wall of the lower part.

Overlay Zone: A set of development regulations which are added to standard underlying zoning requirements for a defined geographic area to achieve a specific goal.

Parking Area: An area where motor vehicles, recreational vehicles, trailers and boats are parked, stored or displayed.

Pedestrian Circulation: The internal site pedestrian pathway system.

Pedestrian Path: Any sidewalk, footpath or trail which provides onsite pedestrian access and circulation.

Pediments: A surface used ornamentally over doors or windows; usually triangular but may be curved.

SECTION 10 - APPENDICES

APPENDIX A: Definition of Terms (cont)

Pilaster: Decorative features that imitate engaged piers or columns but are not supporting structures; usually a rectangular or semicircular member used as a simulated pillar in entrances and other door openings.

Plant Unit (pu): A measurement of the acceptable amount of landscaping required by city code.

1 small shrub	= 1 pu
1 ornamental tree	= 2 pu
1 large shrub	= 2 pu
1 evergreen/conifer tree	= 5 pu
1 shade tree	= 10 pu
1 significant tree	= 15 pu

Plaza - An open space which may be improved and landscaped and usually surrounded by streets and buildings.

Porch: A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space; usually roofed and generally open-sided.

Portico: A porch or open-sided structure consisting of a roof supported by columns sheltering an entrance.

Primary Entry Way: The principal access point for persons visiting the residents of a dwelling unit.

Private Open Space: A semi-enclosed area which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, patios, balconies, terraces, roof top gardens, verandas and decks.

Prominent Landscape Features: Features other than plant materials such as wetlands, creeks, streams, drainageways, ponds, sculptures, benches and fence/wall materials when required for screening.

Recreational Open Space: An area which is open from ground to sky and intended for active or passive leisure pursuits.

Regraded: Site disturbance with a finish cut or fill beyond the building line, which exceeds a depth of two feet.

Required Yard: A yard specified in the underlying zone for buildings and parking lot setbacks adjacent to streets and front, side and rear lot lines.

Residential Historic District: An officially designated historic district existing primarily of single-family residential properties, which may have supporting uses that include but are not limited to multi-family residential properties, churches, and parks, as designated on the City of Salem official zoning map.

Restoration: The set or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code required work to make properties functional is appropriate within a restoration project.

R-VIS (Visible Light Reflectance): The percentage of light in the visible spectrum, 380 to 780 nanometers, that is reflected from the glass surface.

Roof Pitch: The angle of slope of a roof.

Roof-top Garden: An open area on a flat roof with planters designed for leisure enjoyment.

Salem Downtown Historic District: The area so designated on the City of Salem official zoning map.

Screening: A method of visually shielding or obscuring an area through the use of fencing, walls, berms or densely planted vegetation.

Sill: A horizontal member or structure that forms the lowest member of a framework in a structure or at the base of a window opening.

Story: The horizontal division of a building, making up the area between two adjacent levels, but excluding that portion of the building that comprises the horizontal division that is the roof, unless that area includes living space.

Stringcourse, belt course: A horizontal band generally narrower than other courses, extending across the facade of a structure and in some instances encircling such decorative features as pillars or engaged columns; may be flush or projecting, and flat-surfaced, molded, or richly carved.

Terrace: A platform adjoining a building, paved or planted, especially one used for leisure enjoyment.

Townhouse: A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

Field Code Changed

SECTION 10 - APPENDICES

APPENDIX A: Definition of Terms (cont)

Transom: A horizontal piece in a window, over a door or between a door and a window.

Tri-plex: A building containing three individual dwelling units.

T-VIS (Visible Light Transmittance): The percentage of light in the visible spectrum, 380 to 780 nanometers, that is transmitted through the glass.

Umbrella-type Awning: An awning which is curved and similar in shape to an opened umbrella.

Veranda: A covered porch or balcony, extending along the outside of a building, planned for summer leisure.

Vertical Window: A window with a vertical dimension more than its horizontal dimension.

Window Calculations for building facades: In square feet, the area of the ground floor facade facing the public street right-of-way and amount of window area provided along the facade. If the window area is at least 65 percent of the ground floor facade area, the standard is met. An alternate method of measurement is to determine the length of the building facade and the width of windows provided along the ground floor of the building. If the ratio of window width is at least 65 percent of the length of the building's ground floor facade, the standard is met. This method of calculation may only be used if the windows proposed are designed with a height to width ratio that is typical of large windows characteristic of downtown storefronts. Windows "characteristic of downtown storefronts" are deemed to be met if the vertical dimension is equal to or more than its horizontal dimension, or if the vertical dimension equals six (6) feet or more in height.

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APPENDIX B: Pre-Application Conference Submittal Requirements

A pre-application conference is required for all projects subject to development design review. The purpose of the pre-application conference is to provide the applicant and city staff the opportunity to discuss a proposed project and determine the desired type of development design review.

At the pre-application conference the applicant must have available:

- 1) Initial site plan(s) addressing:
 - a) existing site conditions, site opportunities and constraints;
 - b) the use of all adjacent buildings;
 - c) the zoning of the site and adjacent properties;
 - d) topography of the site;
- e) location of all significant trees and other prominent landscape features;
- 2) Schematic plans for the proposed project; and
- 3) The applicant must be prepared to discuss how the proposal best meets the requirements of the city's design guidelines and standards.

Prior to the pre-application conference, the applicant shall review all applicable development design guidelines and standards contained in the City of Salem Development Design Review Handbook. The project proposal presented to Planning Division staff during the pre-application conference must address the development design guidelines and design standards.

Following the pre-application conference, the applicant shall select review based on design guidelines or design standards. Applications submitted for design approval shall conform to the design standards or the intent of the design guidelines contained in the Development Design Handbook.

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APPENDIX C: Project Plan Submittal Requirements for Applicable Zones, and Referencing Historic Resources

Plans that are submitted for Development Design Review must include those items listed below which are determined by the Urban Planning Administrator to be necessary for approval. The submittal requirements listed below are in addition to any other submittal materials required by the City of Salem.

- 1) A proposed site plan showing the complete dimensions and setbacks of the lot, all existing and proposed buildings and structures, including their location, size, height, proposed use, design and gross floor area of each building.
- 2) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
- 3) All existing and proposed walls and fences, including the location, height, type of design and composition.
- 4) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
- 5) A landscape plan showing the location of natural features, significant trees and plant materials proposed to be removed, retained or planted; the amount, height, type and location of landscaped areas, planting beds, and plant materials; and provisions for irrigation. The location of significant trees shall be identified using the City's 2001 aerial photographs and on-site verification.
- 6) Locations and dimensions of all existing and proposed outdoor storage areas including but not limited to trash collection and recycling areas.
- 7) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot intervals on all other lots, unless a different interval is found acceptable by the Planning Administrator.
- 8) An open space plan showing the locations of common and private open space including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.

~~Project Plan Submittal Requirements for Historic Resources~~
~~Refer to SRC Chapter 120A~~

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APPENDIX D: Salem Historic Landmarks and Design Review Commission

The Historic Landmarks and Design Review Commission is a nine member board appointed by the City Council and comprised of the following representatives:

At least five of the members shall meet the United States Secretary of the Interior's Historic Preservation Qualification standards, to the extent that professionals meeting those standards are available in the community. In making such appointments, the mayor should consider the applicants' qualifications in the fields of archaeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation, historic preservation planning, and history. The remaining commissioners may be appointed at large. When making appointments, the mayor may also consider applicants' qualifications in the fields of construction, restoration, real estate, local history, and architecture as these fields are directly related to the routine functions of the commission.

The members of the Historic Landmarks Commission shall be residents or have their places of business in the City of Salem.

SECRET - APPROVED FOR RELEASE

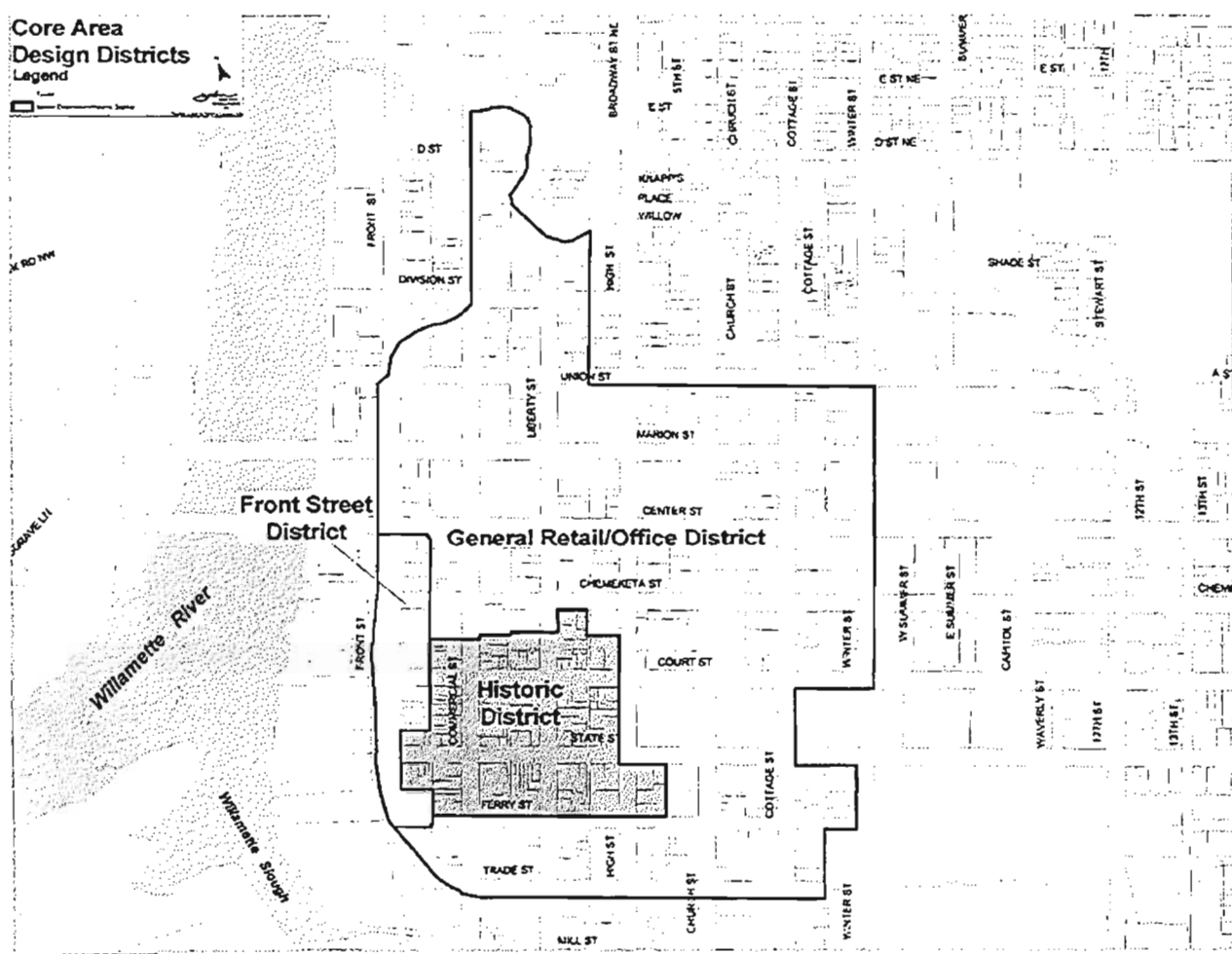
SECTION 11 - MAPS

MAPS

SECTION 11 - MAPS - NOTES

SECTION 11 - MAPS

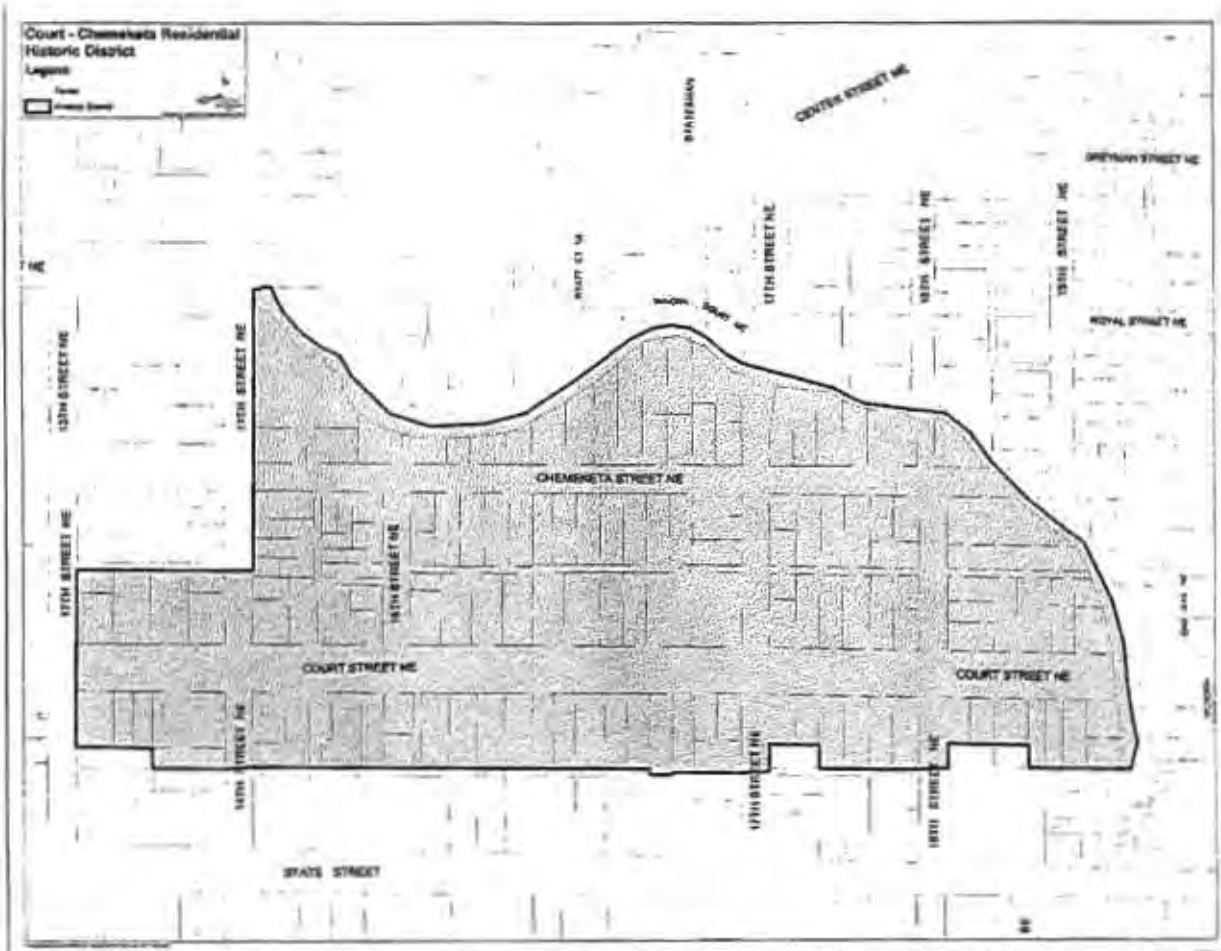
Core Area Design District



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Court-Chemeketa Residential Historic District

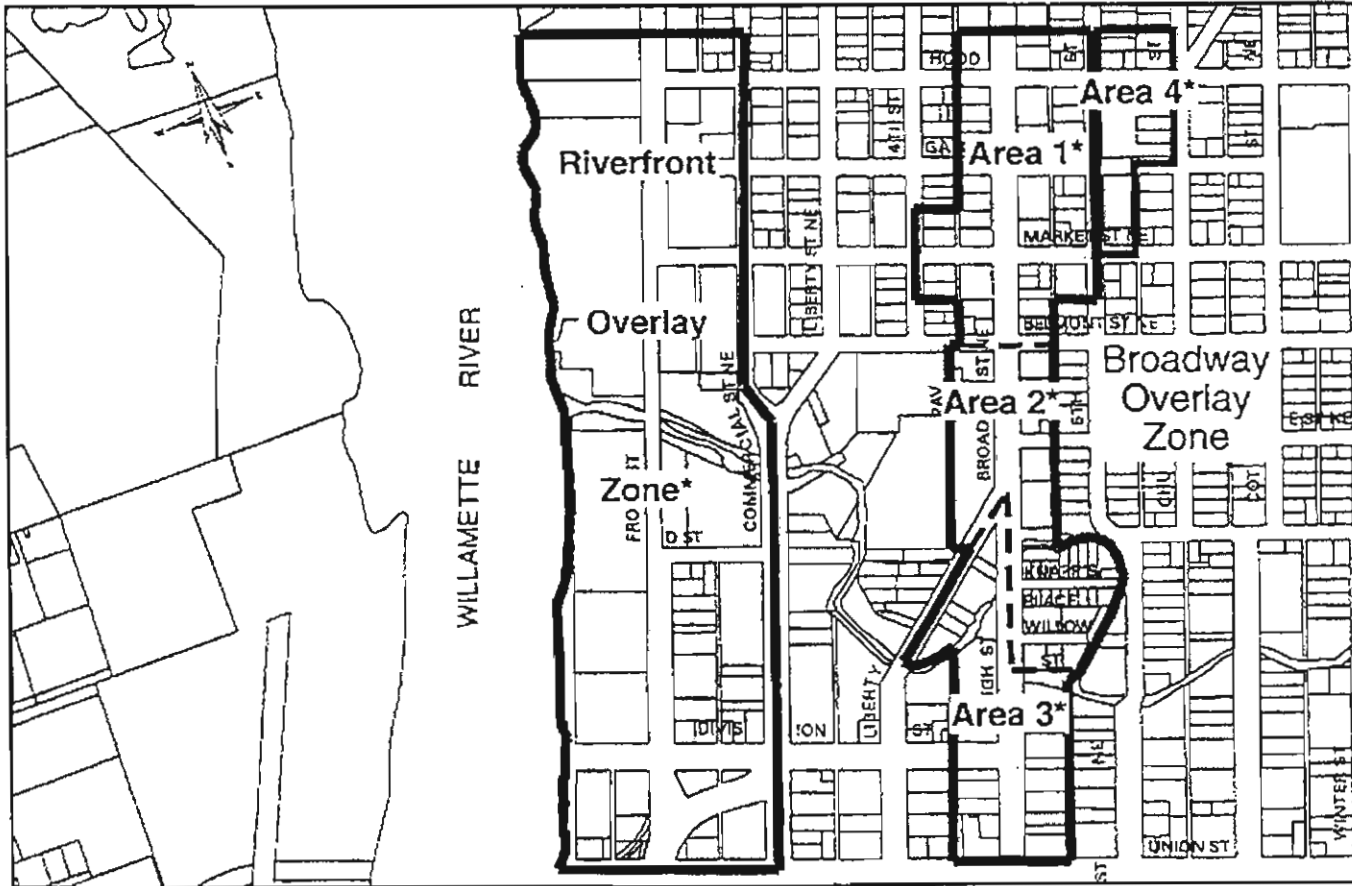


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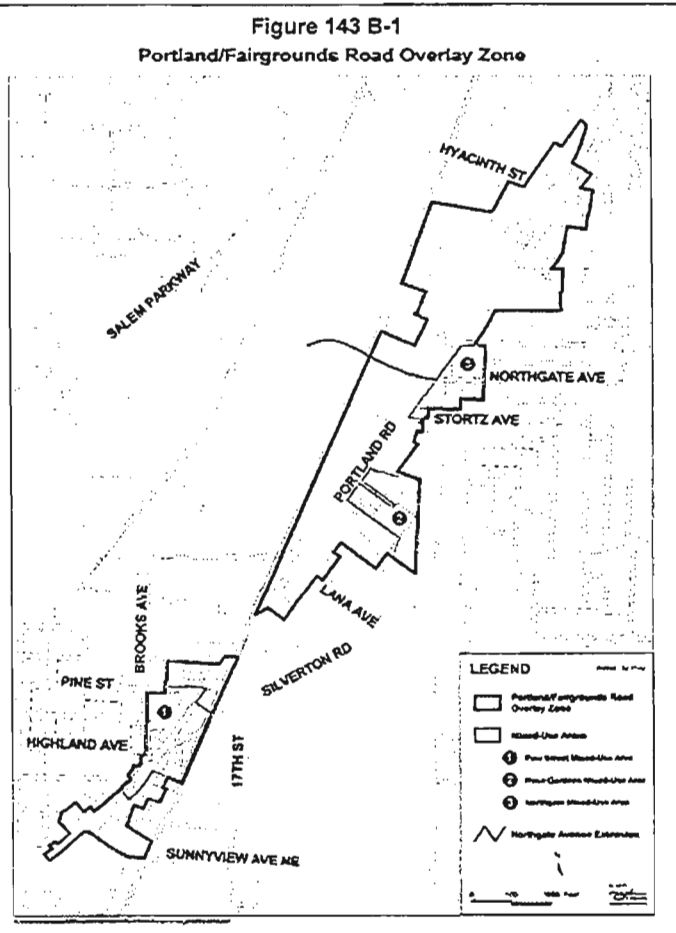
Riverfront and Broadway / High Street Overlay Zones
*Refer to SRC Chapter 137 / 138 for additional requirements



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SECTION 11 - MAPS

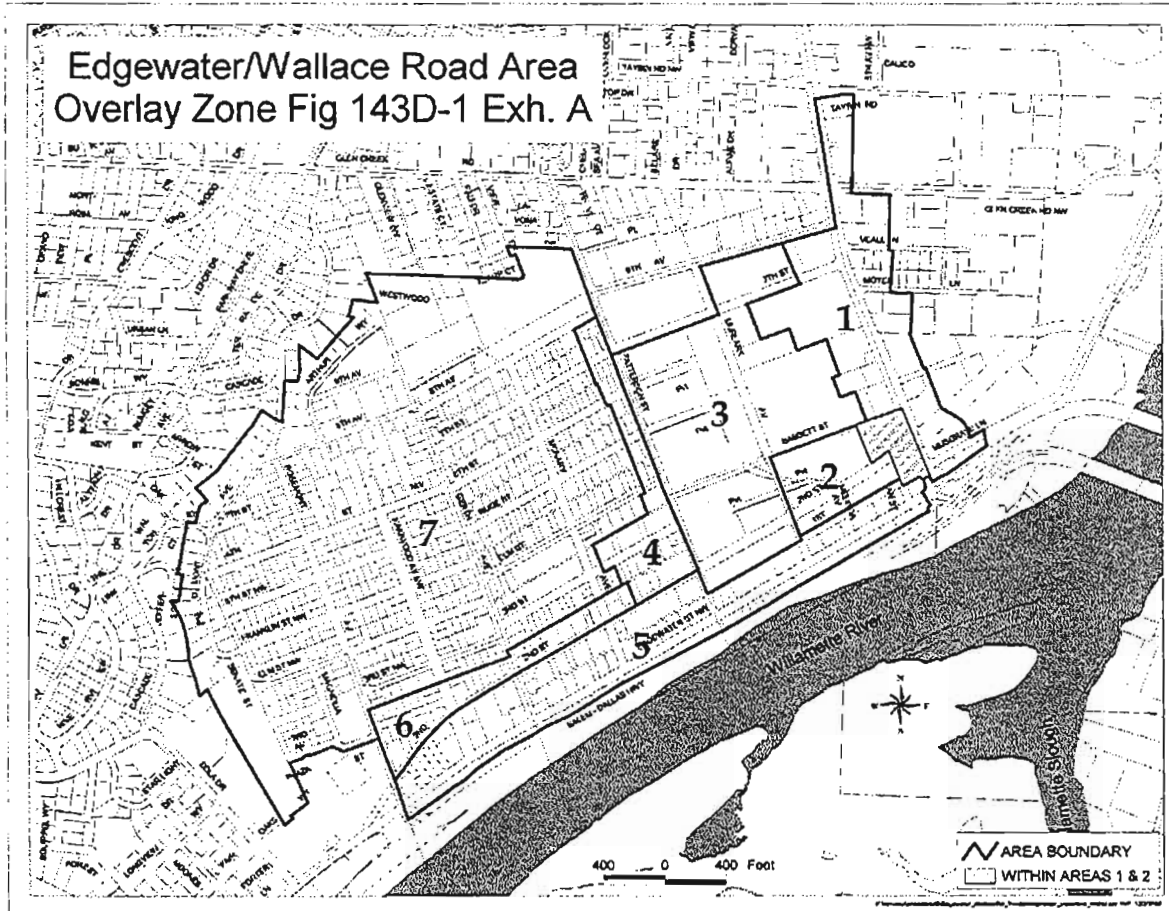
Portland / Fairgrounds Road Overlay Zone
 Refer to SRC Chapter 143 for additional information



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SECTION 11 - MAPS

Edgewater Street /Wallace Road Area Overlay Zone
Refer to SRC Chapter 143D for additional information



SECTION 11 - MAPS -NOTES

ACKNOWLEDGMENTS

This document represents the collaborative efforts of many individuals. The development Design Handbook incorporates many new concepts and ideas developed during long hours of workshops, meetings and hearings. Many thanks to the people who have contributed their time and efforts into this publication.

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