



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/23/2014

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 010-10

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, May 08, 2014

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: Pamela Cole, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE
File No.: 010-10 (18365)
[17850]
Received: 4/17/2014

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

Jurisdiction: City of Salem

Local file no.: **CA10-04**

Date of adoption: March 24, 2014 Date sent: 3/30/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01-13-2013

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Pamela Cole, Planner II

Phone: 503-540-2309 E-mail: pcole@cityofsalem.net

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

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Amendment to Salem Revised Code (SRC) Title X (Zoning) establishing a new Wireless Communications Facilities chapter (SRC Chapter 703) and amending and supplementing existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119; with associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed Chapter 703 .

For a change to a zoning map:

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

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

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

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

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

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

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

Staff Reports dated: Jan. 13, 2014, Jan. 27, 2014, Feb. 24, 2014, March 10, 2014, and March 24, 2014.



COMMUNITY DEVELOPMENT DEPARTMENT

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

April 1, 2014

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

**NOTICE OF FINAL DECISION: Engrossed Ordinance No. 24-13
Establishing a New Chapter 703 for Wireless Communication Facilities,
amending Chapters 116, 118 and 119, and making corresponding
amendments to the applicable chapters in the Zoning Code (Title X of
the Salem Revised Code)**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Engrossed Ordinance No. 24-13 at the March 24, 2014 session. Engrossed Ordinance No. 24-13 establishes a new Chapter 703 with provisions for wireless communication facilities (antennas, equipment, and cell towers and other support structures), amends and supplements existing provisions for wireless communications facilities in Chapters 116, 118 and 119, and makes corresponding amendments to the applicable chapters in the Zoning Code (Title X of the Salem Revised Code). The final version of the engrossed ordinance is available online in three parts at <http://www.cityofsalem.net/WirelessCodeAmendment>. If you would like a hard copy, please contact Pamela Cole, Case Manager, as noted below.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after April 1, 2014**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. You may contact the Case Manager, Pamela Cole, at the City of Salem Planning Division at 503-540-2309.

Lisa Anderson-Ogilvie,
AIC Urban Planning Administrator

1 **ENGROSSED**

ORDINANCE BILL NO. 24-13

2 AN ORDINANCE RELATING TO ESTABLISHING NEW SALEM REVISED CODE
3 CHAPTER 703, WIRELESS COMMUNICATIONS FACILITIES; ADDING SRC 143A.075,
4 143B.065, 143E.055, 144.045, 145.045, 146.045, 147.045, 148.195, 148.345, 149.045, 150.045,
5 151.045, 152.045, 153.045, 154.045, 155.045, 156.045, 157.045, 158.045, 159.045, 160.125,
6 161.045, AND 162.065; AMENDING SRC 111.020, 111.040, 111.060, 111.070, 111.130,
7 111.140, 111.240, 130.210, 132.220, 133.100, 133.110, 135.020, 136.020, 137.020, 138.020,
8 139.040, 142.020, 143.020, 143A.020, 143A.060, 143A.080, 143A.200, 143B.030, 143B.070,
9 143B.090, 143B.120, 143B.150, 143C.060, 143D.020, 143D.070, 143D.100, 143D.120,
10 143D.180, 143D.190, 143D.230, 143D.250, 143E.060, 144.050, 145.030, 145.050, 145.900,
11 146.030, 146.050, 146.900, 147.030, 147.050, 147.900, 148.170, 148.200, 148.210, 148.300,
12 148.350, 148.360, 148.450, 149.030, 149.050, 149.900, 150.030, 150.050, 150.900, 151.030,
13 151.040, 151.050, 151.900, 152.030, 152.040, 152.050, 152.900, 153.030, 153.040, 153.050,
14 153.900, 154.030, 154.040, 154.050, 154.090, 154.900, 155.030, 155.040, 155.050, 155.900,
15 156.030, 156.035, 156.050, 156.900, 157.030, 157.040, 157.050, 157.900, 158.030, 158.040,
16 158.050, 158.900, 159.030, 159.040, 159.050, 159.900, 160.020, 160.100, 160.900, 161.060,
17 161.170, 162.050, 162.120, 162.130, 215.055, 220.005, 300.100, 300.520, 532.015, 532.020,
18 532.025, AND 532.040; AND REPEALING SRC 116.130, 118.340, 119.460, 143B.050,
19 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035,
20 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040,
21 AND 162.060

22 *The City of Salem ordains as follows:*

23 **Section 1.** SRC Chapter 703 is added to the Salem Revised Code as follows:

24 **703.001. Purpose.** The purpose of this Chapter is to provide a means whereby wireless
25 communications facilities are located, designed, installed, maintained, and removed in a
26 manner that provides for the effective provision of wireless communications within the City,
27 while protecting and promoting the health, safety, and welfare of the City and its residents by
28 requiring:

- 29 (a) The collocation, to the greatest extent possible, of new wireless
30 communications facilities on existing facilities in order to minimize the number of

1 support towers and related equipment;

2 (b) The careful consideration of the topography, natural features, and historical
3 significance in potential wireless communications facility sites;

4 (c) The encouragement of the use of existing structures, including, but not limited
5 to, freestanding structures such as light or utility poles and water towers, instead of
6 constructing new support towers;

7 (d) The encouragement of the location of new support towers and related
8 equipment in non-residential zones;

9 (e) The limiting of new structures and the regulation of enlargement or expansion
10 of existing structures in rights-of-way for the purpose of providing wireless
11 communications facilities;

12 (f) The provision of wireless communication services through facilities with
13 minimal visual impact.

14 **703.005. Definitions.** Unless the context specifically requires, as used in this Chapter, the
15 following mean:

16 (a) Amateur radio: The licensed and private use of designated radio bands, for
17 purposes of private recreation, non-commercial exchange of messages,
18 experimentation, self-training, and emergency communication pursuant to an
19 amateur operator license granted from the Federal Communications Commission.
20 Amateur radio is also commonly referred to as “ham radio.”

21 (b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
22 transmission or reception of radio frequency signals, including, but not limited to
23 omni-directional antenna (whip), directional antenna (panel), micro cell, and
24 parabolic antenna (dish). Antenna does not include support structures, utility
25 structures, or support towers.

26 (c) Array: A grouping of two or more antennas on a single support structure,
27 support tower, or utility structure.

28 (d) Auxiliary support equipment: All equipment necessary to provide wireless
29 communications signals and data, including, but not limited to, electronic
30 processing devices, air conditioning units, and emergency generators. Auxiliary

1 support equipment also includes the shelter, cabinets, and other structural facilities
2 used to house and shelter necessary equipment. Auxiliary support equipment does
3 not include antennas, support towers, utility structures, support structures, or
4 external cables and wires.

5 (e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup
6 power supply, and other associated electronics. A base station includes a structure
7 that currently supports or houses an antenna, transceiver, or other associated
8 equipment that constitutes part of a base station and encompasses such equipment
9 in any technological configuration, including distributed antennas systems and
10 small cells.

11 **(f) Capacity: The ability of the wireless communications network to process**
12 **existing wireless service demands.**

13 ~~(g)~~ **(g)** Collocation: The mounting or installation of an antenna on ~~a~~ **an existing**
14 support structure, utility structure, or support tower for the purpose of transmitting
15 and/or receiving radio frequency signals for communications purposes.

16 ~~(h)~~ **(h)** Existing facility: A wireless communication facility that was lawfully in
17 place ~~on the effective date of Ordinance Bill No. 24-13~~ **at the time ~~an~~ a complete**
18 **application is submitted.**

19 ~~(i)~~ **(i)** Guy pole: A pole that is used primarily to structurally support a utility pole,
20 and has no energized conductors or telephone wires or wireless communications
21 facilities attached.

22 ~~(j)~~ **(j)** High voltage transmission lines: Either power lines with capacity for
23 transmitting electricity of 57,000 volts or greater, or a skipped pole between high
24 voltage transmission power lines.

25 ~~(k)~~ **(k)** Lattice tower: A support tower which consists of a network of crossed metal
26 braces, forming a tower which is usually triangular or square in cross-section.

27 ~~(l)~~ **(l)** Monopole: A support tower which consists of a single pole sunk into the
28 ground and/or attached to a foundation.

29 ~~(m)~~ **(m)** Original structure: A lawfully placed utility structure located in the right-
30 of-way as of the effective date of the right-of-way use agreement between the

1 owner and the City.

2 ~~(m)~~ (n) Owner: The person or entity that owns, operates, or manages an existing
3 wireless communications facility or proposed wireless communications facility, or
4 that person's or entity's agent.

5 ~~(o)~~ (p) Replacement structure: A utility structure that replaces a lawfully existing
6 utility structure or original structure to accommodate wireless communications
7 facilities and does not result in an increase in the total number of utility, guy, or
8 support poles in the rights-of-way or on private property.

9 ~~(p)~~ (q) Residential building: A building used for household living or group living,
10 regardless of zone. For the purposes of this definition:

11 (1) Residential building does not include a mixed use building;

12 (2) Household living means the residential occupancy of an owner-occupied or
13 rented dwelling unit on a wholly or primarily non-transient long-term basis,
14 typically more than twenty-eight days, by a family;

15 (3) Group living means the residential occupancy of a structure on a wholly or
16 primarily non-transient long-term basis, typically more than twenty-eight days,
17 by a group of people not meeting the characteristics of household living either
18 because the structure does not provide self-contained dwelling units or because
19 the dwelling is occupied by a group of people who do not meet the definition of
20 family, or both. Group Living facilities generally include common facilities that are
21 shared by residents, including, but not limited to, facilities for dining, social and
22 recreational activities, and laundry.

23 ~~(q)~~ (r) Right-of-way: The space upon, above, below, in, along, across, over, or
24 under public streets, roads, highways, lanes, courts, ways, alleys, boulevards,
25 bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas,
26 including the subsurface under and air space over these areas, but does not include
27 parks, parkland, or City property not generally open to the public for travel. This
28 definition applies only to the extent of the City's right, title, and interest in the
29 property and its authority to grant a license, permit, or other permission to use and
30 occupy the property.

1 ~~(#)~~ (r) Screening: To obscure effectively the view of the base of a wireless
2 communications facility and its auxiliary support equipment.

3 ~~(#)~~ (s) Siting: The location, construction, collocation, modification, or installation
4 of a wireless communications facility.

5 ~~(#)~~ (t) Skipped pole:

6 (1) A utility structure that lies between and is shorter than the two immediately
7 adjacent utility structures; or

8 (2) Where runs of taller poles (typically high voltage transmission) and shorter
9 poles (typically low voltage distribution or communication) are located on the
10 same side of the street, a shorter pole situated adjacent to and between two taller
11 poles in the same run.

12 ~~(#)~~ (u) Substantially change the physical dimensions:

13 (1) The mounting of a proposed antenna on a support tower would increase the
14 existing height of the support tower by more than 10%, or by the height of one
15 additional antenna array with separation from the nearest existing antenna not to
16 exceed twenty feet, whichever is greater, except that the mounting of the
17 proposed antenna may exceed the size limits set forth in this paragraph if
18 necessary to avoid interference with existing antennas; or

19 (2) The mounting of a proposed antenna involving the installation of more than
20 the standard number of new equipment cabinets for the technology involved,
21 not to exceed four, or more than one new equipment shelter; or

22 (3) The mounting of a proposed antenna involving the addition of an
23 appurtenance to the body of the support tower that would protrude from the
24 edge of the support tower more than twenty feet, or more than the width of the
25 support tower structure at the level of the appurtenance, whichever is greater,
26 except that the mounting of the proposed antenna may exceed the size limits set
27 forth in this paragraph if necessary to shelter the antenna from inclement
28 weather or to connect the antenna to the tower via cable; or

29 (4) The mounting of the proposed antenna involving excavation outside the
30 current support tower site, defined as the current boundaries of the leased or

1 owned property surrounding the support tower and any access or utility
2 easements currently related to the site.

3 ~~(w)~~ (v) Support structure: An existing building or structure, other than single
4 family dwellings and duplexes and support towers, to which an antenna is or will be
5 attached, including, but not limited to, buildings, steeples, water towers, and
6 outdoor advertising signs.

7 ~~(w)~~ (v) Support tower: A freestanding structure designed and constructed
8 exclusively to support a wireless communications facility or an antenna or antenna
9 array, including, but not limited to, monopoles, lattice towers, guyed towers, and
10 self-supporting towers.

11 ~~(w)~~ (x) Temporary wireless communications facility: Any wireless
12 communications facility that is to be in use for not more than ninety days and is not
13 deployed in a permanent manner.

14 ~~(w)~~ (v) Utility structure: Any utility pole, guy or support pole, utility pole extension,
15 light standard, light pole or other similar pole that is suitable for the installation of
16 wireless communications facilities.

17 ~~(w)~~ (z) Wireless communications: Any personal wireless services, as defined by the
18 Federal Telecommunications Act of 1996 as amended, that currently exist or that
19 may be developed in the future, including but not limited to cellular, personal
20 communications services, specialized mobile radio, enhanced specialized mobile
21 radio, paging, similar Federal Communications Commission-licensed commercial
22 wireless telecommunications services, but excluding wireless telecommunications
23 services used exclusively for public health or safety purposes and wireless
24 communications services used exclusively by gas and electric utilities and
25 cooperative utilities for internal communications of an operational nature.

26 ~~(w)~~ (aa) Wireless communications facility: Any un-staffed facility for the
27 transmission and/or reception of radio frequency signals for commercial wireless
28 communications purposes, including, but not limited to, auxiliary support
29 equipment; support towers or support structures, or utility structures used to achieve
30 the necessary elevation for the antenna; transmission and reception cabling and

1 devices; and all antennas or arrays; but excluding wireless telecommunications
2 services used exclusively for public health or safety purposes and wireless
3 communications services used exclusively by gas and electric utilities and
4 cooperative utilities for internal communications of an operational nature.

5 **703.010. General Rule; Collocation and Siting Priority.**

6 **(a) Siting Permit Required.**

7 (1) Except as provided in paragraph (2) of this subsection, no wireless
8 communications facility may be sited in the City without a siting permit having
9 first been obtained.

10 (2) **Exemptions.** A siting permit is not required for the following:

11 (A) Siting of dish antennas solely for the benefit of persons residing on a
12 property.

13 (B) Ham radios and associated equipment.

14 (C) Ordinary maintenance or repair of a wireless communications facility.

15 (D) Modification of an existing support tower or base station for the
16 collocation of or attachment of new transmission equipment or removal or
17 replacement of existing transmission equipment, pursuant to 47 U.S.C. §
18 1455, and notwithstanding any provision of this Chapter to the contrary,
19 provided that such modification does not substantially change the physical
20 dimensions of such support tower or base station from the dimensions
21 approved as part of the original decision or building permit for the support
22 tower or base station, that the applicant requesting a modification or
23 expansion of a support tower or base station establishes by substantial
24 evidence that the requested separation between antennas is the minimum
25 necessary to avoid interference, and, to the extent feasible, that the
26 additional equipment or modified equipment shall maintain the appearance
27 and design of the original facility, including, but not limited to, color,
28 screening, landscaping, stealth or camouflage design, mounting
29 configuration, and architectural treatment. However, any modification to a
30 support tower or base station which substantially changes the physical

1 dimensions of either the support tower or base station, and any other
2 modification to a wireless communications facility that does not qualify as a
3 support tower or base station, shall be subject to the siting permits and
4 authorizations as required by this Chapter.

5 (E) Siting of temporary wireless communications facilities that are used by
6 a public agency for emergency communications, emergency preparedness,
7 or other public health or safety purposes.

8 (F) Replacement of an existing support tower with a tower that does not
9 substantially change the physical dimensions of the existing support tower.

10 **(b) Collocation Required.** All wireless communications facilities located in right-
11 of-way shall be collocated or attached to replacement utility structures. All
12 wireless communications facilities located outside of right-of-way shall be
13 collocated, unless the collocation would interfere with other wireless
14 communications facilities located on the same ~~facility~~ structure or jeopardize the
15 physical integrity of the ~~facility~~ structure upon which collocation will be made,
16 consent cannot be obtained for the collocation on a ~~support~~ structure, or the
17 available structures do not provide sufficient height to obtain coverage ~~or capacity~~
18 objectives or capacity objectives.

19 **(c) Siting Priority.** Wireless communications facilities shall be sited according to
20 the following priority, by descending order of preference:

21 (1) First priority: collocation or attachment of an antenna or antenna array on
22 a support tower, support structure, or utility structure;

23 (2) Second priority: replacement of a utility structure for the purpose of
24 ~~collocation~~ attachment of an antenna or antenna array;

25 (3) Third priority: substantial change in the physical dimensions of a support
26 tower or replacement with a support tower that represents a substantial change
27 in the physical dimensions of the original support tower;

28 (4) Fourth priority: construction of a new support tower.

29 **703.020. Wireless Communications Facility Siting Permits.**

30 **(a) Applicability.** This section provides the exclusive means of review for

1 applications to site wireless communications facilities.

2 **(b) Classes.** There are three classes of wireless communications facilities siting
3 permits.

4 (1) A Class 1 Permit is a permit for a first priority siting.

5 (2) A Class 2 Permit is a permit for a second priority siting.

6 (3) A Class 3 Permit is a permit for a third priority siting or fourth priority
7 siting.

8 **(c) Procedure Type.**

9 (1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I
10 procedure under SRC Chapter 300.

11 (2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II
12 procedure under SRC Chapter 300.

13 (3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III
14 procedure under SRC Chapter 300.

15 **(d) Submittal Requirements.**

16 (1) **All Applications.** In addition to the submittal requirements under SRC
17 Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall
18 include:

19 (A) The location of the siting, according to the siting priorities set forth in
20 703.010(c), and, if the priority is other than the first priority, documentation
21 establishing that placement at a higher-priority site is not feasible.

22 (B) A site plan that includes:

23 (i) Description of the proposed wireless communications facility's
24 design and dimensions.

25 (ii) Elevations showing all components of the wireless communications
26 facility, and its connections to utilities.

27 (C) Documentation demonstrating compliance with non-ionizing
28 electromagnetic radiation emissions standards established by the Federal
29 Communications Commission.

30 (D) Documentation showing that the auxiliary support equipment will not

1 produce sound levels in excess of standards contained in SRC Chapter 93, or
2 designs showing how the sound will be effectively muffled to meet those
3 standards by means of baffling, barriers, or other suitable means.

4 (E) Documentation that the proposed facility has been submitted to the
5 State Historic Preservation Office for review, if applicable, or a statement
6 explaining why the site is not subject to review by the State Historic
7 Preservation Office.

8 **(2) Class 1 Applications.** In addition to the submittal requirements under
9 paragraph (1) of this subsection, application for a Class 1 Permit shall include:

10 (A) An engineer's certification that the support structure, utility structure,
11 or support tower will safely handle the load created by the attachment or
12 collocation and comply with American National Standards Institute (ANSI)
13 and other industry safety, structural codes and standards.

14 (B) If the utility structure is on a local street, color radio frequency contour
15 maps clearly showing the calculated coverage using the proposed antennas
16 at the applicant's target signal level and the calculated coverage areas for all
17 existing adjacent wireless communications facility sites of the owner to
18 support the site selected for the proposed facility considering the siting
19 priority established by SRC 703.010(c). If collocation or attachment on
20 other utility structures was ruled out for non-radio frequency coverage
21 reasons, the owner shall provide a statement identifying and justifying those
22 reasons.

23 **(3) Class 2 Applications.** In addition to the submittal requirements under
24 paragraph (1) of this subsection, application for a Class 2 Permit shall include:

25 (A) An engineer's certification that the replacement utility structure will
26 safely handle the load created by the proposed antennas and comply with
27 ANSI and other industry safety, structural codes and standards.

28 (B) Documentation that the replacement utility structure is at least as wide
29 as that required by any applicable safety standards adopted by the Oregon
30 Public Utility Commission or the minimum necessary to accommodate

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

~~collocation~~ attachment on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 703.010(c). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Coverage maps ~~or capacity documentation~~ or capacity documentation showing any gap in the provider’s service and minimum height or configuration of the facility needed to fill the gap.

(E) Color simulations of the wireless communications facility after construction.

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer’s certification that the support tower will safely handle the load created by the proposed antennas and any future attached or collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure, or by ~~collocation~~ attachment on a replacement utility structure for one or more of the following reasons:

- (i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
- (ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to

1 provide the identified necessary service within the geographic area;
2 (iii) Existing support towers or support structures or utility structures
3 do not have sufficient structural strength to support the proposed
4 antenna or antennas and related equipment and such support towers or
5 support structures or utility structures cannot reasonably be improved or
6 replaced to support the proposed antenna or antennas and related
7 equipment;

8 (iv) The proposed antenna or antennas would electromagnetically
9 interfere with an antenna on an existing support tower or support
10 structure or utility structure or a replacement utility structure and it is
11 not feasible to effectively address such interference;

12 (v) Other limiting engineering factors render existing support towers
13 and support structures and utility structures and replacement utility
14 structures not feasible.

15 (C) An alternatives analysis for new support towers demonstrating
16 compliance with the support tower siting requirements of 703.030(c).

17 (D) The number and type of antennas that the support tower is designed to
18 accommodate.

19 (E) A signed statement of compliance from the owner of the wireless
20 communications facility that the owner will allow timely collocation by
21 other users, provided all safety, structural, technological, and monetary
22 requirements are met.

23 (F) A visual study containing, at a minimum, color simulations showing the
24 appearance of the proposed support tower, antennas, and auxiliary
25 equipment from at least five view points within a one-mile radius. The view
26 points shall be chosen by the owner, but shall include representative views
27 from residential buildings, historic resources, or historic districts located
28 within two hundred and fifty feet of the proposed site. If the support tower
29 must comply with the design standards in 703.070(e), the graphic simulation
30 shall include the proposed design.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(G) Coverage maps ~~or capacity documentation~~ or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(e) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

1 **(3) For Class 3 Applications:**

2 **(A)** The support tower conforms to the standards in this Chapter, and the
3 reasonably likely adverse impacts of the use on the immediate neighborhood
4 can be minimized through the imposition of conditions relating to the
5 location, size, design, and operating characteristics of the wireless
6 communications facility.

7 **(B)** The support tower will not be located in the right-of-way.

8 **(C)** If the proposal is to construct a new support tower:

9 **(i)** Collocation on existing wireless communications facilities within
10 the cell service area of the proposed site is not feasible.

11 **(ii)** Proposed location for the tower is the least intrusive means of
12 filling a significant wireless communications service gap in coverage
13 ~~and/or capacity~~ **and/or capacity, including in-building coverage**; and

14 **(iii)** Prohibiting a new tower would prohibit or have the effect of
15 prohibiting the provision of wireless communications services.

16 **703.030. Siting Standards.**

17 **(a) Class 1.** The attachment or collocation on support towers, utility structures and
18 support structures shall comply with the following siting standards:

19 **(1) Outside Right-of-Way.**

20 **(A)** The antenna will not be located in public right-of-way and will not
21 require the erection or placement of a new support tower, utility structure, or
22 support structure.

23 **(2) Inside Right-of-Way.**

24 **(A)** All wireless communications facilities located in right-of-way shall be
25 collocated or attached to a replacement utility structure.

26 **(B)** Wireless communications facilities proposed to be sited in right-of-way
27 shall be sited according to the following priorities, in descending order of
28 preference. If the priority is not followed, the owner must demonstrate why
29 a higher priority is not available for use. For purposes of this subparagraph,
30 streets shall have the classification set forth in the Salem Transportation

1 System Plan.

- 2 (i) First priority: parkway or freeway;
- 3 (ii) Second priority: major arterials;
- 4 (iii) Third priority: minor arterials;
- 5 (iv) Fourth priority: collectors;
- 6 (v) Fifth priority: local streets.

7 (b) **Class 2.** The replacement of a utility structure shall comply with the following
8 siting standards:

9 (1) **Inside Right-of-Way.**

10 (A) All wireless communications facilities located in right-of-way shall be
11 collocated or attached to a replacement utility structure.

12 (B) Wireless communications facilities proposed to be sited in right-of-way
13 shall be sited according to the following priorities, in descending order of
14 preference. If the priority is not followed, the owner must demonstrate why
15 a higher priority is not available for use. For purposes of this subparagraph,
16 streets shall have the classification set forth in the Salem Transportation
17 System Plan.

- 18 (i) First priority: parkway or freeway;
- 19 (ii) Second priority: major arterials;
- 20 (iii) Third priority: minor arterials;
- 21 (iv) Fourth priority: collectors;
- 22 (v) Fifth priority: local streets.

23 (c) **Class 3.** The construction of a new support tower, replacement of an existing
24 support tower, or substantial increase in the size of an existing support tower shall
25 comply with the following siting standards:

26 (1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support
27 towers may not be sited in residential zones, public zones, mixed-use zones, or
28 in an overlay zone unless the siting is the least intrusive means of filling a
29 significant wireless communications service gap in coverage ~~and/or capacity~~
30 and/or capacity and prohibiting the siting would effectively prohibit the

1 provision of wireless
2 communications services. If the siting meets these criteria, the minimum height
3 and/or configuration required to provide service to fill the significant wireless
4 communications service gap in coverage ~~and/or capacity~~ and/or capacity shall
5 be the maximum height permitted for the new or substantially changed support
6 tower and future attached or collocated facilities on the proposed tower.

7 (2) New support towers may not be sited within the CB zone; in a historic
8 district, or on property that has been designated as a historic resource under
9 federal, state, or local law; within three hundred feet of public right-of-way in
10 the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
11 Commercial Street SE right-of-way in the South Gateway Overlay Zone.

12 (3) The location of the support tower minimizes visual impacts to residential
13 zones to the maximum extent feasible, through the effective use of setbacks,
14 height, bulk, and landscaping or other screening techniques.

15 (4) The support tower is sited in a way that minimizes the visual impact by
16 taking advantage of existing buildings, topography, or other existing features.

17 (5) No new support tower shall be constructed, unless the owner submits the
18 required statement and documentation from a radio frequency (RF) engineer or
19 licensed civil engineer to demonstrate that the necessary service cannot be
20 provided by collocation on, or modification to, an existing support tower or
21 support structure or utility structure or by ~~collocation~~ attachment on a
22 replacement utility structure.

23 **703.040. Antenna Development Standards.**

24 (a) **Antennas on Support Towers.** Antennas attached to a support tower shall
25 comply with the following development standards:

26 (1) **Height.** Antennas attached to a support tower shall be no higher than
27 fifteen feet above the top of the support tower.

28 (2) **Surface and Coloration.** Antennas attached to a support tower shall be
29 made of non-reflective material and painted to match the support tower or
30 existing antennas, whichever results in the new antennas being less visible.

1 (3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or
2 mounted using similar techniques that minimize visual impact to the greatest
3 extent practicable.

4 **(b) Antennas on Existing Buildings.**

5 (1) Antennas, other than whip antennas, located on the roof of an existing
6 building shall comply with the following development standards:

7 **(A) Height:**

8 (i) If the building is located in a residential zone or mixed-use zone, the
9 antenna shall extend no higher than ten feet above the point of
10 attachment to the building; or

11 (ii) If the antenna is located in any zone other than a residential zone or
12 mixed-use zone, the antenna shall extend no higher than thirty feet
13 above the point of attachment to the building.

14 **(B) Screening:** Antennas shall be screened from the right-of-way and
15 adjacent properties by placement behind a parapet or other architectural
16 feature, including, but not limited to, dormers, chimneys, clocks, or bell
17 towers, or shall be made of non-reflective material and painted to match
18 the building or existing antennas, whichever results in the new antennas
19 being less visible.

20 (2) Whip antennas located on the roof of a building shall comply with the
21 following development standards:

22 **(A) Height.** Whip antennas shall extend no higher than fifteen feet above
23 the building.

24 **(B) Surface and Coloration.** Whip antennas shall be made of non-
25 reflective material and designed to match any existing whip antennas on
26 the building.

27 (3) Antennas attached to the side of a building or the edge of the roof of a
28 building shall comply with the following development standards:

29 **(A) Height.** Antennas shall extend no higher than ten feet above the
30 point of attachment to the building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building; or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) **Height.** Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) **Surface and Coloration.** Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) **Physical integrity.** The antennas shall not jeopardize the utility structure's physical integrity.

1 **(2) Guy poles.** Antennas shall not be located on guy poles.

2 **(3) Height.**

3 **(A) Utility structures outside right-of-way.** Antennas attached to a utility
4 structure outside right-of-way shall be no higher than fifteen feet above the
5 top of the utility structure.

6 **(B) Utility structures in right-of-way.**

7 **(i)** The combined height of an antenna and antenna mounting device on
8 an original utility structure that carries high voltage transmission lines
9 shall not project more than:

10 **(aa)** Twenty-three feet above the top of a utility structure located
11 on a parkway, freeway, or major arterial;

12 **(bb)** Eighteen feet above the top of a utility structure on a minor
13 arterial; or

14 **(cc)** Fifteen feet above the top of a utility structure located on a
15 collector street, or local street.

16 **(ii)** The combined height of an antenna and antenna mounting device
17 on an original utility structure that does not carry high voltage
18 transmission lines shall not project more than:

19 **(aa)** Fifteen feet above the top of a utility structure located on a
20 parkway, freeway, or major arterial;

21 **(bb)** Ten feet above the top of a utility structure on a minor
22 arterial; or

23 **(cc)** Five feet above a utility structure located on a collector
24 street or local street.

25 **(4) Mounting.** Antennas and antenna mounting devices placed below the top
26 of the utility structure shall be mounted in one of the following configurations:

27 **(A)** Flush with the utility structure; or

28 **(B)** On extension arms that are no greater than three feet in length.

29 **(5) Surface and Coloration.** Antennas must be painted, coated, or given a
30 surface application that is similar to the color and surface texture of the utility

1 structure so as to minimize visual impact as much as reasonably possible.

2 **(6) Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
3 antennas shall not be lighted.

4 **703.050. Auxiliary Support Equipment Development Standards.**

5 **(a) Screening.**

6 **(1) Equipment Associated with Support Towers.** Above-ground auxiliary
7 support equipment associated with a support tower shall be located inside the 6-
8 foot-high sight-obscuring fence or wall that complies with 703.070(c).

9 **(2) Equipment Associated with Antennas on Existing Buildings.** Auxiliary
10 support equipment shall be located within or on top of the building or screened
11 from the right-of-way and adjacent properties to the greatest extent practicable.
12 Examples: within an underground vault, behind landscaping or a sight-
13 obscuring fence, within an architectural element, or concealed to resemble a
14 natural object such as a boulder.

15 **(3) Equipment Associated with Antennas on Support Structures Other**
16 **than Existing Buildings.** Any auxiliary support equipment on support
17 structures other than existing buildings must be screened from the right-of-way
18 and adjacent properties and located within the support structure's footprint to
19 the greatest extent practicable. Examples: placing the equipment within the
20 interior of an adjacent building or structure, within an underground vault,
21 behind landscaping or a sight-obscuring fence, or within an architectural
22 element, or concealed to resemble a natural object such as a boulder.

23 **(4) Equipment Associated with Antennas on Utility Structures.**

24 **(A) Equipment installed in right-of-way.** Any auxiliary support
25 equipment associated with one or more antennas on a utility structure and
26 not installed on the utility structure shall be installed within an underground
27 vault or in not more than one above-ground cabinet with a combined height
28 plus width plus depth no greater than 120 lineal inches.

29 **(B) Equipment installed outside right-of-way.** Any auxiliary support
30 equipment installed outside right of way shall be screened from the right-of-

1 way and adjacent properties. Examples: placing the equipment within the
2 interior of an adjacent building or structure, within an underground vault,
3 behind landscaping or a sight-obscuring fence, or within an architectural
4 element, or concealed to resemble a natural object such as a boulder.

5 **(C) Equipment attached to a utility structure.** Equipment, other than
6 optical fibers, wires or cables, attached to a utility structure shall:

7 (i) Project no more than eighteen inches from the surface of the utility
8 structure;

9 (ii) Be less than or equal to twenty-four inches in height;

10 (iii) Be mounted a minimum of fifteen feet above ground level on a
11 utility structure located in right-of-way between the sidewalk and the
12 street improvement or a minimum of ten feet above ground level on a
13 utility structure located in right-of-way between the sidewalk and the
14 property line abutting the right-of-way or a minimum of ten feet above
15 ground level on a utility structure located outside right-of-way.

16 **(b) Setbacks.** Auxiliary support equipment installed above ground and outside
17 right-of-way shall be set back from all property lines according to the applicable
18 standards in the underlying zone.

19 **(c) Vision Clearance.** Auxiliary support equipment installed above ground shall
20 meet the vision clearance area requirements of SRC 76.170.

21 **(d) External cables and wires.** All external cables and wires for auxiliary support
22 equipment shall be placed in conduit or painted to match the tower, building,
23 support structure, or utility structure, as applicable.

24 **(c) Coloration.**

25 **(1) Equipment Associated with Support Towers and Support Structures.**

26 All auxiliary support equipment shall be non-reflective and shall be painted
27 natural earth or leaf tones or otherwise colored or surfaced so as to blend with
28 the surrounding environment.

29 **(2) Equipment Associated with Utility Structures.** Equipment installed on a
30 utility structure shall be non-reflective and painted, coated or given a surface

1 application that is identical to the color and surface texture of the utility
2 structure. Other equipment shall be non-reflective and painted natural earth or
3 leaf tones or otherwise colored or surfaced so as to blend with the surrounding
4 environment.

5 (f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support
6 equipment, but shall be the minimum necessary to secure the auxiliary support
7 equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
8 measured directly beneath the security lighting, at ground level, and shall be
9 shielded to prevent direct light from falling on adjacent properties.

10 (g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-
11 way in a historic district or in right-of-way adjacent to a historic district or historic
12 resource or in right-of-way where all other utilities are required to be placed
13 underground shall be placed underground.

14 **703.060. Replacement Utility Structure Development Standards.**

15 (a) **Height.**

16 (1) **Outside Right-of-Way.**

17 (A) Outside right-of-way, an existing utility structure may be replaced with
18 a replacement structure that is taller than the existing utility structure,
19 provided that the combined height of a replacement structure, antenna
20 mounting device, and antennae does not exceed the maximum height for a
21 structure in the zone.

22 (B) **Skipped poles.** Outside right-of-way, a skipped pole may be replaced
23 with a pole of the same height as the adjacent taller poles, provided that the
24 combined height of a replacement structure, antenna mounting device, and
25 antennae does not exceed the maximum height for a structure in the zone.

26 (2) **Inside Right-of-Way.**

27 (A) Inside right-of-way, an original utility structure may be replaced with a
28 replacement utility structure that is taller than the original structure,
29 provided that the combined height of a replacement structure, antenna
30 mounting device, and antennae is no greater than:

- (i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy-three feet for a replacement structure on a major arterial;
- (iii) Sixty-three feet for a replacement structure on a minor arterial; or
- (iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be ~~no greater in width than~~ at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
NCMU	35 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.

EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RMI, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back ~~from adjacent property lines~~ as follows:

(1) In all industrial zones and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; ~~provided however, if the property abuts the EFU, RA, RS, RD, RMI, or CO zones, the base of the support tower shall be set back from the property line abutting the zone~~ and a minimum of ~~thirty~~ one hundred feet from all property zoned EFU, RA, RS, RD, RH, RMI, RM2, or CO.

(2) In all zones other than the industrial zones, residential zones, and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RMI, RM2, or CO.

(3) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RMI,

1 *RM2, or CO, and 30 feet from all other property.*

2 ~~(4)~~ (4) In all zones, the six foot high sight-obscuring perimeter fence required
3 under 703.070(c) shall be set back a minimum of ten feet from all property
4 lines.

5 (c) **Screening.** Support towers shall be surrounded by a six foot high sight-
6 obscuring fence or wall with a minimum ten foot wide landscaped area along the
7 outside perimeter except as required to access the facility. The landscaped area
8 shall be planted with one plant unit per twenty square feet of yard area. The
9 landscaping shall conform to the following requirements of SRC 132:

- 10 (1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
11 (2) SRC 132.150 (Standards for Landscaping Materials);
12 (3) SRC 132.160 (Installation);
13 (4) SRC 132.170 (Maintenance);
14 (5) SRC 132.180 (Compliance/Performance Assurance);
15 (6) SRC 132.190 (Irrigation);
16 (7) SRC 132.200 (Open Space);
17 (8) SRC 132.210 (Street Trees); and
18 (9) SRC Table 132-3 (Plant Unit Definition).

19 (d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be
20 painted natural earth or leaf tones or otherwise colored or surfaced so as to blend
21 with the surrounding environment.

22 (e) **Design Standards.** The following additional design standards shall apply to
23 support towers in all residential zones, mixed-use zones, CO zones, or PC zones;
24 and to support towers located within three hundred feet of all residential zones,
25 mixed-use zones, CO zones or PC zones:

- 26 (1) The support tower shall be designed to resemble an object that would
27 commonly be found in the area and that would be permitted in the zone,
28 including, but not limited to a tree that is a native conifer species, a flag or light
29 pole, a clock or bell tower, or a silo.
30 (2) The object chosen shall be appropriate to the context of surrounding

1 environment, both natural and man-made.

2 (3) The physical dimensions of the support tower shall have proportions that
3 are similar in scale to the natural or manmade object.

4 (4) To the greatest extent possible, the antennas shall not be easily recognized.

5 (f) **External cables and wires.** All external cables and wires shall be placed in
6 conduit or painted to match the support tower.

7 (g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
8 support towers shall not be lighted.

9 (h) **Collocation.**

10 (1) Support towers one hundred feet in height or higher shall be designed to
11 provide for attachment or collocation of at least two future antenna systems, in
12 a manner that will accommodate the additional antenna systems without a need
13 to increase the height or base diameter of the support tower.

14 (2) Support towers between fifty feet and one hundred feet in height shall be
15 designed to provide for attachment or collocation of at least one future antenna
16 system, in a manner that will accommodate the additional antenna system
17 without a need to increase the height or base diameter of the support tower.

18 (i) **Access.**

19 (1) Where a support tower is adjacent to a local street and a collector or arterial
20 street, access to the support tower shall be from the local street, subject to all
21 applicable access standards.

22 (2) Access to the support tower shall be oriented away from existing dwellings,
23 and any property zoned residential or mixed use.

24 **703.080. Conditions.** Every wireless communications facility siting permit shall be subject
25 to the following conditions:

26 (a) An obsolete wireless communications facility shall be removed by the owner
27 within six months of the date the facility ceases to be operational.

28 (b) All wireless communications facilities shall be operated and maintained in
29 compliance with all radio frequency emission standards specified by the Federal
30 Communications Commission.

1 (c) All wireless communications facilities shall be installed and maintained in
2 accordance with applicable federal, state, and local laws.

3 (d) All wireless communications facilities shall allow for the attachment or
4 collocation of additional facilities to the greatest extent possible, unless such
5 attachment or collocation interferes with the owner's wireless communications
6 facilities, jeopardizes the physical integrity of a structure with which a wireless
7 communications facility is associated, or the owner refuses to consent to the
8 attachment or collocation of additional wireless communications facilities.

9 (e) Vegetation that is either removed or destroyed as a result of construction shall
10 be replanted with appropriate plant materials as prescribed in SRC 132.200.

11 (f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
12 approval from the City Engineer.

13 (g) After construction, maintenance or repair of any wireless communications
14 facility, an owner shall leave any right-of-way disturbed by such activity in as good
15 or better condition than it was before the commencement of such work. The owner
16 shall promptly complete restoration work and promptly repair any damage caused
17 by such work at its sole cost and expense. When any opening or cut is made by the
18 owner in the pavement of right-of-way, the owner must promptly refill the opening
19 or cut, and restore the surface to a condition satisfactory to the City Engineer, in
20 accordance with public works construction standards.

21 (h) Prior to performing any excavation in right-of-way to underground any
22 auxiliary support equipment, all necessary city permits shall be obtained and all
23 appropriate notice given to any franchisees, licensees and grantees, other city
24 departments, and other governmental units that own or maintain facilities which
25 may be affected by the excavation.

26 (i) All undergrounding and excavation work must comply with the Oregon Utility
27 Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
28 promulgated thereunder.

29 (j) All excavations made by an owner in right-of-way shall be properly safeguarded
30 for the prevention of accidents and must be done in compliance with all applicable

1 federal, state, and local laws and regulations.

2 (k) Except for short or temporary durations during testing or during operation in
3 emergency situations, noise generating equipment associated with wireless
4 communications facilities shall not produce sound levels in excess of standards
5 established in SRC Chapter 93.

6 **703.090. Wireless Communications Facilities Adjustment.**

7 (a) **Applicability.** Except as otherwise provided in this Chapter, no wireless
8 communications facility shall be used or developed contrary to any applicable
9 development standard unless an adjustment has been granted pursuant to this
10 Chapter. These provisions apply exclusively to wireless communications facilities,
11 and are in lieu of the generally applicable adjustment provisions under SRC 250.

12 (b) **Procedure Type.** A wireless communications facility adjustment is a Type II
13 procedure under SRC Chapter 300.

14 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type
15 II application under SRC Chapter 300, an application for a wireless
16 communications facility adjustment shall include:

17 (1) A written statement demonstrating how the adjustment would meet the
18 criteria.

19 (2) A site plan that includes:

20 (A) Description of the proposed siting's design and dimensions, as it would
21 appear with and without the adjustment.

22 (B) Elevations showing all components of the wireless communications
23 facility, and its connection to utilities, as it would appear with and without
24 the adjustment.

25 (C) Color simulations of the wireless communications facility after
26 construction demonstrating compatibility with the vicinity, as it would
27 appear with and without the adjustment.

28 (d) **Criteria.** An application for a wireless communications facility adjustment
29 shall be granted if the following criteria are met:

30 (1) The adjustment is consistent with the purpose of the development standard

1 for which the adjustment is sought.

2 (2) Based on a visual analysis, the design minimizes the visual impacts to
3 residential zones through mitigating measures, including, but not limited to,
4 building heights, bulk, color, and landscaping.

5 (3) The owner demonstrates the existence of either of the following:

6 (A) **Gap in Service.**

7 (i) A gap in the coverage ~~or capacity~~ or capacity of the service network
8 exists such that users are regularly unable to connect to the service
9 network, or are regularly unable to maintain a connection, ~~or are unable~~
10 ~~to achieve reliable wireless coverage within a building~~ or are unable to
11 achieve reliable wireless coverage within a building;

12 (ii) The gap can only be filled through an adjustment in one or more of
13 the standards in this Chapter; and

14 (iii) The adjustment is narrowly tailored to fill the service gap such that
15 the wireless communications facility conforms to this Chapter's
16 standards to the greatest extent possible.

17 (B) **Minimization of Impacts.** The adjustment would minimize or
18 eliminate negative impacts to surrounding properties and their uses,
19 through a utilization of existing site characteristics, including, but not
20 limited to, the site's size, shape, location, topography, improvements, and
21 natural features. Negative impacts are minimized or eliminated if there is:

22 (i) A decrease in negative visual impacts, including, but not
23 limited to, visual clutter;

24 (ii) Better preservation of views or view corridors;

25 (iii) A decrease in negative impacts on property values; or

26 (iv) A decrease in any other identifiable negative impacts to the
27 surrounding area's primary uses.

28 **703.100. Special Provisions**

29 (a) **Temporary facilities.** In order to facilitate continuity of services during
30 maintenance or repair of existing facilities or prior to completion of construction of

1 a new facility, temporary wireless communications facilities are allowed through
2 administrative review. Temporary facilities authorized under this subsection may
3 not be used in excess of ninety days, may not have a permanent foundation and
4 shall be removed within thirty days after the permanent facility is completed. A
5 permit for a temporary facility under this subsection may not be renewed or
6 extended, nor may a new permit be issued for the same facility within the
7 succeeding six months after the expiration of the initial permit.

8 (b) Third-party review and associated fees.

9 (1) The City shall obtain the services of a third party consultant to review and
10 evaluate evidence offered as part of an application submitted under this
11 Chapter for the following applications:

12 (A) A new support tower in or within 300 feet of a residential zone,

13 (B) An adjustment to exceed the maximum height of a support tower in or
14 within 300 feet of a residential zone, or

15 (C) An adjustment to reduce the minimum setback of a support tower from
16 a property zoned residential.

17 (2) The City may, but is not required to, obtain the services of a third party
18 consultant to review and evaluate evidence offered as part of an application
19 submitted under this Chapter for an adjustment or for a new support tower in
20 or within 300 feet of a public zone, mixed-use zone, or overlay zone.

21 (3) Notwithstanding any other provisions of the Salem Revised Code, the City
22 Council may establish fees in amounts sufficient to recover all of the City's
23 costs in ~~including~~ in retaining consultants ~~to review and evaluate evidence~~
24 ~~offered as part of an application submitted under this Chapter for an adjustment~~
25 ~~or for a new support tower in a residential zone, public zone, mixed-use zone, or~~
26 ~~overlay zone or for a new support tower within 300 feet of a residential zone,~~
27 ~~public zone, mixed-use zone, or overlay zone. The City may impose a third-~~
28 ~~party review fee to obtain the services of an engineer to review the owner's~~
29 ~~findings to perform third-party review under this section.~~
30

1 **(c) Issuance of Building Permit.** No building permit shall be issued for the
2 construction of a wireless communications facility until the application for the
3 specific type of siting has been approved, including any local appeal.

4 **(d)** Nothing in this Chapter shall be deemed to prohibit a public utility from
5 installing or constructing a new utility structure, or enlarging, expanding, or
6 reconstructing an existing utility structure in public right-of-way, if the installation,
7 construction, enlargement, expansion, or reconstruction of the utility structure
8 would otherwise be permitted under law and the utility can demonstrate that the
9 need for the new utility structure is not related to or created by a wireless
10 communications facility.

11 **(e) Removal for discontinuance of service.** Any wireless communications
12 facility that has not provided service for six months is deemed a nuisance and is
13 subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or
14 attached wireless communications facility shall be removed by the facility owner
15 within six months of the date it ceases to be operational or if it falls into disrepair.

16 **(f) Relocation.**

17 **(1)** The City has the right to require changes in the location of wireless
18 communications facilities in rights-of-way when the public convenience
19 requires such change, and the expense thereof shall be paid solely by the owner.

20 **(2)** Prior to requiring relocation, the City will provide the owner with notice
21 substantially similar to that given to franchisees, licensees, or grantees.

22 **(3)** Should an owner fail to remove or relocate the wireless communications
23 facility by the date stated in the notice, the City may cause removal or relocation
24 of the wireless communications facility, and the expense thereof shall be paid
25 by the owner, including all expenses incurred by the City due to the owner's
26 failure to remove or relocate the wireless communications facility.

27 **(4)** If an owner must relocate its wireless communications facility in rights-of-
28 way as the result of a request by the City, the City will make a reasonable effort
29 to provide the owner with an alternate location for the relocated facility.

30 **(g) Measurements.** Unless otherwise specified in this Chapter, all references to

1 the existing or allowed height of a structure in this Chapter are measured from the
2 original grade at the base of the wireless communications facility to the highest
3 point on the wireless communications facility, including all antennas and excluding
4 any lightning rods.

5 **Section 2.** The following SRC 143A.075 is hereby added to SRC Chapter 143A:

6 **143A.075. Wireless Communications Facilities.** Wireless Communications Facilities are
7 allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

8 **Section 3.** The following SRC 143B.065 is hereby added to SRC Chapter 143B:

9 **143B.065. Wireless Communications Facilities.** Wireless Communications Facilities are
10 allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

11 **Section 4.** The following SRC 143E.055 is hereby added to SRC Chapter 143E:

12 **143E.055. Wireless Communications Facilities.** Wireless Communications Facilities are
13 allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

14 **Section 5.** The following SRC 144.045 is hereby added to SRC Chapter 144:

15 **144.045. Wireless Communications Facilities.** Wireless Communications Facilities are
16 allowed in the EFU district, subject to SRC Chapter 703.

17 **Section 6.** The following SRC 145.045 is hereby added to SRC Chapter 145:

18 **145.045. Wireless Communications Facilities.** Wireless Communications Facilities are
19 allowed in the RA district, subject to SRC Chapter 703.

20 **Section 7.** The following SRC 146.045 is hereby added to SRC Chapter 146:

21 **146.045. Wireless Communications Facilities.** Wireless Communications Facilities are
22 allowed in the RS district, subject to SRC Chapter 703.

23 **Section 8.** The following SRC 147.045 is hereby added to SRC Chapter 147:

24 **147.045. Wireless Communications Facilities.** Wireless Communications Facilities are
25 allowed in the RD district, subject to SRC Chapter 703.

26 **Section 9.** The following SRC 148.195 is hereby added to SRC Chapter 148:

27 **148.195. Wireless Communications Facilities.** Wireless Communications Facilities are
28 allowed in the RM1 district, subject to SRC Chapter 703.

29 **Section 10.** The following SRC 148.345 is hereby added to SRC Chapter 148:

30 **148.345. RM2 Wireless Communications Facilities.** Wireless Communications Facilities

1 are allowed in the RM2 district, subject to SRC Chapter 703.

2 **Section 11.** The following SRC 149.045 is hereby added to SRC Chapter 149:

3 **149.045. Wireless Communications Facilities.** Wireless Communications Facilities are
4 allowed in the RH district, subject to SRC Chapter 703.

5 **Section 12.** The following SRC 150.045 is hereby added to SRC Chapter 150:

6 **150.045. Wireless Communications Facilities.** Wireless Communications Facilities are
7 allowed in the CO district, subject to SRC Chapter 703.

8 **Section 13.** The following SRC 151.045 is hereby added to SRC Chapter 151:

9 **151.045. Wireless Communications Facilities.** Wireless Communications Facilities are
10 allowed in the CN district, subject to SRC Chapter 703.

11 **Section 14.** The following SRC 152.045 is hereby added to SRC Chapter 152:

12 **152.045. Wireless Communications Facilities.** Wireless Communications Facilities are
13 allowed in the CR district, subject to SRC Chapter 703.

14 **Section 15.** The following SRC 153.045 is hereby added to SRC Chapter 153:

15 **153.045. Wireless Communications Facilities.** Wireless Communications Facilities are
16 allowed in the CG district, subject to SRC Chapter 703.

17 **Section 16.** The following SRC 154.045 is hereby added to SRC Chapter 154:

18 **154.045. Wireless Communications Facilities.** Wireless Communications Facilities are
19 allowed in the CB district, subject to SRC Chapter 703.

20 **Section 17.** The following SRC 155.045 is hereby added to SRC Chapter 155:

21 **155.045. Wireless Communications Facilities.** Wireless Communications Facilities are
22 allowed in the IC district, subject to SRC Chapter 703.

23 **Section 18.** The following SRC 156.045 is hereby added SRC Chapter 156:

24 **156.045. Wireless Communications Facilities.** Wireless Communications Facilities are
25 allowed in the IBC district, subject to SRC Chapter 703.

26 **Section 19.** The following SRC 157.045 is hereby added to SRC Chapter 157:

27 **157.045. Wireless Communications Facilities.** Wireless Communications Facilities are
28 allowed in the IP district, subject to SRC Chapter 703.

29 **Section 20.** The following SRC 158.045 is hereby added to SRC Chapter 158:

30 **158.045. Wireless Communications Facilities.** Wireless Communications Facilities are

1 allowed in the IG district, subject to SRC Chapter 703.

2 **Section 21.** The following SRC 159.045 is hereby added to SRC Chapter 159:

3 **159.045. Wireless Communications Facilities.** Wireless Communications Facilities are
4 allowed in the II district, subject to SRC Chapter 703.

5 **Section 22.** The following SRC 160.125 is hereby added to SRC Chapter 160:

6 **160.125. Wireless Communications Facilities.** Wireless Communications Facilities are
7 allowed in the P district, subject to SRC Chapter 703.

8 **Section 23.** The following SRC 161.045 is hereby added to SRC Chapter 161:

9 **161.045. Wireless Communications Facilities.** Wireless Communications Facilities are
10 allowed in the EC Zone, subject to SRC Chapter 703.

11 **Section 24.** The following SRC 162.065 is hereby added to SRC Chapter 162:

12 **162.065. Wireless Communications Facilities.** Wireless Communications Facilities are
13 allowed in the SWMU Zone, subject to SRC Chapter 703.

14 **Section 25.** SRC 111.020 is amended to read as follows:

15 **111.020. "A" Definitions.**

16 (a) Abut means to be contiguous at some point.

17 (b) Accessory building, structure, or use means a building, structure, or use which
18 is incidental and subordinate to and dependent upon the main use on the same
19 premises.

20 (c) Adjacent means near or close, but not necessarily contiguous with.

21 (d) Adjoin means to abut.

22 (e) Administrative body means the council, commission, hearings officer, or
23 administrator having the jurisdiction to hear and decide proceedings on land use
24 actions.

25 (f) Administrator or planning administrator means the duly appointed and acting
26 Administrator of the Planning Division, Department of Community Development of
27 the City of Salem, Oregon, or the administrator's designees.

28 (g) Adult Day Care means a facility designed to meet the needs of functionally or
29 cognitively impaired adults through an individual plan of care. It is a structured,
30 comprehensive program that provides a variety of social and related support

1 services in a protective setting during part of a day but of less than 24 hours. Adult
2 day care does not include treatment programs for drugs, alcohol or psychiatric
3 disorders or other health centers as defined in SIC 80.

4 **(h)** Adult Day Care Home (ADCH) means the residence of an adult day care
5 provider for 5 or fewer individuals meeting the definition of Adult Day Care.

6 **(i)** Adult Day Care Center (ADCC) means a facility in a non-residential structure
7 which does not include a dwelling unit or a structure used as a dwelling unit
8 meeting the definition of Adult Day Care.

9 **(j)** Alley means a public easement or right of way not more than 20 feet and not
10 less than ten feet in width, which intersects with a public street.

11 **(k)** Ambulance Service Facility means a building used for the administrative
12 offices of an ambulance service, the housing of emergency medical personnel, and
13 the ordinary maintenance and repair of vehicles and equipment.

14 **(l)** Ambulance Station means a building or a specific portion of a building or
15 development that is utilized for the housing of on-call emergency medical
16 ambulance personnel.

17 **(m)** ~~Antenna means the specific device the surface of which is used to capture an~~
18 ~~incoming and/or transmit an outgoing radio frequency signal from wireless~~
19 ~~communication facilities. Antennas include the following types:~~

20 ~~(1) Omni-Direction ("whip") Antenna—receives and transmits signals in a~~
21 ~~360 degree pattern.~~

22 ~~(2) Directional or Parabolic ("panel" or "disk") Antenna—receives and~~
23 ~~transmits signals in a directional pattern typically encompassing an arc of 120~~
24 ~~degrees. The term "antenna" shall not include Ancillary Antenna which are~~
25 ~~antennas less than 12 inches in its largest dimension and are not directly used~~
26 ~~to provide personal wireless communications services. An example would be~~
27 ~~a global positioning satellite (GPS) antenna~~

28 any pole, panel rod, reflection disc, or similar device used for the transmission or
29 reception of radio frequency signals, including, but not limited to omni-directional
30 antenna (whip), directional antenna (panel), micro cell, and parabolic antenna

1 (dish). Antenna does not include support structures, utility structures, or support
2 towers.

3 (n) Apartment means a court apartment, or a dwelling unit in an apartment house.

4 (o) Apartment house means any building, or portion thereof, which is designed,
5 built, rented, leased, let or hired out to be occupied, or which is occupied as the
6 home or residence of three or more families living independently of each other and
7 doing their own cooking in the said building; or a building in condominium
8 ownership containing three or more dwelling units.

9 (p) Approved means approved by the administrator or other administrative body or
10 official specifically given jurisdiction to grant such approval.

11 **Section 26.** SRC 111.040 is amended to read as follows:

12 **111.040. "C" Definitions.**

13 (a) Carport means a permanent structure which is not totally enclosed on two or
14 more sides, and which is used or intended for the parking of motor vehicles.

15 (b) Children or child means a human being under 13 years of age.

16 (c) City or City of Salem means the City of Salem, an Oregon municipal
17 corporation.

18 (d) City business day means a day other than a Saturday, Sunday, or holiday,
19 during which the City's administrative offices are open for the transaction of regular
20 and routine business. A City business day begins at 8:00 a.m. and closes, unless
21 otherwise directed by the council or City manager, at 5:00 p.m.

22 (e) Child Day Care Center (CDCC) means a facility which provides child care (SIC
23 835) or kindergarten for 13 or more children.

24 (f) Child Day Care Home means the home of a child care provider for 12 or fewer
25 children.

26 (g) City engineer means the administrative head of the Engineering Division,
27 Department of Public Works of the City of Salem.

28 (h) Collocation means ~~the use of a single support structure and/or site by more than~~
29 ~~one wireless communications provider~~ mounting or installation of an antenna on an
30 existing support structure, utility structure, or support tower for the purpose of

1 transmitting and/or receiving radio frequency signals for communications purposes.

2 (i) Commission means the Salem Planning Commission, created by SRC Chapter
3 6.

4 (j) Contiguity means the state of being contiguous.

5 (k) Contiguous means touching along a boundary or point. Two or more lots or
6 parcels that are under common ownership and are separated by a public right-of-
7 way shall not be considered contiguous.

8 (l) Complex means a building or group of buildings, and their accessory buildings
9 and structures, all under common ownership, condominium ownership, or common
10 management, and housing an integrated development of industrial uses, commercial
11 uses, public uses, residential uses, or combinations thereof.

12 (m) Compliance period means the period prescribed in this zoning code or by the
13 decision on a land use action within which all conditions precedent must be met.

14 (n) Comprehensive plan means the officially adopted Salem Area Comprehensive
15 Plan, including all components thereof adopted by reference or otherwise lawfully
16 incorporated as parts thereof.

17 (o) Conditional use means any use which is permitted in a particular zoning district
18 only after review and approval as provided in SRC Chapter 240 or 118, and
19 includes where not excepted, "nonconforming" conditional uses and development
20 requiring conditional use review pursuant to SRC Chapter 270. See specific
21 conditional use.

22 (p) Condition precedent means any condition upon the use or development of
23 property imposed by this zoning code or a decision on a land use action which must
24 be met prior to an unqualified right vesting in the development, use, or continued
25 use of a building, structure or premises. With respect to conditional zone changes it
26 means any condition imposed in a conditional zone change declaration which must
27 be met prior to issuance of a conditional zone change order.

28 (q) Corner lot means a lot having two or more adjacent front lot lines in which the
29 interior angle formed by the extensions of the front lot lines in the direction which
30 they take at their intersections with the side lot lines forms an angle of 135 degrees

1 or less. In the event a street front lot line is a curve at its point of intersection with a
2 side lot line, the tangent to the curve at that point shall be considered the direction
3 of the front lot line.

4 (r) Cottage Housing means a development consisting of at least two or more
5 attached and/or detached dwelling units on one lot as a legal nonconforming use as
6 of May 15, 1979.

7 (s) Council means the council of the City of Salem, Oregon.

8 (t) Court apartment is a dwelling unit which is one of three or more dwelling units
9 contained in two or more buildings on the same lot, and which is designed, built,
10 rented, leased, let, or hired out to be occupied, or which is occupied by a family
11 which does not include an owner of the apartment; or which is a condominium unit
12 in a complex containing three or more dwelling units in two or more buildings.

13 (u) CSDP (Central Salem Development Program) area means that area of the city
14 within the following boundaries: Beginning at the SE corner of 12th Street SE and
15 Mission Street SE in Section 27 Township 7 South Range 3 West in Marion
16 County, Oregon; Thence Northerly along the East line of 12th Street SE to its
17 intersection with the East Right-of-Way line of the Southern Pacific Railroad;
18 Thence continuing Northerly along said East line of Railroad to the North side of
19 "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West
20 Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
21 the North side of Market Street NE; Thence Easterly along the North side of Market
22 Street NE to an Alley running between Fifth Street NE and Church Street NE;
23 Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
24 Easterly along the North side of Gaines Street to the West side of Church Street NE;
25 Thence Northerly along the West Side of Church Street to the North line of an
26 Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
27 along the North side of Said Alley to the East bank of the Willamette River; Thence
28 Southerly along the East Bank of the Willamette River and Willamette Slough to
29 the Westerly projection of the South line of Mission Street SE; Thence running
30 Easterly along the South side of Mission Street SE to the Place of Beginning.

1 **Section 27.** SRC 111.060 is amended to read as follows:

2 **111.060. "E" Definitions.**

3 (a) Employees means all persons, including proprietors, performing work on a
4 premises during the largest shift at peak season.

5 ~~(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to~~
6 ~~house and protect the electronic equipment necessary for processing wireless~~
7 ~~communications signals. Associated equipment may include air conditioning and~~
8 ~~emergency generators.~~

9 ~~(eb)~~ Existing Wildlife Rehabilitation Facility means any building, structure, or land
10 which meets the standards set forth in SRC 119.080 and is occupied or being used
11 by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and
12 Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

13 **Section 28.** SRC 111.070 is amended to read as follows:

14 **111.070. "F" Definitions.**

15 (a) Family means an individual or two or more persons related by blood or
16 marriage, or a group of not more than five persons (excluding servants) who need
17 not be related by blood or marriage, living together in a dwelling unit. Family shall
18 include two or more handicapped persons as defined in the Fair Housing
19 Amendments Act of 1988 living as a single housekeeping unit.

20 (b) Farm use means the current employment of land for the purpose of obtaining a
21 profit in money by raising, harvesting and selling crops or the feeding, breeding,
22 management and sale of, or the produce of, livestock, or for dairying and the sale of
23 dairy products or any other agricultural or horticultural use or animal husbandry or
24 any combination thereof. "Farm use" includes the preparation and storage of the
25 products raised on such land for human use and animal use and disposal by
26 marketing or otherwise. "Farm use" also includes the propagation, cultivation,
27 maintenance and harvesting of aquatic species. It does not include the use of land
28 subject to the provisions of ORS Chapter 321, except land used exclusively for
29 growing cultured Christmas trees as defined in ORS 215.203(3). "Current
30 employment" shall be as defined in ORS 215.203(2)(b).

1 (c) Fence means an unroofed structure used as an enclosure, barrier, or restriction
2 to light, sight, air, or passage.

3 (d) Final decision means a decision by the council, or a decision by any other
4 administrative body after the applicable appeal and review periods have expired.

5 (e) Fish habitat enhancement means the addition or modification of aquatic habitat
6 components whose absence, scarcity, or condition has been determined by the city
7 to limit fish presence or abundance in the immediate project area, specific stream
8 corridor or watershed.

9 (f) Floor area means the area included within the surrounding exterior walls of a
10 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
11 structure or portion thereof not provided with surrounding exterior walls shall be
12 the usable area under the horizontal projection of the roof or floor above.

13 ~~(g) Freestanding Support Structure means the structure to which antenna and other~~
14 ~~necessary associated hardware is mounted. Freestanding support structures include,~~
15 ~~but are not limited to, lattice towers, and monopoles. For the purposes of this code,~~
16 ~~the terms "monopole" and "freestanding support structure" are used~~
17 ~~interchangeably.~~

18 (hg) Frontage means that portion of a parcel of real property which abuts a public
19 street, whether or not access to the property is accorded thereby, and whether or not
20 a building or structure faces the street frontage. In context, coupled with the term
21 "alley" "frontage" has the same meaning with respect to an abutting alley.

22 (ih) Front lot line. See "lot line, front."

23 **Section 29.** SRC 111.130 is amended to read as follows:

24 **111.130. "L" Definitions.**

25 (a) Land use action means a zone change, conditional zone change, variance,
26 adjustment, conditional use approval, specific conditional use approval, planned
27 unit development approval at any stage requiring commission or council action, or
28 any other action requiring discretionary review by an administrative body, including
29 appeals from any of the foregoing.

30 (b) Land use proceeding means a proceeding on a zone change, variance,

1 adjustment, conditional use, specific conditional use, or planned unit development
2 application; a council or commission initiated zone change proceeding; a
3 proceeding to designate zoning classifications for a newly annexed area; or any
4 other proceeding which will result in a land use action unless dismissed.

5 (c) Landscaped means primarily devoted to the planting and preservation of trees,
6 shrubs, lawn and other organic ground cover, together with other natural or artificial
7 supplements to that primary use such as watercourses, ponds, fountains, decorative
8 lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways,
9 sculpture, trellises, and screens.

10 (d) Lattice Tower means a wireless communications facility ~~freestanding-support~~
11 ~~structure-tower~~ which consists of a network of crossed metal braces, forming a
12 tower which is usually triangular or square in cross-section.

13 (e) Livestock means:

14 (1) One or more members of any species of cattle, swine, sheep, goat, horse or
15 other equine, llama, alpaca or related ruminant, or poultry, excluding chickens,
16 regardless of the purpose for which any of the foregoing may be kept; and

17 (2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for
18 sale of by-products, for livestock increase, or for value increase.

19 (f) Loading space means an off-street space or bay on the same lot or parcel with a
20 building or complex for the parking of a vehicle while loading or unloading
21 passengers or cargo.

22 (g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or
23 contiguous unit of lots or other parcels under common or condominium ownership,
24 common life estate, or subject to a common leasehold for a term of at least 99 years.

25 (h) Lot area means the area in square feet or acres (43,560 square feet equals one
26 acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

27 (i) Lot coverage means the percentage of lot area covered by structures other than
28 fences or by other structures no point of which is more than three feet above grade.

29 (j) Lot depth means the horizontal distance between the front and rear lot lines
30 measured at a point halfway between the side lot lines.

1 (k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

2 (l) Lot, interior means any lot other than a corner lot.

3 (m) Lot line means one of the property lines forming the exterior boundaries of a
4 lot; and includes a condominium unit ownership line where the underlying real
5 property is included in a unit.

6 (n) Lot line, front means:

7 (1) In the case of any lot having a front lot line designated pursuant to SRC
8 63.145(e), the line so designated;

9 (2) In the case of an interior lot having only one street frontage, the lot line
10 separating the lot from the street right-of-way; and

11 (3) In the case of any lot not covered by paragraphs (1) or (2) of this
12 subsection, the lot line which the architecturally designed front of the building
13 faces.

14 (o) Lot line, interior means a lot line which is not adjacent to a street.

15 (p) Lot line, rear means:

16 (1) In the case of any lot having a rear lot line designated or determinable under
17 SRC 63.145(g), the lot line so designated or determined; and

18 (2) In the case of any other lot, the lot line opposite and most distant from the
19 front lot line.

20 (q) Lot line, side means any lot line which is not a front or rear lot line.

21 (r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

22 (s) Lot width means the horizontal distance between the side lot lines measured at
23 right angles to the lot depth at a point halfway between the front and rear lot lines.

24 **Section 30.** SRC 111.140 is amended to read as follows:

25 **111.140. "M" Definitions.**

26 (a) Manufactured dwelling means:

27 (1) Residential trailer, a structure constructed for movement on the public
28 highways that has sleeping, cooking and plumbing facilities, that is intended for
29 human occupancy, that is being used for residential purposes and that was
30 constructed before January 1, 1962.

1 (2) Mobile home, a structure constructed for movement on the public highways
2 that has sleeping, cooking and plumbing facilities, that is intended for human
3 occupancy, that is being used for residential purposes and that was constructed
4 between January 1, 1962, and June 15, 1976, and met the construction
5 requirements of Oregon mobile home law in effect at the time of construction.

6 (3) Manufactured home, a structure constructed for movement on the public
7 highways that has sleeping, cooking and plumbing facilities, that is intended for
8 human occupancy, that is being used for residential purposes and that was
9 constructed after June 15, 1976 and in accordance with federal manufactured
10 housing construction and safety standards and regulations in effect at the time of
11 construction.

12 "Manufactured dwelling" does not mean any building or structure constructed
13 to conform to the State of Oregon Structural Specialty Code or the One and
14 Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and
15 455.610 to 455.630 or any unit identified as a recreational vehicle by the
16 manufacturer.

17 (b) Manufactured dwelling park means any place where four or more manufactured
18 dwellings are located within 500 feet of one another on a lot, tract or parcel of land
19 under the same ownership, the primary purpose of which is to rent or lease space or
20 keep space for rent or lease to any person for a charge or fee paid or to be paid for
21 the rental or lease or use of facilities or to offer space free in connection with
22 securing the trade or patronage of such person. "Manufactured dwelling park" does
23 not include a lot or lots located within a subdivision being rented or leased for
24 occupancy by no more than one manufactured dwelling per lot if the subdivision
25 was approved pursuant to SRC Chapter 63.

26 (c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon
27 which is used for the purpose of preparing, processing or converting food for
28 immediate consumption as a drive-in, drive-through, curb or walk-up service. It
29 does not include a street vendor's cart as described in SRC 31.1055 or a peddler's
30 vehicle or conveyance described in SRC 31.180.

1 (d) Monopole means a wireless communications facility ~~freestanding support~~
2 ~~structure tower~~ which consists of a single pole sunk into the ground and/or attached
3 to a foundation.

4 **Section 31.** SRC 111.240 is amended to read as follows:

5 **111.240. "W" Definitions.**

6 (a) Wetland means an area that is inundated or saturated by surface water or
7 groundwater at a frequency and duration sufficient to support, and that under
8 normal circumstances does support, a prevalence of vegetation typically adapted for
9 life in saturated soil conditions.

10 (ORS196.800).

11 (b) Wetland restoration means to restore former wetlands, create new wetlands, or
12 enhance existing wetlands for the purpose of improving ecological or habitat
13 functions. Restoration means to reestablish wetland hydrology to a former wetland.
14 Creation means to successfully convert an area that has never been a wetland to
15 wetland conditions. Enhancement means the alteration and/or active management
16 of degraded wetlands for the sustainable recovery or improvement of lost or
17 degraded wetland functions and values.

18 (c) Wildlife shall have the meaning as defined under ORS Chapter 496.

19 (d) Wildlife rehabilitation means the restoration of an injured, sick, or immature
20 wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition
21 where it is capable of being released into the wild or, if incapable of survival on its
22 own, retained for educational purposes or transferred to an organization,
23 educational institution, museum, publicly funded zoo or other facility as determined
24 by the Oregon Department of Fish and Wildlife.

25 (e) Wildlife rehabilitator means any individual who is licensed as a Wildlife
26 Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife
27 rehabilitation.

28 (f) Wildlife Rehabilitation Facility means any building, structure, or land being
29 used for the purpose of wildlife rehabilitation.

30 (g) ~~Wireless Communication Facilities (WCF)~~ means an unstaffed facility for the

1 transmission and reception of radio or microwave signals used for commercial
2 communications. WCFs are composed of two or more of the following components:
3 (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security
4 Barrier. Wireless communications means any personal wireless services as defined
5 by the Federal Telecommunications Act of 1996, as amended, that currently exist or
6 that may be developed in the future, including but not limited to cellular, personal
7 communications services, specialized mobile radio, enhanced specialized mobile
8 radio, paging, similar Federal Communications Commission-licensed commercial
9 wireless telecommunications services, but excluding wireless telecommunications
10 services used exclusively for public health or safety purposes and wireless
11 communications services used exclusively by gas and electric utilities and
12 cooperative utilities for internal communications of an operational nature.
13 (h) Wireless communications facility means any unstaffed facility for the
14 transmission and/or reception of radio frequency signals for commercial wireless
15 communications purposes, including, but not limited to, auxiliary support
16 equipment; support towers or support structures, or utility structures used to achieve
17 the necessary elevation for the antenna; transmission and reception cabling and
18 devices; and all antennas or arrays; but excluding wireless telecommunications
19 services used exclusively for public health or safety purposes and wireless
20 communications services used exclusively by gas and electric utilities and
21 cooperative utilities for internal communications of an operational nature.

22 **Section 32.** SRC 130.210 is amended to read as follows:

23 **130.210. Height Exceptions.**

24 (a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and
25 monuments, none of which exceeds 185 feet in height, are exempt from all other
26 height restrictions provided they do not contain any rooms, offices, or other
27 habitable space, that the horizontal section does not exceed 625 square feet at the
28 top of the main building; and that the sum of the horizontal section of all such
29 projections at the height limit applicable to the building, structure, or land on which
30 they are located does not exceed 20 percent of the horizontal area of the roof of any

1 building on which they are situated.

2 (b) Radio, television, and microwave antennas and structures exclusively for their
3 support are exempt from all height restrictions.

4 (c) Mechanical penthouses, equipment, and appurtenances necessary to the
5 operation or maintenance of the building or structure itself, including ventilators,
6 plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar
7 energy, and window washing equipment, together with enclosures for any such
8 features are exempt from all other height restrictions provided they do not contain
9 any offices, restrooms, storage rooms, or habitable space; provided further that the
10 sum of the horizontal section of all such projections at the height limit applicable to
11 the building or structure on which they are located does not exceed 60 percent of
12 the horizontal area of the roof of the building on which they are situated; and finally
13 provided that no such device or enclosure projects more than 15 feet above the roof,
14 measured vertically from any point on the device or enclosure.

15 (d) Wireless communications facilities are subject to the provisions of SRC
16 Chapter 703.

17 (e) Utility structures located in public rights-of-way and not supporting wireless
18 communications facilities are exempt from the height restrictions of the underlying
19 zone.

20 **Section 33.** SRC 132.220 is amended to read as follows:

21 **132.220. Bufferyards and Screening.** Bufferyards are a combination of setback and visual
22 buffer designed to separate and protect incompatible uses.

23 (a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix
24 and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or
25 parking areas shall be permitted in a bufferyard except where an accessway has
26 been approved by the Public Works Department. Accessways shall not reduce the
27 amount of required plant materials. Utilities, screening, sidewalks, and bikeways
28 are permitted in a bufferyard but shall not reduce the amount of required plant
29 materials.

30 (b) Yard setbacks and landscaping as required in other sections of this Code,

1 including special overlay districts, may be included within a required bufferyard,
2 unless a greater setback is required, in which case the greater setback shall apply;
3 EXCEPT,

4 (1) Development in the Central Business (CB) zone is exempt from bufferyard
5 requirements.

6 (2) Development within the interior of public use zones is exempt from
7 bufferyard requirements.

8 (3) Wireless communications facilities are exempt from bufferyard
9 requirements.

10 (c) The following procedure shall be used to determine the type of buffering and
11 screening required between two abutting parcels:

12 (1) Locate the proposed use and existing abutting use in the appropriate
13 Standard Industrial Classification (SIC) impact group in the Buffer Matrix
14 (Table 132-1).

15 (2) After determining the impact group, read over and down the appropriate
16 axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by
17 the letter A, B, C, D, or E.

18 (3) Using the applicable Buffer Category (A, B, C, D, or E), consult the
19 Screening and Buffering Standards Table 132-2 to determine the buffering and
20 screening requirements.

21 (4) As required by the Bufferyard and Screening Standards Table 132-2, fences
22 shall be sight-obscuring fences and walls shall be constructed of masonry, rock,
23 concrete, concrete block or other similar material.

24 (5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant
25 materials and the minimum size of the plant materials at planting time in order
26 to provide seventy-five (75) percent coverage of the required landscaped yard
27 within five years. A minimum of 40% of the required number of plant units
28 shall be a combination of significant trees, shade trees, evergreen/conifer trees,
29 or ornamental trees.
30

1 (d) Where two or more uses of differing impact as specified in the Buffer Matrix
2 (Table 132-1) are combined in one building, the Buffer Category shall be
3 determined by the use in the heaviest impact category.

4 (e) In the event a proposed use is not specifically designated in the Buffer Matrix,
5 Table 132-1, the Planning Administrator shall designate to which group the
6 proposed use is most similar in intensity or environmental impact.

7 (f) If the abutting existing use is a "nonconforming use" in the same comprehensive
8 plan designation, then the proposed use shall provide a Category "A" Bufferyard
9 plus a 6 foot fence or wall.

10 **Section 34.** SRC 133.100 is amended to read as follows:

11 **133.100. Off-street Vehicle Parking Requirements.**

12 (a) Except as otherwise specifically provided in this zoning code, off-street parking
13 spaces shall be provided in amounts not less than those set forth in Table 133-1.

14 (b) Off-street parking spaces shall not exceed 2.5 times the amount required under
15 Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such
16 amount is more than 20.

17 (c) For any proposed use not shown on Table 133-1, the administrator shall
18 determine the parking space requirement for the most nearly similar use listed in
19 Table 133-1 with regard to traffic generation, and render such determination as an
20 adjustment pursuant to SRC Chapter 250.

21 (d) The provisions of this section shall apply only to residential uses within the
22 boundaries of the Downtown Parking District created by SRC 7.010.

23 (e) The provisions of this section shall not apply to wireless communications
24 facilities.

25 **Section 35.** SRC 133.110 is amended to read as follows:

26 **133.110. General Bicycle Parking Requirement.** Bicycle parking shall be provided for all
27 new multiple family residential developments (4 units or more), commercial, industrial and
28 institutional uses, in the following manner:

29 (a) The minimum number of required bicycle parking spaces is listed in Table 133-
30 1.

1 (b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide
2 and provide a minimum four foot access aisle unless spaces are provided to store
3 the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-
4 section (c) of this section.

5 (c) Bicycle racks must accommodate using the bicyclist's own locking device.

6 (d) Bicycle parking shall be provided within a convenient distance of, and clearly
7 visible from the primary building entrance as determined by the City. Such parking
8 shall not be further than 50 feet from the public entrance to the building.

9 (e) Direct access to the public right-of-way, with access ramps if necessary, and
10 pedestrian access from the bicycle parking to the building entrance must be
11 provided.

12 (f) The following uses are exempted from the bicycle parking requirements:

13 (1) Seasonal uses, such as fireworks stands and Christmas tree sales;

14 (2) Drive-in theaters;

15 (3) Self-storage facilities;

16 (4) Wireless communications facilities.

17 **Section 36.** SRC 135.020 is amended to read as follows:

18 **135.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

19 (a) Change of use means making a different or more intense use of any building,
20 structure, or land than that which existed on November 1, 1989, and for which
21 permission may be required pursuant to this code. Change of use does not include
22 collocation, replacement, installation, modification, or construction of wireless
23 communications facilities.

24 (b) Develop or Development means to divide a parcel of land into two or more
25 parcels; the construction, reconstruction, structural alteration, relocation, or
26 enlargement of any industrial buildings; and extension of any use of land or any
27 clearing, grading, landscaping, curb cutting, or other use of land for which
28 permission may be required pursuant to this code. To "develop" does not include:

29 (1) Completion of a structure or use of land for which a valid permit has been
30 issued as of November 1, 1989, and under which substantial construction has

1 been undertaken by May 1, 1990;

2 (2) Maintenance and repair, usual and necessary for the continuance of an
3 existing use;

4 (3) Reasonable emergency procedures necessary for the safety or operation of
5 property;

6 (4) Interior remodeling and such exterior remodeling that does not increase
7 square footage of building, increase building height, or substantially alter the
8 appearance of the structure;;

9 (5) Collocation, replacement, installation, modification, or construction of
10 wireless communications facilities.

11 **Section 37.** SRC 136.020 is amended to read as follows:

12 **136.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

13 (a) Change of use means making a different or more intense use of any building,
14 structure, or land than that which existed on March 1, 1996 and for which permission
15 may be required pursuant to this code. Change of use does not include collocation,
16 replacement, installation, modification, or construction of wireless communications
17 facilities.

18 (b) Develop or Development means to divide a parcel of land into two or more
19 parcels; the construction, reconstruction, structural alteration, relocation, or
20 enlargement of any buildings; any extension of any use of land or any clearing,
21 grading, landscaping, curb cutting, or other use of land for which permission may be
22 required pursuant to this code. To “develop” does not include:

23 (1) Completion of a structure or use of land for which a valid building permit
24 has been issued as of March 1, 1996;

25 (2) Maintenance and repair, usual and necessary for the continuance of an
26 existing use;

27 (3) Reasonable emergency procedures necessary for the safety or operation of
28 the property;

29 (4) Interior remodeling and such exterior remodeling that does not increase
30 square footage of building, increase building height, or substantially alter the

1 appearance of the structure-;

2 (5) Collocation, replacement, installation, modification, or construction of
3 wireless communications facilities.

4 **Section 38.** SRC 137.020 is amended to read as follows:

5 **137.020. Definitions.**

6 (a) Abandonment, as it applies to industrial uses and structures in this Chapter,
7 means the cessation of the use or structure for a continuous period of one year or a
8 change of use or structure to a non-industrial use. Vacant property within the overlay
9 zone west of Commercial Street and designated industrial on December 1, 1998 shall
10 not be deemed abandoned and may be converted to industrial use.

11 (b) Change of use means making a different use of any building, structure or land
12 than which existed on December 1, 1998 and for which permission may be required
13 pursuant to this code. Change of use does not include collocation, replacement,
14 installation, modification, or construction of wireless communications facilities.

15 (c) Develop or Development means to divide a parcel of land into two or more
16 parcels; the construction, reconstruction, structural alteration, relocation, or
17 enlargement of any buildings; any extension of any use of land or any clearing,
18 grading, landscaping, curb cutting, or other use of land for which permission may be
19 required pursuant to this code. Develop or Development does not include:

20 (1) Completion of a structure or use of land for which a valid permit has been
21 issued and substantial construction undertaken by December 1, 1998;

22 (2) Maintenance and repair, usual and necessary for the continuance of an
23 existing use;

24 (3) Reasonable emergency procedures necessary for the safety or operation of
25 property;

26 (4) Interior remodeling and such exterior remodeling that does not increase
27 square footage of a building, increase building height, or alter the appearance of
28 a structure-;

29 (5) Collocation, replacement, installation, modification, or construction of
30 wireless communications facilities.

1 (d) Drive through use means a business activity involving the buying and selling of
2 goods or the provision of services to a motorist customer or the customer's motor
3 vehicle and typically involving queuing lanes, service windows, service islands, and
4 service bays.

5 (e) Front means the portion of a building that faces a public right-of-way.

6 (f) Parking structure means a private or public garage with at least two levels of
7 parking whose principal use is intended for the temporary storage of motor vehicles.

8 (g) Primary building entrance means the principal pedestrian passage from a public
9 right-of-way into a building. A building may have more than one primary entrance.
10 Primary building entrance shall not include service or employee only entrances.

11 (h) Project means a single development built in a single phase. A project may
12 involve single or multiple buildings.

13 (i) Public right-of-way means property dedicated to the public for ingress and egress.

14 (j) Public street right-of-way means a public right-of-way improved with a road or
15 street.

16 (k) Side street means any public street that intersects Front Street within the
17 Riverfront Overlay Zone.

18 **Section 39.** SRC 138.020 is amended to read as follows:

19 **138.020. Definitions.**

20 (a) Change of use means making a different use of any building, structure or land
21 than which existed on December 1, 1998 and for which permission may be required
22 pursuant to this code. Change of use does not include collocation, replacement,
23 installation, modification, or construction of wireless communications facilities.

24 (b) Develop or Development means to divide a parcel of land into two or more
25 parcels; the construction, reconstruction, structural alteration, relocation, or
26 enlargement of any buildings; any extension of any use of land or any clearing,
27 grading, landscaping, curb cutting, or other use of land for which permission may be
28 required pursuant to this code. Develop or Development does not include:

29 (1) Completion of a structure or use of land for which a valid permit has been
30 issued and substantial construction undertaken by December 1, 1998.

- 1 (2) Maintenance and repair, usual and necessary for the continuance of an
2 existing use;
- 3 (3) Reasonable emergency procedures necessary for the safety or operation of
4 property;
- 5 (4) Interior remodeling and such exterior remodeling that does not increase
6 square footage of a building, increase building height, or alter the appearance of
7 a structure;
- 8 (5) Collocation, replacement, installation, modification, or construction of
9 wireless communications facilities.

10 (c) Drive through use means a business activity involving the buying and selling of
11 goods or the provision of services to a motorist customer or the customer's vehicle
12 and typically involving queuing lanes, service windows, service islands, and service
13 bays for vehicular use.

14 (d) Parking structure means a private or public garage with at least two levels of
15 parking whose principal use is intended for the temporary storage of motor vehicles.

16 (e) Primary building entrance means the principal pedestrian passage from a public
17 right-of-way into a building. A building may have more than one primary entrance.

18 (f) Project means a single development built in a single phase. A project may involve
19 single or multiple buildings.

20 (g) Public right-of-way means a public right-of-way improved with a road or street.

21 (h) Side street means within the Broadway/High Street Overlay Zone, any public
22 street that intersects Broadway Street.

23 **Section 40.** 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, or allowed~~
27 wireless communications facilities uses allowed in the RS, (Single Family
28 Residential) district.

29 (b) Any combination of single family detached, duplex or triplex units, up to a
30 maximum of three (3) units on a lot subject to the per lot density requirements of SRC

1 139.060 and the development design guidelines or standards contained in the City of
2 Salem Development Design Handbook. Three or more units on a lot shall also
3 comply with SRC 139.150.

4 (e) Townhouses on individual lots subject to the per lot density requirements of SRC
5 139.060 and the development design guidelines or standards contained in the
6 Development Design Handbook.

7 **Section 41.** SRC 142.020 is amended to read as follows:

8 **142.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

9 (a) Change of use means making a different or more intense use of any building,
10 structure, or land than that which existed on August 26, 1987, and for which
11 permission may be required pursuant to this code. Change of use does not include
12 collocation, replacement, installation, modification, or construction of wireless
13 communications facilities.

14 (b) Develop or Development means to divide a parcel of land into two or more
15 parcels; the construction, reconstruction, structural alteration, relocation, or
16 enlargement of any commercial buildings; any extension of any use of land or any
17 clearing, grading, landscaping, curb cutting, or other use of land for which permission
18 may be required pursuant to this code. To "develop" does not include:

19 (1) Completion of a structure or use of land for which a valid permit has been
20 issued as of August 26, 1987, and under which substantial construction has been
21 undertaken by March 1, 1988;

22 (2) Maintenance and repair, usual and necessary for the continuance of an
23 existing use;

24 (3) Reasonable emergency procedures necessary for the safety or operation of
25 property;

26 (4) Interior remodeling and such exterior remodeling that does not increase
27 square footage of building, increase building height, or substantially alter the
28 appearance of the structure;

29 (5) Collocation, replacement, installation, modification, or construction of
30 wireless communications facilities.

1 **Section 42.** SRC 143.020 is amended to read as follows:

2 **143.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

3 (a) Change of use means making a different or more intense use of any building,
4 structure, or land than that which existed on and for which permission may be
5 required pursuant to this code. Change of use does not include collocation,
6 replacement, installation, modification, or construction of wireless communications
7 facilities.

8 (b) Develop or Development means to divide a parcel of land into two or more
9 parcels; the construction, reconstruction, structural alteration, relocation, or
10 enlargement of any commercial buildings; any extension of any use of land or any
11 clearing, grading, landscaping, curb cutting, or other use of land for which permission
12 may be required pursuant to this code. To "develop" does not include:

13 (1) Completion of a structure or use of land for which a valid permit has been
14 issued as of November 9, 1987, and under which substantial construction has
15 been undertaken by May 1, 1988.

16 (2) Maintenance and repair, usual and necessary for the continuance of an
17 existing use;

18 (3) Reasonable emergency procedures necessary for the safety or operation of
19 property;

20 (4) Interior remodeling and such exterior remodeling that does not increase
21 square footage of building, increase building height, or substantially alter the
22 appearance of the structure;

23 (5) Collocation, replacement, installation, modification, or construction of
24 wireless communications facilities.

25 **Section 43.** SRC 143A.020 is amended to read as follows:

26 **143A.020. Definitions.**

27 (a) Congregate Residence means any building or portion thereof that contains
28 facilities for living, sleeping, and sanitation, and may include facilities for eating and
29 cooking, for occupancy other than a family. A congregate residence may be a shelter,
30 convent, monastery, dormitory, fraternity or sorority house, but does not include jails,

1 hospitals, nursing homes, hotels or lodging houses.

2 (b) Change of Use means making a different use of any building, structure or land
3 than which existed on November 30, 1998 and for which permission may be required
4 pursuant to this code. Change of use does not include collocation, replacement,
5 installation, modification, or construction of wireless communications facilities.

6 (c) Drive through use means a business activity involving the buying and selling of
7 goods and services to a motorist customer or the customer's vehicle and typically
8 involving the queuing lanes, service windows, service islands, and service bays for
9 vehicular use.

10 (d) Floor Area means the area included within the surrounding exterior walls of a
11 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
12 structure or portion thereof not provided with surrounding exterior walls shall be the
13 useable area under the horizontal projection of the roof or floor above.

14 (e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
15 area.

16 (f) Mixed-use Development means a combination of retail, office or residential uses
17 in a single building or separate buildings on the same site.

18 (g) Redevelopment means the structural alteration, enlargement, or reuse of
19 buildings, or clearance of structures and buildings for subsequent development.
20 Redevelopment does not include maintenance and repair, usual and necessary for the
21 continuation of an existing use; reasonable emergency procedures necessary for the
22 safety and operation of the property; and interior remodeling that does not increase
23 the square footage or height of buildings; and collocation, replacement, installation,
24 modification, or construction of wireless communications facilities.

25 (h) Residential Structure means dwellings, hotels, apartment houses, and congregate
26 residences.

27 **Section 44.** SRC 143A.060 is amended to read as follows:

28 **143A.060. Special Uses.**

29 (a) The following uses, when restricted, developed and conducted as required in SRC
30 Chapter 119, are permitted in the CHR overlay zone.

- (1) Mixed Use Buildings as defined in SRC Chapter 119;
- (2) Bed and Breakfast establishments;
- (3) Nursing and Personal Care Facilities (805);
- (4) Individual and Family Social Services (832);
- (5) Adult Day Care Center;
- (6) Used merchandise stores (~~953~~593) with all retail and storage of merchandise and equipment conducted entirely within a building;
- (7) Entertainment establishments;
- (8) Keeping of miniature swine;
- ~~(9) Antennas attached to existing or approved structures;~~
- ~~(10)~~ (9) Public Automobile Parking Areas;
- ~~(11)~~ (10) General Warehousing and Storage;
- ~~(12)~~ (11) Construction of a replacement single family dwelling unit on an individual lot;
- ~~(13)~~ (12) Ambulance Station;
- ~~(14)~~ (13) 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 45. SRC 143A.080 is amended to read as follows:

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC ~~143A.070~~ 143A.075, except as provided in SRC ~~113.090(b)~~ 113.090(d).

Prohibited uses expressly include the following:

- (a) Outdoor Advertising Signs (billboards).
- ~~(b) Freestanding support structures less than 70 feet in height and equipment enclosures~~
- ~~(c)~~ (e) Wildlife rehabilitation facilities.
- ~~(d)~~ (f) Outdoor storage of materials and equipment.

1 **Section 46.** SRC 143A.200 is amended to read as follows:

2 **143A.200. Reference to Additional Standards.**

3	General 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	Development Design Handbook (multiple family residential uses)	
8	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

9 **Section 47.** SRC 143B.030 is amended to read as follows:

10 **143B.030. Definitions.**

11 (a) Drive-through use means a business activity involving the buying and selling of
12 goods and services to a motorist customer or the customer's vehicle and typically
13 involving queuing lanes service windows, service islands, and service bays for
14 vehicular use.

15 (b) Floor Area means the area included within the surrounding exterior walls of a
16 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
17 structure or portion thereof not provided with surrounding exterior walls shall be the
18 useable area under the horizontal projection of the roof or floor above.

19 (c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
20 area.

21 (d) Mixed-Use Development means a combination of retail, office or residential uses
22 in a single building or separate buildings on the same lot or contiguous lots. For
23 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
24 as defined in SRC 119.700, but the terms are not synonymous.

25 (e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
26 land into two or more parcels; the construction, reconstruction, structural alteration,
27 relocation, or enlargement of any buildings; any extension of any use of land or any
28 clearing, grading, landscaping, curb cutting, or other use of land for which permission
29 may be required pursuant to this code. Develop, Development, Redevelop, or
30 Redevelopment does not include:

- 1 (1) Maintenance and repair, usual and necessary for the continuance of an
- 2 existing use;
- 3 (2) Reasonable emergency procedures necessary for the safety or operation of
- 4 property;
- 5 (3) Interior remodeling and such exterior remodeling that does not increase
- 6 square footage of a building, increase building height, or alter the appearance of
- 7 a structure;
- 8 (4) Collocation, replacement, installation, modification, or construction of
- 9 wireless communications facilities.

10 (4f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route
11 between two points that is intended and suitable for pedestrian use. Pedestrian Scale
12 means site and building design elements that are dimensionally less than those intended
13 to accommodate automobile traffic, flow and buffering.

14 (5g) Primary Building Entrance means the principal access point for persons visiting a
15 building.

16 (Ah) Townhouse means a single family dwelling unit constructed in a row of attached
17 units, with each unit separated by property lines with yard on at least two sides.

18 **Section 48.** SRC 143.070 is amended to read as follows:

19 **143B.070. Prohibited Uses Within Overlay Zone.**

20 (a) No building, structure or land shall be used, erected, structured, or structurally
21 altered or enlarged for any use not permitted under the underlying zone.

22 ~~(b) No freestanding support structure shall be erected, structurally altered, or enlarged~~
23 ~~in the area within 300 feet of public right-of-way.~~

24 **Section 49.** SRC 143B.090 is amended to read as follows:

25 **143B.090. Special Uses - Pine Street CG Mixed-Use Area.**

26 (a) The following uses, when restricted, developed and conducted as required in SRC
27 Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial
28 General underlying zone:

- 29 (1) Used merchandise stores (593);
- 30 (2) Entertainment establishments (58);

- (3) Wildlife rehabilitation facility;
- ~~(4) Antennas attached to existing or approved structures;~~
- ~~(54) Public automobile parking areas;~~
- ~~(65) Mobile food unit;~~
- ~~(76) Ambulance Station;~~
- ~~(87) 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.

Section 50. SRC 143B.120 is amended to read as follows:

143B.120. Special Uses - Pine Street IC Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial Commercial underlying zone:

- (1) Entertainment establishments;
- (2) Wildlife rehabilitation facility;
- (3) Mobile food unit;
- ~~(4) Antennas attached to existing structures;~~
- ~~(54) Used Merchandise Stores;~~
- ~~(65) Ambulance Station;~~
- ~~(76) 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.

Section 51. SRC 143B.150 is amended to read as follows:

143B.150. Special Uses - Northgate CR Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:

- (1) Used merchandise store (593);

- (2) Entertainment establishments;
- (3) Existing wildlife rehabilitation facility;
- (4) Mobile food unit;
- ~~(5) Antennas attached to existing or approved structures;~~
- (6) Ambulance Station;
- (7) 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.

Section 52. SRC 143C.060 is amended to read as follows:

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 240. ~~Uses requiring an Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100 through 116.130.~~ Wireless Communications Facilities Uses are designated with a “W” and are allowed, subject to SRC Chapter 703.

Table 143C-1				
P = permitted use; S = special use; C = conditional use; A = administrative conditional use <u>W = wireless communications facilities use</u>				
	LI	MI*	AU	VC
RESIDENTIAL				
One single family dwelling, townhouse, or duplex per lot	P	P	P	P
Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons		P	P	P
One manufactured home on a single lot [SRC 119.710]	S	S	S	S

1	AGRICULTURE and FORESTRY				
2	Agricultural production - crops (01)	P	P	P	P
3	Retail sales area for agricultural products, provided that		P	P	
4	the sales area is no greater than 1,000 square feet; that one				
5	off-street parking space for each 200 square feet of sales				
6	area is provided in addition to all other applicable parking				
7	requirements; that the retail use is conducted only				
8	between dawn and sunset and only for a continuous				
9	period of no more than seven months per calendar year				
10	beginning no earlier than April 1; and that any sign				
11	erected in connection with the retail use complies with the				
12	Salem Sign Code and is not in any way artificially				
13	illuminated or electrically operated				
14	Veterinary services (0742)		P	P	P
15	Farm labor and management services (076)			P	
16	Farm labor and management services (076), offices only		P	P	P
17	Landscape and horticultural services (078)			P	
18	Landscape and horticultural services (078), offices only		P	P	P
19	Timber tracts (081)		P	P	
20	Forestry services (085), offices only			P	
21	CONSTRUCTION				
22	Building construction - general contractors and operative		P	P	P
23	builders (15), offices only				
24	Heavy Construction other than building construction –		P	P	P
25	contractors (16), offices only				
26	Construction - special trade contractors (17), offices only		P	P	P
27	MANUFACTURING				
28	Dairy products (202)		C	P	
29	Canned, frozen and preserved fruits, vegetables and food			P	
30	specialties (203)				
31	Grain mill products (204)		C	P	
32	Bakery products (205)		C	P	
33	Candy and other confectionery products (2064 and 2068)		C	P	
34	Chocolate and cocoa products (2066)		C	P	
35	Beverages (208)		C	P	
36	Miscellaneous food preparations and kindred products		C	P	
37	(209)				

1	Textile mill products (22)		C	P	
2	Apparel and other finished products made from fabrics and similar materials (23)		C	P	
3	Wood kitchen cabinets (2434)		C	P	
4	Paperboard containers and boxes (265)		C	P	
5	Printing, publishing, and allied industries (27)		C	P	
6	Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)		C	P	
7	Metal cans and shipping containers (341)		C	P	
8	Cutlery, hand tools and general hardware (342)		C	P	
9	Heating equipment, except electric and warm air; and plumbing fixtures (343)			P	
10	Metal forgings and stampings (346)			P	
11	Computer and office equipment (357)		C	P	
12	Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)		C	P	
13	Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)		C	P	
14	Signs and advertising specialties (3993)		C	P	
15	TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES				
16	Local and suburban transit and interurban highway passenger transportation (41)			P	P
17	Motor freight transportation and warehousing (42)			P	P
18	U.S. Postal Service (43)		P	P	P
19	Transportation services (47)		P	P	P
20	Communication (48)		P	P	P
21	Wireless Communications Facilities [SRC 119.460]	A	<u>A</u> <u>W</u>	A	A
22		<u>W</u>		<u>W</u>	<u>W</u>
23	Antennas attached to existing or approved structures [SRC 119.460]	S	S	S	S

1	WHOLESALE TRADE				
2	Wholesale trade-durable goods (50) BUT EXCLUDING			P	
3	scrap and waste materials (5093), and durable goods, not				
4	elsewhere classified (5099)				
5	Wholesale trade-non-durable goods (51) BUT			P	
6	EXCLUDING livestock (5154), and chemicals and allied				
7	products (516)				
8	RETAIL TRADE				
9	Building materials, hardware, garden supply (52), BUT			P	P
10	EXCLUDING mobile home dealers (5271)				
11	General merchandise stores (53)		P	P	P
12	Food stores (54) BUT EXCLUDING meat markets and		P	P	P
13	freezer provisioners (542)				
14	Automotive dealers and gasoline service stations (55)		C	C	C
15	BUT EXCLUDING Auto and Home Supply Stores (553)				
16	and Gasoline Service Stations (554)				
17	Auto and home supply stores (553)		P	P	P
18	Gasoline service stations (554) [SRC 119.150]			S	S
19	Apparel and accessories stores (56)		P	P	P
20	Furniture, home furnishings, and equipment stores (57)		P	P	P
21	Eating and drinking places (58) EXCEPT Drive-throughs		P	P	P
22	Miscellaneous retail (59) including, in addition to uses		P	P	P
23	specifically listed in SIC group 599, electrical and lighting				
24	shops, office machines and equipment stores, and tractor				
25	and farm equipment shop				
26	FINANCE, INSURANCE, and REAL ESTATE				
27	Depository Institutions (60)		P	P	P
28	Non-depository Credit Institutions (61)		P	P	P
29	Security and commodity brokers, dealers, exchanges and		P	P	P
30	services (62)				
31	Insurance carriers (63)		P	P	P
32	Insurance agents, brokers, and service (64)		P	P	P
33	Real estate (65)		P	P	P
34	Holding, and other investment offices (67)		P	P	P
35	SERVICES				
36	Hotels and motels (701) BUT EXCLUDING casino hotels			P	P
37	Bed and breakfast establishments		P	P	P

1	Personal services (72)		P	P	P
2	Business services (73)		P	P	P
3	Automotive repair services, and parking (75)			P	P
4	Miscellaneous repair services (76)			P	P
5	Motion pictures (78)		P	P	P
6	Amusement and recreation services (79) BUT		P	P	P
7	EXCLUDING casinos, racing, including track operation				
8	(7948) and entertainment establishments, except as				
9	permitted as a special use in SRC 155.030(a)(2)				
9	Health services (80) BUT EXCLUDING hospitals (806)		P	P	P
10	Legal services (81)		P	P	P
11	Educational services (82)		P	P	P
12	Social services (83) BUT EXCLUDING homeless			P	P
13	shelters serving more than 5 persons				
13	Child day care home		P	P	P
14	Adult day care home		P	P	P
15	Membership organizations (86), BUT EXCLUDING		P	P	P
16	religious organizations (8661)				
17	Religious organizations (8661)	P	P	P	P
18	Engineering, Accounting, Research, Management, and		P	P	P
19	Related Services (87)				
20	Accounting, auditing, and bookkeeping (893)		P	P	P
21	Services, not elsewhere classified (899)		P	P	P
22	PUBLIC ADMINISTRATION				
23	Executive offices (911)		P	P	P
24	Executive and legislative combined (913)		P	P	P
25	General government, not elsewhere classified (919)		P	P	P
26	Fire protection (9224)		P	P	P
27	Public order and safety, not elsewhere classified (9229)		P	P	P
28	Finance, taxation, and monetary policy (93)		P	P	P
29	Administration of human resources programs (94)		P	P	P
30	Administration of environmental quality and housing		P	P	P
	programs (95)				

1	Administration of economic programs (96)		P	P	P
2	National security and international affairs (97)		P	P	P
3	OTHER USES				
4	Community or neighborhood clubs		P	P	P
5	Swimming pools, whether or not open to the public for a fee		P	P	P
6	Playgrounds, parks	P	P	P	P
7	Public buildings and structures, such as libraries, fire stations		P	P	P
8	Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines	P	P	P	P
9	Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations	P	P	P	P
10	Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded		P	P	P
11	Recycling depots		P	P	P
12	Transit stop shelters	P	P	P	P
13	Ambulance Station [SRC 119.030]			S	S
14	Ambulance Service Facility [SRC 119.040]			S	S
15	ACCESSORY USES and STRUCTURES				
16	Customary residential accessory buildings and structures for private use of the property and its occupants	P	P	P	P
17	A garage or parking area serving the main building or use	P	P	P	P
18	Sleeping quarters for domestic employees of the resident of the main building	P	P	P	P
19	Home occupations	P	P	P	P
20	The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit	P	P	P	P
21	*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.				

22 **Section 53.** SRC 143D.020 is amended to read as follows:

23 **143D.020. Definitions.**

24 (a) Mixed-Use Development means a combination of retail, office or residential uses
 25 in a single building or separate buildings on the same lot or contiguous lots. For
 26

1 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
2 as defined in SRC 119.700.

3 (b) Change of Use means changing an activity from one Standard Industrial
4 Classification (SIC) Division to another. Change of use does not include collocation,
5 replacement, installation, modification, or construction of wireless communications
6 facilities.

7 (c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
8 land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or
9 enlarge any building; to extend any use of land or to engage in any clearing, grading,
10 landscaping, curb cutting, or to engage in any other use of land for which a permit may
11 be required pursuant to this code. Develop, Development, Redevelop, or
12 Redevelopment does not include:

13 (1) Maintenance and repair, usual and necessary for the continuance of an existing
14 use;

15 (2) Reasonable emergency procedures necessary for the safety or operation of
16 property; or

17 (3) Interior remodeling and such exterior remodeling that does not increase square
18 footage of a building, increase building height, or alter the appearance of a
19 structure; or

20 (4) Collocation, replacement, installation, modification, or construction of wireless
21 communications facilities.

22 (d) Owner means the person holding fee title or a beneficial interest under a trust deed
23 or mortgage, or the purchaser under a contract for sale of real estate.

24 (e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route
25 between two points that is intended and suitable for pedestrian use.

26 (f) Tuck-Under Parking means parking placed at grade with a building constructed
27 above.

28 (g) User means the user of property in the overlay zone as of December 1, 2002.

29 **Section 54.** SRC 143D.070 is amended to read as follows:
30

1 **143D.070. Uses.** No building or structure shall be used, erected, structurally altered or
2 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
3 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

4 **Section 55.** SRC 143D.100 is amended to read as follows:

5 **143D.100. Uses.** No building or structure shall be used, erected, structurally altered or
6 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
7 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

8 **Section 56.** SRC 143D.120 is amended to read as follows:

9 **143D.120. Uses.**

10 (a) Except as provided in subsection (b) of this section, no building or structure shall
11 be used, erected, structurally altered or enlarged, or any land used, for any use not
12 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
13 ~~communications facilities~~ use in the underlying zone.

14 (b) The following uses are permitted uses in Area 3:

- 15 (1) Eating and drinking places and entertainment establishments;
- 16 (2) Beauty Shops (723);
- 17 (3) Barber Shops (724);
- 18 (4) Business Services (73);
- 19 (5) Membership sports and recreation clubs (7997);
- 20 (6) Medical and dental laboratories (807);
- 21 (7) Outpatient facilities (8093);
- 22 (8) Engineering, accounting, research, management and related services (87);
- 23 (9) Executive offices (911);
- 24 (10) Executive and legislative combined (913);
- 25 (11) Police protection (9221), BUT EXCLUDING jail facilities;
- 26 (12) Public finance, taxation and monetary policy (93);
- 27 (13) Administration of human resources programs (94);
- 28 (14) Administration of environmental quality and housing programs (95);
- 29 (15) Administration of economic programs (96);
- 30 (16) National security and international affairs (97);

- 1 (17) Used merchandise stores (593);
- 2 (18) General merchandise stores (53);
- 3 (19) Food stores (54);
- 4 (20) Apparel and accessory stores (56);
- 5 (21) Furniture, home furnishings and equipment stores (57);
- 6 (22) Miscellaneous retail (59);
- 7 (23) Miscellaneous repair services (76);
- 8 (24) Building materials, hardware, garden supply, but excluding mobile home
- 9 dealers (52); and
- 10 (25) Services not elsewhere classified (899).

11 (c) In addition to the prohibited uses in the underlying zone, the following uses are
12 prohibited in Area 3:

- 13 (1) Agricultural production crops (071);
- 14 (2) Crop services (072);
- 15 (3) Timber tracts (081);
- 16 (4) Forest nurseries and gathering of forest products;
- 17 (5) Chemicals and allied products (28);
- 18 (6) Motorcycle dealers (557);
- 19 (7) Automotive dealers, not elsewhere classified (559);
- 20 (8) Fuel Dealers (598);
- 21 (9) Outdoor advertising services (7312);
- 22 (10) Disinfecting and pest control services (7342);
- 23 (11) Building cleaning and maintenance services not elsewhere classified (7349);
- 24 (12) Recycling Depots;
- 25 (13) Scrap and waste material establishments (5093);
- 26 (14) Livestock, except dairy, poultry, and animal specialties (021);
- 27 (15) Air transportation, Non-scheduled (452);
- 28 (16) Crude petroleum and natural gas extraction (131);
- 29 (17) Surface mining operations;
- 30 (18) Meat products (201);

- 1 (19) Animal and marine fats and oils (2077);
- 2 (20) Logging camps and logging contractors (241);
- 3 (21) Sawmills and planing mills (242);
- 4 (22) Paper and allied products (26);
- 5 (23) Agricultural chemicals (287);
- 6 (24) Miscellaneous chemical products (289);
- 7 (25) Petroleum and coal products (29);
- 8 (26) Cement hydraulic (324);
- 9 (27) Iron and steel foundries (332);
- 10 (28) Primary smelting and refining nonferrous metals (333);
- 11 (29) Secondary smelting and refining nonferrous metals (334);
- 12 (30) Rolling, drawing, and extruding of nonferrous metals (335);
- 13 (31) Ordinance and accessories, except vehicles and guided missiles (348);
- 14 (32) Storage batteries (3691);
- 15 (33) Primary batteries, dry and wet (3692);
- 16 (34) Livestock (5154);
- 17 (35) Chemicals and allied products (516);
- 18 (36) Racing, including track operation (7948); and
- 19 (37) Solid waste transfer stations.

20 **Section 57.** SRC 143D.180 is amended to read as follows:

21 **143D.180. Uses.** No building or structure shall be used, erected, structurally altered or
22 enlarged, or any land used, for any use not allowed as a permitted, special, administrative
23 ~~conditional, or conditional,~~ or wireless communications facilities use in the underlying zone.

24 **Section 58.** SRC 143D.190 is amended to read as follows:

25 **143D.190. Uses.**

26 (a) Except as provided in subsection (b) and (c) of this section, no building or structure
27 shall be used, erected, structurally altered or enlarged, or any land used, for any use not
28 allowed as a permitted, special, ~~administrative conditional, or conditional,~~ or wireless
29 communications facilities use in the underlying zone. Otherwise permitted uses in Area
30 5 may not be conducted as drive-through uses, defined as business activities typically

1 involving queuing lanes, service windows, service islands, and service bays. The
2 additional prohibited uses, identified under subsection (c) of this section that existed
3 within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
4 lot or parcel where they are located on such date. Such uses may be intensified,
5 enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
6 that were not previously utilized for such use.

7 (b) The following uses are permitted uses in Area 5:

- 8 (1) Mixed use developments as defined in this Chapter; and
- 9 (2) Dwellings meeting the density standards of Section 143D.210.

10 (c) In addition to the prohibited uses in the underlying zone, the following uses that are
11 allowed in the underlying zone are prohibited in Area 5:

- 12 (1) Agricultural production - crops (01);
- 13 (2) Landscape and horticultural services (078), but excluding landscape counseling
14 and planning (0781);
- 15 (3) Timber tracts (081);
- 16 (4) Forest nurseries and gathering of forest products (0831);
- 17 (5) Crude petroleum and natural gas extraction (131);
- 18 (6) Gas production and distribution (492);
- 19 (7) Lumber and other building materials dealers (521);
- 20 (8) Automotive dealers and gasoline service stations (55), but excluding auto and
21 home supply stores (retail sales only, no service or installation) (5531);
- 22 (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- 23 (10) Camps and recreational vehicle parks (703);
- 24 (11) Carpet and upholstery cleaning (7217);
- 25 (12) Equipment Rental and Leasing (7359);
- 26 (13) Automotive rental and leasing, without drivers (751);
- 27 (14) Automotive repair shops (753);
- 28 (15) Automotive services, except repair (754);
- 29 (16) Motorcycle repair service;
- 30 (17) Professional sports clubs and promoters (7941);

- 1 (18) Temporary motor vehicle and recreational vehicle sales;
2 (19) Utilities - secondary truck parking and material storage yard;
3 (20) Recycling depots;
4 (21) Solid waste transfer stations.

5 **Section 59.** SRC 143D.230 is amended to read as follows:

6 **143D.230. Uses.**

7 (a) Except as provided in subsection (b) of this section, No building or structure shall
8 be used, erected, structurally altered or enlarged, or any land used, for any use not
9 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
10 communications facilities use in the underlying zone.

11 (b) The following uses are permitted uses in Area 6:

- 12 (1) Home occupations pursuant with 143D.240.

13 **Section 60.** SRC 143D.250 is amended to read as follows:

14 **143D.250. Uses.** No building or structure shall be used, erected, structurally altered or
15 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
16 ~~econditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

17 **Section 61.** SRC 143E.060 is amended to read as follows:

18 **143E.060. Prohibited Uses within Overlay Zone.**

19 (a) No building, structure or land shall be used, erected, structured, or structurally
20 altered or enlarged for any use not permitted under the underlying zone, including:

- 21 (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores
22 (553) and gasoline service stations (554); and

23 (2) Outdoor display and storage of merchandise within 50 feet of Commercial
24 Street SE right-of-way; and

25 (3) ~~Freestanding Support Towers within 300 feet of Commercial Street SE right-of-~~
26 ~~way.~~

27 **Section 62.** SRC 144.050 is amended to read as follows:

28 **144.050. Prohibited Uses.** Within an EFU district, no building, structure, or land shall be
29 used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020
30 to ~~144.040-144.045.~~

1 **Section 63.** SRC 145.030 is amended to read as follows:

2 **145.030. Special Uses.**

3 (a) The following uses, when restricted, developed and conducted as required in SRC
4 Chapter 119, are permitted in the RA district:

- 5 (1) Veterinary services for animal specialties (0742).
- 6 (2) Funeral service (726) except crematories.
- 7 (3) Public golf courses (7992)
- 8 (4) Membership sports and recreation clubs (7997) having golf courses.
- 9 (5) Elementary and secondary schools (821).
- 10 (6) Religious organizations (866).
- 11 (7) Boat and recreational vehicle storage area.
- 12 (8) Zero side yard dwellings.
- 13 (9) Two family shared housing.
- 14 (10) Public automobile parking areas.
- 15 (11) Manufactured homes on individual lots.
- 16 (12) Bed and breakfast establishments.
- 17 (13) Adult day care center.
- 18 (14) Keeping of a miniature swine.
- 19 (15) Residential Sales/Development Office.
- 20 (16) Wildlife Rehabilitation facility.
- 21 (17) Construction of a replacement single family dwelling unit on an individual lot.
- 22 (18) Individual and Family Social Service (832).
- 23 ~~(19) Antennas attached to existing or approved structures.~~
- 24 ~~(2019)~~ Parking for Special Activities at High Schools with Community Parks.
- 25 ~~(2120)~~ Cottage Housing.

26 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
27 under SRC Chapter 119, the developer may elect to apply for conditional use approval
28 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

29 **Section 64.** SRC 145.050 is amended to read as follows:

30 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be

1 used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020
2 to ~~145.040~~ 145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
3 or allowed as a nonconforming use pursuant to SRC Chapter 270.

4 **Section 65.** SRC 145.900 is amended to read as follows:

5 **145.900. Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Preservation of Trees and Vegetation	SRC Chapter 68
8	Landslide Hazards	SRC Chapter 69
9	Street Trees	SRC Chapter 86
10	Planned Unit Developments	SRC Chapter 121
11	Increased Residential Density	SRC Chapter 122
12	Mobile Home Parks	SRC Chapter 123
13	Home Occupations	SRC Chapter 124
14	Lot Development Standards	SRC Chapter 130
15	Accessory Structures	SRC Chapter 131
16	Landscaping	SRC Chapter 132
17	Off-street Parking, Loading, and Driveways	SRC Chapter 133
18	Flood Plain Overlay Zones	SRC Chapter 140
19	Willamette Greenway Overlay Zones	SRC Chapter 141
20	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

21 **Section 66.** SRC 146.030 is amended to read as follows:

22 **146.030. Special Uses.**

23 (a) The following uses, when restricted, developed and conducted as required in SRC
24 Chapter 119, are permitted in the RS district:

- 25 (1) Funeral service (726) except crematories.
- 26 (2) Public golf courses (7992).
- 27 (3) Membership sports and recreation clubs (7997) having golf courses.
- 28 (4) Elementary and secondary schools (821).
- 29 (5) Religious organizations (866).
- 30 (6) Boat and recreational vehicle storage area.

- 1 (7) Zero side yard dwellings.
- 2 (8) Two family shared housing.
- 3 (9) Public automobile parking areas.
- 4 (10) Manufactured homes on individual lots.
- 5 (11) Bed and breakfast establishments.
- 6 (12) Adult day care center.
- 7 (13) Keeping of a miniature swine.
- 8 (14) Residential Sales/Development Office.
- 9 (15) Existing wildlife rehabilitation facility.
- 10 (16) Construction of a replacement single family dwelling unit on an individual lot.
- 11 ~~(17) Antennas attached to existing or approved structures.~~
- 12 (18) Parking for Special Activities at High Schools with Community Parks.
- 13 (19) Cottage Housing

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 67.** SRC 146.050 is amended to read as follows:

18 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be
 19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020
 20 to ~~146.040~~ 146.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 68.** SRC 146.900 is amended to read as follows:

23 **146.900. Reference to Additional Standards.** Additional or alternative use and
 24 development standards may be found in the following Chapters:

25	Landslide Hazards	SRC Chapter 69
26	Street Trees	SRC Chapter 86
27	Planned Unit Developments	SRC Chapter 121
28	Increased Residential Density	SRC Chapter 122
29	Mobile Home Parks	SRC Chapter 123
30	Home Occupations	SRC Chapter 124

1	Lot Development Standards	SRC Chapter 130
2	Accessory Structures	SRC Chapter 131
3	Landscaping	SRC Chapter 132
4	Off-street Parking, Loading and Driveways	SRC Chapter 133
5	Flood Plain Overlay Zones	SRC Chapter 140
6	Willamette Greenway Overlay Zones	SRC Chapter 141
7	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

8 **Section 69.** SRC is amended to read as follows:

9 **147.030. Special Uses.**

10 (a) The following uses, when restricted, developed and conducted as required in SRC
11 Chapter 119, are permitted in the RD district:

- 12 (1) Nursing and personal care facilities (805).
- 13 (2) Residential care facilities, including homeless shelters serving five or fewer
14 persons (836), except residential home and other structures housing families of
15 handicapped persons.
- 16 (3) Zero side yard dwellings.
- 17 (4) Keeping of a miniature swine.
- 18 (5) Manufactured homes on individual lots.
- 19 ~~(6) Antennas attached to existing or approved structures.~~
- 20 ~~(7) Religious organizations (866).~~

21 (b) In lieu of establishing any use listed in subsection ~~(2)~~ (a) of this section as a special
22 use under SRC Chapter 119, the developer may elect to apply for conditional use
23 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

24 **Section 70.** SRC 147.050 is amended to read as follows:

25 **147.050. Prohibited Uses.** Within any RD district, no building, structure, or land shall be
26 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020
27 to ~~147.040~~ 147.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
28 or allowed as a nonconforming use pursuant to SRC Chapter 270.

29 **Section 71.** SRC 147.900 is amended to read as follows:

30 **147.900. Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

2	Landslide Hazards	SRC Chapter 69
3	Street Trees	SRC Chapter 86
4	Planned Unit Developments	SRC Chapter 121
5	Increased Residential Density	SRC Chapter 122
6	Mobile Home Parks	SRC Chapter 123
7	Home Occupations	SRC Chapter 124
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

15 **Section 72.** SRC 148.170 is amended to read as follows:

16 **148.170. RM1 Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the RM1 district:

- 19 (1) Nursing and personal care facilities.
- 20 (2) Elementary and secondary schools.
- 21 (3) Religious organizations.
- 22 (4) Zero side yard dwellings.
- 23 (5) Manufactured homes on individual lots, provided the minimum density
24 requirements of SRC 148.220 are met.
- 25 (6) Adult day care center.
- 26 (7) Keeping of miniature swine.
- 27 (8) Residential Sales/Development Office.
- 28 ~~(9) Antennas attached to existing or approved structures~~

29 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
30 under SRC Chapter 119, the developer may elect to apply for conditional use approval

1 pursuant to SRC Chapter 240 or 118.

2 **Section 73.** SRC 148.200 is amended to read as follows:

3 **148.200. RM1 Prohibited Uses.** Within any RD RM1 district, no building, structure, or
4 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
5 SRC ~~147.020~~ 148.160 to ~~147.040~~ 148.195, unless the use is deemed an equivalent use
6 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
7 270.

8 **Section 74.** SRC 148.210 is amended to read as follows:

9 **148.210. RM1 Design Approval.** Developments subject to SRC 148.160-~~148.190~~ and SRC
10 148.200-148.300 shall meet either the development design standards contained in the City of
11 Salem Development Design Handbook or shall be reviewed and approved by the Planning
12 Commission pursuant to the guidelines contained in the adopted Development Design
13 Handbook. Development design guidelines and standards are in addition to all development
14 standards contained in this Chapter.

15 **Section 75.** SRC 148.300 is amended to read as follows:

16 **148.300. RM1 Reference to Additional Standards.** Additional or alternative use and
17 development standards may be found in the following Chapters:

- 18 Landslide Hazards SRC Chapter 69
- 19 Planned Unit Development SRC Chapter 121
- 20 Mobile Homes Parks SRC Chapter 123
- 21 Home Occupations SRC Chapter 124
- 22 Lot Development Standards SRC Chapter 130
- 23 Accessory Structures SRC Chapter 131
- 24 Landscaping SRC Chapter 132
- 25 Off-Street Parking, Loading, and Driveways SRC Chapter 133
- 26 Flood Plain Overlay Zones SRC Chapter 141
- 27 City of Salem Development Design Handbook
- 28 Wireless Communications Facilities SRC Chapter 703

29 **Section 76.** SRC 148.350 is amended to read as follows:

30 **148.350. RM2 Prohibited Uses.** Within any RD RM2 district, no building, structure, or

1 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
2 SRC ~~147.020~~ 148.310 to ~~147.040~~ 148.345, unless the use is deemed an equivalent use
3 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
4 270.

5 **Section 77.** SRC 148.360 is amended to read as follows:

6 **148.360. RM2 Design Approval.** Developments subject to SRC 148.310-148.340 and SRC
7 148.350-148.450 shall meet either the development design standards contained in the City of
8 Salem Development Design Handbook or shall be reviewed and approved by the Planning
9 Commission pursuant to the guidelines contained in the Development Design Handbook.
10 Development design guidelines and standards are in addition to all development standards
11 contained in this Chapter.

12 **Section 78.** SRC 148.450 is amended to read as follows:

13 **148.450. RM2 Reference to Additional Standards.** Additional or alternative use and
14 development standards may be found in the following Chapters:

15	Landslide Hazards	SRC Chapter 69
16	Planned Unit Development	SRC Chapter 121
17	Mobile Home Parks	SRC Chapter 123
18	Home Occupations	SRC Chapter 124
19	Lot Development Standards	SRC Chapter 130
20	Accessory Structures	SRC Chapter 131
21	Landscaping	SRC Chapter 132
22	Off-Street Parking, Loading and Driveways	SRC Chapter 133
23	Flood Plain Overlay Zones	SRC Chapter 140
24	Willamette Greenway Overlay Zones	SRC Chapter 141
25	City of Salem Design Review Handbook	
26	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

27 **Section 79.** SRC 149.030 is amended to read as follows:

28 **149.030. Special Uses.**

29 (a) The following uses, when restricted, developed and conducted as required in SRC
30 Chapter 119, are permitted in the RH district:

- 1 (1) Nursing and personal care facilities (805).
- 2 (2) Elementary and secondary schools (821).
- 3 (3) Religious organizations (866).
- 4 (4) Mixed use buildings.
- 5 (5) Adult day care center.
- 6 (6) Keeping of a miniature swine.
- 7 (7) Residential Sales/Development Office.
- 8 ~~(8) Antennas attached to existing or approved structures.~~
- 9 ~~(9)~~ (9) Ambulance Station.
- 10 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
- 11 under SRC Chapter 119, the developer may elect to apply for conditional use approval
- 12 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

13 **Section 80.** SRC 149.050 is amended to read as follows:

14 **149.050. Uses.** Within any RH district, no building, structure or land shall be used, erected,
 15 structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.040
 16 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed
 17 as a nonconforming use pursuant to SRC Chapter 270.

18 **Section 81.** SRC 149.900 is amended to read as follows:

19 **149.900. Reference to Additional Standards.** Additional or alternative use and
 20 development standards may be found in the following Chapters:

21	Preservation of Trees and Vegetation	SRC Chapter 68
22	Landslide Hazards	SRC Chapter 69
23	Planned Unit Developments	SRC Chapter 121
24	Lot Development Standards	SRC Chapter 130
25	Accessory Structures	SRC Chapter 131
26	Landscaping	SRC Chapter 132
27	Off-street Parking, Loading, and Driveways	SRC Chapter 133
28	Flood Plain Overlay Zones	SRC Chapter 140
29	Willamette Greenway Overlay Zones	SRC Chapter 141

30

1 Development Design Handbooks for projects including three or more multiple family
2 units

3 Wireless Communications Facilities SRC Chapter 703

4 **Section 82.** SRC 150.030 is amended to read as follows:

5 **150.030. Special Uses.**

6 (a) The following uses, when restricted, developed and conducted as required in SRC
7 Chapter 119, are permitted in the CO district:

8 (1) Veterinary services for animal specialties (0742).

9 (2) Public golf courses (7992); and Membership sports and recreation clubs (7997)
10 having golf courses.

11 (3) Nursing and personal care facilities (805).

12 (4) Religious organizations (866).

13 (5) Boat and recreational vehicle storage area.

14 (6) Zero side yard dwellings.

15 (7) Orthopedic and artificial limb offices - retail (5999).

16 (8) Keeping of miniature swine.

17 ~~(9) Antennas attached to existing or approved structures.~~

18 ~~(10) Ambulance Station.~~

19 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
20 under SRC Chapter 119, the developer may elect to apply for conditional use approval
21 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

22 **Section 83.** SRC 150.050 is amended to read as follows:

23 **150.050. Prohibited Uses.** Within any CO district, no building, structure, or land shall be
24 used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020
25 to ~~150.040~~ 150.045, unless the use is deemed an equivalent use pursuant to except as
26 provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
27 270.

28 **Section 84.** SRC 150.900 is amended to read as follows:

29 **150.900. Reference to Additional Standards.** Additional or alternative use and
30 development standards may be found in the following Chapters:

1	Preservation of Trees and Vegetation	SRC Chapter 68
2	Landslide Hazards	SRC Chapter 69
3	Home Occupations	SRC Chapter 124
4	Lot Development Standards	SRC Chapter 130
5	Accessory Structures	SRC Chapter 131
6	Landscaping	SRC Chapter 132
7	Off-street Parking, Loading and Driveways	SRC Chapter 133
8	Flood Plain Overlay Zones	SRC Chapter 140
9	Willamette Greenway Overlay Zones	SRC Chapter 141
10	Development Design Handbooks for projects including three or more multiple family	
11	units	
12	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

13 **Section 85.** SRC 151.030 is amended to read as follows:

14 **151.030. Special Uses.**

15 (a) The following uses, when restricted, developed and conducted as required in SRC
 16 Chapter 119, are permitted in the ~~ER~~ CN district:

- 17 (1) Keeping of a miniature swine.
- 18 ~~(2) Antennas attached to existing or approved structures.~~
- 19 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
 20 ~~enclosures.~~

21 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 22 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 23 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

24 **Section 86.** SRC 151.040 is amended to read as follows:

25 **151.040. Conditional Uses.**

26 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
 27 applicable, are permitted in the CN district:

- 28 (a) Crude petroleum and natural gas extraction (131).
- 29 (b) Electric services (491).
- 30 (c) Gas production and distribution (492).

- 1 (d) Water supply (494).
- 2 (e) Off-site response actions in accordance with applicable law to discharges of oil and
- 3 releases of hazardous substances, pollutants, and contaminants.
- 4 ~~(f) Freestanding support structures greater than 70 feet in height and equipment~~
- 5 ~~enclosures.~~

6 **Section 87.** SRC 151.050 is amended to read as follows:

7 **151.050. Prohibited Uses.** Within any CN district, no building, structure, or land shall be
 8 used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020
 9 to ~~151.040~~ 151.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 10 or allowed as a nonconforming use pursuant to SRC Chapter 270.

11 **Section 88.** SRC 151.900 is amended to read as follows:

12 **151.900. Reference to Additional Standards.** Additional or alternative use and
 13 development standards may be found in the following Chapters:

14	Home Occupations	SRC Chapter 124
15	Lot Development Standards	SRC Chapter 130
16	Accessory Structures	SRC Chapter 131
17	Landscaping	SRC Chapter 132
18	Off-street Parking, Loading, and Driveways	SRC Chapter 133
19	Flood Plain Overlay Zones	SRC Chapter 140
20	Willamette Greenway Overlay Zones	SRC Chapter 141
21	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 89.** SRC 152.030 is amended to read as follows:

23 **152.030. Special Uses.**

24 (a) The following uses, when restricted, developed and conducted as required in SRC
 25 Chapter 119, are permitted in the CR district:

- 26 (1) Gasoline service stations (554).
- 27 (2) Used merchandise store (593).
- 28 (3) Secondary dwellings and guest rooms.
- 29 (4) Entertainment establishments.
- 30 (5) Keeping of a miniature swine.

- 1 (6) Existing wildlife rehabilitation facility.
- 2 (7) Mobile food unit.
- 3 ~~(8) Antennas attached to existing or approved structures;~~
- 4 ~~(9) Freestanding support structures 35 feet or less in height and equipment~~
- 5 ~~enclosures.~~
- 6 ~~(108)~~ Temporary motor vehicle sales (551).
- 7 ~~(119)~~ Temporary recreational vehicle sales (556).
- 8 ~~(1210)~~ One single family dwelling, other than a manufactured home, per lot.
- 9 ~~(1311)~~ Ambulance Station.
- 10 ~~(1412)~~ Ambulance Service Facility.

11 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 12 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 13 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

14 **Section 90.** SRC 152.040 is amended to read as follows:

15 **152.040. Conditional Uses.** The following uses, with conditional use approval as provided
 16 in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

- 17 (a) Those uses listed in SRC 152.030, at the developer's option, as provided in
- 18 subsection (b) of that section.
- 19 (b) Crude petroleum and natural gas extraction (131).
- 20 (c) **Manufacturing:**
 - 21 (1) Jewelry, silverware, and plated ware (391).
 - 22 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
 - 23 except precious metal (396).
 - 24 (3) Signs and advertising specialties (3993).
- 25 (d) **Transportation, communications, electric, gas, and sanitary services:**
 - 26 (1) Local and suburban passenger transportation (411).
 - 27 (2) InterCity and rural highway passenger transportation within 2,000 feet from the
 - 28 center point of an I-5 interchange and having direct access on to a major arterial
 - 29 (413).
 - 30 (3) Communication services, not elsewhere classified (489).

1 (4) Electric services (491).

2 (5) Gas production and distribution (492).

3 (6) Water supply (494).

4 ~~(7) Free-standing support structures greater than 70 feet in height and equipment~~
5 ~~enclosures.~~

6 (c) **Retail:**

7 (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
8 and auto and home supply stores as permitted under SRC 152.020(e)(14).

9 (2) Nonstore retailers (596).

10 (f) **Services:**

11 (1) Camps and recreational vehicle parks (703).

12 (2) Carpet and upholstery cleaning (7217).

13 (3) Automotive rental and leasing, without drivers (751).

14 (4) Automotive repair shops (753).

15 (5) Automotive services, except repair (754).

16 (6) Electrical repair shops (762).

17 (7) Reupholstery and furniture repair (764).

18 (8) Motorcycle repair service.

19 (9) Professional sports clubs and promoters (7941).

20 (10) Homeless shelters and room and board facilities serving 6 to 75 persons.

21 (g) Unlimited number of dwelling units and guest rooms in apartment houses, court
22 apartments, lodging houses, condominiums, and residential hotels.

23 (h) **Other uses:**

24 (1) Utilities - secondary truck parking and material storage yard.

25 (2) Recycling depots.

26 (3) Solid waste transfer stations.

27 (4) Off-site response actions in accordance with applicable law to discharges of
28 oil and releases of hazardous substances, pollutants, and contaminants.

29 **Section 91.** SRC 152.050 is amended to read as follows:

30 **152.050. Prohibited Uses.** Within any CR district, no building, structure, or land shall be

1 used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020
2 to ~~152.040~~ 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
3 or allowed as a nonconforming use pursuant to SRC Chapter 270.

4 **Section 92.** SRC 152.900 is amended to read as follows:

5 **152.900. Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Landslide Hazards	SRC Chapter 69
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

15 **Section 93.** SRC 153.030 is amended to read as follows:

16 **153.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the CG district:

- 19 (1) Used merchandise stores (593).
- 20 (2) Entertainment establishments.
- 21 (3) Keeping of a miniature swine.
- 22 (4) Wildlife rehabilitation facility.
- 23 ~~(5) Antennas attached to existing or approved structures.~~
- 24 ~~(6) Freestanding support structures 35 feet or less in height and equipment~~
25 ~~enclosures.~~
- 26 ~~(75) Mobile food unit.~~
- 27 ~~(86) Temporary motor vehicles sales (551).~~
- 28 ~~(97) Temporary recreational vehicle sales (556).~~
- 29 ~~(108) One single family dwelling, other than a manufactured home, per lot.~~
- 30 ~~(119) Ambulance Station.~~

1 ~~(1210)~~ 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 94.** SRC 153.040 is amended to read as follows:

6 **153.040. Conditional Uses.** The following uses, with conditional use approval as provided
7 in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

8 (a) Those uses listed in SRC 153.030, at the developer's option, as provided in
9 subsection (b) of that section.

10 (b) Animal specialty services, except veterinary (0752).

11 (c) Farm labor and management services (076).

12 (d) Crude petroleum and natural gas extraction (131).

13 (e) Jewelry, silverware, and plated ware (391).

14 (f) Costume jewelry and notions (396).

15 (g) Signs and advertising specialties (3993).

16 (h) Electric services (491).

17 (i) Gas production and distribution (492).

18 (j) Water supply (494).

19 (k) Durable goods, not elsewhere classified (5099).

20 (l) Fish and seafoods (5146).

21 (m) Drive-in motion picture theaters (7833).

22 (n) Racing, including track operations (7948).

23 (o) Residential care (836), including homeless shelters serving 6 to 75 persons, except
24 residential home.

25 (p) Unlimited number of dwelling units and guest rooms in apartment houses, court
26 apartments, duplexes, and condominiums, room and board facilities serving 6 to 75
27 persons.

28 (q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.

29 (r) Solid waste transfer stations.

30 (s) Off-site response actions in accordance with applicable law to discharges of oil and

1 releases of hazardous substances, pollutants, and contaminants.

2 ~~(f) Freestanding support structures greater than 70 feet in height and equipment~~
3 ~~enclosures.~~

4 **Section 95.** SRC 153.050 is amended to read as follows:

5 **153.050. Prohibited Uses.** Within any CG district, no building, structure, or land shall be
6 used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020
7 to ~~153.040~~ 153.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
8 or allowed as a nonconforming use pursuant to SRC Chapter 270.

9 **Section 96.** SRC 153.900 is amended to read as follows:

10 **153.900. Reference to Additional Standards.** Additional or alternative use and
11 development standards may be found in the following Chapters:

12	Landslide Hazards	SRC Chapter 69
13	Lot Development Standards	SRC Chapter 130
14	Accessory Structures	SRC Chapter 131
15	Landscaping	SRC Chapter 132
16	Off-street Parking, Loading, and Driveways	SRC Chapter 133
17	Flood Plain Overlay Zones	SRC Chapter 140
18	Willamette Greenway Overlay Zones	SRC Chapter 141
19	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

20 **Section 97.** SRC 154.030 is amended to read as follows:

21 **154.030. Special Uses.**

22 (a) The following uses, when restricted, developed and conducted as required in SRC
23 Chapter 119, are permitted in the CB district:

24 (1) Keeping of a miniature swine.

25 ~~(2) Antennas attached to existing or approved structures.~~

26 ~~(3) Freestanding support structures thirty-five feet or less in height and~~
27 ~~equipment enclosures.~~

28 ~~(4) Mobile food unit.~~

29 ~~(5) Ambulance station.~~

30 ~~(6) Ambulance service facility.~~

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 SRC Chapter 118. See SRC 119.010.

4 **Section 98.** SRC 154.040 is amended to read as follows:

5 **154.040. Conditional Uses.**

6 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
7 applicable, are permitted in the CB district:

- 8 (a) Helicopter landing area, with or without passenger and freight terminal facilities.
9 (b) Farm labor and management services (076).
10 (c) Crude petroleum and natural gas extraction (131).
11 (d) Jewelry, silverware, and plated ware (391).
12 (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except
13 precious metal (396).
14 (f) Electric services (491).
15 (g) Gas production and distribution (492).
16 (h) Water supply (494).
17 (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement
18 of SRC 154.020(e).
19 (j) Durable goods, not elsewhere classified (5099) subject to the retail sales
20 requirement of SRC 154.020(e).
21 (k) Recycling depots.
22 (l) Solid waste transfer stations.
23 (m) Homeless shelters and room and board facilities serving six to seventy-five
24 persons; and relocation of larger than seventy-five-person facilities in existence as of
25 September 1, 1993, from one CB zone site to another site within the CB zone,
26 providing there is no increase in bed capacity.
27 (n) Off-site response actions in accordance with applicable law to discharges of oil and
28 releases of hazardous substances, pollutants, and contaminants.
29 ~~(o) Freestanding support structures greater than 70 feet in height and equipment~~
30 ~~enclosures.~~

1 (p) Drive-through for a bank or credit union in the downtown Historic Core District,
2 where construction of the bank or credit union is commenced on or after October 1,
3 2011 and adequate measures are taken to ensure pedestrian safety.

4 **Section 99.** SRC 154.050 is amended to read as follows:

5 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be
6 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020
7 to ~~154.040~~ 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
8 or allowed as a nonconforming use pursuant to SRC Chapter 270.

9 Otherwise permitted uses in the downtown Historic Core District, other than banks and
10 credit unions where construction of the bank or credit union is commenced on or after
11 October 1, 2011, may not be conducted as drive-through uses, defined as business activities
12 involving the buying and selling of goods or the provision of services to a motorist customer
13 or the customer's motor vehicle and typically involving queuing lanes, service windows,
14 service islands, and service bays.

15 **Section 100.** SRC 154.090 is amended to read as follows:

16 **154.090. Design Approval.** In all districts defined in SRC 154.055, the construction or
17 alteration of the exterior facade of any building or structure shall be consistent with the
18 standards or guidelines contained in the City of Salem Development Design Handbook.

19 This section shall not apply to wireless communications facilities or to relocatable structures
20 not attached to a permanent foundation.

21 **Section 101.** SRC 154.900 is amended to read as follows:

22 **154.900. Reference to Additional Standards.** Additional or alternative use and
23 development standards may be found in the following Chapters:

24 Home Occupations	SRC Chapter 124
25 Lot Development Standards	SRC Chapter 130
26 Accessory Structures	SRC Chapter 131
27 Landscaping	SRC Chapter 132
28 Off-street Parking, Loading, and Driveways	SRC Chapter 133
29 Flood Plain Overlay Zones	SRC Chapter 140
30 Willamette Greenway Overlay Zones	SRC Chapter 141

Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

- (1) Mobile home as a dwelling for a caretaker.
- (2) Entertainment establishments.
- (3) Keeping of a miniature swine.
- (4) Wildlife rehabilitation facility.
- (5) Mobile food unit.
- ~~(6) Antennas attached to existing structures.~~
- ~~(7) Freestanding support structures 35 feet or less in height and equipment enclosures.~~
- ~~(86)~~ One single family dwelling, other than a manufactured home, per lot.
- ~~(97)~~ Ambulance Station.
- ~~(108)~~ 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 103. SRC 155.040 is amended to read as follows:

155.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IC district:

(a) Agriculture:

- (1) Animal specialty services (0752).

(b) Mining:

- (1) Crude petroleum and gas extraction (131).

(c) Manufacturing:

- (1) Millwork (2431).
- (2) Structural wood members, not elsewhere classified (2439).

- 1 (3) Wooden containers (244).
2 (4) Miscellaneous wood products (249).
3 (5) Furniture and fixtures (25).
4 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous
5 chemical products (289).
6 (7) Rubber and plastics footwear (302).
7 (8) Fabricated rubber products, not elsewhere classified (306).
8 (9) Miscellaneous plastics products (307).
9 (10) Leather tanning and finishing (311).
10 (11) Fabricated structural metal products (344).
11 (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).
12 (13) Coating, engraving, and allied services (347).
13 (14) Miscellaneous fabricated metal products (349).
14 (15) Metalworking machinery and equipment (354).
15 (16) Woodworking machinery (3553).
16 (17) Refrigeration and service industry machinery (358).
17 (18) Ship and boat building and repairing (373).
18 (19) Jewelry, silverware, and patch ware (391).
19 (20) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
20 except precious metals (396).
- 21 (d) **Transportation, communication, electric, gas, and sanitary services:**
22 (1) Air transportation, Nonscheduled (452).
23 ~~(1) Freestanding support structures greater than 70 feet in height and equipment~~
24 ~~enclosures.~~
- 25 (e) **Utilities:**
26 (1) Electrical service (491).
27 (2) Gas production and distribution (492).
28 (3) Water supply (494).
- 29 (f) **Wholesale trade:**
30 (1) Durable goods, not elsewhere classified (5099).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(g) Services:

(1) Residential care (836).

(h) Residential:

- (1) Single family dwellings, other than mobile homes.
- (2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
- (3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
- (4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and

(i) Other uses:

- (1) Solid waste transfer stations.
- (2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.

Section 104. SRC 155.050 is amended to read as follows:

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to ~~155.040~~ 155.045, 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 105. SRC 155.900 is amended to read as follows:

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140

1 Willamette Greenway Overlay Zones SRC Chapter 141

2 Wireless Communications Facilities SRC Chapter 703

3 **Section 106.** SRC 156.030 is amended to read as follows:

4 **156.030. Special Uses.**

5 (a) The following uses, when restricted, developed and conducted as required in SRC
6 Chapter 119, are permitted in the IBC district:

7 (1) Gasoline service stations (554);

8 ~~(2) Antennas attached to existing or approved structures;~~

9 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
10 ~~enclosures;~~

11 ~~(4) Colleges, universities, professional schools, and junior colleges (8221);~~

12 ~~(5) One single family dwelling, other than a manufactured home, per lot;~~

13 ~~(6) Ambulance Station;~~

14 ~~(7) Ambulance Service Facility.~~

15 (b) The special uses permitted under Subsection (a) of this Section together with the
16 permitted uses listed under SRC 156.020(h) through (j) shall:

17 (1) In the aggregate be limited in area to not more than ten percent of the gross
18 area of the IBC district; and

19 (2) Not be developed until not less than 25 percent of the gross area of the IBC
20 district has received an occupancy permit issued by the City of Salem for one or
21 more permitted uses listed under SRC 156.020(b) through (f).

22 **Section 107.** SRC 156.035 is amended to read as follows:

23 **156.035. Conditional Uses.** The following uses, with conditional use approval as provided
24 in SRC Chapter ~~117~~ 240 or I 18, as applicable, are permitted in the IBC district:

25 (a) **Transportation, communication, electric, gas, and sanitary services:**

26 (1) Air transportation, Nonscheduled (452).

27 ~~(2) Freestanding support structures greater than 70 feet in height and equipment~~
28 ~~enclosures.~~

29 (b) **Utilities:**

30 (1) Electrical service (491);

- 1 (2) Gas production and distribution (492);
- 2 (3) Water supply (494).

3 **Section 108.** SRC 156.050 is amended to read as follows:

4 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be
5 used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020
6 to SRC ~~156.030~~ 156.045, unless the use is deemed an equivalent use pursuant to SRC
7 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

8 **Section 109.** SRC 156.900 is amended to read as follows:

9 **156.900. Reference to Additional Standards.** Additional or alternative use and
10 development standards may be found in the following Chapters:

11	Landslide Hazards	SRC Chapter 69
12	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

13 **Section 110.** SRC 157.030 is amended to read as follows:

14 **157.030. Special Uses.**

15 (a) The following uses, when restricted, developed, and conducted as required in SRC
16 Chapter 119, are permitted in the IP district:

- 17 (1) Gasoline service stations (554).
- 18 (2) Mobile home as a dwelling for a caretaker.
- 19 ~~(3) Antennas attached to existing or approved structures.~~
- 20 ~~(4) Freestanding support structures 35 feet or less in height and equipment~~
21 ~~enclosures.~~
- 22 ~~(53) One single family dwelling, other than a manufactured home, per lot.~~
- 23 ~~(64) Ambulance Station.~~
- 24 ~~(75) Ambulance Service Facility.~~

25 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
26 under SRC Chapter 119, the developer may elect to apply for conditional use approval
27 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

28 **Section 111.** SRC 157.040 is amended to read as follows:

29 **157.040. Conditional Uses.** ~~157.040.~~ The following uses, with conditional use approval as
30 provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(a) Transportation, communication, electric, gas, and sanitary services:

- (1) Air transportation, Nonscheduled (452).
- ~~(2) Freestanding support structure greater than 70 feet in height and equipment enclosures.~~

(b) Crude petroleum and natural gas extraction (131).

(c) Carpentering and flooring (175).

(d) Manufacturing:

- (1) Food and kindred products (20) BUT EXCLUDING beverages (208).
- (2) Miscellaneous textile goods (229).
- (3) Lumber and wood products, except furniture (24).
- (4) Furniture and fixtures (25).
- (5) Paper and allied products (26).
- (6) Chemicals and allied products (28).
- (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).
- (8) Leather tanning and finishing (311).
- (9) Flat glass (321).
- (10) Glass and glassware, pressed or blown (322).
- (11) Pottery and related products (326).
- (12) Cut stone and stone products (328).
- (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
- (14) Coating, engraving, and allied services (347).
- (15) Ordnance and accessories, except vehicles and guided missiles (348).
- (16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020.
- (17) Storage batteries (3691).
- (18) Primary batteries, dry and wet (3692).
- (19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020.
- (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and

1 advertising displays (3993).

2 (e) **Public utilities:**

3 (1) Electric services (491).

4 (2) Gas production and distribution (492).

5 (3) Water supply (494).

6 (f) **Wholesale trade:**

7 (1) Durable goods, not elsewhere classified (5099).

8 (2) Chemicals and allied products (516).

9 (3) Petroleum and petroleum products (517).

10 (g) Animal specialty services, excluding veterinary (0752).

11 (h) **Other uses:**

12 (1) Solid waste transfer stations.

13 (i) Those uses listed in SRC 157.030, at the developer's option, as provided in
14 subsection (b) of that section.

15 **Section 112.** SRC 157.050 is amended to read as follows:

16 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be
17 used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020
18 to ~~157.040~~ 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
19 or allowed as a nonconforming use pursuant to SRC Chapter 270.

20 **Section 113.** SRC 157.900 is amended to read as follows:

21 **157.900. Reference to Additional Standards.** Additional or alternative use and
22 development standards may be found in the following Chapters:

23	Landslide Hazards	SRC Chapter 69
24	Lot Development Standards	SRC Chapter 130
25	Accessory Structures	SRC Chapter 131
26	Landscaping	SRC Chapter 132
27	Off-street Parking, Loading, and Driveways	SRC Chapter 133
28	Flood Plain Overlay Zones	SRC Chapter 140
29	Willamette Greenway Overlay Zones	SRC Chapter 141
30	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

1 **Section 114.** SRC 158.030 is amended to read as follows:

2 **158.030. Special Uses.**

3 (a) The following uses, when restricted, developed and conducted as required in SRC
4 Chapter 119, are permitted in the IG district;

5 (1) Scrap and waste materials establishments (5093).

6 (2) Mobile home as a dwelling for a caretaker.

7 (3) Wildlife rehabilitation facility.

8 (4) Mobile food unit.

9 (5) Lumber and other building materials.

10 (6) Retail nurseries, lawn and garden supply stores.

11 ~~(7) Antennas attached to existing or approved structures.~~

12 ~~(8) Freestanding support structures 70 feet or less in height whose base is greater~~
13 ~~than 300 feet from an R or CO zone and equipment enclosures.~~

14 ~~(97) Recreational vehicle sales (5561).~~

15 ~~(108) One single family dwelling, other than a manufactured home, per lot.~~

16 ~~(119) Ambulance Station.~~

17 ~~(1210) Ambulance Service Facility.~~

18 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
19 under SRC Chapter 119, the developer may elect to apply for conditional use approval
20 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

21 **Section 115.** SRC 158.040 is amended to read as follows:

22 **158.040. Conditional Uses.** The following uses, with conditional use approval as provided
23 in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

24 (a) Those uses listed in SRC 158.030, at the developer's option, as provided in
25 subsection (b) of that section.

26 (b) **Agriculture, forestry, and fishing:**

27 (1) Livestock, except dairy, poultry, and animal specialties (021).

28 (c) **Transportation, communication, electric, gas, and sanitary services:**

29 (1) Air transportation, Nonscheduled (452).

30 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~

1 ~~within 300 feet of a R or CO zone and equipment enclosures.~~

2 **(d) Mining:**

- 3 (1) Crude petroleum and natural gas extraction (131).
4 (2) Surface mining operations as a specific conditional use under SRC Chapter
5 118.

6 **(e) Manufacturing:**

- 7 (1) Meat products (201).
8 (2) Animal and marine fats and oils (2077).
9 (3) Logging camps and logging contractors (241).
10 (4) Hardwood veneer and plywood (2435).
11 (5) Softwood veneer and plywood (2436).
12 (6) Structural wood members, not elsewhere classified (2439).
13 (7) Sawmills and planing mills (242).
14 (8) Paper and allied products (26) where not otherwise permitted under SRC
15 158.020.
16 (9) Agricultural chemicals (287).
17 (10) Miscellaneous chemical products (289).
18 (11) Petroleum and coal products (29).
19 (12) Cement hydraulic (324).
20 (13) Structural clay products (325).
21 (14) Concrete, gypsum, and plaster products (327), except concrete block and
22 brick (3271).
23 (15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
24 (16) Iron and steel foundries (332).
25 (17) Primary smelting and refining of nonferrous metals (333).
26 (18) Secondary smelting and refining of nonferrous metals (334).
27 (19) Rolling, drawing, and extruding of nonferrous metals (335).
28 (20) Nonferrous foundries (castings) (336).
29 (21) Miscellaneous primary metal products (339).
30 (22) Ordinance and accessories, except vehicles and guided missiles (348).

- 1 (23) Storage batteries (3691).
- 2 (24) Primary batteries, dry and wet (3692).
- 3 (f) **Wholesale trade:**
- 4 (1) Livestock (5154).
- 5 (2) Chemicals and allied products (516).
- 6 (g) **Services:**
- 7 (1) Racing, including track operation (7948).
- 8 (h) **Other uses:**
- 9 (1) Solid waste transfer stations.

10 **Section 116.** SRC 158.050 is amended to read as follows:

11 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be
 12 used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020
 13 to ~~158.040~~ 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 14 or allowed as a nonconforming use pursuant to SRC Chapter 270.

15 **Section 117.** SRC 158.900 is amended to read as follows:

16 **158.900. Reference to Additional Standards.** Additional or alternative use and
 17 development standards may be found in the following Chapters:

18 Landslide Hazards	SRC Chapter 69
19 Lot Development Standards	SRC Chapter 130
20 Accessory Structures	SRC Chapter 131
21 Landscaping	SRC Chapter 132
22 Off-street Parking, Loading, and Driveways	SRC Chapter 133
23 Flood Plain Overlay Zones	SRC Chapter 140
24 Willamette Greenway Overlay Zones	SRC Chapter 141
25 Lot Development Standards	SRC Chapter 130
26 Accessory Structures	SRC Chapter 131
27 Landscaping	SRC Chapter 132
28 Off-street Parking, Loading, and Driveways	SRC Chapter 133
29 Flood Plain Overlay Zones	SRC Chapter 140
30 Willamette Greenway Overlay Zones	SRC Chapter 141

2 **Section 118.** SRC 159.030 is amended to read as follows:

3 **159.030. Special Uses.**

4 (a) The following uses, when restricted, developed and conducted as required in SRC
5 Chapter 119, are permitted in an II district:

- 6 ~~(1) Antennas attached to an existing and approved structure;~~
- 7 ~~(2) Freestanding support structures 35 feet or less in height and equipment~~
8 ~~enclosures;~~
- 9 ~~(3) Ambulance Station;~~
- 10 ~~(4) Ambulance Service Facility.~~

11 **Section 119.** SRC 159.040 is amended to read as follows:

12 **159.040. Conditional Uses.**

13 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
14 applicable, are permitted in the II district:

- 15 (a) Transportation, communication, electric, gas, and sanitary services:
 - 16 (1) Air transportation, Nonscheduled (452).
 - 17 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~
18 ~~within 300 feet of an R or CO zone and equipment enclosures.~~
- 19 (b) Crude petroleum and natural gas extraction (131).
- 20 (c) Animal and marine fats and oils (2077).
- 21 (d) Ordinance and Accessories except vehicles and guided missiles (348).
- 22 (e) Eating and drinking places (58).
- 23 (f) Dwelling unit for a caretaker or watchman on the premises being cared for or
24 guarded.
- 25 (g) Surface mining, including washing, screening, processing, asphalt concrete, and
26 cement concrete making, as a specific conditional use under SRC Chapter 118.
- 27 (h) Solid waste transfer stations.

28 **Section 120.** SRC 159.050 is amended to read as follows:

29 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be
30 used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020

1 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or
2 allowed as a nonconforming use pursuant to SRC Chapter 270.

3 **Section 121.** SRC 159.900 is amended to read as follows:

4 **159.900. Reference to Additional Standards.** Additional or alternative use and
5 development standards may be found in the following Chapters:

6	Landslide Hazards	SRC Chapter 69
7	Lot Development Standards	SRC Chapter 130
8	Accessory Structures	SRC Chapter 131
9	Landscaping	SRC Chapter 132
10	Off-Street Parking, Loading and Driveways	SRC Chapter 133
11	Flood Plain Overlay Zones	SRC Chapter 140
12	Willamette Greenway Overlay Zones	SRC Chapter 141
13	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

14 **Section 122.** SRC 160.020 is amended to read as follows:

15 **160.020. Prohibited Uses.** Within any P district, no building, structure, or land shall be
16 used, erected, structurally altered, or enlarged for any use not permitted in the particular
17 district under SRC 160.030 to ~~160.120~~ 160.125 unless the use is deemed an equivalent use
18 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
19 270.

20 **Section 123.** SRC 160.100 is amended to read as follows:

21 **160.100. Special Uses in P Zones.**

22 (a) The following uses, when restricted, developed, and conducted as required in SRC
23 Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

- 24 (1) Mobile home as a dwelling for a caretaker.
- 25 (2) Existing wildlife rehabilitation facility.
- 26 (3) Wildlife rehabilitation facility.
- 27 (4) Mobile food unit.
- 28 (5) Compost facility for yard debris franchise haulers and government entities
29 only, when located on the site of and in compliance with the Oregon State
30 Corrections Area Plan as adopted by the Capital Planning Commission.

1 ~~(6) Antennas attached to existing or approved structures.~~

2 ~~(7) Freestanding support structures 70 feet or less in height whose base is greater~~
3 ~~than 300 feet from a R or CO zone and equipment enclosures.~~

4 ~~(86) Ambulance Station.~~

5 ~~(97) Ambulance Service Facility.~~

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 124. SRC 160.900 is amended to read as follows:

10 **160.900. Reference to Additional Standards.** Additional or alternative use and
11 development standards may be found in the following Chapters:

12 Preservation of Trees and Vegetation SRC Chapter 68

13 Landslide Hazards SRC Chapter 69

14 Lot Development Standards SRC Chapter 130

15 Accessory Structures SRC Chapter 131

16 Landscaping SRC Chapter 132

17 Off-street Parking, Loading, and Driveways SRC Chapter 133

18 Flood Plain Overlay Zones SRC Chapter 140

19 Willamette Greenway Overlay Zones SRC Chapter 141

20 Development Design Handbooks for projects including three or more multiple family
21 units

22 Wireless Communications Facilities SRC Chapter 703

23 Section 125. SRC 161.060 is amended to read as follows:

24 **161.060. Height.** No building, ~~or structure or freestanding support structure~~ in the EC Zone
25 located ninety feet or more from a lot or parcel line that abuts a residential district shall
26 exceed eighty feet in height, and no portion of any building, ~~or structure or freestanding~~
27 ~~support structure~~ that is located within ninety feet of a lot or parcel line that abuts a
28 residential district shall exceed twenty-eight feet in height.

29 Section 126. SRC 161.170 is amended to read as follows:

30 **161.170. Additional Standards.** Additional standards may apply to development in the EC

1 Zone as a result of regulations found in the following Chapters:

2 SRC Chapter 69	Landslide Hazards
3 SRC Chapter 140	Flood Plain Overlay Zone
4 SRC Chapter 125	Airport Overlay Zone
5 <u>SRC Chapter 703</u>	<u>Wireless Communications Facilities</u>

6 **Section 127.** SRC 162.050 is amended to read as follows:

7 **162.050. Special Uses.**

8 The following uses, when restricted, developed and conducted as required in SRC Chapter
9 119, are permitted in the SWMU Zone:

- 10 ~~(a) Antennas attached to existing or approved structures.~~
11 (ba) Mobile food unit.

12 **Section 128.** SRC 162.120 is amended to read as follows:

13 **162.120. Design Approval.**

14 (a) Within the SWMU Zone, the construction or alteration of the exterior facade of any
15 building or structure shall be consistent with the standards or guidelines contained in
16 the City of Salem Development Design Handbook. This section shall not apply to
17 wireless communications facilities or to relocatable structures not attached to a
18 permanent foundation.

19 (b) Lawful non-conforming buildings or structures may be structurally altered or
20 enlarged provided such new development reduces the degree of non-conformity, and
21 meets all other provisions of the Zoning Code and other laws, ordinances and
22 regulations.

23 **Section 129.** SRC 162.130 is amended to read as follows:

24 **162.130. Additional Standards.** Additional standards may apply to development in the
25 SWMU Zone. In the event there is any conflict between the standards of this Chapter and
26 those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
27 shall control. Chapters that provide additional standards include, but may not be limited to:

28 Sign Code	SRC Chapter 900
29 Home Occupations	SRC Chapter 124
30 General Development Standards	SRC Chapter 130

1	Accessory Structures	SRC Chapter 131
2	Landscaping	SRC Chapter 132
3	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
4	Floodplain Overlay Zones	SRC Chapter 140
5	Willamette Greenway	SRC Chapter 141
6	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

7 **Section 130.** SRC 215.055 is amended to read as follows:

8 **215.055. Additional Standards.** Additional standards may apply to development in the
9 NCMU zone as a result of regulations found in the following chapters. In the event of a
10 conflict between the standards contained in the NCMU zone and those contained within other
11 chapters of the SRC, the standards contained in the NCMU shall apply.

12	(a) Signs	SRC Chapter 900
13	(b) Preservation of Trees and Vegetation	SRC Chapter 68
14	(c) Landslide Hazards	SRC Chapter 69
15	(d) Trees and Shrubs	SRC Chapter 86
16	(e) Home Occupations	SRC Chapter 124
17	(f) Wetlands	SRC Chapter 126
18	(g) General Development Standards	SRC Chapter 130
19	(h) Accessory Structures	SRC Chapter 131
20	(i) Landscaping	SRC Chapter 132
21	(j) Off-Street Parking, Loading, and Driveways	SRC Chapter 133
22	(k) Flood Plain Overlay Zones	SRC Chapter 140
23	<u>(l) Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

24 **Section 131.** SRC 220.005 is amended to read as follows:

25 **220.005. Site Plan Review.**

26 (a) **Applicability.**

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

30 (2) **Exemptions.** The following development that requires a building permit is

1 exempt from site plan review:

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

5 (B) Sign installation.

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

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

10 (E) Interior construction or tenant improvements that involve no change
11 of use.

12 (F) Wireless communications facilities.

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

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

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

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

28 (A) Requires a Transportation Impact Analysis pursuant to the Salem
29 Transportation System Plan;

30 (B) Requires a geotechnical report or geologic assessment under SRC

1 Chapter 69, except where a geotechnical report or geologic assessment has
2 already been approved for the property subject to the development
3 application;

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

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

8 (E) Requires deviation from the clear and objective standards of the UDC and
9 where the review authority is granted the authority to use limited discretion in
10 deviating from the standard; or

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

12 **(c) Procedure Type.**

13 (1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
14 Chapter 300.

15 (2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
16 Chapter 300.

17 (3) Class 3 Site Plan Review is processed as a Type II procedure under SRC
18 Chapter 300.

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

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

26 (1) The names and addresses of the applicant(s), the owner(s) of the subject
27 property, and any authorized representative(s) thereof;

28 (2) The address or location of the subject property and its assessor's map and tax
29 lot number;

30 (3) The size of the subject property;

- 1 (4) The comprehensive plan designation and zoning of the subject property;
- 2 (5) The type of application(s);
- 3 (6) A brief description of the proposal; and
- 4 (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the
- 5 duly authorized representative(s) thereof authorizing the filing of the
- 6 application(s).

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

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

11 **(A)** A site plan, of a size and form and in the number of copies meeting the
12 standards established by the Planning Administrator, containing the following
13 information:

14 **(i)** The total site area, dimensions, and orientation relative to north;

15 **(ii)** The location of all proposed primary and accessory structures and
16 other improvements, including fences, walls, and driveways, indicating
17 distance from the structures and improvements to all property lines and
18 adjacent on-site structures;

19 **(iii)** Loading areas, if included in the proposed development;

20 **(iv)** The size and location of solid waste and recyclables storage and
21 collection areas, and amount of overhead clearance above such
22 enclosures, if included in the proposed development;

23 **(v)** An indication of future phases of development on the site, if
24 applicable;

25 **(vi)** All proposed landscape areas on the site, with an indication of
26 square footage and their percentage of the total site area;

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

30 **(viii)** The location of all trees and vegetation required to be protected

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

pursuant to SRC Chapter 68;

(ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC Chapter 86; and

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

(B) 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:

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

(ii) 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

(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;

- 1 (F) A preliminary utility plan showing capacity needs for municipal water,
2 stormwater management, and sewer service and schematic location of
3 connection points to existing municipal water and sewer services;
4 (G) Summary table which includes site zoning designation; total site area;
5 gross floor area by use (e.g. manufacturing, office, retail, storage); building
6 height; itemized number of full size compact and handicapped parking stalls,
7 and the collective total number; total lot coverage proposed, including areas to
8 be paved for parking and sidewalks;
9 (H) A geological assessment or geotechnical report, if required by SRC
10 Chapter 69, or a certification from an engineering geologist or a geotechnical
11 engineer that landslide risk on the site is low, and that there is no need for
12 further landslide risk assessment; and
13 (I) A Transportation Impact Analysis, if required for the development, in the
14 format specified, and based on thresholds specified in standards established,
15 by the Director of Public Works.

16 (f) **Criteria.**

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

- 19 (A) The application involves only a change of use or a change of occupancy,
20 and there is no pending application for an associated land use decision or
21 limited land use decision;
22 (B) Only construction or improvements to the interior of the building or
23 structure will be made;
24 (C) The new use or occupancy will not require exterior improvements to the
25 building or structure or alteration to existing parking, landscaping, or
26 bufferyards;
27 (D) Only clear and objective standards which do not require the exercise of
28 discretion or legal judgment are applicable to the site plan review application;
29 and
30 (E) The application meets all applicable standards of the UDC.

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

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

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

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

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

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

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

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

17 **Section 132.** SRC 300.100 is amended to read as follows:

18 **300.100. Procedure Types.**

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

22 ////

23 ////

24 ////

25 ////

26 ////

27 ////

28 ////

29 ////

30 ////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

Table 300-1: 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	The 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	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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority		City Council Review	Applicable Code Chapter(s)
Application	Procedure Type	Pre-App. Required	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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority			
Application	Procedure Type	Pre-App. Required	Decision	Appeal	City Council Review	Applicable Code Chapter(s)
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 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, ALTERATION, EXPANSION, or SUBSTITUTION	III	Y	HO	PC	Y	SRC 270

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority			
Application	Procedure Type	Pre-App. Required	Decision	Appeal	City Council Review	Applicable Code Chapter(s)
- 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
- Economical Use Variance	II	N	PA	HO	Y	SRC 68
URBAN GROWTH MANAGEMENT						
- Urban Service Area Amendment	IV	N	CC	-	N	SRC 66

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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	III	Y	HO	PC	Y	SRC 63
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
<u>WIRELESS COMMUNICATIONS FACILITIES SITING</u>						
<u>- Temporary Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- <u>Class 1 Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
- <u>Class 2 Wireless Communications Facilities Siting</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Class 3 Wireless Communications Facilities Siting</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Wireless Communications Facilities Adjustment</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
ZONE CHANGE						
- 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 133. 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

1 required under SRC 300.210.

2 **(b) Public Notice and Comment.** Public notice is required for Type II applications.
3 Public notice shall be by first class mail. Posted notice on the subject property is
4 required for Subdivisions, ~~Administrative Conditional Uses~~, Class 2 Wireless
5 Communications Facilities Siting, and Manufactured Dwelling Park Permits. All Type
6 II applications include a comment period of 14 days from the date notice is mailed.

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

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

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

- 12 (i) The applicant(s) and/or the applicant's authorized representative(s);
13 (ii) The owner(s) or contract purchaser(s) of record of the subject
14 property;
15 (iii) Any City-recognized neighborhood association whose boundaries
16 include, or are adjacent to, the subject property;
17 (iv) Property owners of record, as shown on the most recent property tax
18 assessment roll, within 250 feet of the subject property;
19 (v) Any governmental agency which is entitled to notice by law or under
20 an intergovernmental agreement with the City; and
21 (vi) Any community organizations, public utilities, agencies, or
22 individuals who have submitted written requests for notification to the
23 City.

24 **(C)** Mailed notice shall include:

- 25 (i) The names of the applicant(s), any representative(s) thereof, and the
26 owner(s) of the subject property;
27 (ii) The type of application and a concise description of the nature of the
28 land use action;
29 (iii) The proposed site plan;
30 (iv) The street address, or other easily understood geographical

1 conspicuous place that is visible from the public right-of-way. If no street
2 abuts the subject property, the notice shall be placed as near as possible to the
3 subject property in a conspicuous place that can be readily seen by the public.

4 (C) Posted notice shall be on signs prepared by the Planning Administrator.

5 (D) To replace signs that are lost or damaged to the extent they can no longer
6 be reused, the Planning Administrator shall establish a refundable sign deposit
7 fee required for each sign, to be paid by the applicant at the time signs are
8 issued to the applicant.

9 (E) The applicant shall remove the signs from the subject property and return
10 them to the Planning Administrator within 7 days after the date the decision is
11 issued. The Planning Administrator shall refund the sign deposit fee if the
12 sign is returned within the required seven days, in an undamaged and reusable
13 condition.

14 (c) **Application Review.** The Review Authority shall review the application, all
15 written comments submitted during the public comment period, and the applicant's
16 response to the comments, if any. Written comments received after the expiration of
17 the public comment period shall not be considered by the Review Authority.

18 (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
19 application based upon the facts contained within the record and according to the
20 applicable standards and criteria. The decision of the Review Authority shall be a
21 written order containing findings that explain the criteria and standards applicable to
22 the decision, stating the facts relied upon in rendering the decision, and explaining the
23 justification for the decision.

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

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

28 (A) The applicant(s) and/or authorized representative(s);

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

30 (C) Any City-recognized neighborhood association whose boundaries

1 include, or are adjacent to, the subject property;

2 (D) Any group or individual who submitted written comments during the
3 comment period;

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

6 (F) Any governmental agency which is entitled to notice by law or under an
7 intergovernmental agreement with the City, and any governmental agency
8 which submitted written comments during the comment period; and

9 (G) Any community organizations, agencies, or individuals who have
10 submitted written requests to the City for notice of the decision.

11 (2) Notice of the decision shall include:

12 (A) A brief description of the application;

13 (B) A description of the site sufficient to inform the reader of its location,
14 including site address, if available, map and tax lot number, and its
15 comprehensive plan designation and zoning;

16 (C) A brief summary of the decision, and conditions of approval, if any;

17 (D) A statement of the facts relied upon;

18 (E) The date the Review Authority's decision becomes effective, unless
19 appealed;

20 (F) The date and time by which an appeal must be filed, a brief statement
21 explaining how to file an appeal, and where further information may be
22 obtained concerning the appeal process;

23 (G) A statement that all persons entitled to notice of the decision may appeal
24 the decision; and

25 (H) A statement that the complete case file, including findings, conclusions,
26 and conditions of approval, if any, is available for review. The notice shall
27 state where the case file is available and the name and telephone number of
28 the staff case manager to contact about reviewing the case file.

29 (f) **Appeal and Review.**

30 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City

1 Council pursuant to SRC 300.1050, the decision by the Planning Administrator on
2 a Type II application shall be the final decision of the City.

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

6 (3) The Review Authorities for appeals are identified under Table 300.400-2.
7 Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the
8 decision of the Review Authority on appeal, or, if review is initiated by the City
9 Council, the City Council on review, shall be the final decision of the City.

10 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or
11 a Class 2 adjustment, notice of the appeal shall be provided to the City
12 Council at its next regular meeting. The Council may, pursuant to SRC
13 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the
14 City Council does not assume jurisdiction, then the decision of the Review
15 Authority is the final decision of the City.

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

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

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

22 **Section 134.** SRC 532.015 is amended to read as follows:

23 **532.015. Uses, Generally.**

24 (a) **Classification of Uses.**

25 (1) For the purposes of this Chapter, uses within the NCMU zone are classified
26 under use categories identified in subsection (b) of this section. Each use
27 category includes a description of the characteristics of the use and a list of
28 examples illustrating the scope of the use. The examples are not intended to be
29 exhaustive. A specific use not identified as an example in a category and is
30 considered included in the category if the specific use possesses the

1 characteristics of the category.

2 (2) Accessory uses are not considered separate uses for the purposes of this
3 Chapter, even though the accessory use might have characteristics that are
4 included in the scope of another use category.

5 (3) Specific uses, which the Planning Administrator determines cannot be readily
6 classified with reference to a particular use category, shall be referred to the
7 Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

8 (4) Upon classification pursuant to paragraph (3) of this subsection, a proposed
9 use may be added to a use category without a text amendment if the proposed use
10 would not result in materially greater impacts than the other uses included in the
11 category. Any inclusion of a proposed use within a category that does not require
12 a text amendment shall be entered in a registry of uses made available to the
13 public and setting forth:

14 (A) The street address or other easily understood geographic reference to the
15 property upon which the specific economic activity will occur;

16 (B) The date of the decision; and

17 (C) A description of the decision made.

18 **(b) Use Categories.**

19 **(1) Residential.**

20 (A) **Characteristics.** Residential consists of the residential occupancy of a
21 dwelling unit by a household. Tenancy may be on a month-to-month basis or
22 for a longer term. Tenancies with a term shorter than month-to-month are not
23 considered residential uses, but may be allowed under "Retail Sales and
24 Service" as temporary lodging. In addition, residential homes and residential
25 facilities, as defined in ORS 197.660, are included as types of residential use.

26 (B) **Examples.** Single family detached dwelling; single family attached
27 dwelling (townhouse); manufactured home; two family dwelling (duplex);
28 multiple family (apartments); residential home; and residential facility.

29 **(2) Senior Care Facility.**

30 (A) **Characteristics.** A Senior Care Facility consists of facilities that provide

1 multi-family housing meeting the Federal Fair Housing Act definition of
2 "housing for older persons," in conjunction with the provision of residential
3 care, where medical care is not a major element.

4 **(B) Examples.** Assisted living.

5 **(3) Retail Sales and Service.**

6 **(A) Characteristics.** Retail Sales and Service consists of the sale, lease, or
7 rental of new or used products to the general public or the provision of
8 personal services, entertainment, or the repair or service of consumer and
9 business goods.

10 **(B) Examples.** Retail Sales and Service permitted activities include the
11 following activities:

12 **(i) Retail Sales-Oriented.** Stores selling, leasing, or renting consumer
13 home and business goods including art, art supplies, bicycles, clothing,
14 dry goods, electronic equipment, fabric, furniture, garden supplies, gifts,
15 groceries, hardware and home improvements, household products,
16 jewelry, pets, pet food, pharmaceuticals, plants, printed material,
17 stationery, or video.

18 **(ii) Personal Service-Oriented.** Banks; urgent medical care;
19 laundromats; photographic studios; photocopy and blueprint services;
20 hair, tanning, and personal care services; business, martial arts, and other
21 trade schools; dance or music studios; and veterinarians and animal
22 grooming.

23 **(iii) Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns,
24 and bars; health clubs and gyms; membership clubs, lodges, and
25 temporary lodging establishments with five or fewer guest rooms.

26 **(iv) Product Repair or Service Oriented.** Repair of TVs, bicycles,
27 clocks, watches, shoes, guns, appliances and office equipment; quick
28 printing; tailors; locksmiths; and upholsterers.

29 **(4) Office.**

30 **(A) Characteristics.** Office consists of uses conducted in an office setting

1 and generally involves business, professional, medical, or financial services.

2 **(B) Examples.** Lawyers; accountants; engineers; architects; lenders;
3 brokerage houses; bank headquarters; real estate agents; data processing; sales
4 offices; medical and dental clinics; and medical and dental laboratories.

5 **(5) Institutional.**

6 **(A) Characteristics.** Institutional consists of activities of a public, nonprofit,
7 or charitable nature generally providing a local service to people of the
8 community. Generally, institutional provides the service on the site or has
9 employees at the site on a regular basis. The service is ongoing, and not just
10 for special events.

11 **(B) Examples.** Daycare, preschools, and nursery schools; adult daycare;
12 public and private schools and colleges; senior centers; community centers;
13 religious institutions; libraries; postal services; transit shelters; fire stations,
14 police stations and other structures providing necessary municipal services.

15 **(6) Parks and Open Space.**

16 **(A) Characteristics.** Parks and Open Space consists of natural areas, large
17 areas consisting mostly of vegetative landscaping or outdoor recreation
18 features or facilities, community gardens, or public squares, used for public
19 recreational activities or for the preservation or enhancement of areas having
20 scenic, biological or ecological significance.

21 **(B) Examples.** Playgrounds; parks; public squares; plazas; recreational
22 trails; botanical gardens; and nature preserves.

23 **(7) Public Utilities.**

24 **(A) Characteristics.** Public Utilities consist of water, gas, sanitary sewer,
25 storm sewer, electricity, telephone and wire communication service, and cable
26 television service lines, mains, pumping stations, reservoirs, poles,
27 underground transmission facilities, substations, and related physical facilities
28 which do not include buildings regularly occupied by employees, parking
29 areas, or vehicle, equipment or material storage areas.
30

(B) **Examples.** Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.

Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

TABLE 532-1

NCMU ZONE USES WITH MASTER PLAN

Table 532-1: NCMU Zone Uses with Master Plan

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Residential Use			
Single Family Detached Dwelling	N	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	N	P	
Single Family Attached Dwelling (Townhouse)	N	P	
Manufactured Home	N	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	P	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Multiple Family	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
Residential Facility	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
All other Residential Uses	N	N	
Senior Care Facility Use			
Senior Care Facility	P	C	
Retail Sales and Service Use			
Retail Sales and Service	P	N	<p>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited.</p> <ul style="list-style-type: none"> • Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; • Vehicle services such as motor vehicle repair, gas station, or car wash; • Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted; • Taxidermists; • Mortuaries; • Kennels; • Casinos; • Temporary lodging establishments with more than 5 guest rooms; • Recreational vehicle parks; • Indoor firing ranges; • Theaters greater than 5,000 square feet; • Pool halls; <p>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</p>
Office Use			
Office	P	N	
Institutional Use			
Institutional	P	C	

1	Parks and Open Space Use			
2				Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:
3	Parks and Open Space	P	P	<ul style="list-style-type: none"> • Cemeteries; • Open areas used for grazing.
4				
5	Public Utilities Use			
6				Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:
7	Public Utilities	P/C	P/C	<ul style="list-style-type: none"> • Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
8				
9				
10	<u>Wireless Communications</u>			
11	<u>Facilities Use</u>			
12				
13	<u>Wireless Communications</u>			
14	<u>Facilities</u>	<u>W</u>	<u>W</u>	
15				

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 447 240); W – Wireless Communications Facilities Use (Subject to SRC Chapter 703); N – Prohibited Use.

Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

////

////

////

////

////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

TABLE 532-2
NCMU ZONE USES IN LIEU OF MASTER PLAN

Table 532-2: NCMU Zone Uses In Lieu of Master Plan

Use	Status	Limitations & Qualifications
Residential Use		
Single Family Detached Dwelling	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	P	
Single Family Attached Dwelling (Townhouse)	N	
Manufactured Home	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	
Multiple Family	N	
Residential Facility	N	
All other Residential Uses	N	
Senior Care Facility Use		
Senior Care Facility	N	
Retail Sales and Service Use		
Retail Sales and Service	N	
Office Use		
Office	N	
Institutional Use		
Institutional	N	
Parks and Open Space Use		
Parks and Open Space	P	
Public Utilities Use		
Public Utilities	P/C	Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.

1	<u>Wireless Communications</u>		
2	<u>Facilities Use</u>		
3	<u>Wireless Communications</u>	<u>W</u>	
4	<u>Facilities</u>		

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 417 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 137. SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

- | | |
|--|------------------------|
| (a) Signs | SRC Chapter 900 |
| (b) Preservation of Trees and Vegetation | SRC Chapter 68 |
| (c) Landslide Hazards | SRC Chapter 69 |
| (d) Trees and Shrubs | SRC Chapter 86 |
| (e) Home Occupations | SRC Chapter 124 |
| (f) Wetlands | SRC Chapter 126 |
| (g) General Development Standards | SRC Chapter 130 |
| (h) Accessory Structures | SRC Chapter 131 |
| (i) Landscaping | SRC Chapter 132 |
| (j) Off-Street Parking, Loading, and Driveways | SRC Chapter 133 |
| (k) Flood Plain Overlay Zones | SRC Chapter 140 |
| <u>(l) Wireless Communications Facilities</u> | <u>SRC Chapter 703</u> |

Section 138. Repeal. SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

Section 139. Savings Clause. A prosecution or code enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of a section of the Salem

1 Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is
2 started within one year after the effective date of this Ordinance arising from a violation of a
3 section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined
4 exactly as if the section or sections had not been repealed.

5 **Section 140. Codification.** In preparing this ordinance for publication and distribution, the City
6 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
7 limitations, may:

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

16 **Section 141. 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.

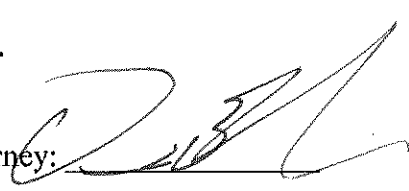
19 **Section 142. Effective Date.** This ordinance shall become effective thirty days after enactment,
20 unless a notice of appeal is timely filed, in which case the ordinance shall become effective on
21 the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

22 PASSED by the City Council this 24th day of March, 2014.

23 ATTEST:

24 *Kathy Hall*

25 City Recorder

26 Approved by City Attorney: 

27 Checked by: P Cole

28 g:\group\legal\council\2013\03242014 amended wireless communications facilities src ch 703 ord 24-13 engrossed 3-24-14.doc

FOR COUNCIL MEETING OF: January 13, 2014
AGENDA ITEM NO.: 4 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment.

SUMMARY:

Council received a Future Report prior to the First Reading of Ordinance Bill No. 24-13 on November 18, 2013, summarizing proposed amendments to application requirements, review processes, development standards, and criteria applicable to wireless communications facilities. Adoption of the updated wireless communications ordinance would provide needed clarity, streamline review and processing of wireless communications facility applications, and provide additional opportunity for public comment on proposals for new cell towers and certain proposals for facilities in public rights-of-way. This staff report for the January 13, 2014 public hearing conveys the Planning Commission's recommendation and record to Council, provides information that Council requested regarding radio frequency emissions, includes staff recommendations for several revisions to the proposed amendments in Engrossed Ordinance Bill No. 24-13, and includes findings demonstrating that the proposed amendments are consistent with the Salem Area Comprehensive Plan.

FACTS AND FINDINGS:

Procedural Findings

1. City Council received a Future Report and held a first reading of proposed Ordinance No. 24-13 on November 18, 2013 and set a public hearing for January 13, 2014.
2. Staff mailed notice of the City Council public hearing required by SRC 300.1110(e)(1)(B) on January 2, 2014 and published notice in the newspaper on January 3, 2014, and January 10, 2014.

Substantive Findings

Planning Commission Recommendation

The Planning Commission recommendation is included as Exhibit A, the staff report for the February 26 Planning Commission Public Hearing is included as Exhibit B, and the supplemental staff report for the March 26 continued Planning Commission Public Hearing is included as Exhibit C.

Significant Changes from Current Code

A Future Report regarding proposed Ordinance No. 24-13 was made available to the City Council on November 18, 2013. The November 18 Future Report is incorporated herein by reference and highlights the significant changes that are proposed to current code provisions regulating wireless communication facilities.

Testimony from Wireless Communications Industry Representatives and Utility Providers

Representatives of the Northwest Wireless Association, T-Mobile, AT&T, Verizon, and PGE testified in opposition to the proposed amendments. Written testimony received prior to staff report deadlines for the Planning Commission Public Hearing is included in Exhibits B and C, and additional written testimony received prior to the close of the Planning Commission Public Hearing is included in Exhibit D.

Testimony from Citizens and Neighborhood Associations

Fourteen citizens and one Neighborhood Association (Northeast Neighborhood Association) testified in opposition to the proposed amendments. Written testimony received prior to staff report deadlines for the Planning Commission Public Hearing is included in Exhibits B and C, and additional written testimony received prior to the close of the Planning Commission Public Hearing is included in Exhibit D. After the Planning Commission issued its recommendation, one citizen provided testimony for Council's consideration (Exhibit E).

Information Requested by Council at the July 22, 2013, Work Session

At a July 22 joint work session of the City Council and Planning Commission, Council

members requested information on radio frequency emissions. The City may not regulate the placement, construction, modification of wireless communication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC's) regulations concerning such emissions. The FCC's document, *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*, is included as Exhibit F and answers to frequently asked questions from the FCC website are included as Exhibit G.

Staff Recommendations for Revisions Prior to Adoption

Subsequent to the Planning Commission recommendation, staff received additional information regarding several provisions in the proposed ordinance, which includes public testimony and advice from the City's consultant. As a result of this information, staff has made several modifications to the proposed amendments as shown in the engrossed ordinance (Exhibit H). The following are the most notable.

1. Third party review

The proposed Ordinance would allow the City to charge the applicant a fee to cover costs for the City to retain a consultant to review technical evidence submitted for an adjustment or for a new support tower in a residential, public, mixed-use, or overlay zone. In order to respond to concerns raised subsequent to the Planning Commission recommendation regarding the technical justification to locate wireless facilities nearer to residential areas, staff recommends expanding the possible third party review provision to new support towers within 300 feet of residential zones.

2. Auxiliary support equipment development standards

Staff recommends requiring auxiliary support equipment to be placed underground where all other utilities are required to be placed underground.

3. Provisions referring to capacity

Staff recommends removing terms referring to capacity or capacity objectives because the terms are not defined and use of the terms would make administration difficult. Those terms had been added at the request of representatives of T-Mobile, the Northwest Wireless Association, AT&T, and Verizon.

Consistency with the Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The SACP requires that all zoning ordinances be consistent with and support the Comprehensive Plan. Because the proposed amendments make changes to the City's regulations for wireless communications facilities, the proposed amendments must therefore conform to and comply with the applicable goals and policies of the Comprehensive Plan. The proposed code amendment is consistent with and supportive of the goals and policies of the SACP as described below.

Chapter IV, Title A. Coordination Policies:

- **Policy 1, Plan and Code Coordination:** *All zoning ordinances, subdivision regulations, functional plans and specific development standards relative to the Salem urban area and prepared by the City of Salem, Marion County, Polk County, special districts and functional planning agencies shall support and be in conformance with the Salem Area Comprehensive Plan.*

Finding: The proposed development standards support and are in conformance with the SACP as described below.

- **Policy 5, Land Use Decision Criteria:** *Criteria on which land use decisions within the Salem urban area are made by the City and Counties, shall be developed and be coordinated among the three jurisdictions.*

Finding: The Marion County Board of Commissioners and Polk County Board of Commissioners have been notified of the proposed code amendment, including criteria, and have submitted no comments.

Chapter IV, Title B. General Development:

- **Policy 1, Citizen Involvement:** *Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.*

Finding: Staff solicited feedback from Neighborhood Associations on early drafts of the proposed code amendment, presented information to Neighborhood Associations upon request, and notified Neighborhood Associations of public hearings before the Planning Commission and City Council.

A website for the wireless code amendment was also established where individuals could go to learn more about the project, view upcoming meetings, and review proposed code language and background documents.

A city-wide notice of the Planning Commission public hearing was mailed to all property owners. Two open houses were held, and staff answered hundreds of phone calls and emails.

A public hearing to receive testimony on the proposed wireless code amendment was held before the Planning Commission on February 26, 2013 and continued to March 26, 2013. A public hearing will be held with the City Council on December 2, 2013.

- **Policy 12, Development Compatibility:** *Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

Finding: The proposed development standards for wireless communications facilities include screening, landscaping, setbacks, height limitations, and dimensional limitations. The standards proposed for antennas, auxiliary support equipment, utility poles, and support towers (cell towers) are more extensive and specific than in the current code and promote greater visual compatibility.

- **Policy 15, Lighting:** *Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.*

Finding: The proposed development standards allow lighting of antennas and support towers only if required by the FAA or the Oregon Aeronautics Division, limit motion detecting lighting of auxiliary support equipment to 0.4 foot candles measured directly beneath the lighting at ground level and require shielding of such lighting to prevent direct light from falling on adjacent properties, and allow lighting of replacement utility structures only if the existing utility structure or original structure was lighted.

Chapter IV, Title E. Residential Development:

- **Policy 8, Protection of Residential Areas:** *Residential areas shall be protected from more intensive land use activity in abutting zones.*

Finding: The proposed siting priority and siting standards require wireless providers to locate antennae on existing structures (cell towers, tall buildings, and utility poles) before constructing new facilities and to locate new cell towers in non-residential zones unless a residential zone is the least intrusive means of filling a significant service gap. The proposed development standards are intended to mitigate the visual impacts of unmanned wireless communications facilities and require setbacks, fencing, and landscaping between new support towers and property lines in and abutting residential zones.

- **Policy 11, Urban Design:** *Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.*

Finding: In addition to setbacks, fencing and landscaping applicable to all new cell towers, the proposed wireless code amendments include design standards that require new cell towers in and within 300 feet of residential zones to be designed as objects commonly found in residential areas such as trees or light poles.

Conclusion

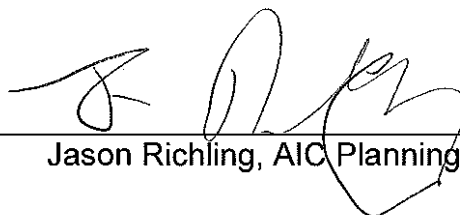
The proposed wireless code amendments represent an important and needed update and improvement to the city's regulations for wireless communications facilities. The proposed

amendments clarify, streamline, and update provisions related to these facilities, include new standards for facilities located in rights-of-way, allow more opportunities for public comment on new cell towers, accommodate increased demand for wireless services while incorporating design standards that reduce visual impact of facilities on surrounding development, and are consistent with the Salem Area Comprehensive Plan.

ALTERNATIVES:

The City Council may:

1. Advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment;
2. Refer Engrossed Ordinance Bill No. 24-13 back to the Planning Commission for additional deliberation; or
3. Take no action.



Jason Richling, AIC Planning Administrator

- Exhibits:
- A. Planning Commission Order and Recommendation
 - B. Staff Report for February 26, 2013 Planning Commission Public Hearing
 - C. Supplemental Staff Report for March 26, 2013 Continued Planning Commission Public Hearing
 - D. Additional Testimony Received Prior to the Close of the Planning Commission Public Hearing
 - E. Testimony Received for Council
 - F. *FCC Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance*
 - G. FCC Frequently Asked Questions on Radio Frequency Safety
 - H. Engrossed Ordinance Bill No. 24-13

Prepared by Pamela Cole, Planner II

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\Staff Report Council PH Jan 2014 Engrossed Ord edits.doc

**RECOMMENDATION OF PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA10-04**

CODE AMENDMENT CASE NO. CA10-04

WHEREAS, on October 6, 2009, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to update the City's standards for wireless communication facilities; and

WHEREAS, after due notice, a public hearing on the proposed amendments was held before the Planning Commission on February 26, 2013 and March 26, 2013, at which time witnesses were heard and testimony received; and

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

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

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff reports on this matter dated February 26, 2013 and March 26, 2013, herewith attached and by this reference incorporated herein.


Section 2. ORDER:

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

That the City Council approve the proposed amendments to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118 and 119 and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715, with one amendment to allow three-foot antenna extension arms.

PLANNING COMMISSION VOTE

YES 6 NO 0 ABSENT 1 (Palmateer)



Jim Lewis, President
Salem Planning Commission

ATTACHMENT A

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

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

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Pamela Cole, Case Manager, at 503-540-2309 or pcole@cityofsalem.net to review the case file.

**NOTICE OF
RECOMMENDATION**

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



CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

- 715.001. Purpose
- 715.005. Definitions
- 715.010. General Rule; Collocation and Siting Priority
- 715.020. Wireless Communications Facility Siting Permits
- 715.030. Siting Standards
- 715.040. Antenna Development Standards
- 715.050. Auxiliary Support Equipment Development Standards
- 715.060. Replacement Utility Structure Development Standards
- 715.070. Support Tower Development Standards
- 715.080. Conditions
- 715.090. Wireless Communications Facilities ~~Variance~~ Adjustment
- 715.100. Special Provisions

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
- (c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (d) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (f) The provision of wireless communication services through facilities with minimal visual impact.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

- (a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
- (b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

- (c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.
- (d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.
- (e) Base station means ~~any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna~~ radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.
- (f) Collocation means the mounting or installation of an antenna on an existing a support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- (g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxxx.
- (h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.
- (i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.
- (j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.
- (k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.
- (l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.
- (m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.
- (n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.
- (o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:
- (1) Residential building does not include mixed use building;

- (2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
- (3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.
- (p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.
- (q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.
- (r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.
- (s) Skipped pole means:
- (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
 - (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.
- (t) Substantially change the physical dimensions means:
- (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
 - (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
 - (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or

owned property surrounding the support tower and any access or utility easements currently related to the site.

(u) Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(2) **Exemptions.** A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ham radios and associated equipment.

~~(B)~~ (C) Ordinary maintenance or repair of a wireless communications facility.

~~(C)~~ (D) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a) 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

~~(D)~~ (E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(F) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

(b) Collocation Required. All wireless communications facilities located in right-of-way shall be collocated. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, or jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. ~~All wireless communications facilities located in right-of-way shall be collocated.~~

(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1) First priority: collocation outside of the right-of-way on a support tower, support structure, or utility structure;
- (2) Second priority: collocation inside of the right-of-way replacement of a utility structure for the purpose of collocation;
- (3) Third priority: replacement of a utility structure outside of the right-of-way substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
- (4) Fourth priority: replacement of a utility structure inside of the right-of-way construction of a new support tower;
- (5) Fifth priority: replacement or substantial increase in the size of a support tower;
- (6) Sixth priority: erection of a new support tower outside of the right-of-way.

715.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) Classes. There are three classes of wireless communications facilities siting permits.

(1) A Class 1 Permit is a permit for ~~the collocation on support towers, utility structures and support structures~~ a first priority siting.

(2) A Class 2 Permit is a permit for ~~the replacement of utility structures~~ a second priority siting.

(3) A Class 3 Permit is a permit for ~~the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers~~ a third priority siting or fourth priority siting.

(c) Procedure Type.

(1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.

(2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.

(3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

(1) **All Applications.** In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site ~~and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are~~ is not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) **Class 1 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the collocation and

comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

~~(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.~~

~~(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.~~

~~(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.~~

(3) Class 2 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is ~~no greater in width than~~ at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, ~~plus and minus 5 dB,~~ and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

~~(D) Field strength survey~~ Coverage maps or capacity documentation showing ~~contours of any gap in the provider's service and minimum height or~~ configuration of the facility needed to fill the gap:

~~(E) Coverage maps and field tests for the proposed antennas.~~

~~(F) Color simulations of the wireless communications facility after construction.~~

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

- (i)** No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
- (ii)** Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
- (iii)** Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
- (iv)** The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
- (v)** Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
- (vi)** ~~Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.~~

(C) ~~A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.~~

(C) ~~(D)~~ An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

(D) ~~(E)~~ The number and type of antennas that the support tower is designed to accommodate.

(E) ~~(F)~~ A signed certification statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) ~~Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.~~

~~(F)~~ ~~(H)~~ A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

~~(I)~~ Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

~~(G)~~ ~~(J)~~ Field strength survey Coverage maps or capacity documentation showing ~~contours~~ of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

~~(K)~~ Coverage maps and field tests for the proposed antennas.

(e) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation meets the standards in this Chapter.

(B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design and operating characteristics of the wireless communications facility.

- (B) The support tower will not be located in the right-of-way.
- (C) If the proposal is to construct a new support tower ~~or replace or substantially increase the size of an existing support tower:~~
 - (i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.
 - (ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and
 - (iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

715.030. Siting Standards.

(a) **Class 1.** The collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, ~~or modification of an existing,~~ support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(b) **Class 2.** The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;

(iv) Fourth priority: collectors;

(v) Fifth priority: local streets.

(c) **Class 3.** The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new, replaced, or modified or substantially changed support tower and future collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland /Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

(a) **Antennas on Support Towers.** Antennas attached to a support tower shall comply with the following development standards:

(1) **Height.** Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(2) **Surface and Coloration.** Antennas attached a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) Height:

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) Screening: Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) Height. Whip antennas shall extend no higher than fifteen feet above the building.

(B) Surface and Coloration. Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) Height. Antennas shall extend no higher than ten feet above the point of attachment to the building.

(B) Screening, Surface and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building, or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure's physical integrity.

(2) Guy poles. Antennas shall not be located on guy poles.

(3) Height.

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than one foot in length.

(5) Surface and Coloration. Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

(6) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

715.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

(1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).

(2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment ~~on an existing building~~ shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height.

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(c) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) Coloration.

- (1) **Equipment Associated with Support Towers and Support Structures.** All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
- (2) **Equipment Associated with Utility Structures.** Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
- (f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.
- (g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

715.060. Replacement Utility Structure Development Standards.

(a) **Height.**

(1) **Outside Right of Way.**

(A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(B) **Skipped poles.** Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(2) **Inside Right of Way.**

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

(i) Seventy eight feet for a replacement structure located on a parkway or freeway;

(ii) Seventy three feet for a replacement structure on a major arterial;

(iii) Sixty three feet for a replacement structure on a minor arterial; or

(iv) Fifty three feet for a replacement structure located on a collector street or local street.

(B) **Skipped poles.** Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-

five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 715-1.

TABLE 715-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
<u>NCMU</u>	<u>35 ft.</u>
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.
EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) **Setbacks.** The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO

zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

(c) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);

(2) SRC 132.150 (Standards for Landscaping Materials);

(3) SRC 132.160 (Installation);

(4) SRC 132.170 (Maintenance);

(5) SRC 132.180 (Compliance/Performance Assurance);

(6) SRC 132.190 (Irrigation);

(7) SRC 132.200 (Open Space);

(8) SRC 132.210 (Street Trees); and

(9) SRC Table 132-3 (Plant Unit Definition).

(d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) **Design Standards.** The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(2) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.

(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(4) To the greatest extent possible, the antennas shall not be easily recognized.

(f) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.

(g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) Access.

(1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

715.080. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.

(d) All wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities Variance Adjustment.

(a) **Applicability.** Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance adjustment has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance adjustment provisions under SRC 445 116.

(b) **Procedure Type.** A wireless communications facility variance adjustment is a Type III II procedure under SRC Chapter 300.

(c) **Submittal Requirements.** In addition to the submittal requirements for a Type III II application under SRC Chapter 300, an application for a wireless communications facility variance adjustment shall include:

(1) A written statement demonstrating how the variance adjustment would meet the criteria.

(2) A site plan that includes:

(A) Description of the proposed siting's design and dimensions, as it would appear with and without the variance adjustment.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance adjustment.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance adjustment.

(d) **Criteria.** An application for a wireless communications facility variance adjustment shall be granted if the following criteria are met:

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

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:

(A) **Gap in Service.**

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through a variance adjustment in one or more of the standards in this Chapter; and

(iii) The variance adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

(B) Minimization of Impacts. The variance adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features.

Negative impacts are minimized or eliminated if there is:

- (i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
- (ii) Better preservation of views or view corridors;
- (iii) A decrease in negative impacts on property values; or
- (iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98 50. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.


(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

TO: PLANNING COMMISSION
FROM: GLENN W. GROSS 
URBAN PLANNING ADMINISTRATOR
SUBJECT: PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC)
ESTABLISHING A NEW LAND USE PROCEDURES ORDINANCE (CA 10-04)

ISSUE

Should the City amend the Salem Revised Code (SRC) to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715?

RECOMMENDATION

That the Planning Commission recommend that the City Council accept first reading of an ordinance bill to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715.

BACKGROUND

In 2009, several telecommunications companies expressed a desire to expand in the Salem area and relied heavily on attaching wireless antennae on existing and/or new utility poles in street right-of-way. In reviewing their applications, staff identified the following issues:

- (1) The existing zoning code lacks clarity with regard to applicability to utility poles located in public right-of-way, particularly with regard to height limitations.
- (2) The existing zoning code regulations for wireless communications were created in the 1990s and do not reflect best practices with regard to visual impact of wireless communications facilities.
- (3) The existing zoning code contains gaps and inconsistencies in the provisions dealing with wireless communications facilities and is in need of "clean-up."
- (4) Individual franchise agreements for locating in right-of-way were being negotiated individually and thus there was a potential that providers were being treated differently.

The proposed amendments are intended to resolve these issues. The basic premise of the proposal is that wireless communications facilities in public rights-of-way are more appropriately regulated as a land use issue rather than through franchise agreements.

The proposed ordinance consolidates into one code chapter, SRC Chapter 715, the various application requirements, review processes, development standards, and criteria applicable to

wireless communications facilities, currently distributed throughout the Salem Revised Code.

The proposed ordinance is also intended to bring the SRC into conformance with other recently adopted and proposed regulations. It is consistent with SRC 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) and is organized and formatted to be consistent with the proposed Unified Development Code (UDC). It is also intended to bring the SRC into compliance with recent federal law which provides that a state or local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Adoption of the wireless communications ordinance will help to provide needed clarity, streamline the review and processing of wireless communications facility applications, provide additional opportunity for public comment on certain proposals for facilities in public rights-of-way, and improve the overall process.

City staff, with the help of a consultant, prepared a draft ordinance. Staff solicited feedback on the draft from public and cooperative utilities, wireless telecommunications industry representatives, and Neighborhood Associations. The proposed ordinance is the result of the public outreach process.

FACTS AND FINDINGS

1. Under SRC Chapter 300.1100, legislative land use proceedings include proposals to amend the City's land use regulations and involve the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties. The final decision in a legislative land use proceeding is an ordinance enacted by the City Council. Zoning code text amendments may be initiated by adoption of a resolution either by the City Council, which shall state whether the matter is to be referred to another Review Authority for public hearing and recommendation, or by the Planning Commission or Historic Landmarks Commission, which shall refer the matter to public hearing for review and recommendation to the City Council. The Planning Administrator must fix a date for a public hearing before the Planning Commission and cause notice to be published as provided in SRC 114.080.

The code amendment process to update the City's standards for wireless communications facilities was initiated by the Planning Commission at the request of staff. The Planning Administrator subsequently set a public hearing for February 26, 2013, and caused notice of the hearing to be mailed and published in the newspaper as required by the SRC.

SRC 300.1110(e)(1)(A)(iii) requires notice to be mailed to the owner(s) or contract purchaser(s) of record of each property that will be rezoned, as defined by ORS 227.186(9), in order to comply with the proposal. ORS 227.186(9) states that property is rezoned when the city (a) changes the base zoning classification of the property or (b) adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. The proposed amendment would not change the base zoning classification of any property. However, the proposed amendment would make changes in all zoning districts and these changes could limit or prohibit wireless communications land uses that were previously allowed. The required notice was mailed to all property owners or contract purchasers of record within the City of Salem on January 22, 2013.

Staff mailed notice required by SRC 300.1110(e)(1)(A) on February 6, 2013, and published notice in the newspaper on February 14, 2013, and February 21, 2013.

2. ORS 197.610 and OAR 660-018-0020 require that the Department of Land Conservation and Development (DLCD) receive notification of any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice was mailed to DLCD on January 17, 2013.
3. The proposed new chapter, SRC 715 (Attachment 1), consolidates and updates application requirements, review processes, development standards, and criteria applicable to wireless communications facilities, which are currently found in SRC 119.460 (special uses), SRC 116.130 (administrative conditional uses), and SRC 118.340 (specific conditional uses). The proposed corresponding amendments (Attachment 2) include changes to definitions (SRC Chapter 111), height exceptions for wireless communications facilities and utility structures located in public rights-of-way (SRC 130.210), an exemption of wireless communications facilities from bufferyard requirements (SRC 132.220), an exemption of wireless communications facilities from off-street vehicle parking requirements (SRC 133.100), an exemption of wireless communications facilities from site plan review (SRC 163.030), procedure types for wireless communications facilities (SRC 300.100), and revisions to wireless communications facilities provisions in overlay zones and zoning districts.

Some of the key concepts and changes embodied in the proposed amendments include:

A. Siting Priority (SRC 715.010(c), 715.030(a)(2)(B), 715.030(b)(1)(B))

The proposed requirements employ a siting priority to encourage collocation of new facilities on existing facilities or existing structures, encourage location of new support towers in non-residential zones, and regulate enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities. Facilities shall be sited according to the following priority, by descending order of preference:

1. First Priority: Attach antennas to an existing structure outside right-of-way.
2. Second Priority: Attach antennas to an existing utility structure inside right-of-way, in descending order of preference based on the street classification in the Salem Transportation Systems Plan.
 - a) Parkway or freeway
 - b) Major arterial
 - c) Minor arterial
 - d) Collector
 - e) Local street.
3. Third Priority: Attach antennas to a replacement utility structure outside right-of-way.
4. Fourth Priority: Attach antennas to a replacement utility structure inside right-of-way, in descending order of preference based on the street classification in the Salem Transportation Systems Plan.
 - a) Parkway or freeway
 - b) Major arterial
 - c) Minor arterial
 - d) Collector
 - e) Local street.
5. Fifth Priority: Replace or substantially increase the size of an existing cell tower.
6. Sixth Priority: Construct a new cell tower.

If a facility is proposed for a site other than First Priority, SRC 715.020(d) requires the applicant to submit documentation establishing that placement at a higher-priority site and alternate options to provide service, such as collocation on existing support towers or

support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

In addition to the general siting priority, siting standards in SRC 715.030(c)(1) prohibit new support towers, replacement of existing support towers, or substantial increases in the size of existing support towers in residential zones, public zones, mixed-use zones, or overlay zones unless the applicant demonstrates that the tower would be the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services.

B. Classes and Procedure Types for Wireless Communications Facilities (SRC 715.020(b) and SRC 715.020(c))

The proposed amendments establish three classes of wireless communication facilities:

1. A Class 1 permit and Type I procedure would apply for collocation of facilities on existing support towers (commonly known as cell towers), utility structures (utility poles, light poles and similar poles), and support structures (buildings or other structures such as water towers);
2. A Class 2 permit and Type II procedure would apply for replacement of an existing utility structure for the purpose of attaching wireless communication facilities;
3. A Class 3 permit and Type III procedure would apply for a new support tower, replacement of an existing support tower, or substantial change in the physical dimension of an existing support tower.

The three proposed classes would replace and simplify existing and more complicated provisions for classifying wireless communications facilities. The current code regulates wireless communication facilities as special uses subject to standards of SRC 119.460, administrative conditional uses subject to SRC 116.130, or specific conditional uses subject to SRC 118.340. Facilities are classified as antennas attached to existing or approved structures, freestanding support structures, and equipment enclosures. Antennas attached to existing or approved structures are allowed in most zones as special uses. However, freestanding support structures may be classified as special uses, administrative conditional uses, or specific conditional uses, depending on the zone and the height of the freestanding support structure. Freestanding support structures are generally classified in three height categories, although there are some exceptions: 35 feet or less, between 36 and 70 feet, and greater than 70 feet. Some zones also categorize freestanding support structures based on whether they are within 300 feet of an R or CO district or greater than 300 feet of an R or CO district.

The three proposed procedure types would simplify application processing and, for some applications, allow more opportunity for public comment, testimony, and appeals. The procedure type would not change for antennas attached to existing support towers, support structures, or utility structures, which would continue to be processed as Type I applications. The proposed Type II process for replacement of utility structures would afford opportunity for public comment and appeals to the Hearings Officer, which are not now provided.

C. Changes to Height Regulations for New Support Towers (SRC 715.070(a))

The proposed code specifies maximum support tower by zone in Table 715-1, which would replace the current method of specifying freestanding support structures of various height ranges in the allowed uses in the zones. The current height ranges are generally 35 feet or less, between 36 and 70 feet, and greater than 70 feet. The proposed maximum heights differ from the current maximum heights in some zones, as shown in Table 1 (Attachment 3). Maximum heights proposed in the residential and CO (Commercial Office) zones are

equal to the current maximum heights for non-residential structures in those zones. Staff recommended the changes to height in the residential and CO zones in response to wireless providers' requests for more flexibility in locating in residential areas due to increased service demands and their comments that it would be reasonable to allow a cell tower at the same maximum height allowed for other non-residential structures. To reduce visual impacts on residential areas, the proposed amendments would restrict a support tower located 300 feet or less from an EFU (Exclusive Farm Use), RA (Residential Agriculture), RS (Single Family Residential), RD (Duplex Residential), RM1 (Multi-Family Residential), or CO (Commercial Office) zone to the lowest maximum allowed height in any of those applicable zones within 300 feet of the tower. For example, the maximum height for a new tower proposed for a CR (Retail Commercial) zone would be 100 feet if it is more than 300 feet from all EFU, RA, RS, RD, RM1 and CO zones, but the maximum height would be restricted to 50 feet if it is located within 300 feet of an RA, RS, or RD zone or 70 feet if it is located within 300 feet of an RM1 or CO zone. The maximum heights in Table 715-1 could be increased if an applicant applies for and receives a wireless communications facility variance.

D. Changes to Setback Provisions for New Support Towers (SRC 715.070(b))

Table 2 (Attachment 4) illustrates proposed setbacks for new support towers. With the proposed amendment, in all industrial zones and the CN, CR, CG, or EC zones, the minimum setback to the base of the support tower would be 15 feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the minimum setback to the base of the support tower would be 30 feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the minimum setback to the base of the support tower would be 30 feet from all property lines. Current special use standards for a freestanding support tower require that the base be separated from all residential and CO zones by a setback equal to or greater than the height of the tower, but the special use standards do not specify setbacks from property lines or setbacks from other zones. Current administrative conditional use and specific conditional use approval criteria and minimum conditions state that freestanding support structures greater than 35 feet in height shall be at least 300 feet from residential and CO zones, but the setback may be varied if the decision maker finds that the criteria in SRC 115.020 are met. Staff recommended the reduced setbacks in response to wireless providers' requests for more flexibility in locating near residential areas due to increased service demands.

E. Requirements for Camouflage Design of Cell Towers (SRC 715.070(d))

The proposed amendment would require camouflage design for new support towers in or within 300 feet of all residential zones, mixed-use zones, CO zones or PC zones. The standards would require that towers be designed to resemble an object that would be commonly found in the area and permitted in the zone, such as a tree or flag pole; that the object would be appropriate to the context of the surrounding environment and similar in scale to the type of object; and that the antennas would not be easily recognized. Current code does not require camouflage design; however, recent decisions for several variances for cell towers located within 300 feet of residential or CO zones have included conditions of approval requiring that the towers be designed to resemble evergreen trees.

F. Variance Provisions for Wireless Communications Facilities (SRC 715.090)

The proposed amendment would create specific submittal requirements and criteria for a variance that would apply exclusively to wireless communications facilities instead of the general variance provisions currently in SRC Chapter 115. The variance would be a Type III procedure with a public hearing. The proposed criteria would require applicants to

demonstrate that the variance is necessary to fill a gap in coverage or capacity or that the variance would minimize or eliminate negative impacts to surrounding properties and their uses.

G. Third Party Review Provision (SRC 715.100(b))

The proposed amendment would allow City Council to establish fees to recover all of the City's costs in retaining consultants to review and evaluate evidence submitted as part of a wireless communications facility application. The provision would also allow the City to impose a third-party review fee to obtain the services of an engineer to review the applicant's findings. The current code does not include such a provision.

4. Testimony Received

As of the date of completing this staff report, the following written comments or testimony have been received on the proposed amendments:

A. Sarah L. Burbidge, Mackenzie & Albritton LLP, telecommunications counsel for Verizon wireless submitted written comments (Attachment 5) and raised the following issues:

1. Some aspects of the Ordinance are likely to result in permit processing times well in excess of the FCC's "Shot Clock" deadlines of 90 days to act on a collocation application or 150 days to act on other applications, particularly where there are issues regarding collocation on existing structures or utility poles or where "absolute" requirements may prevent appropriate design and location solutions.

Staff response: No revisions are necessary, as the proposed amendment would not be likely to result in processing times that exceed the "Shot Clock" deadlines. A collocation on an existing support tower that does not substantially change the physical dimensions of the support tower or base station would be exempt from a siting permit under SRC 715.010(a)(2)(C) and would be processed as a building permit. Final actions on collocations processed as Type I land use applications would meet the 90-day deadline. Type II and Type III applications would be subject to the state-mandated 120-day decision date, and final land use decisions would be issued before the 150-day deadline.

2. P.L. 112-6, Section 6409(a) has now been codified at 47 U.S.C. § 1455 and the citation should be updated.

Staff response: Staff recommends the following revision:

715.010(a)(2)(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to ~~P.L. 112-96, Section 6409(a)~~ 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless

communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

3. The definition of "collocation" in SRC 715.005(f) should contemplate the use of "replacement" structures as well as existing structures. To avoid any delay, add the phrase "or replacement structure that does not substantially increase the overall height" after the words "existing support structure" in the definition of collocation.

Staff response: Staff recommends the following revision:

715.005(f) Collocation means the mounting or installation of an antenna on ~~an existing~~ a support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

4. There is an internal inconsistency in the current provisions concerning collocation. While section 715.010(c) states that collocation is the highest preference, it is not mandatory in all cases. Section 715.010(b) appears to make collocation mandatory with only very limited exceptions. These mandates do not acknowledge many issues that come into play when determining whether collocation is feasible. The problem should be solved by beginning each of the two sentences in section 715.010(b) with the phrase "Where reasonably feasible,...." In addition, if the definition of "collocation" continues to exclude all replacement structures, even those that do not involve a substantial increase in height, it would be virtually impossible to meet the mandate that all right-of-way facilities "shall" be collocated.

Staff response: The requirement for collocation outside right-of-way with limited exceptions is intended to limit the number of new support towers. The requirement for collocation in right-of-way is intended to prevent the net addition of utility structures in right-of-way. The proposed change to the definition of collocation would allow applicants to comply with the mandate that facilities in rights-of-way shall be collocated. Staff recommends the following revision to the collocation requirement outside right-of-way, which is consistent with the documentation required for Class 3 applications in SRC 715.020(d)(4)(B):

715.010(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless ~~the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure~~ the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure. All wireless communications facilities located in right-of-way shall be collocated.

5. The requirements in section 715.020(d)(4) to justify construction of a new tower are unduly burdensome, and should be deleted: 715.020(d)(4)(C) – copy of proposed lease or agreement to show that it does not preclude future collocation; 715.020(d)(4)(B)(vi) – contract terms to prove that a potential existing structure cannot be used because of unreasonable lease

requirements; 715.020(d)(4)(I) – documentation that the new tower will be used within 60 days of completion.

Staff response: These application requirements were recommended by the consultant retained by the City and are not required under current code. Staff agrees with Ms. Burbidge's statement that a copy of the proposed lease (715.020(d)(4)(C)) is not necessary to show that future collocations are not precluded, as the applicant would submit a signed certification that future collocations would be allowed, provided all safety, structural, technological, and monetary requirements are met (715.020(d)(4)(F)). Staff supports deleting 715.020(d)(4)(B)(vi) because it would be difficult for staff to obtain information to compare proposed contract terms and conditions to similar contractual arrangements in Oregon and Washington, and because the applicant would provide an alternatives analysis (715.020(d)(4)(D)) to document why alternative locations within 250 feet of the proposed location would not be acceptable. Staff also supports deleting the requirement for documentation that one or more wireless service provider will be using the support tower within 60 days because there may be unanticipated delays before building permits are issued and facilities are constructed. Staff recommends the following revisions to the Class 3 application requirements:

715.020(d)(4) (4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

- (A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.
- (B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:
 - (i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
 - (ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
 - (iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
 - (iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
 - (v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
 - ~~(vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or~~

~~support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.~~

~~(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.~~

~~(C) (D)~~ An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

~~(D) (E)~~ The number and type of antennas that the support tower is designed to accommodate.

~~(E) (F)~~ A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

~~(F) (G)~~ Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

~~(G) (H)~~ A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

~~(H) (I)~~ Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

~~(I) (J)~~ Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

~~(J) (K)~~ Coverage maps and field tests for the proposed antennas.

6. A number of "absolute" requirements in the Ordinance allow for no adjustment without obtaining a variance. This approach may make it very difficult for the City to act within the Shot Clock time limits, and there should be more flexibility built into the basic requirements. For example, a drafting solution would be to include the phrase "Where reasonably feasible,..." at the beginning of the sentences in 715.050(a)(2), which requires equipment associated with antennas on existing buildings to be located within or on top of a building, and 715.070(e), which requires camouflage design for support towers in or within 300 feet of residential zones, mixed-use zones, CO zones or PC zones. More flexibility would avoid the need for a variance in every case requiring a minor deviation.

Staff response: Staff recommends adding adjustment provisions to the proposed chapter that would create a Type II process for minor deviations from certain standards. Staff recommends no changes to the camouflage design standards, as they were proposed to mitigate visual impacts in or near certain zones. Staff recommends the following revision to 715.050(a)(2):

715.050(a)(2) Equipment Associated with Antennas on Existing

Buildings: Auxiliary support equipment ~~on an existing building~~ shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

7. The requirement for a carrier to provide its specific negative dB levels (SRC 715.020(d)(3)(C) is over-reaching. The negative dB radio frequency information is considered proprietary and should be deleted from the requirements.

Staff response: These application requirements are similar to those in current franchise agreements for facilities in rights-of-way. Staff recommends retaining the requirement for coverage information in the form of color radio frequency contour maps to document the need to place a facility on a local street but accepts Ms. Burbidge's request to remove the requirement to provide proprietary negative dB information. Staff recommends the following revisions:

715.020(d)(2)(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, ~~plus and minus 5 dB,~~ and the calculated coverage areas for all existing wireless communications facilities sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

715.020(d)(3)(C) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, ~~plus and minus 5 dB,~~ and the calculated coverage areas for all existing wireless communications facilities sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

8. The third-party review provision (715.100(b)) should be revised so that the City retains consultants only where genuine issues arise and the fees must be limited to "reasonable" fees.

Staff response: Staff recommends no revisions to this provision. The current wording allows the City flexibility to require third party review under reasonable circumstances.

- B. John Shepard, Salem resident in Ward 4, submitted written comments (Attachment 6) concerning the use of the word "feasible" (715.020(d)(1)(A), 715.020(d)(4)(B)(iv), 715.020(d)(4)(B)(v), 715.020(e)(3)(C)(i) and 715.030(c)(3)). He suggested rethinking the use of the term or providing more clarity by defining the meaning as it applies to the Code Amendment and suggested several definitions (Attachment 5).

Staff response: The term "feasible" appears in submittal requirements for all applications, criteria for Class 3 applications, and siting standards for Class 3 applications. Staff recommends no revisions because "feasible" is a reasonable qualifier, and staff will apply the term according to the common definition.

- C. Rano Ellertson, Salem property owner in Ward 8, submitted written comments (Attachment 7) requesting that the radius for notice to property owners be changed from 250 feet to 1,500 feet, or an absolute minimum of 500 feet; that the City require approval from those within 1,500 feet for the style, size, and height before a facility is constructed; and that choices be limited to the top of the same size (height) pole as existing, or top of water tower, or within the top of a tree reproduction.

Staff response: Salem Revised Code Chapter 300 requires mailed notice to property owners within 250 feet of the subject property for Type II and Type III applications, which would apply to Class 2, Class 3, and Variance applications in the proposed amendment. In the proposed amendment, property owners within the notification area would have an opportunity to comment on the proposed style, size, and height of Class 2 and Class 3 facilities. Public hearing notice would also be posted on the property subject to the application. Proposed SRC 715.070(a) includes height limitations for support towers 300 feet or less from EFU, RA, RS, RD, RM1, or CO zones and proposed SRC 715.070(e) requires camouflage design for support towers in and within 300 feet of residential zones, mixed-use zones, CO zones or PC zones. Staff recommends no change to the notification area because standard notice requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors.

- D. George Akel, Newman Development Group of Candalaria, LLC, Salem property owner in Ward 7, submitted written comments (Attachment 8) requesting that consent of the property owner be obtained in all instances, whether the application involves the modification of an existing facility or the construction of additional facilities, by requiring the land owner to sign off on any application submitted by a wireless tower applicant/operator. He comments that facilities are often located on leased lands, and the City should obtain consent of the property owner for specific applications even in situations where a lease exists.

Staff response: Applications for wireless communication facilities would be subject to the general submittal requirements under SRC Chapter 300. SRC 300.200(a) provides that a land use application may be submitted by one or more of the following persons: (1) the owner of the subject property; (2) the contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent; (3) a lessee in possession of the property, when the application is accompanied by the owners' written consent; or (4) the agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (1), (2) or (3) of this subsection, and accompanied by proof of the agent's authority. Wireless communication facility applications are usually submitted and signed by persons acting as agents for the wireless service provider, who submit supporting documentation such as lease agreements between a property owner and tower owner and wireless service provider or authorization and testing agreements signed by the property owner and granting authority for the wireless service provider to submit land use applications. Staff currently reviews the documentation to verify that the documents create a designation of signature authority from the property owner to the wireless service provider to the person who actually signs the application. For

Type II and Type III applications, staff mails notice of the application to the owners or contract purchasers of the subject property. Staff recommends no change to the procedural requirements because standard submittal requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors.

5. Staff Recommendations for Additional Revisions Prior to Adoption

Since preparing the proposed amendments and corresponding amendments, staff has identified the following issues:

- A. The definition of wireless communications in SRC 715.005(y) excludes wireless communications services used exclusively by gas and electric utilities for internal communications and should also exclude such services used by cooperative utilities. Staff recommends revising the definition as follows:

715.005 (y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

- B. The definition of wireless communications facility in SRC 715.005(z) does not clearly exclude wireless telecommunications facilities for public agencies. Staff recommends revising the definition as follows:

715.005 (z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

- C. The NCMU (Neighborhood Center Mixed Use) zone was omitted from Table 715-1. Staff recommends adding a row to the table as follows:

TABLE 715-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
<u>NCMU</u>	<u>35.ft.</u>

- D. The proposed corresponding amendments to SRC 300 do not include a requirement

to post notice for Class 2 applications. Staff recommends the following amendment to SRC 300.520(b):

300.520 (b) Public Notice and Comment. Public notice is required for Type II applications. The purpose of the notice is to provide property owners in the area and other interested parties with the opportunity to submit written comments concerning the application and invite affected parties to participate in the process prior to the issuance of the decision. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of fourteen days from the date notice is mailed.

- E. The proposed amendments do not contain any references to ham radio. Several ham radio operators contacted staff to ask if the proposal would apply to their antennas. Staff recommends adding ham radio antennas and equipment to the list of exemptions in SRC 715.010(a)(2):

715.010(a)(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ham radios and associated equipment.

~~(B)~~ (C) Ordinary maintenance or repair of a wireless communications facility.

~~(C)~~ (D) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

~~(D)~~ (E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

- Attachment:
1. Proposed SRC Chapter 715, Wireless Communications Facilities
 2. Proposed corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715
 3. Table 1: Comparison of Proposed and Current Maximum Support Tower Heights by Zone
 4. Table 2: Comparison of Proposed and Current Support Tower Setbacks by Zone
 5. Comments from Sarah L. Burbidge
 6. Comments from John Shepard

7. Comments from Rano Ellertson
8. Comments from George Akel

Prepared by Pamela Cole, Associate Planner



G:\CD\Planning\Case Application Files 2011 - on \ CODE AMENDMENTS \ 1 - Staff Reports \ CA10-04 revisions (PC Public Hearing 2-26-2013)_1.doc

CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

- 715.001. Purpose
- 715.005. Definitions
- 715.010. General Rule; Collocation and Siting Priority
- 715.020. Wireless Communications Facility Siting Permits
- 715.030. Siting Standards
- 715.040. Antenna Development Standards
- 715.050. Auxiliary Support Equipment Development Standards
- 715.060. Replacement Utility Structure Development Standards
- 715.070. Support Tower Development Standards
- 715.080. Conditions
- 715.090. Wireless Communications Facilities Variance
- 715.100. Special Provisions

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
- (c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (d) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

- (a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
- (b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and

parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

(c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include mixed use building;

(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;

- (3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.
- (p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.
- (q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.
- (r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.
- (s) Skipped pole means:
- (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
 - (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.
- (t) Substantially change the physical dimensions means:
- (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
 - (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
 - (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.

(u) Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(2) **Exemptions.** A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ordinary maintenance or repair of a wireless communications facility.

(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station.

However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

(D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1) First priority: collocation outside of the right-of-way;
- (2) Second priority: collocation inside of the right-of-way;
- (3) Third priority: replacement of a utility structure outside of the right-of-way;
- (4) Fourth priority: replacement of a utility structure inside of the right-of-way;
- (5) Fifth priority: replacement or substantial increase in the size of a support tower;
- (6) Sixth priority: erection of a new support tower outside of the right-of-way.

715.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) Classes. There are three classes of wireless communications facilities siting permits.

- (1) A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures.
- (2) A Class 2 Permit is a permit for the replacement of utility structures.
- (3) A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers.

(c) Procedure Type.

- (1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
- (2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
- (3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

- (1) **All Applications.** In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

(2) **Class 1 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

(3) **Class 2 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is no greater in width than that required by any applicable safety standards adopted by the Oregon

Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(E) Coverage maps and field tests for the proposed antennas.

(F) Color simulations of the wireless communications facility after construction.

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;

(vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility

structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

(E) The number and type of antennas that the support tower is designed to accommodate.

(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

(e) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation meets the standards in this Chapter.

(B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower or replace or substantially increase the size of an existing support tower:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

715.030. Siting Standards.

(a) **Class 1.** The collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph,

streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(c) Class 3. The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height required to provide service to fill the significant wireless communications service gap shall be the maximum height permitted for the new, replaced, or modified support tower and future collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland /Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

(a) **Antennas on Support Towers.** Antennas attached to a support tower shall comply with the following development standards:

(1) **Height.** Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(2) **Surface and Coloration.** Antennas attached a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) **Height:**

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

(B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.

(B) **Screening, Surface and Coloration.**

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building, or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure's physical integrity.

(2) Guy poles. Antennas shall not be located on guy poles.

(3) Height.

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

- (aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
- (bb) Ten feet above the top of a utility structure on a minor arterial; or
- (cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than one foot in length.

(5) **Surface and Coloration.** Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

(6) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

715.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

(1) **Equipment Associated with Support Towers.** Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).

(2) **Equipment Associated with Antennas on Existing Buildings.** Auxiliary support equipment on an existing building shall be located within or on top of the building.

(3) **Equipment Associated with Antennas on Support Structures Other than Existing Buildings.** Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) **Equipment Associated with Antennas on Utility Structures.**

(A) **Equipment installed in right-of-way.** Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) **Equipment installed outside right-of-way.** Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) **Equipment attached to a utility structure.** Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

- (i) Project no more than eighteen inches from the surface of the utility structure;
 - (ii) Be less than or equal to twenty-four inches in height.
 - (iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.
- (b) **Setbacks.** Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.
- (c) **Vision Clearance.** Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.
- (d) **External cables and wires.** All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.
- (e) **Coloration.**
- (1) **Equipment Associated with Support Towers and Support Structures.** All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
 - (2) **Equipment Associated with Utility Structures.** Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
- (f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.
- (g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

715.060. Replacement Utility Structure Development Standards.

(a) **Height.**

(1) **Outside Right of Way.**

(A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(B) **Skipped poles.** Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the

combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(2) Inside Right of Way.

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

- (i)** Seventy eight feet for a replacement structure located on a parkway or freeway;
- (ii)** Seventy three feet for a replacement structure on a major arterial;
- (iii)** Sixty three feet for a replacement structure on a minor arterial; or
- (iv)** Fifty three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph **(2)** of this subsection, support towers shall comply with the height limitations in Table 715-1.

TABLE 715-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.
EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) **Setbacks.** The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line

abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

(c) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);

(2) SRC 132.150 (Standards for Landscaping Materials);

(3) SRC 132.160 (Installation);

(4) SRC 132.170 (Maintenance);

(5) SRC 132.180 (Compliance/Performance Assurance);

(6) SRC 132.190 (Irrigation);

(7) SRC 132.200 (Open Space);

(8) SRC 132.210 (Street Trees); and

(9) SRC Table 132-3 (Plant Unit Definition).

(d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) **Design Standards.** The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(2) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.

(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(4) To the greatest extent possible, the antennas shall not be easily recognized.

(f) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.

(g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for collocation of at least one future antenna system, in a

manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) Access.

(1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

715.080. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.

(d) All wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities Variance.

(a) **Applicability.** Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance provisions under SRC 115.

(b) **Procedure Type.** A wireless communications facility variance is 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 wireless communications facility variance shall include:

(1) A written statement demonstrating how the variance would meet the criteria.

(2) A site plan that includes:

(A) Description of the proposed siting's design and dimensions, as it would appear with and without the variance.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance.

(d) **Criteria.** An application for a wireless communications facility variance shall be granted if the following criteria are met:

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

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:

(A) **Gap in Service.**

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;

(ii) The gap can only be filled through a variance in one or more of the standards in this Chapter; and

(iii) The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

(B) Minimization of Impacts. The variance would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there is:

- (i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
- (ii) Better preservation of views or view corridors;
- (iii) A decrease in negative impacts on property values; or
- (iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

CHAPTER 111 DEFINITIONS

111.020. "A" Definitions.

- (a) **Abut** means to be contiguous at some point.
- (b) **Accessory building, structure, or use** means a building, structure, or use which is incidental and subordinate to and dependent upon the main use on the same premises.
- (c) **Adjacent** means near or close, but not necessarily contiguous with.
- (d) **Adjoin** means to abut.
- (e) **Administrative body** means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.
- (f) **Administrator** or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.
- (g) **Adult Day Care** means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.
- (h) **Adult Day Care Home (ADCH)** means the residence of an adult day care provider for 5 or fewer individuals meeting the definition of Adult Day Care.
- (i) **Adult Day Care Center (ADCC)** means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.
- (j) **Alley** means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.
- (k) **Ambulance Service Facility** means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.
- (l) **Ambulance Station** means a building or a specific portion of a building or development that is utilized for the housing of on-call emergency medical ambulance personnel.
- (m) **Antenna** means the specific device the surface of which is used to capture an incoming and/or transmit an outgoing radio frequency signal from wireless communication facilities. Antennas include the following types:
- (1) **Omni-Direction ("whip") Antenna**—receives and transmits signals in a 360-degree pattern.
 - (2) **Directional or Parabolic ("panel" or "disk") Antenna**—receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
- The term "antenna" shall not include **Ancillary Antenna** which are antennas less than 12 inches in its largest dimension and are not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.
- (n) **Apartment** means a court apartment, or a dwelling unit in an apartment house.
- (o) **Apartment house** means 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.

(p) **Approved** means approved by the administrator or other administrative body or official specifically given jurisdiction to grant such approval.

111.040. "C" Definitions.

(a) **Carport** means a permanent structure which is not totally enclosed on two or more sides, and which is used or intended for the parking of motor vehicles.

(b) **Children or child** means a human being under 13 years of age.

(c) **City or City of Salem** means the City of Salem, an Oregon municipal corporation.

(d) **City business day** means a day other than a Saturday, Sunday, or holiday, during which the City's administrative offices are open for the transaction of regular and routine business. A city business day begins at 8:00 a.m. and closes, unless otherwise directed by the council or city manager, at 5:00 p.m.

(e) **Child Day Care Center (CDCC)** means a facility which provides child care (SIC 835) or kindergarten for 13 or more children.

(f) **Child Day Care Home** means the home of a child care provider for 12 or fewer children.

(g) **City engineer** means the administrative head of the Engineering Division, Department of Public Works of the City of Salem.

(h) **Collocation** means the use of a single support structure and/or site by more than one wireless communications provider mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(i) **Commission** means the Salem Planning Commission, created by SRC chapter 6.

(j) **Contiguity** means the state of being contiguous.

(k) **Contiguous** means touching along a boundary or point. Two or more lots or parcels that are under common ownership and are separated by a public right-of-way shall not be considered contiguous.

(l) **Complex** means a building or group of buildings, and their accessory buildings and structures, all under common ownership, condominium ownership, or common management, and housing an integrated development of industrial uses, commercial uses, public uses, residential uses, or combinations thereof.

(m) **Compliance period** means the period prescribed in this zoning code or by the decision on a land use action within which all conditions precedent must be met.

(n) **Comprehensive plan** means the officially adopted Salem Area Comprehensive Plan, including all components thereof adopted by reference or otherwise lawfully incorporated as parts thereof.

(o) **Conditional use** means any use which is permitted in a particular zoning district only after review and approval as provided in SRC chapter 117 or 118, and includes where not excepted, "nonconforming" conditional uses and development requiring conditional use review pursuant to SRC chapter 112. See **specific conditional use**.

(p) **Conditional zone change** means a land use action under SRC 113.200 to 113.260.

(q) **Conditional zone change declaration** means a decision imposing conditions precedent to the issuance of a conditional zone change order. See SRC 113.220.

(r) **Conditional zone change order** means a decision entered upon satisfaction of all conditions precedent stated in a conditional zone change declaration, and finally accomplishing the zone change. See SRC 113.240.

(s) **Condition precedent** means any condition upon the use or development of property imposed by this zoning code or a decision on a land use action which must be met prior to an unqualified right vesting in the development, use, or continued use of a building, structure or premises. With respect to conditional zone changes it means any condition imposed in a conditional zone change declaration which must be met prior to issuance of a conditional zone change order.

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

(u) **Cottage Housing** means a development consisting of at least two or more attached and/or detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

(v) **Council** means the council of the City of Salem, Oregon.

(w) **Court apartment** is a dwelling unit which is one of three or more dwelling units contained in two or more buildings on the same lot, and which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied by a family which does not include an owner of the apartment; or which is a condominium unit in a complex containing three or more dwelling units in two or more buildings.

(x) **CSDP (Central Salem Development Program) area** means that area of the city within the following boundaries: Beginning at the SE corner of 12th Street SE and Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along said East line of Railroad to the North side of "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to the North side of Market Street NE; Thence Easterly along the North side of Market Street NE to an Alley running between Fifth Street NE and Church Street NE; Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence Easterly along the North side of Gaines Street to the West side of Church Street NE; Thence Northerly along the West Side of Church Street to the North line of an Alley running between Hood Street NE and Shipping Street NE; Thence Westerly along the North side of Said Alley to the East bank of the Willamette River; Thence Southerly along the East Bank of the Willamette River and Willamette Slough to the Westerly projection of the South line of Mission Street SE; Thence running Easterly along the South side of Mission Street SE to the Place of Beginning.

111.060. "E" Definitions.

(a) **Employees** means all persons, including proprietors, performing work on a premises during the largest shift at peak season.

(b) **Equipment Enclosure** means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

(c) **Existing Wildlife Rehabilitation Facility** means any building, structure, or land which meets the standards set forth in SRC 119.080 and is occupied or being used by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

111.070. "F" Definitions.

(a) **Family** means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. **Family** shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.

(b) **Farm use** means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, inangement and sale of, or the produce of, livestock, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. **"Farm use"** includes the preparation and storage of the products raised on such land for human use and animal

use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). "Current employment" shall be as defined in ORS 215.203(2)(b).

(c) **Fence** means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

(d) **Final decision** means a decision by the council, or a decision by any other administrative body after the applicable appeal and review periods have expired.

(e) **Fish habitat enhancement** means the addition or modification of aquatic habitat components whose absence, scarcity, or condition has been determined by the city to limit fish presence or abundance in the immediate project area, specific stream corridor or watershed.

(f) **Floor area** means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(g) ~~**Freestanding Support Structure** means the structure to which antenna and other necessary associated hardware is mounted. Freestanding support structures include, but are not limited to, lattice towers, and monopoles. For the purposes of this code, the terms "monopole" and "freestanding support structure" are used interchangeably.~~

(h) **Frontage** means that portion of a parcel of real property which abuts a public street, whether or not access to the property is accorded thereby, and whether or not a building or structure faces the street frontage. In context, coupled with the term "alley" "frontage" has the same meaning with respect to an abutting alley.

(i) **Front lot line.** See "lot line, front."

111.130. "L" Definitions.

(a) **Land use action** means a zone change, conditional zone change, variance, adjustment, conditional use approval, specific conditional use approval, planned unit development approval at any stage requiring commission or council action, or any other action requiring discretionary review by an administrative body, including appeals from any of the foregoing.

(b) **Land use proceeding** means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

(c) **Landscaped** means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements to that primary use such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

(d) **Lattice Tower** means a wireless communications facility ~~freestanding support structure tower~~ which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(e) **Livestock** means:

(1) One or more members of any species of cattle, swine, sheep, goat, horse or other equine, llama, alpaca or related ruminant, or poultry, excluding chickens, regardless of the purpose for which any of the foregoing may be kept; and

(2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for sale of by-products, for livestock increase, or for value increase.

(f) **Loading space** means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.

- (g) **Lot.** In addition to the meaning given in SRC 63.030, "lot" means any parcel or contiguous unit of lots or other parcels under common or condominium ownership, common life estate, or subject to a common leasehold for a term of at least 99 years.
- (h) **Lot area** means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extensions of the lot lines.
- (i) **Lot coverage** means the percentage of lot area covered by structures other than fences or by other structures no point of which is more than three feet above grade.
- (j) **Lot depth** means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.
- (k) **Lot, downhill** means a hillside lot which slopes downhill from the front lot line.
- (l) **Lot, interior** means any lot other than a corner lot.
- (m) **Lot line** means one of the property lines forming the exterior boundaries of a lot; and includes a condominium unit ownership line where the underlying real property is included in a unit.
- (n) **Lot line, front** means:
- (1) In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;
 - (2) In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and
 - (3) In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building faces.
- (o) **Lot line, interior** means a lot line which is not adjacent to a street.
- (p) **Lot line, rear** means:
- (1) In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and
 - (2) In the case of any other lot, the lot line opposite and most distant from the front lot line.
- (q) **Lot line, side** means any lot line which is not a front or rear lot line.
- (r) **Lot, uphill** means a hillside lot which slopes uphill from the front lot line.
- (s) **Lot width** means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

111.140. "M" Definitions.

(a) **Manufactured dwelling** means:

- (1) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
- (2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile 765 10/2010 home law in effect at the time of construction.
- (3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. "Manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(b) **Manufactured dwelling park** means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same

ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved pursuant to SRC chapter 63.

(c) **Mobile food unit** means any kiosk, shed, shelter, trailer, vehicle or wagon which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. It does not include a street vendor's cart as described in SRC 31.1055 or a peddler's vehicle or conveyance described in SRC 31.180.

(d) **Monopole** means a wireless communications facility freestanding support structure tower which consists of a single pole sunk into the ground and/or attached to a foundation.

111.240 "W" Definitions.

(a) **Wetland** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (ORS196.800).

(b) **Wetland restoration** means to restore former wetlands, create new wetlands, or enhance existing wetlands for the purpose of improving ecological or habitat functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. 769 3/2010

Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

(c) **Wildlife** shall have the meaning as defined under ORS Chapter 496.

(d) **Wildlife rehabilitation** means the restoration of an injured, sick, or immature wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of Fish and Wildlife.

(e) **Wildlife rehabilitator** means any individual who is licensed as a Wildlife Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife rehabilitation.

(f) **Wildlife Rehabilitation Facility** means any building, structure, or land being used for the purpose of wildlife rehabilitation.

(g) ~~**Wireless Communication Facilities (WCF)** means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.~~

(h) **Wireless communications facility** means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

CHAPTER 116 ADJUSTMENTS

- 116.010. Intent and Purpose
- 116.020. Criteria for Granting an Adjustment
- 116.030. Limits for Adjustments
- 116.040. Conditions May be Attached
- 116.050. Order Granting the Adjustment
- 116.060. Transfer of Adjustments
- 116.100. Administrative Conditional Uses; General Concept.
- 116.110. Approval Required
- 116.120. Criteria and Imposition of Conditions; Jurisdiction; Appeal
- ~~116.130. Wireless Communication Facilities~~

~~116.130 Wireless Communication Facilities.~~ Where designated on administrative conditional use, freestanding support structures and equipment enclosures shall be located and developed in compliance with this section. Freestanding support structures 35 feet or less in height and antennas attached to existing structures are, notwithstanding alternative provisions, administrative conditional uses in historic districts and on historic building sites designated by the city, and shall be located and developed in compliance with this section. Wireless communications facilities are not permitted on city-owned historic property.

~~(a) Application.~~ In addition to any other information generally required under SRC Chapter 300, the following information shall be provided:

~~(1) An evaluation of the feasibility of collocation of the subject facility as an alternative to the requested permit. The feasibility study must include:~~

- ~~(A) The location and ownership of existing telecommunication structures within the cell service area not to exceed two (2) miles;~~
- ~~(B) Written verification or other documentation revealing the availability and/or cooperation shown by other providers to gain access to existing sites/facilities to meet the needs of the applicant;~~
- ~~(C) The tower type and height of potential collocation facilities;~~
- ~~(D) Anticipated capacity of the wireless communication facility (including number and types of antennas which can be accommodated); and~~
- ~~(E) The specific reasons why collocation is or is not feasible.~~

~~(2) Alternatives for locating/relocating support structures within 250 feet of the proposed location; and~~

~~(3) Analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation.~~

~~(b) Approval criteria and minimum conditions:~~

~~(1) Collocation on existing wireless communication facilities within the cell service area of the proposed site is not feasible;~~

~~(2) The wireless facility shall be located and designed to preserve the ability for collocation of at least one additional user on all support structures exceeding 35 feet in height, if feasible;~~

~~(3) Based on the visual analysis and mitigating measures, the location and design of a freestanding wireless communication facility shall be conditioned to minimize visual impacts from residential areas, such as considering setbacks, building heights, bulk, color, and landscaping requirements;~~

~~(4) The design minimizes identified adverse impacts of the proposed use to the extent feasible; and~~

~~(5) Any obsolete freestanding or attached wireless communication facility shall be removed by the facility owner within 6 months of the date it ceases to be operational or if it falls into disrepair. (6) Freestanding support structures greater than 35 feet in height shall be at least 300 feet from an R or CO zone. Notwithstanding SRC 116.120(b) this setback requirement may be varied by the decision maker upon a finding that the criteria in SRC 115.020 are met.~~

CHAPTER 118 SPECIFIC CONDITIONAL USES

118.010. Application and Scope of Chapter

SOLID WASTE DISPOSAL SITE

118.100. Solid Waste Disposal Sites

118.110. Definitions

118.120. Minimum Standards

118.130. Reclamation Plan Required

118.140. Site Reclamation Standards

118.150. Bond or Security Deposit

118.160. Failure to Maintain Compliance

CHILD DAY CARE CENTERS

118.170. Child Day Care Centers

118.180. Development Standards

118.190. Nursing and Personal Care and Residential Care Facilities

SURFACE MINING

118.200. Surface Mining; Intent and Purpose

118.210. Definitions; Adoption by Reference

118.220. Reclamation Plan Required; Other Conditions

118.230. Bond or Security Deposit Required

118.240. Failure to Maintain Compliance

HISTORIC, ETC., BUILDINGS

118.300. Historically and Architecturally Significant Buildings and Structures; Intent and Purpose

118.310. Uses Permitted

118.320. Criteria for Designation of Building or Structure

118.330. Development Standards

~~118.340. Freestanding Support Structures and Equipment Enclosures~~

OTHER USES

118.410. Other Uses

~~WIRELESS COMMUNICATION FACILITIES~~

~~118.340 Freestanding Support Structures and Equipment Enclosures. Where provided as a specific conditional use, freestanding support structures for wireless communications facilities shall be developed in compliance with this section, together with any other conditions imposed by conditional use approval.~~

~~(a) Application. In addition to any information required under SRC Chapter 300, the applicant shall provide:~~

~~(1) An evaluation of the feasibility of collocation as an alternative. The feasibility study must include:~~

- (A) The location and ownership of existing telecommunication facilities within the cell service area not to exceed two miles;
 - (B) Written verification or other documentation indicating the availability of and/or cooperation shown by other providers to gain access to existing sites or facilities to meet the needs of the applicant;
 - (C) The tower type and height of potential collocation facilities;
 - (D) Anticipated capacity of the wireless communication facility, including number and types of antennas which can be accommodated; and
 - (E) The specific reasons why collocation is or is not feasible.
- (2) Alternatives for locating or relocating support structures within two hundred and fifty feet of the proposed location; and
 - (3) Analysis of the visual impacts of the proposed wireless communication facility on any residential dwellings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site, and an assessment of potential mitigation measures, including relocation.
- (b) Approval criteria and minimum conditions:**
- (1) Collocation on existing wireless communication facilities within the cell service area of the proposed site is not feasible;
 - (2) If feasible, the wireless communication facility shall be located and designed to provide the ability to collocate at least one additional wireless communication facility on all support structures exceeding seventy feet in height;
 - (3) Based on the visual impacts analysis and mitigating measures, the wireless communication facility shall be located and designed to minimize visual impacts to residential areas by use of measures such as setbacks, building height restrictions, limitations on bulk, use of color, and landscaping, and to minimize other identified adverse impacts to the extent feasible; and
 - (4) Any obsolete wireless communication facility shall be removed by the owner within six months of the date it ceases to be operational.
 - (5) Freestanding wireless communications facilities greater than thirty five feet in height shall be located at least three hundred feet from an R or CO zone. Notwithstanding SRC 118.010, this setback requirement may be varied upon a finding the criteria in SRC 115.020 are met.

CHAPTER 119 SPECIAL USES

- 119.010. General Concept
- 119.020. Parking for Special Activities at a High School with a Community Park
- 119.050. Veterinary Services for Animal Specialties
- 119.070. Keeping of Miniature Swine
- 119.080. Wildlife Rehabilitation Facility
- 119.090. Existing Wildlife Rehabilitation Facilities
- 119.100. Scrap and Waste Materials Establishments
- 119.110. Lumber and other Building Materials
- 119.150. Gasoline Service Stations
- 119.160. Individual and Family Social Service
- 119.200. Used Merchandise Stores
- 119.210. Retail Nurseries, Lawn and Garden Supply Stores
- 119.250. Funeral Service and Cemetery Subdividers and Developers
- 119.270. Orthopedic and Artificial Limb Offices
- 119.290. Entertainment Establishments

- 119.300. Public Golf Courses and Membership Sports and Recreation Clubs with Golf Courses
- 119.340. Adult Day Care Centers
- 119.350. Nursing and Personal Care and Residential Care Facilities
- 119.400. Elementary and Secondary Schools
- 119.410. Colleges, Universities, Professional Schools, and Junior Colleges
- ~~119.460. Wireless Communication Facilities~~
- 119.500. Religious Organizations
- 119.550. Zero Side Yard Dwelling Units
- 119.560. Cottage Housing
- 119.570. Single Family Dwelling Units in Commercial and Industrial Zones
- 119.600. Two Family Shared Housing
- 119.650. Boat and Recreational Vehicle Storage Area
- 119.660. Public Automobile Parking Areas
- 119.670. General Warehousing and Storage
- 119.680. Temporary Motor Vehicle and Recreational Vehicle Sales
- 119.690. Recreational Vehicle Sales
- 119.700. Mixed Use Buildings
- 119.705. Construction of a Replacement Single Family Dwelling Unit on an Individual Lot
- 119.710. Manufactured Homes on Individual Lots
- 119.720. Bed and Breakfast Establishments
- 119.750. Secondary Dwellings and Guest Rooms
- 119.800. Mobile Home as Dwelling for Caretaker
- 119.850. Mobile Food Units
- 119.900. Residential Sales/Development Office

~~**119.460 Wireless Communication Facilities.** Where permitted as a special use, antennas attached to existing or approved structures and freestanding support facilities and equipment enclosures shall meet the following additional use and development standards:~~

- ~~(a) Vegetation that is either removed or destroyed as a result of construction shall be replanted with material as prescribed in SRC 132.200 and SRC 132.220.~~
- ~~(b) All support structures, antennas and associated equipment, including any equipment enclosures and all exterior mechanical equipment, shall be colored or surfaced so as to blend with the surrounding environment. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective.~~
- ~~(c) All freestanding structures shall be surrounded and screened by a 6-foot high sight obscuring fence, wall, or hedge with a minimum 10-foot landscaped bufferyard along the outside perimeter of the site obscuring fence, wall, or hedge. The landscaped bufferyard meet the bufferyard requirements under SRC 132.220 and maintenance requirements under SRC 132.170.~~
- ~~(d) The base of a freestanding structure must be separated from all "R" or "CO" zones by a setback equal to or greater than the height of the wireless communication facility.~~
- ~~(e) For freestanding structures exceeding 70 feet in height, provisions must be made to allow for collocation sufficient to accommodate at least one additional user on each freestanding support structure.~~
- ~~(f) An obsolete freestanding structure or antenna shall be removed by the facility owner within 6 months of the date it ceases to be operational or if it falls into disrepair.~~

**CHAPTER 130
GENERAL DEVELOPMENT STANDARDS**

130.210. Height Exceptions.

(a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and monuments, none of which exceeds 185 feet in height, are exempt from all other height restrictions provided they do not contain any rooms, offices, or other habitable space, that the horizontal section does not exceed 625 square feet at the top of the main building; and that the sum of the horizontal section of all such projections at the height limit applicable to the building, structure, or land on which they are located does not exceed 20 percent of the horizontal area of the roof of any building on which they are situated.

(b) Radio, television, and microwave antennas and structures exclusively for their support are exempt from all height restrictions.

(c) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself, including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all other height restrictions provided they do not contain any offices, restrooms, storage rooms, or habitable space; provided further that the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and finally provided that no such device or enclosure projects more than 15 feet above the roof, measured vertically from any point on the device or enclosure.

(d) Wireless communications facilities are subject to the provisions of SRC Chapter 715.

(e) Utility structures located in public rights-of-way and not supporting wireless communications facilities are exempt from the height restrictions of the underlying zone.

**CHAPTER 132
LANDSCAPING**

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:

(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.

- (3) Using the applicable Buffer Category (A, B, C, D, or E), consult the Screening and Buffering Standards Table 132-2 to determine the buffering and screening requirements.
- (4) As required by the Bufferyard and Screening Standards Table 132-2, fences shall be sight-obscuring fences and walls shall be constructed of masonry, rock, concrete, concrete block or other similar material.
- (5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.
- (d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.
- (e) In the event a proposed use is not specifically designated in the Buffer Matrix, Table 132-1, the Planning Administrator shall designate to which group the proposed use is most similar in intensity or environmental impact.
- (f) If the abutting existing use is a "nonconforming use" in the same comprehensive plan designation, then the proposed use shall provide a Category "A" Bufferyard plus a 6 foot fence or wall.

CHAPTER 133 OFF-STREET PARKING, LOADING AND DRIVEWAYS

133.100. Off-street Vehicle Parking Requirements.

- (a) Except as otherwise specifically provided in this zoning code, off-street parking spaces shall be provided in amounts not less than those set forth in Table 133-1.
- (b) Off-street parking spaces shall not exceed 2.5 times the amount required under Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such amount is more than 20.
- (c) For any proposed use not shown on Table 133-1, the administrator shall determine the parking space requirement for the most nearly similar use listed in Table 133-1 with regard to traffic generation, and render such determination as an adjustment pursuant to SRC Chapter 116.
- (d) The provisions of this section shall apply only to residential uses within the boundaries of the Downtown Parking District created by SRC 7.010.
- (e) The provisions of this section shall not apply to wireless communications facilities.

133.110. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:

- (a) The minimum number of required bicycle parking spaces are listed in Table 133-1.
- (b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and provide a minimum four foot access aisle unless spaces are provided to store the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-section (c) of this section.
- (c) Bicycle racks must accommodate using the bicyclist's own locking device.
- (d) Bicycle parking shall be provided within a convenient distance of, and clearly visible from the primary building entrance as determined by the City. Such parking shall not be further than 50 feet from the public entrance to the building.
- (e) Direct access to the public right-of-way, with access ramps if necessary, and pedestrian access from the bicycle parking to the building entrance must be provided.
- (f) The following uses are exempted from the bicycle parking requirements:
 - (1) Seasonal uses, such as fireworks stands and Christmas tree sales;
 - (2) Drive-in theaters;

- (3) Self-storage facilities;
- (4) Wireless communications facilities.

**CHAPTER 135
WEST SALEM INDUSTRIAL OVERLAY ZONE**

135.020. Definitions. As used in this chapter, except as the content otherwise requires:

(a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of property;
- (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
- (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

**CHAPTER 136
CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE**

136.020 Definitions. As used in this chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid building permit has been issued as of March 1, 1996;
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of the property;
- (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
- (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

**CHAPTER 137
RIVERFRONT OVERLAY ZONE**

137.020. Definitions.

(a) Abandonment, as it applies to industrial uses and structures in this Chapter, means the cessation of the use or structure for a continuous period of one year or a change of use or structure to a non-industrial use. Vacant property within the overlay zone west of Commercial Street and designated industrial on December 1, 1998 shall not be deemed abandoned and may be converted to industrial use.

(b) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(c) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

(d) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

(e) Front means the portion of a building that faces a public right-of-way.

(f) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(g) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance. Primary building entrance shall not include service or employee only entrances.

(h) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(i) Public right-of-way means property dedicated to the public for ingress and egress.

(j) Public street right-of-way means a public right-of-way improved with a road or street.

(k) Side street means any public street that intersects Front Street within the Riverfront Overlay Zone.

**CHAPTER 138
BROADWAY/HIGH STREET OVERLAY ZONE**

138.020. Definitions.

(a) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of property;
- (4) Interior remodeling and such exterior reinodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
- (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

(c) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's vehicle and typically involving queuing lanes, service windows, service islands, and service bays for vehicular use.

(d) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(e) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance.

(f) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(g) Public right-of-way means a public right-of-way improved with a road or street.

(h) Side street means within the Broadway/High Street Overlay Zone, any public street that intersects Broadway Street.

CHAPTER 139 COMPACT DEVELOPMENT OVERLAY ZONE

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

- (a) Any permitted, special, administrative conditional use, or conditional uses, or wireless communications facilities allowed in the RS, (Single Family Residential) district.
- (b) Any combination of single family detached, duplex or triplex units, up to a maximum of three (3) units on a lot subject to the per lot density requirements of SRC 120.060 and development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.
- (c) Townhouses on individual lots subject to the per lot density requirements of SRC 120.060 and development design guidelines or standards contained in the Development Design Handbook.

CHAPTER 142 COMMERCIAL/RURAL URBAN DEVELOPMENT OVERLAY ZONES

142.020. Definitions. As used in this chapter, except as the content otherwise requires:

- (a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on August 26, 1987, and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
- (b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial

buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of property;
- (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
- (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

CHAPTER 143 SAGINAW STREET URBAN DEVELOPMENT OVERLAY ZONE

143.020. Definitions. As used in this chapter, except as the context otherwise requires:

(a) "**Change of use**" means making a different or more intense use of any building, structure, or land than that which existed on and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(b) "**Develop**" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of property;
- (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
- (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

CHAPTER 143A COMMERCIAL/HIGH DENSITY RESIDENTIAL OVERLAY ZONE

143A.010. Intent, Purpose and Scope

143A.020. Definitions

143A.030. Establishment of Overlay Zone

143A.040. Conforming Uses

143A.050. Permitted Uses

143A.060. Special Uses

143A.070. Conditional Uses

143A.075. Wireless Communications Facilities

143A.080. Prohibited Uses

DEVELOPMENT STANDARDS

- 143A.090. Development Density
- 143A.100. Dwellings Required
- 143A.110. Structure Height and Area
- 143A.120. Yards Adjacent to Streets
- 143A.130. Interior Side Yards
- 143A.140. Interior Rear Yards
- 143A.150. Landscaping
- 143A.160. Screening
- 143A.170. Design Approval
- 143A.180. Variances
- 143A.190. Reference to Additional Standards

143A.020. Definitions.

(a) "**Congregate Residence**" means any building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

(b) "**Change of Use**" means making a different use of any building, structure or land than which existed on November 30, 1998 and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.

(c) "**Drive through use**" means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving the queuing lanes, service windows, service islands, and service bays for vehicular use.

(d) "**Floor Area**" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(e) "**Floor Area Ratio**" means the floor area of all buildings on a lot divided by the lot area.

(f) "**Mixed-use Development**" means a combination of retail, office or residential uses in a single building or separate buildings on the same site.

(g) "**Redevelopment**" means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety an operation of the property; and interior remodeling that does not increase the square footage or height of buildings; and collocation, replacement, installation, modification or construction of wireless communications facilities.

(h) "**Residential Structure**" means dwellings, hotels, apartment houses, and congregate residences.

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.

- (1) Mixed Use Buildings as defined in SRC Chapter 119;
- (2) Bed and Breakfast establishments;
- (3) Nursing and Personal Care Facilities (805);
- (4) Individual and Family Social Services (832);
- (5) Adult Day Care Center;

- (6) Used merchandise stores (953) with all retail and storage of merchandise and equipment conducted entirely within a building;
- (7) Entertainment establishments;
- (8) Keeping of miniature swine;
- ~~(9) Antennas attached to existing or approved structures;~~
- ~~(10) (9) Public Automobile Parking Areas;~~
- ~~(11) (10) General Warehousing and Storage;~~
- ~~(12) (11) Construction of a replacement single family dwelling unit on an individual lot;~~
- ~~(13) (12) Ambulance Station;~~
- ~~(14) (13) 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 117 or 118. See SRC 119.010.

143A.075. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CHR Overlay Zone, subject to SRC Chapter 715.

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.079~~5~~, except as provided in SRC 113.090(b). Prohibited uses expressly include the following:

- (a) Outdoor Advertising Signs (billboards)
- ~~(b) Freestanding support structures less than 70 feet in height and equipment enclosures~~
- ~~(c) (b) Wildlife rehabilitation facilities~~
- ~~(d) (c) Outdoor storage of materials and equipment~~

143A.200. Reference to Additional Standards.

General Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading, and Driveways	SRC Chapter 133
Development Design Handbook (multiple family residential uses).	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 143 B
PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE**

- 143B.010. Intent, Purpose and Scope
- 143B.020. Establishment of Overlay Zones
- 143B.030. Definitions

PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE USE REGULATIONS

- 143B.040. Conforming Uses
- ~~143B.050. Administrative Conditional Uses Within Overlay Zone~~
- 143B.060. Conditional Uses Within Overlay Zone
- 143B.065. Wireless Communications Facilities
- 143B.070. Prohibited Uses Within Overlay Zone

AREA 1 - PINE STREET MIXED-USE AREA

- 143B.080. Permitted Uses - Pine Street CG Mixed-Use Area
- 143B.090. Special Uses - Pine Street CG Mixed-Use Area

- 143B.100. Conditional Uses - Pine Street CG Mixed-Use Area
- 143B.110. Permitted Uses - Pine Street IC Mixed-Use Area
- 143B.120. Special Uses - Pine Street IC Mixed-Use Area
- 143B.130. Conditional Uses - Pine Street IC Mixed-Use Area

AREA 2 – NORTHGATE CR MIXED-USE AREA

- 143B.140. Permitted Uses - Northgate CR Mixed-Use Area
- 143B.150. Special Uses - Northgate CR Mixed-Use Area
- 143B.160. Conditional Uses - Northgate CR Mixed-Use Area

DEVELOPMENT STANDARDS APPLICABLE TO THE PORTLAND/ FAIRGROUNDS ROAD OVERLAY ZONE

- 143B.170. Development Density
- 143B.180. Lot Area and Dimensions
- 143B.190. Building Height and Area
- 143B.200. Yards Adjacent to Streets
- 143B.210. Interior Side Yards
- 143B.220. Interior Rear Yards
- 143B.230. Landscaping
- 143B.240. Parking and Loading Areas
- 143B.250. Screening 143B.260. Outdoor Storage
- 143B.270. Pedestrian Access
- 143B.280. Project Enhancements
- 143B.290. Variances
- 143B.300. Design Approval

143B.030. Definitions.

- (a) Drive-through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving queuing lanes service windows, service islands, and service bays for vehicular use.
- (b) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.
- (c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.
- (d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.
- (e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:
 - (1) Maintenance and repair, usual and necessary for the continuance of an existing use;
 - (2) Reasonable emergency procedures necessary for the safety or operation of property;
 - (3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
 - (4) Collocation, replacement, installation, modification or construction of wireless communications facilities.

(4) ~~(f)~~ "Pedestrian Connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. "Pedestrian Scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

(5) ~~(g)~~ "Primary Building Entrance" means the principal access point for persons visiting a building.

(A) ~~(h)~~ "Townhouse" means a single family dwelling unit constructed in a row of attached units, with each unit separated by property lines with yard on at least two sides.

~~143B.050. Administrative Conditional Uses Within Overlay Zone. Freestanding support structures between 36 and 70 feet in height and equipment enclosures, both of which are more than 300 feet from the Portland/Fairgrounds Road right-of-way, are permitted with administrative conditional use approval.~~

143B.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 715.

143B.070. Prohibited Uses Within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone.

~~(b) No freestanding support structure shall be erected, structurally altered, or enlarged in the area within 300 feet of public right-of-way.~~

143B.090. Special Uses-Pine Street CG Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial General underlying zone:

- (1) Used merchandise stores (593);
- (2) Entertainment establishments (58);
- (3) Wildlife rehabilitation facility;
- ~~(4) Antennas attached to existing or approved structures;~~
- (5) ~~(4)~~ Public automobile parking areas;
- (6) ~~(5)~~ Mobile food unit;
- (7) ~~(6)~~ Ambulance Station;
- (8) ~~(7)~~ 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 117 or 118.

143B.120. Special Uses-Pine Street IC Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial Commercial underlying zone:

- (1) Entertainment establishments;
- (2) Wildlife rehabilitation facility;
- (3) Mobile food unit;
- ~~(4) Antennas attached to existing structures;~~
- (5) ~~(4)~~ Used Merchandise Stores;
- (6) ~~(5)~~ Ambulance Station;
- (7) ~~(6)~~ 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 117 or 118.

143B.150. Special Uses - Northgate CR Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:

- (1) Used merchandise store (593);
- (2) Entertainment establishments;
- (3) Existing wildlife rehabilitation facility;
- (4) Mobile food unit;
- (5) Antennas attached to existing or approved structures;
- (6) (5) Ambulance Station;
- (7) (6) 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 117 or 118.

**CHAPTER 143C
FAIRVIEW MIXED-USE ZONE**

(The following is an excerpt from Table 143C-1 showing only the header, footer, and TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES section that would revised.)

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 117. ~~Uses requiring an Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100 through 116.130.~~ Wireless Communications Facilities Uses are designated with a “W” and are allowed, subject to SRC Chapter 715.

Table 143C-1				
P = permitted use; S = special use; C = conditional use; A = administrative conditional use <u>W = wireless communications facilities use</u>				
	LI	MI*	AU	VC
TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES				
Local and suburban transit and interurban highway passenger transportation (41)			P	P
Motor freight transportation and warehousing (42)			P	P
U.S. Postal Service (43)		P	P	P
Transportation services (47)		P	P	P
Communication (48)		P	P	P
Wireless Communications Facilities [SRC 119.460]	<u>A W</u>	<u>A W</u>	<u>A W</u>	<u>A W</u>
Antennas attached to existing or approved structures [SRC 119.460]	S	S	S	S

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.

CHAPTER 143D
EDGEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

143D.020. Definitions.

- (a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.
- (b) Change of Use means changing an activity from one Standard Industrial Classification (SIC) Division to another. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
- (c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:
- (1) Maintenance and repair, usual and necessary for the continuance of an existing use;
 - (2) Reasonable emergency procedures necessary for the safety or operation of property; or
 - (3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure; or
 - (4) Collocation, replacement, installation, modification or construction of wireless communications facilities.
- (d) Owner means the person holding fee title or a beneficial interest under a trust deed or mortgage, or the purchaser under a contract for sale of real estate.
- (e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use.
- (f) Tuck-Under Parking means parking placed at grade with a building constructed above.
- (g) User means the user of property in the overlay zone as of December 1, 2002.

DISTRICT DEVELOPMENT STANDARDS

AREA 1 - WALLACE ROAD CORRIDOR

143D.070. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.

AREA 2 - WEST SALEM GATEWAY

143D.100. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.

AREA 3 - WEST SALEM GENERAL INDUSTRIAL AREA

143D.120. Uses.

- (a) Except as provided in subsection (b) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.
- (b) The following uses are permitted uses in Area 3:
- (1) Eating and drinking places and entertainment establishments;
 - (2) Beauty Shops (723);
 - (3) Barber Shops (724);

- (4) Business Services (73);
- (5) Membership sports and recreation clubs (7997);
- (6) Medical and dental laboratories (807);
- (7) Outpatient facilities (8093);
- (8) Engineering, accounting, research, management and related services (87);
- (9) Executive offices (911);
- (10) Executive and legislative combined (913);
- (11) Police protection (9221), BUT EXCLUDING jail facilities;
- (12) Public finance, taxation and monetary policy (93);
- (13) Administration of human resources programs (94);
- (14) Administration of environmental quality and housing programs (95);
- (15) Administration of economic programs (96);
- (16) National security and international affairs (97);
- (17) Used merchandise stores (593);
- (18) General merchandise stores (53);
- (19) Food stores (54);
- (20) Apparel and accessory stores (56);
- (21) Furniture, home furnishings and equipment stores (57);
- (22) Miscellaneous retail (59);
- (23) Miscellaneous repair services (76);
- (24) Building materials, hardware, garden supply, but excluding mobile home dealers (52);
- and
- (25) Services not elsewhere classified (899).

(c) In addition to the prohibited uses in the underlying zone, the following uses are prohibited in Area 3:

- (1) Agricultural production crops (071);
- (2) Crop services (072);
- (3) Timber tracts (081);
- (4) Forest nurseries and gathering of forest products;
- (5) Chemicals and allied products (28);
- (6) Motorcycle dealers (557);
- (7) Automotive dealers, not elsewhere classified (559);
- (8) Fuel Dealers (598);
- (9) Outdoor advertising services (7312);
- (10) Disinfecting and pest control services (7342);
- (11) Building cleaning and maintenance services not elsewhere classified (7349);
- (12) Recycling Depots;
- (13) Scrap and waste material establishments (5093);
- (14) Livestock, except dairy, poultry, and animal specialties (021);
- (15) Air transportation, Non-scheduled (452);
- (16) Crude petroleum and natural gas extraction (131);
- (17) Surface mining operations;
- (18) Meat products (201);
- (19) Animal and marine fats and oils (2077);
- (20) Logging camps and logging contractors (241);
- (21) Sawmills and planing mills (242);
- (22) Paper and allied products (26);
- (23) Agricultural chemicals (287);
- (24) Miscellaneous chemical products (289);
- (25) Petroleum and coal products (29);
- (26) Cement hydraulic (324);

- (27) Iron and steel foundries (332);
- (28) Primary smelting and refining nonferrous metals (333);
- (29) Secondary smelting and refining nonferrous metals (334);
- (30) Rolling, drawing, and extruding of nonferrous metals (335);
- (31) Ordnance and accessories, except vehicles and guided missiles (348);
- (32) Storage batteries (3691);
- (33) Primary batteries, dry and wet (3692);
- (34) Livestock (5154);
- (35) Chemicals and allied products (516);
- (36) Racing, including track operation (7948); and
- (37) Solid waste transfer stations.

AREA 4 - PATTERSON STREET CORRIDOR

143D.180. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, ~~or~~ conditional, or wireless communications facilities use in the underlying zone.

AREA 5 - EDGEWATER STREET CORRIDOR

143D.190. Uses.

(a) Except as provided in subsection (b) and (c) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, ~~or~~ conditional, or wireless communications facilities use in the underlying zone. Otherwise permitted uses in Area 5 may not be conducted as drive-through uses, defined as business activities typically involving queuing lanes, service windows, service islands, and service bays. The additional prohibited uses, identified under subsection (c) of this section that existed within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the lot or parcel where they are located on such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5 that were not previously utilized for such use.

(b) The following uses are permitted uses in Area 5:

- (1) Mixed use developments as defined in this Chapter; and
- (2) Dwellings meeting the density standards of Section 143D.210.

(c) In addition to the prohibited uses in the underlying zone, the following uses that are allowed in the underlying zone are prohibited in Area 5:

- (1) Agricultural production - crops (01);
- (2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);
- (3) Timber tracts (081);
- (4) Forest nurseries and gathering of forest products (0831);
- (5) Crude petroleum and natural gas extraction (131);
- (6) Gas production and distribution (492);
- (7) Lumber and other building materials dealers (521);
- (8) Automotive dealers and gasoline service stations (55), but excluding auto and home supply stores (retail sales only, no service or installation)(5531);
- (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- (10) Camps and recreational vehicle parks (703);
- (11) Carpet and upholstery cleaning (7217);
- (12) Equipment Rental and Leasing (7359);
- (13) Automotive rental and leasing, without drivers (751);
- (14) Automotive repair shops (753);
- (15) Automotive services, except repair (754);

- (16) Motorcycle repair service;
- (17) Professional sports clubs and promoters (7941);
- (18) Temporary motor vehicle and recreational vehicle sales;
- (19) Utilities - secondary truck parking and material storage yard;
- (20) Recycling depots;
- (21) Solid waste transfer stations.

AREA 6 - SECOND STREET CORRIDOR

143D.230. Uses.

(a) Except as provided in subsection (b) of this section, No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, ~~or conditional~~, or wireless communications facilities use in the underlying zone.

(b) The following uses are permitted uses in Area 6:

- (1) Home occupations pursuant with 143D.240.

AREA 7 - WALKER SCHOOL RESIDENTIAL AREA

143D.250. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, ~~or conditional~~, or wireless communications facilities use in the underlying zone.

**CHAPTER 143E
SOUTH GATEWAY OVERLAY ZONE**

143E.055. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the South Gateway Overlay Zone, subject to SRC Chapter 715.

143E.060. Prohibited Uses within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone, including:

- (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores (553) and gasoline service stations (554);
- (2) Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way; and
- (3) Freestanding Support Towers within 300 feet of Commercial Street SE right of way.

**CHAPTER 144
EFU-EXCLUSIVE FARM USE**

144.020. Permitted Uses

~~144.030. Special Uses~~

~~144.035. Administrative Conditional Uses~~

144.040. Conditional Uses

144.050. Prohibited Uses

144.060. Height

144.070. Parcel/Lot Area

144.080. Front Yards and Yards Adjacent to Streets

144.090. Interior Side Yards

144.100. Interior Rear Yards

~~144.030. Special Uses.~~

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the EFU district:

- (1) Antennas attached to existing and approved structures.

144.035. Administrative Conditional Uses. The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in an EFU district:

- (1) Freestanding support structures 35 feet or less in height and equipment enclosures.

144.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EFU district, subject to SRC Chapter 715.

144.050. Prohibited Uses. Within an EFU district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020 to 144.0405.

CHAPTER 145 RA - RESIDENTIAL AGRICULTURE

145.010. Classification of Uses

145.020. Permitted Uses

145.030. Special Uses

145.040. Conditional Uses

145.045. Wireless Communications Facilities

145.050. Prohibited Uses

DEVELOPMENT STANDARDS

145.060. Height

145.070. Lot Area and Dimensions

145.080. Front Yards and Yards Adjacent to Streets

145.090. Interior Side Yards

145.100. Interior Rear Yards

145.105. Infill Lot Side Yards

145.110. Lot Coverage

145.120. Driveways for Dwellings

145.900. Reference to Additional Standards

145.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RA district:

- (1) Veterinary services for animal specialties (0742).
- (2) Funeral service (726) except crematories.
- (3) Public golf courses (7992)
- (4) Membership sports and recreation clubs (7997) having golf courses.
- (5) Elementary and secondary schools (821).
- (6) Religious organizations (866).
- (7) Boat and recreational vehicle storage area.
- (8) Zero side yard dwellings.
- (9) Two family shared housing.
- (10) Public automobile parking areas.
- (11) Manufactured homes on individual lots.

- (12) Bed and breakfast establishments.
- (13) Adult day care center.
- (14) Keeping of a miniature swine.
- (15) Residential Sales/Development Office.
- (16) Wildlife Rehabilitation facility.
- (17) Construction of a replacement single family dwelling unit on an individual lot.
- (18) Individual and Family Social Service (832).
- ~~(19) Antennas attached to existing or approved structures.~~
- ~~(20)~~ (19) Parking for Special Activities at High Schools with Community Parks.
- ~~(21)~~ (20) Cottage Housing.

(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 117 or 118. See SRC 119.010.

145.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RA district, subject to SRC Chapter 715.

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

145.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Preservation of Trees and Vegetation	SRC Chapter 68
Landslide Hazards	SRC Chapter 69
Street Trees	SRC Chapter 86
Planned Unit Developments	SRC Chapter 121
Increased Residential Density	SRC Chapter 122
Mobile Home Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 146
RS - SINGLE FAMILY RESIDENTIAL**

- 146.010. Classification of Uses
- 146.020. Permitted Uses
- 146.030. Special Uses
- ~~146.035. Administrative Conditional Uses~~
- 146.040. Conditional Uses
- 146.045. Wireless Communications Facilities
- 146.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 146.060. Height
- 146.070. Lot Area and Dimensions
- 146.080. Front Yards and Yards Adjacent to Streets
- 146.090. Interior Side Yards
- 146.100. Interior Rear Yards
- 146.105 Infill Lot Side Yards
- 146.110. Lot Coverage
- 146.120. Driveways for Dwellings
- 146.900. Reference to Additional Standards

146.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RS district:

- (1) Funeral service (726) except crematories.
- (2) Public golf courses (7992).
- (3) Membership sports and recreation clubs (7997) having golf courses.
- (4) Elementary and secondary schools (821).
- (5) Religious organizations (866).
- (6) Boat and recreational vehicle storage area.
- (7) Zero side yard dwellings.
- (8) Two family shared housing.
- (9) Public automobile parking areas.
- (10) Manufactured homes on individual lots.
- (11) Bed and breakfast establishments.
- (12) Adult day care center.
- (13) Keeping of a miniature swine.
- (14) Residential Sales/Development Office.
- (15) Existing wildlife rehabilitation facility.
- (16) Construction of a replacement single family dwelling unit on an individual lot.
- (17) Antennas attached to existing or approved structures.
- (18) (17) Parking for Special Activities at High Schools with Community Parks.
- (19) (18) Cottage Housing

(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 117 or 118. See SRC 119.010.

146.035 Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in RS district:

- (1) Freestanding support structures 35 feet or less in height and equipment enclosures.

146.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RS district, subject to SRC Chapter 715.

146.050. Prohibited Uses. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.040~~5~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

146.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Street Trees	SRC Chapter 86
Planned Unit Developments	SRC Chapter 121
Increased Residential Density	SRC Chapter 122
Mobile Home Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 147 RD - DUPLEX RESIDENTIAL

- 147.010. Classification of Uses
- 147.020. Permitted Uses
- 147.030. Special Uses
- ~~147.035. Administrative Conditional Uses~~
- 147.040. Conditional Uses
- 147.045. Wireless Communications Facilities
- 147.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 147.060. Height
- 147.070. Lot Area and Dimensions
- 147.080. Front Yards and Yards Adjacent to Streets
- 147.090. Interior Side Yards
- 147.100. Interior Rear Yards
- 147.110. Lot Coverage
- 147.120. Driveways for Dwellings
- 147.130. Garages and Setbacks
- 147.200. Zone Change Restriction
- 147.900. Reference to Additional Standards

147.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RD district:

- (1) Nursing and personal care facilities (805).
- (2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.
- (3) Zero side yard dwellings.
- (4) Keeping of a miniature swine.
- (5) Manufactured homes on individual lots.
- ~~(6) Antennas attached to existing or approved structures.~~
- (7) (6) Religious organizations (866).

(b) In lieu of establishing any use listed in subsection (2) (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 117 or 118. See SRC 119.010.

147.035 Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in RD district:

- (1) Freestanding support structures 35 feet or less in height and equipment enclosures.

147.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RD district, subject to SRC Chapter 715.

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Street Trees	SRC Chapter 86
Planned Unit Developments	SRC Chapter 121
Increased Residential Density	SRC Chapter 122
Mobile Home Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 148

RM1 and RM2 - MULTIPLE FAMILY RESIDENTIAL

- 148.150. RM1 Classification of Uses
- 148.160. RM1 Permitted Uses
- 148.170. RM1 Special Uses
- 148.180. ~~RM1 Administrative Conditional Uses~~
- 148.190. RM1 Conditional Uses
- 148.195. RM1 Wireless Communications Facilities
- 148.200. RM1 Prohibited Uses

RM1 DEVELOPMENT STANDARDS

- 148.210. RM1 Design Approval
- 148.220. RM1 Dwelling Unit Density
- 148.230. RM1 Height
- 148.240. RM1 Lot Area and Dimensions
- 148.250. RM1 Front Yards and Yards Adjacent to Streets
- 148.260. RM1 Interior Side and Rear Yards

148.270. RM1 Lot Coverage
148.280. RM1 Landscaping
148.290. RM1 Storage
148.300. RM1 Reference to Additional Standards

148.310. RM2 Permitted Uses
148.320. RM2 Special Uses
~~148.330. RM2 Administrative Conditional Uses~~
148.340. RM2 Conditional Uses
148.345. RM2 Wireless Communications Facilities
148.350. RM2 Prohibited Uses

RM2 DEVELOPMENT STANDARDS

148.360. RM2 Design Approval
148.370. RM2 Dwelling Unit Density
148.380. RM2 Height
148.390. RM2 Lot Area and Dimensions
148.400. RM2 Front Yards Adjacent to Streets
148.410. RM2 Interior Side and Rear Yards
148.420. RM2 Lot Coverage
148.430. RM2 Landscaping
148.440. RM2 Storage
148.450. RM2 Reference to Additional Standards

148.170. RM1 Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RM1 district:

- (1) Nursing and personal care facilities
- (2) Elementary and secondary schools
- (3) Religious organizations
- (4) Zero side yard dwellings
- (5) Manufactured homes on individual lots, provided the minimum density requirements of SRC RM1 148.220 are met
- (6) Adult day care center
- (7) Keeping of miniature swine
- (8) Residential Sales/Development Office
- ~~(9) Antennas attached to existing or approved structures~~

(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 117 or 118.

~~148.180. RM1 Administrative Conditional Uses.~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in the RM1 district:~~

- ~~(1) Freestanding support structures less than 35 feet in height and equipment enclosures.~~

148.195. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM1 district, subject to SRC Chapter 715.

148.200. RM1 Prohibited Uses. Within any ~~RD~~ RM1 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC.

147.020 148.160 to 147.040 148.195, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

148.210. RM1 Design Approval. Developments subject to SRC 148.160-148.190 and SRC 148.200-148.300 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the adopted Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this chapter.

148.300. RM1 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Planned Unit Development	SRC Chapter 121
Mobile Homes Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 141
Development Design Review Board	SRC Chapter DB <u>120</u>
Development Design Review Process	SRC Chapter DR
City of Salem Development Design Handbook	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

148.330. RM2 Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in the RM2 district:

- (1) Freestanding support structures less than 70 feet in height and equipment enclosures.

148.345. RM2 Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM2 district, subject to SRC Chapter 715.

148.350. RM2 Prohibited Uses. Within any ~~RD~~ RM2 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 148.310 to 147.040 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

148.360. RM2 Design Approval. Developments subject to SRC 148.310-148.340 and SRC 148.350-148.450 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this chapter.

148.450. RM2 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Planned Unit Development	SRC Chapter 121
Mobile Home Parks	SRC Chapter 123

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
Development Design Review Board	SRC Chapter DB <u>120</u>
Development Design Review Process	SRC Chapter DR
City of Salem Design Review Handbook	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 149
RH - MULTIPLE FAMILY HIGH-RISE RESIDENTIAL**

- 149.010. Classification of Uses
- 149.020. Permitted Uses
- 149.030. Special Uses
- ~~149.035. Administrative Conditional Uses~~
- 149.040. Conditional Uses
- 149.045. Wireless Communications Facilities
- 149.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 149.060. Front Yards and Yards Adjacent to Streets
- 149.070. Interior Side Yards
- 149.080. Interior Rear Yards
- 149.090. Landscaping
- 149.100. Storage
- 149.900. Reference to Additional Standards

149.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RH district:

- (1) Nursing and personal care facilities (805);
- (2) Elementary and secondary schools (821);
- (3) Religious organizations (866);
- (4) Mixed use buildings;
- (5) Adult day care center;
- (6) Keeping of a miniature swine;
- (7) Residential Sales/Development Office;
- ~~(8) Antennas attached to existing or approved structures;~~
- (9) (8) Ambulance Station.

(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 117 or 118. See SRC 119.010.

~~149.035. Administrative Conditional Uses. (a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in RH district:~~

- ~~(1) Freestanding support structures less than 70 feet in height and equipment enclosures.~~

149.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RH district, subject to SRC Chapter 715.

149.050. Prohibited Uses. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

149.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Preservation of Trees and Vegetation	SRC Chapter 68
Landslide Hazards	SRC Chapter 69
Planned Unit Developments	SRC Chapter 121
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 150 CO - COMMERCIAL OFFICE

- 150.010. Classification of Uses
- 150.020. Permitted Uses
- 150.030. Special Uses
- ~~150.035. Administrative Conditional Uses~~
- 150.040. Conditional Uses
- 150.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 150.060. Height
- 150.070. Lot Area and Dimensions
- 150.080. Yards Adjacent to Streets
- 150.090. Interior Side and Rear Yards
- 150.100. Lot Coverage
- 150.110. Landscaping
- 150.120. Open Storage Area
- 150.130. Core Area CO Zone District.
- 150.140. Development Standards in Core Area CO Zone District.
- 150.900. Reference to Additional Standards

150.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the CO district:

- (1) Veterinary services for animal specialties (0742);
- (2) Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses;

- (3) Nursing and personal care facilities (805);
- (4) Religious organizations (866);
- (5) Boat and recreational vehicle storage area;
- (6) Zero side yard dwellings;
- (7) Orthopedic and artificial limb offices - retail (5999);
- (8) Keeping of miniature swine;
- ~~(9) Antennas attached to existing or approved structures;~~
- ~~(10)~~ (9) Ambulance Station.

(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 117 or 118. See SRC 119.010.

150.035. Administrative Conditional Uses.

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CO district:~~

- ~~(1) Freestanding support structures less than 70 feet in height and equipment enclosures.~~

150.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CO district, subject to SRC Chapter 715.

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to 150.040~~5~~, unless the use is deemed an equivalent use pursuant to except as provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

150.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Preservation of Trees and Vegetation	SRC Chapter 68
Landslide Hazards	SRC Chapter 69
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 151
CN - NEIGHBORHOOD COMMERCIAL**

- 151.010. Classification of Uses
- 151.020. Permitted Uses
- 151.030. Special Uses
- ~~151.035. Administrative Conditional Uses~~
- 151.040. Conditional Uses
- 151.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 151.060. Height

- 151.070. Lot Area and Dimensions
- 151.080. Yards Adjacent to Streets
- 151.090. Interior Side Yards
- 151.100. Interior Rear Yards
- 151.110. Lot Coverage
- 151.120. Open Storage
- 151.140. Landscaping
- 151.150. Hours of Operation
- 151.200. Zone Change Standards
- 151.210. Site Plan Required
- 151.220. Site Plan Composition
- 151.230. Consistency with Comprehensive Plan
- 151.900. Reference to Additional Standards

151.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the ~~CR~~ CN district:

- (1) Keeping of a miniature swine.
- (2) Antennas attached to existing or approved structures.
- (3) Freestanding support structures 35 feet or less in height and equipment enclosures.

(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 117 or 118. See SRC 119.010.

~~**151.035 Administrative Conditional Uses.**~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CN district:~~

- ~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

151.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the CN district:

- (a) Crude petroleum and natural gas extraction (131).
- (b) Electric services (491).
- (c) Gas production and distribution (492).
- (d) Water supply (494).
- (e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
- (f) Freestanding support structures greater than 70 feet in height and equipment enclosures.

151.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CN district, subject to SRC Chapter 715.

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to 151.040~~5~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

151.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 152
CR - RETAIL COMMERCIAL**

- 152.010. Classification of Uses
- 152.020. Permitted Uses
- 152.030. Special Uses
- ~~152.035. Administrative Conditional Uses~~
- 152.040. Conditional Uses
- 152.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 152.060. Height
- 152.070. Lot Area and Dimensions
- 152.080. Yards Adjacent to Streets
- 152.090. Interior Side Yards
- 152.100. Interior Rear Yards
- 152.110. Landscaping
- 152.120. Core Area CR Zone Districts
- 152.130. Development Standards in Core Area CR Zone Districts
- 152.900. Reference to Additional Standards

152.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CR district:

- (1) Gasoline service stations (554);
- (2) Used merchandise store (593);
- (3) Secondary dwellings and guest rooms;
- (4) Entertainment establishments;
- (5) Keeping of a miniature swine;
- (6) Existing wildlife rehabilitation facility;
- (7) Mobile food unit;
- ~~(8) Antennas attached to existing or approved structures;~~
- ~~(9) Freestanding support structures 35 feet or less in height and equipment enclosures.~~
- ~~(10)~~ (8) Temporary motor vehicle sales (551);
- ~~(11)~~ (9) Temporary recreational vehicle sales (556);
- ~~(12)~~ (10) One single family dwelling, other than a manufactured home, per lot;
- ~~(13)~~ (11) Ambulance Station;
- ~~(14)~~ (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 117 or 118. See SRC. 119.010.

152.035 Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in S.C. chapter 116, are permitted in CR district:

- (1) ~~Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

152.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the CR district:

(a) Those uses listed in S.C. 152.030, at the developer's option, as provided in subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131);

(c) **Manufacturing:**

- (1) Jewelry, silverware, and plated ware (391);
- (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396);
- (3) Signs and advertising specialties (3993).

(d) **Transportation, communications, electric, gas, and sanitary services:**

- (1) Local and suburban passenger transportation (411);
- (2) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413);
- (3) Communication services, not elsewhere classified (489);
- (4) Electric services (491);
- (5) Gas production and distribution (492);
- (6) Water supply (494);
- (7) ~~Free standing support structures greater than 70 feet in height and equipment enclosures.~~

(e) **Retail:**

- (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554), and auto and home supply stores as permitted under S.C. 152.020(e)(14);
- (2) Nonstore retailers (596).

(f) **Services:**

- (1) Camps and recreational vehicle parks (703);
- (2) Carpet and upholstery cleaning (7217);
- (3) Automotive rental and leasing, without drivers (751);
- (4) Automotive repair shops (753);
- (5) Automotive services, except repair (754);
- (6) Electrical repair shops (762);
- (7) Reupholstery and furniture repair (764);
- (8) Motorcycle repair service;
- (9) Professional sports clubs and promoters (7941).
- (10) Homeless shelters and room and board facilities serving 6 to 75 persons.

(g) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, condominiums, and residential hotels.

(h) **Other uses:**

- (1) Utilities - secondary truck parking and material storage yard.
- (2) Recycling depots.
- (3) Solid waste transfer stations.
- (4) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

152.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CR district, subject to SRC Chapter 715.

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 152.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) allowed as a nonconforming use pursuant to SRC Chapter 112.

152.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 153 CG - GENERAL COMMERCIAL

- 153.010. Classification of Uses
- 153.020. Permitted Uses
- 153.030. Special Uses
- 153.035. Administrative Conditional Uses
- 153.040. Conditional Uses
- 153.050. Prohibited Uses

DEVELOPMENT STANDARDS

- 153.060. Height
- 153.070. Lot Area and Dimensions
- 153.080. Yards Adjacent to Streets
- 153.090. Interior Side Yards
- 153.100. Interior Rear Yards
- 153.110. Landscaping
- 153.900. Reference to Additional Standards

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) (5) Mobile food unit;
- (8) (6) Temporary motor vehicles sales (551);
- (9) (7) Temporary recreational vehicle sales (556);
- (10) (8) One single family dwelling, other than a manufactured home, per lot;

~~(11)~~ (9) Ambulance Station;

~~(12)~~ (10) 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 117 or 118. See SRC 119.010.

~~153.035 Administrative Conditional Uses.~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CG district:~~

~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 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 subsection (b) of that section.

(b) Animal specialty services, except veterinary (0752).

(c) Farm labor and management services (076).

(d) Crude petroleum and natural gas extraction (131).

(e) Jewelry, silverware, and plated ware (391).

(f) Costume jewelry and notions (396).

(g) Signs and advertising specialties (3993).

(h) Electric services (491).

(i) Gas production and distribution (492).

(j) Water supply (494).

(k) Durable goods, not elsewhere classified (5099).

(l) Fish and seafoods (5146).

(m) Drive-in motion picture theaters (7833).

(n) Racing, including track operations (7948).

(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.

(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.

(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.

(r) Solid waste transfer stations.

(s) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

~~(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~

153.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CG district, subject to SRC Chapter 715.

153.050. Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.040~~5~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

153.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards

SRC Chapter 69

Lot Development Standards

SRC Chapter 130

Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 154
CB - CENTRAL BUSINESS DISTRICT**

- 154.010. Classification of Uses
- 154.020. Permitted Uses
- 154.030. Special Uses
- ~~154.035. Administrative Conditional Uses~~
- 154.040. Conditional Uses
- 154.050. Prohibited Uses
- 154.055. CB Zone Districts

DEVELOPMENT STANDARDS

- 154.060. Side and Rear Yards
- 154.070. Yards Adjacent to Streets; Building
- 154.080. Building Height
- 154.090. Design Approval
- 154.900. Reference to Additional Standards

154.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the CB district:

- (1) Keeping of a miniature swine;
- (2) Antennas attached to existing or approved structures;
- ~~(3) Freestanding support structures thirty five feet or less in height and equipment enclosures;~~
- (4) Mobile food unit;
- (5) ~~(3)~~ Ambulance station;
- (6) ~~(4)~~ 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 117 or SRC Chapter 118. See SRC 119.010.

~~**154.035 Administrative Conditional Uses.**~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CB district:~~

- ~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

154.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the CB district:

- (a) Helicopter landing area, with or without passenger and freight terminal facilities.
- (b) Farm labor and management services (076);

- (c) Crude petroleum and natural gas extraction (131);
- (d) Jewelry, silverware, and plated ware (391);
- (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396);
- (f) Electric services (491);
- (g) Gas production and distribution (492);
- (h) Water supply (494);
- (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement of SRC 154.020(e);
- (j) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(e).
- (k) Recycling depots.
- (l) Solid waste transfer stations.
- (m) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.
- (n) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
- ~~(o) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~
- ~~(p) Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.~~

154.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CB district, subject to SRC Chapter 715.

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

154.090 Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or relocatable structures not attached to a permanent foundation.

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133

Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 155
IC - INDUSTRIAL COMMERCIAL**

- 155.010. Classification of Uses
- 155.020. Permitted Uses
- 155.030. Special Uses
- ~~155.035. Administrative Conditional Uses~~
- 155.040. Conditional Uses
- 155.050. Prohibited Uses
- 155.055. Industrial Performance Standards

DEVELOPMENT STANDARDS

- 155.060. Height
- 155.070. Lot Area and Dimensions
- 155.080. Yards Adjacent to Streets
- 155.090. Interior Side Yards
- 155.100. Interior Rear Yards
- 155.900. Reference to Additional Standards

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

- (1) Mobile home as a dwelling for a caretaker;
- (2) Entertainment establishments;
- (3) Keeping of a miniature swine;
- (4) Wildlife rehabilitation facility;
- (5) Mobile food unit;
- ~~(6) Antennas attached to existing structures;~~
- ~~(7) Freestanding support structures 35 feet or less in height and equipment enclosures;~~
- (8) One single family dwelling, other than a manufactured home, per lot;
- (9) ~~(7)~~ Ambulance Station;
- ~~(10)~~ ~~(8)~~ 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 117 or 118. See SRC 119.010.

~~155.035 Administrative Conditional Uses.~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IC district:~~

- ~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

155.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the IC district:

(a) **Agriculture:**

- (1) Animal specialty services (0752).
- (b) Mining:**
 - (1) Crude petroleum and gas extraction (131).
- (c) Manufacturing:**
 - (1) Millwork (2431);
 - (2) Structural wood members, not elsewhere classified (2439);
 - (3) Wooden containers (244);
 - (4) Miscellaneous wood products (249);
 - (5) Furniture and fixtures (25);
 - (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289);
 - (7) Rubber and plastics footwear (302);
 - (8) Fabricated rubber products, not elsewhere classified (306);
 - (9) Miscellaneous plastics products (307);
 - (10) Leather tanning and finishing (311);
 - (11) Fabricated structural metal products (344);
 - (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345);
 - (13) Coating, engraving, and allied services (347);
 - (14) Miscellaneous fabricated metal products (349);
 - (15) Metalworking machinery and equipment (354);
 - (16) Woodworking machinery (3553);
 - (17) Refrigeration and service industry machinery (358);
 - (18) Ship and boat building and repairing (373);
 - (19) Jewelry, silverware, and patch ware (391);
 - (20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).
- (d) Transportation, communication, electric, gas, and sanitary services:**
 - (1) Air transportation, Nonscheduled (452).
 - (1) ~~Freestanding support structures greater than 70 feet in height and equipment enclosures.~~
- (e) Utilities:**
 - (1) Electrical service (491);
 - (2) Gas production and distribution (492);
 - (3) Water supply (494).
- (f) Wholesale trade:**
 - (1) Durable goods, not elsewhere classified (5099).
- (g) Services:**
 - (1) Residential care (836).
- (h) Residential:**
 - (1) Single family dwellings, other than mobile homes;
 - (2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710;
 - (3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums;
 - (4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and
- (i) Other uses:**
 - (1) Solid waste transfer stations.
 - (2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
- (j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.**

155.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IC district, subject to SRC Chapter 715.

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.040~~5~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 156 IBC - INDUSTRIAL BUSINESS CAMPUS

- 156.010. Classification of Uses
- 156.020. Permitted Uses
- 156.030. Special Uses
- ~~156.032. Administrative Conditional Uses~~
- 156.035. Conditional Uses
- 156.040. Flexible Space Uses
- 156.050. Prohibited Uses
- 156.060. Industrial Performance Standards
- 156.070. Location Standards
- 156.080. Height
- 156.090. Lot Area and Dimensions
- 156.100. Yards Adjacent to Streets
- 156.110. Yards Adjacent to Other Districts
- 156.120. Side and Rear Yards
- 156.130. Lot Coverage
- 156.140. Open Storage
- 156.150. Landscaping
- 156.160. Off-street Parking and Loading
- 156.170. Lighting
- 156.900. Reference to Additional Standards

156.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IBC district:

- (1) Gasoline service stations (554);
- (2) Antennas attached to existing or approved structures;
- (3) Freestanding support structures 35 feet or less in height and equipment enclosures;
- (4) Colleges, universities, professional schools, and junior colleges (8221);

(5) (3) One single family dwelling, other than a manufactured home, per lot;

(6) (4) Ambulance Station;

(7) (5) Ambulance Service Facility.

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:

(1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and

(2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

~~156.032 Administrative Conditional Uses.~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IBC district:~~

~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

156.035. Conditional Uses.

The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IBC district:

(a) **Transportation, communication, electric, gas, and sanitary services:**

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(b) **Utilities:**

(1) Electrical service (491);

(2) Gas production and distribution (492);

(3) Water supply (494).

156.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IBC district, subject to SRC Chapter 715.

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 156.03045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards

SRC Chapter 69

Wireless Communications Facilities

SRC Chapter 715

**CHAPTER 157
IP - INDUSTRIAL PARK**

157.010. Classification of Uses

157.020. Permitted Uses

157.030. Special Uses

~~157.035. Administrative Conditional Uses~~

157.040. Conditional Uses

- 157.050. Prohibited Uses
- 157.060. Industrial Performance Standards

DEVELOPMENT STANDARDS

- 157.070. Height
- 157.080. Lot Area and Dimensions
- 157.090. Yards Adjacent to Streets
- 157.100. Interior Side Yards
- 157.110. Interior Rear Yards
- 157.120. Open Storage
- 157.130. Landscaping
- 157.900. Reference to Additional Standards

157.030. Special Uses.

(a) The following uses, when restricted, developed, and conducted as required in SRC chapter 119, are permitted in the IP district:

- (1) Gasoline service stations (554);
- (2) Mobile home as a dwelling for a caretaker;
- ~~(3) Antennas attached to existing or approved structures;~~
- (4) Freestanding support structures 35 feet or less in height and equipment enclosures;
- ~~(5)~~ (3) One single family dwelling, other than a manufactured home, per lot;
- ~~(6)~~ (4) Ambulance Station;
- ~~(7)~~ (5) 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 117 or 118. See SRC 119.010.

157.035. Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IP district:

- ~~(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.~~

157.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IP district:

(a) **Transportation, communication, electric, gas, and sanitary services:**

- (1) Air transportation, Nonscheduled (452); and
- ~~(2) Freestanding support structure greater than 70 feet in height and equipment enclosures.~~

(b) Crude petroleum and natural gas extraction (131); and

(c) Carpentering and flooring (175).

(d) **Manufacturing:**

- (1) Food and kindred products (20) BUT EXCLUDING beverages (208);
- (2) Miscellaneous textile goods (229);
- (3) Lumber and wood products, except furniture (24);
- (4) Furniture and fixtures (25);
- (5) Paper and allied products (26);
- (6) Chemicals and allied products (28);
- (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303);
- (8) Leather tanning and finishing (311);
- (9) Flat glass (321);

- (10) Glass and glassware, pressed or blown (322);
- (11) Pottery and related products (326);
- (12) Cut stone and stone products (328);
- (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329);
- (14) Coating, engraving, and allied services (347);
- (15) Ordnance and accessories, except vehicles and guided missiles (348);
- (16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020;
- (17) Storage batteries (3691);
- (18) Primary batteries, dry and wet (3692);
- (19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020; and
- (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

(e) Public utilities:

- (1) Electric services (491);
- (2) Gas production and distribution (492); and
- (3) Water supply (494).

(f) Wholesale trade:

- (1) Durable goods, not elsewhere classified (5099);
- (2) Chemicals and allied products (516);
- (3) Petroleum and petroleum products (517); and

(g) Animal specialty services, excluding veterinary (0752).

(h) Other uses:

- (1) Solid waste transfer stations.

(i) Those uses listed in SRC 157.030, at the developer's option, as provided in subsection (b) of that section.

157.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IP district, subject to SRC Chapter 715.

157.050. Prohibited Uses. Within any IP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to 157.040~~5~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

157.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 158
IG - GENERAL INDUSTRIAL

- 158.010. Classification of Uses
- 158.020. Permitted Uses
- 158.030. Special Uses
- ~~158.035. Administrative Conditional Uses~~
- 158.040. Conditional Uses
- 158.050. Prohibited Uses
- 158.060. Industrial Performance Standards

DEVELOPMENT STANDARDS

- 158.070. Height
- 158.080. Lot Area and Dimensions
- 158.090. Yards Adjacent to Streets
- 158.100. Interior Side Yards
- 158.110. Interior Rear Yards
- 158.900. Reference to Additional Standards

158.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the IG district;

- (1) Scrap and waste materials establishments (5093);
- (2) Mobile home as a dwelling for a caretaker;
- (3) Wildlife rehabilitation facility;
- (4) Mobile food unit;
- (5) Lumber and other building materials;
- (6) Retail nurseries, lawn and garden supply stores;
- (7) Antennas attached to existing or approved structures;
- (8) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from an R or CO zone and equipment enclosures;
- (9) ~~(7)~~ Recreational vehicle sales (5561);
- (10) ~~(8)~~ One single family dwelling, other than a manufactured home, per lot;
- (11) ~~(9)~~ Ambulance Station;
- (12) ~~(10)~~ 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 117 or 118. See SRC 119.010.

~~**158.035. Administrative Conditional Uses.**~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IG district:~~

- ~~(1) Freestanding support structures between 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.~~

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IG district:

- (a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.
- (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);
 - (18) Secondary smelting and refining of nonferrous metals (334);
 - (19) Rolling, drawing, and extruding of nonferrous metals (335);
 - (20) Nonferrous foundries (castings) (336);
 - (21) Miscellaneous primary metal products (339);
 - (22) Ordinance and accessories, except vehicles and guided missiles (348);
 - (23) Storage batteries (3691);
 - (24) Primary batteries, dry and wet (3692);
- (f) **Wholesale trade:**
 - (1) Livestock (5154).
 - (2) Chemicals and allied products (516).
- (g) **Services:**
 - (1) Racing, including track operation (7948).
- (h) **Other uses:**
 - (1) Solid waste transfer stations.

158.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IG district, subject to SRC Chapter 715.

158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to 158.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) allowed as a nonconforming use pursuant to SRC Chapter 112.

158.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 159
II - INTENSIVE INDUSTRIAL**

- 159.010. Classification of Uses
- 159.020. Permitted Uses
- 159.030. Special Uses
- ~~159.035. Administrative Conditional Uses~~
- 159.040. Conditional Uses
- 159.050. Prohibited Uses
- 159.060. Industrial Performance Standards

DEVELOPMENT STANDARDS

- 159.070. Height
- 159.080. Lot Area and Dimensions
- 159.090. Yards Adjacent to Streets
- 159.100. Interior Side Yards
- 159.110. Interior Rear Yards
- 159.900. Reference to Additional Standards

159.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in an II district:

- ~~(1) Antennas attached to an existing and approved structure;~~
- ~~(2) Freestanding support structures 35 feet or less in height and equipment enclosures;~~
- ~~(3) (1) Ambulance Station;~~
- ~~(4) (2) Ambulance Service Facility.~~

~~159.035. Administrative Conditional Uses.~~

~~(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in II district:~~

- ~~(1) Freestanding support structures between 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.~~

159.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the II district:

- (a) 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 an R or CO zone and equipment enclosures.~~
- (b) Crude petroleum and natural gas extraction (131);
- (c) Animal and marine fats and oils (2077);
- (d) Ordinance and Accessories except vehicles and guided missiles (348);
- (e) Eating and drinking places (58);
- (f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded;
- (g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC chapter 118.
- (h) Solid waste transfer stations.

159.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the II district, subject to SRC Chapter 715.

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 160 P - PUBLIC USE

- 160.010. Classification of Uses
- 160.020. Prohibited Uses
- 160.030. Permitted Uses; PA (Public Amusement) District
- 160.040. Permitted Uses; PC (Public and Private Cemeteries) District
- 160.050. Permitted Uses; PE (Public and Private Educational Services) District
- 160.060. Permitted Uses; PH (Public and Private Health Services) District
- 160.070. Permitted Uses; PS (Public Service) District
- 160.080. Permitted Uses; PM (Capitol Mall) District
- 160.090. Common Uses
- 160.100. Special Uses in P Zones
- ~~160.110. Administrative Conditional Uses~~
- ~~160.120. Conditional Uses~~

DEVELOPMENT STANDARDS

- 160.200. Height
- 160.210. Lot Area and Dimensions
- 160.220. Yards Adjacent to Streets
- 160.230. Interior Side Yards
- 160.240. Interior Rear Yards
- 160.250. Lot Coverage
- 160.260. Storage
- 160.270. Landscaping
- 160.900. Reference to Additional Standards

160.020. Prohibited Uses Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular district under SRC 160.030 to 160.1205 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

- (1) Mobile home as a dwelling for a caretaker;
- (2) Existing wildlife rehabilitation facility;
- (3) Wildlife rehabilitation facility;
- (4) Mobile food unit;
- (5) Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission;
- (6) Antennas attached to existing or approved structures;
- (7) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures;
- (8) (6) Ambulance Station;
- (9) (7) 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 117 or 118. See SRC 119.010.

160.110. Administrative Conditional Uses.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in P district:

- (1) Freestanding support structures 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.

160.120. CONDITIONAL USES. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the P district:

(a) Freestanding support structures greater than 70 feet in height and equipment enclosures.

160.125. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the P district, subject to SRC Chapter 715.

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

Preservation of Trees and Vegetation

SRC Chapter 68

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units	
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

CHAPTER 161 EMPLOYMENT CENTER

- 161.005. Intent and Purpose
- 161.010. Classification of Uses
- 161.020. Permitted Uses
- 161.030. EC Retail - Service Center Subzone
- ~~161.040. Administrative Conditional Uses~~
- 161.050. Industrial Performance Standards
- 161.060. Height
- 161.070. Lot Size and Frontage
- 161.080. Lot Coverage
- 161.090. Setbacks
- 161.100. Parking
- 161.120. Landscaping, Generally
- 161.130. Landscaping in Parking Lot and Vehicular Use Areas
- 161.140. Screening
- 161.150. Outdoor Storage
- 161.160. Lighting
- 161.170. Additional Standards

~~**161.040. Administrative Conditional Uses.** Freestanding support structures and equipment enclosures are administrative conditional uses in the EC Zone.~~

161.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EC Zone, subject to SRC Chapter 715.

161.060. Height. No building, ~~or structure or freestanding support structure~~ in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, ~~or structure or freestanding support structure~~ that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

161.170. Additional Standards. Additional standards may apply to development in the EC Zone as a result of regulations found in the following chapters:

SRC Chapter 69	Landslide Hazards
SRC Chapter 140	Flood Plain Overlay Zone
SRC Chapter 125	Airport Overlay Zone
<u>SRC Chapter 715</u>	<u>Wireless Communications Facilities</u>

CHAPTER 162
SWMU – SOUTH WATERFRONT MIXED-USE

- 162.010. Intent and Purpose
- 162.020. Definitions
- 162.030. Classification of Uses
- 162.040. Permitted Uses
- 162.050. Special Uses
- ~~162.060. Administrative Conditional Uses~~
- 162.070. Mix of Uses Required
- 162.080. Height
- 162.090. Lot Size
- 162.100. Lot Coverage
- 162.110. Setbacks
- 162.120. Design Approval
- 162.130. Additional Standards

162.050. Special Uses.

The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

- ~~(a) Antennas attached to existing or approved structures.~~
- ~~(b) (a) Mobile food unit.~~

~~162.060. Administrative Conditional Uses.~~ The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in SWMU Zone: freestanding support structures between thirty six feet and seventy feet in height and equipment enclosures.

162.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the SWMU Zone, subject to SRC Chapter 715.

162.120 Design Approval.

(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or relocatable structures not attached to a permanent foundation.

(b) Lawful non-conforming buildings or structures may be structurally altered or enlarged provided such new development reduces the degree of non-conformity, and meets all other provisions of the Zoning Code and other laws, ordinances and regulations.

162.130. Additional Standards. Additional standards may apply to development in the SWMU Zone. In the event there is any conflict between the standards of this Chapter and those contained in other chapters of the Salem Revised Code, the provisions of this Chapter shall control.

Chapters that provide additional standards include, but may not be limited to:

Sign Code	SRC Chapter 62
Home Occupations	SRC Chapter 124
General Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading, and Driveways	SRC Chapter 133

Floodplain Overlay Zones	SRC Chapter 140
Willamette Greenway	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 163
SITE PLAN REVIEW**

163.010. Site Plan Review, Purpose. The purpose of site plan review is to provide a unified, consistent and efficient means to review proposed development that requires a building permit, other than single-family residential, duplex residential development, wireless communications facilities, and installation of signs, to ensure that such development meets all requirements imposed by the Salem Revised Code, which include requirements related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, and landscaping; and requirements that transportation and utility infrastructure are adequate or will be adequate to serve the proposed development.

163.030. Site Plan Review, Exemptions. The following development applications shall not require site plan review:

- (a) The construction of single-family or duplex dwellings on an individual lot, including the construction of accessory structures associated with such dwellings.
- (b) The installation of signs pursuant to SRC Chapter 62.
- (c) Regular and ordinary repair or maintenance of existing structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (d) The alteration or regular and ordinary repair or maintenance of the front or face of an existing building.
- (e) Interior construction or tenant improvements that involve no change of use.
- (f) Wireless communications facilities.

**CHAPTER 215
NEIGHBORHOOD CENTER MASTER PLAN**

215.055. Additional Standards. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU shall apply.

(a) Signs	SRC Chapter 900
(b) Preservation of Trees and Vegetation	SRC Chapter 68
(c) Landslide Hazards	SRC Chapter 69
(d) Trees and Shrubs	SRC Chapter 86
(e) Home Occupations	SRC Chapter 124
(f) Wetlands	SRC Chapter 126
(g) General Development Standards	SRC Chapter 130
(h) Accessory Structures	SRC Chapter 131
(i) Landscaping	SRC Chapter 132
(j) Off-Street Parking, Loading, and Driveways	SRC Chapter 133
(k) Flood Plain Overlay Zones	SRC Chapter 140
<u>(l) Wireless Communications Facilities</u>	<u>SRC Chapter 715</u>

**CHAPTER 300
PROCEDURES FOR LAND USE APPLICATIONS
AND LEGISLATIVE LAND USE PROPOSALS**

APPLICATION PROCEDURE TYPES AND REVIEW AUTHORITIES

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 300.100-1. The procedure type governs the decision-making process for the specific land use application.

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 the 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 decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	The 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	The 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 300.100-2.

(c) When the procedure type for a land use application is not identified in Table 300.100-2, 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 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
ADJUSTMENT	II	N	PA	HO	SRC 116
ADMINISTRATIVE CONDITIONAL USE	II	N	PA	HO	SRC 116
CODE INTERPRETATION	III	N	PC	CC	SRC 110
COMPREHENSIVE PLAN CHANGE					

Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	SRC 64
-Minor Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 64
CONDITIONAL USE	III	Y	HO	PC	SRC 117
DESIGN REVIEW					
-Administrative - Standards	I	Y	PA	-	SRC 120
-Discretionary - Guidelines	III	Y	PC	CC	SRC 120
FAIRVIEW MIXED-USE ZONE					
-Fairview Plan	III	Y	PC	CC	SRC 143C
-Fairview Plan Amendment – Minor	II	Y	PA	PC	SRC 143C
-Fairview Plan Amendment – Major	III	Y	PC	CC	SRC 143C
-Refinement Plan	III	Y	PC	CC	SRC 143C
-Refinement Plan Amendment – Minor	II	Y	PA	PC	SRC 143C
-Refinement Plan Amendment – Major	III	Y	PC	CC	SRC 143C
FLOOD PLAIN OVERLAY ZONE					
-Floodplain Development Permit	I	N	BO & PWD	-	SRC 140
-Floodplain Overlay Zone Variance	III	N	HO	CC	SRC 140
HISTORIC REVIEW					
-Historic Design Review (Minor)	I	N	PA	HLC	SRC 230
-Historic Design Review (Major)	III	N	HLC	HO	SRC 230
-Historic Resource Adaptive Reuse	III	N	HO	PC	SRC 230
-Historic Resource Demolition	III	N	HLC	CC	SRC 230

Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
-Local Historic Resource Designation	IV	N	HLC – Recommendation; CC – Decision	-	SRC 230
-Local Historic Resource Designation Removal (Class 1)	I	N	PA	-	SRC 230
-Local Historic Resource Designation Removal (Class 2)	IV	N	HLC – Recommendation; CC – Decision	-	SRC 230
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	SRC 123
MASTER PLAN	III	Y	PC	CC	
NEIGHBORHOOD PLANS					
-Neighborhood Plan Change (Applicant Initiated)	III	Y	PC	CC	SRC 64
-Neighborhood Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 64
PARTITION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
PLANNED UNIT DEVELOPMENT					
-Tentative Plan	III	Y	PC	CC	SRC 121
-Tentative Plan w/ Subdivision	III	Y	PC	CC	SRC 121
-Final Plan	I	N	PA	-	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	SRC 63
REPLAT	II	N	PA	PC	SRC 63
SIGNS					
-Sign Permit	I	N	CDD	-	SRC 62
-Sign Conditional Use Permit	III	N	HO	PC	SRC 62
-Sign Variance	III	N	HO	PC	SRC 62

Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
SITE PLAN REVIEW					
-Type I Limited	I	N	PA	-	SRC 163
-Type I	I	N	PA	-	SRC 163
-Type II	II	N	PA	HO	SRC 163
SPECIFIC CONDITIONAL USE					
	III	Y	HO	PC	SRC 118
SUBDIVISION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
-Subdivision of Manufactured Dwelling Park	II	N	PA	PC	SRC 63
TREE & VEGETATION REMOVAL					
-Tree Conservation Plan	I	N	PA	-	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	SRC 68
-Hardship Variance	II	N	PA	HO	SRC 68
-Economical Use Variance	II	N	PA	HO	SRC 68
URBAN GROWTH MANAGEMENT					
-Urban Service Area Amendment	IV	N	CC	-	SRC 66
-UGA Development Permit Preliminary Declaration	II	N	PA	CC	SRC 66
-UGA Development Permit	I	N	PWD	-	SRC 66
VALIDATION OF UNITS OF LAND					
	III	Y	HO	PC	SRC 63
VARIANCE					
	III	Y	HO	PC	SRC 115
WILLAMETTE GREENWAY					
-Greenway Development Permit – Outside Compatibility Review	II	N	PA	HO	SRC 141

Table 300.100-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
Boundary					
-Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	SRC 141
<u>WIRELESS COMMUNICATIONS FACILITIES SITING</u>					
<u>-Temporary</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>SRC 715</u>
<u>-Class A</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>SRC 715</u>
<u>-Class B</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>SRC 715</u>
<u>-Class C</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>SRC 715</u>
<u>-Variance</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>SRC 715</u>
ZONE CHANGE					
-Zone Change (Applicant Initiated)	III	Y	HO	PC	SRC 113
-Zone Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 113
ZONE CHANGE W/ COMPREHENSIVE PLAN CHANGE	III	Y	PC	CC	SRC 113; SRC 64
<u>LEGEND</u>					
<p>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</p>					

CHAPTER 532

NCMU - NEIGHBORHOOD CENTER MIXED-USE ZONE

- 532.001. Purpose
- 532.005. Definitions
- 532.010. Requirements for Application of Neighborhood Center Mixed-Use Zone
- 532.015. Uses, Generally
- 532.020. Uses Allowed with Neighborhood Center Master Plan
- 532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan
- 532.030. Development in a NCMU District

- 532.035. Development Standards for Residential Development in Lieu of Neighborhood Center
Master Plan
532.040. Other Provisions

532.015. Uses, Generally.

(a) Classification of Uses.

- (1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.
- (2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.
- (3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).
- (4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:
 - (A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
 - (B) The date of the decision; and
 - (C) A description of the decision made.

(b) Use Categories.

(1) Residential.

- (A) **Characteristics.** Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
- (B) **Examples.** Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

- (A) **Characteristics.** A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
- (B) **Examples.** Assisted living.

(3) Retail Sales and Service.

- (A) **Characteristics.** Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
- (B) **Examples.** Retail Sales and Service permitted activities include the following activities:

(i) **Retail Sales-Oriented.** Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware and home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

(ii) **Personal Service-Oriented.** Banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.

(iii) **Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns, and bars; health clubs and gyms; membership clubs, lodges, and temporary lodging establishments with five or fewer guest rooms.

(iv) **Product Repair or Service Oriented.** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailors; locksmiths; and upholsterers.

(4) Office.

(A) **Characteristics.** Office consists of uses conducted in an office setting and generally involves business, professional, medical, or financial services.

(B) **Examples.** Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) Institutional.

(A) **Characteristics.** Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) **Examples.** Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations, police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) **Characteristics.** Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) **Examples.** Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) **Characteristics.** Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) **Examples.** Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of un-staffed facilities for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary

elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities.

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

(The following is an excerpt from Table 532-1 showing only the Wireless Communications Facilities Use subsection that would be added and Legend, which would be revised.)

**TABLE 532-1
NCMU ZONE USES WITH MASTER PLAN**

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
<u>Wireless Communications Facilities Use</u>			
Wireless Communications Facilities	<u>W</u>	<u>W</u>	
<u>LEGEND</u>			
P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); <u>W – Wireless Communications Facilities Use (Subject to SRC Chapter 715); N – Prohibited Use.</u>			

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

(The following is an excerpt from Table 532-1 showing only the Wireless Communications Facilities Use subsection that would be added and Legend, which would be revised.)

**TABLE 532-2
NCMU ZONE USES IN LIEU OF MASTER PLAN**

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
<u>Wireless Communications Facilities Use</u>			
Wireless Communications Facilities	<u>W</u>	<u>W</u>	
<u>LEGEND</u>			
P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); <u>W – Wireless Communications Facilities Use (Subject to SRC Chapter 715); N – Prohibited Use.</u>			

TABLE 1

Comparison of Proposed and Current Maximum Support Tower Heights by Zone			
Zone	Proposed Maximum Height (feet)	Current Maximum Cell Tower Height (feet)	Current Maximum Non-residential Structure Height (feet)
EFU	35	35	35 for non-residential and non-farm structures, no limit for farm-related structures
RA	50	Not allowed	50
RS	50	35	50
RD	50	35	50
RM1	70	35	70
RM2	70	Less than 70	70
RH	70	Less than 70	Not specified
FMU	70	To be determined in refinement plan	To be determined in refinement plan
SWMU	70	Between 36 and 70	No maximum
NCMU	35	No provision	35
CN	35	Greater than 70	35
CO	70	Less than 70	70
CR	100	Greater than 70	50
CG	100	Greater than 70	70
CB	New towers are not allowed	Greater than 70	Not specified for General Retail/Office Core; regulated through Development Design Handbook for Front Street Core; regulated through SRC Chapter 230 for Downtown Historic District
IC	120	Greater than 70	70
IBC	120	Greater than 70	70
IP	120	Greater than 70	45
EC	120	80	80
IG	120	Greater than 70	70
II	120	Greater than 70	70
PA	70	Greater than 70	70
PC	35	Greater than 70	35
PE	70	Greater than 70	70
PH	70	Greater than 70	70
PS	70	Greater than 70	70
PM	70	Greater than 70	70

TABLE 2

Comparison of Proposed and Current Support Tower Setbacks				
Zone	Proposed Setback to Property Line Abutting EFU, RA, RS, RD, RM1 or CO Zone (feet)	Proposed Setback to Property Line Not Abutting EFU, RA, RS, RD, RM1 or CO Zone (feet)	Current Setback to Residential and CO Zones for Tower 35 Feet or Less in Height (feet)	Current Setback to Residential and CO Zones for Tower Greater Than 35 Feet in Height (feet)
EFU	30	30	Condition of approval	Towers greater than 35 feet in height not allowed
RA	30	30	New towers not allowed	New towers not allowed
RS	30	30	Condition of approval	Towers greater than 35 feet in height not allowed
RD	30	30	Condition of approval	Towers greater than 35 feet in height not allowed
RM1	30	30	Condition of approval	Towers greater than 35 feet in height not allowed
RM2	30	30	Condition of approval	300 (variable)
RH	30	30	Condition of approval	300 (variable)
FMU	30	30	Condition of approval	300 (variable)
SWMU	30	30	No provision	300 (variable)
NCMU	30	15	No provision	No provision
CN	30	15	Height of tower	300 (variable)
CO	30	30	Condition of approval	300 (variable)
CR	30	15	Height of tower	300 (variable)
CG	30	15	Height of tower	300 (variable)
CB	New towers not allowed	New towers not allowed	Height of tower	300 (variable)
IC	30	15	Height of tower	300 (variable)
IBC	30	15	Height of tower	300 (variable)
IP	30	15	Height of tower	300 (variable)
EC	30	15	Condition of approval	300 (variable)
IG	30	15	Height of tower	300 (variable)
II	30	15	Height of tower	300 (variable)
PA	30	30	Height of tower	300 (variable)
PC	30	30	Height of tower	300 (variable)
PE	30	30	Height of tower	300 (variable)
PH	30	30	Height of tower	300 (variable)
PS	30	30	Height of tower	300 (variable)
PM	30	30	Height of tower	300 (variable)

MACKENZIE & ALBRITTON LLP

220 SANSOME STREET, 14TH FLOOR
SAN FRANCISCO, CALIFORNIA 94104

TELEPHONE 415 / 288-4000
FACSIMILE 415 / 288-4010

January 2, 2013

By Email and Facsimile (503-588-6005)

Ms. Pamela Cole
Department of Community Development
City of Salem
555 Liberty Street SE, Room 305
Salem, Oregon 97301-3503

Re: January 2013 Work Sessions: Proposed Ordinance for City of Salem for Wireless Communication Facilities

Dear Ms. Cole:

As telecommunications counsel for Verizon Wireless, we are writing in connection with the proposed ordinance that would revise permitting requirements for all wireless telecommunications facilities (the "Draft Ordinance" or "Ordinance") within the City of Salem (the "City" or "Salem"). We understand that you are accepting written comments for various work sessions; Verizon Wireless' representative, Ed Fournier, will be in attendance.

Verizon Wireless is the leading carrier in the nation and seeks to improve its wireless service for those who work and reside in Salem. In order to achieve the national goal of increased broadband deployment and access set forth in the Federal Communications Commission's National Broadband Plan, it is extremely important that the City's requirements provide workable criteria. Verizon Wireless's service provides daily communication and is a critical component of virtually all emergency response systems. As you know, for example, cell sites now incorporate E-911 equipment, which allows emergency personnel to "pinpoint" the origin of 911 calls from cellular telephones.

The federal Telecommunications Act imposes significant restrictions on local regulation of wireless facilities. In addition to its well-known preemption of local regulation based on the environmental effects of radio-frequency ("RF") emissions,¹ the statute:

- Bars local regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.²

1 See 47 USC § 332(c)(7)(B)(iv).

2 47 USC 332(c)(7)(B)(i)(II).

Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 2

- Requires the City to take final action on a permit application within a reasonable period of time;³
- Requires that any permit denial be in writing and based on substantial evidence,⁴ and
- Prohibits unreasonable discrimination among competing wireless carriers.⁵

Many of our concerns about the Ordinance relate to potential delay in the process. At the end of 2009, the Federal Communications Commission (FCC) issued a ruling interpreting the requirement in the Act (cited above) that local jurisdictions act on wireless applications within a "reasonable period of time." That ruling established a legal presumption that local governments violate the "reasonable time" requirement if they take longer than 90 days to finally act on a collocation application, or 150 days to finally act on any other application. Please see In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc., FCC 09-99 (FCC November 18, 2009) (the "Shot Clock Ruling"). Failure to act within the specified time periods gives rise to a cause of action for unreasonable delay.

From the perspective of a carrier attempting to improve service in Salem, some aspects of the Ordinance are likely to result in permit processing times well in excess of the applicable deadlines under the Shot Clock Ruling, particularly where there are issues regarding collocation on existing structures or utility poles, or where "absolute" requirements in individual provisions of the Ordinance may prevent Planning Department staff and Verizon Wireless from achieving appropriate design and location solutions.

Codification of New Federal Law

We appreciate that the current draft now contains an exemption from permitting requirements for eligible facilities requests, as mandated by federal law. Please note that P.L. 112-96, Section 6409(a) has now been codified at 47 U.S.C. §1455; the citation should therefore be updated in section 715.010 of the Ordinance.

Definition of Collocation

In Section 715.005, we believe the definition of "collocation" should contemplate the use of "replacement" structures as well as existing structures. It currently reads:

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for

3 47 USC § 332(c)(7)(B)(iii).

4 47 USC § 332(c)(7)(B)(iii).

5 47 USC 332(c)(7)(B)(i)(I).

Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 3

the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

As the City is aware, collocation often requires replacement of an existing structure, such as a utility or flag pole, to meet separation requirements, to provide a stronger structure, or to allow space for internal conduit. To avoid any delay, we suggest adding the phrase "or replacement structure that does not substantially increase the overall height" after the words "existing support structure" in the definition of collocation. There does not appear to be any justification within the Ordinance for treating the two facilities completely differently; the only truly differing factor is that a replacement structure's width must meet safety standards under 715.020(d)(2)(B).

Collocation Required.

There is an internal inconsistency in the current provisions concerning collocation. While section 715.010(c) lists various priorities and states that collocation is the highest preference, it is just that -- a preference -- and is not mandatory in all cases. And yet, section 715.010(b) appears to make collocation *mandatory* with only very limited exceptions. The two sentences of this provision currently read:

All wireless communications facilities located outside of right-of-way *shall* be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way *shall* be collocated. (Emphasis added.)

These mandates do not acknowledge the many issues that come into play when determining whether collocation is feasible, including location, minor height increases, and requirements for radio frequency coverage and capacity. The problem should be solved by beginning each of the two sentences in section 715.010(b) with the phrase "Where reasonably feasible,...." In addition, as noted above, if the definition of "collocation" continues to exclude all replacement structures, even those that do not involve a substantial increase in overall height, it would be virtually impossible to meet the mandate that *all* right-of-way facilities "shall" be collocated.

New Support Towers

Carriers will collocate on existing structures wherever possible. This is due to inherent incentives: it is less expensive and less time-consuming to use an existing structure. Accordingly, the very burdensome requirements set forth in section 715.020(d)(4) required to justify construction of a new tower are not only over-reaching,

Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 4

but are unnecessary. The following requirements are unduly burdensome, and should be deleted.

Subpart C requires the applicant to provide a copy of its lease for the proposed site to show that the lease or other agreement does not preclude future collocation. A carrier's lease contains proprietary and confidential information and should not be disclosed. Furthermore the City will not need to examine the lease to ensure the possibility of future collocation. The same result is accomplished by means of the signed certification already required in subpart F (stating that the owner will allow collocation), and in a condition of approval.

Similarly, the same section requires the applicant to provide contract terms in order to prove that a potential existing structure cannot be used because of unreasonable lease requirements. This section is over-reaching. The Alternatives Analysis, required in subpart D, will already set forth the limitations and/or impossibility of using any available alternatives.

In part I, the applicant must submit documentation that the new tower will be used within 60 days of completion. While Verizon Wireless makes every effort to ensure that its sites go on-air right after completion, it is unreasonable to establish a rigid requirement that prevents adjustment due to unforeseeable circumstances.

Mandatory Standards

As noted above, there are a number of "absolute" requirements in the Ordinance that allow for no adjustment without obtaining a variance under section 715.090. We believe this approach may make it very difficult for the City to act within the Shot Clock time limits, and we therefore suggest that there be more flexibility built into the basic requirements.

For example, under 715.050(a)(2), "Auxiliary support equipment on an existing building *shall* be located within or on top of the building." (Emphasis added.) In some circumstances, there may not be sufficient space within or on top of the building, but there might, at the same time, be a location behind the building that is well-suited for equipment and hidden from view. A drafting solution would be to include the phrase "Where reasonably feasible,..." at the beginning of this sentence. This would avoid the need for a variance in every case requiring a minor deviation.

Similarly, under section 715.070(e) new support structures in certain zones must always be designed to resemble an object commonly found in the area, such as a conifer tree, silo, or flag or light pole. Again, we believe there may be certain circumstances where a simple pole will be sufficiently hidden or non-descript, and suggest that the sentence begin with the phrase "Where reasonably feasible,..."

Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 5

Radio Frequency -dB Levels

We note that as currently drafted, the Ordinance requires a carrier to provide its specific negative dB levels. For example, under section 750.050(3)(C), if a replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, "plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites" of the owner.

The dB request is over-reaching, as Verizon Wireless typically limits its coverage information to 4 gradients of coverage -- excellent, good, poor, and none -- in its coverage plots. The negative dB radio frequency information is considered proprietary and should be deleted from the requirements.

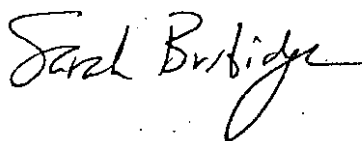
The City's Outside Consultants

Finally we note that the City has included the extremely open-ended section 715.100(b) to require payment from any applicant for the City's use of outside consultants -- to review the very detailed, and often duplicative evidence required by the Ordinance.

Clearly consultants should be retained by the City only where genuine issues arise, and even then, the fees must be limited to "reasonable" fees. This section should be revised accordingly.

This description of problematic provisions is not intended to be exhaustive, but we believe the proposed Ordinance as presently drafted raises a number of serious issues that need to be addressed. Verizon Wireless looks forward to working with you in order to achieve the City's goals while ensuring a timely permitting process that meets the requirements under federal law and avoids conflict with national broadband deployment objectives.

Very truly yours,



Sarah L. Burbidge

Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 6

cc: (by email only)
Verizon Wireless
Ed Fournier

TO: Planning Commission

Subj: Code Amendment CHAPTER 715 WIRELESS COMMUNICATIONS FACILITIES

I understand the intent is to provide clear and supportive Zoning Code for "WIRELESS COMMUNICATIONS FACILITIES " .

In reading the proposed document I find much that I support and commend you to support in this amendment to our Code.

I have concern with the usage of the word "feasible" in this new code.

It occurs 4 times as a negative criteria "not feasible" on Pages 6, 7, and 9 and one time in a positive but limiting use " feasible" on page 10 of the 21 page document.

Feasible is defined in the *Concise Oxford Dictionary* 'possible to do easily or conveniently'. When I hear my child say "not feasible" I understand the meaning ("I don't want to!").

With the effort to provide clarity in this section of our Salem Revised Code I ask that we rethink the use of the term "feasible". If you find it is the only word acceptable, at the least provide more clarity by defining the meaning of the word as it applies to the Code Amendment.

Perhaps - Operation plan review criterion is intended. Feasible - The determination as to whether the assigned task can be accomplished by using available resources and meeting identified standards.

Or I would suggest you identify measurable criteria in a definition since the overall apparent intent of the ordinance is to focus and clarify the Salem regulation of something that is permit by federal law. Since "not feasible" a primary focus I would urge listing acceptable reasons for not being feasible, e.g. signal interference due to geography, structures, competing signals, etc.

Thank you for your consideration of this important matter.

Sincerely

John Shepard, Salem resident
Ward 4

Pamela Cole Associate Planner, Case Manager
City of Salem

RE: Cell phone tower placement (SRC 715)

Dear Ms. Cole,

My request is that the distance for "Notice to property owners" be changed from 250' to 1,500'. The absolute minimum needs to be 500'.

Please also require approval from those within 1,500' for the style, size, and height before being constructed. If this must be established prior for inclusion in the SRC, then please limit choices to the top of the same size (height) pole as existing, or top of water tower, or within the top of a tree reproduction.

Thank you for your consideration of these requests.

Rano Ellertson
Owner of 1776 Macaw St. NW.



February 8, 2013

via Electronic Mail

City of Salem
Attn: Pamela Cole - Community Development
555 Liberty Street SE
Salem, OR 97301

RE: Proposed Code Amendment - 10-04-Wireless Communications Facilities

Dear Ms. Cole:

I am contacting you on behalf of Newman Development Group of Candalaria, LLC ("NDG"), the owner of Candalaria Crossing Shopping Center located at 2755 Commercial Street SE, Salem, Oregon. We understand that the City of Salem is in the process of amending its Code with respect to the operation of wireless communication facilities. I am providing this letter as written testimony for proposed Code Amendment 10-04.


I am writing this letter to express our concerns with respect to the proposed Amendment. More specifically, we are concerned that the proposed Amendment has a negative impact on the rights of property owners. Section 715.020 appears to state that only Class 3 Applications will involve a determination of whether or not additional wireless communication facilities are permitted on the subject property. We request that the consent of the property owner be obtained in all instances, regardless of whether it involves the modification of an existing facility or the construction of additional facilities. We believe this can easily be achieved by requiring the land owner to sign off on any application submitted by wireless tower applicant/operator.


Wireless communication facilities are often located on leased lands. The underlying lease typically provides for whether or not the operator may modify an existing facility and/or construct additional facilities on the subject property. Simply identifying whether or not a lease exists is not sufficient, as often times the lease requires the consent of the property owner under these circumstances. If modifications to an existing facility or the construction of additional facilities are permitted without obtaining the consent of the property owner, it is anticipated that wireless communication facilities are going to be expanded on private property without proper authority to do so.

In most instances, the consent of the property owner is required in connection with the issuance of building permits and the approval of land use applications. Therefore, we do not see a basis for deviating from this standard under these circumstances.

Any questions or concerns please contact me. Our mailing address is 2255 Van Ness Avenue - Suite #102 San Francisco, CA 94109. Thank you for your consideration.

Very truly yours,
NEWMAN DEVELOPMENT GROUP OF CANDALARIA, LLC

By: 
Name/Title: George Akel, Member

TO: PLANNING COMMISSION
FROM: GLENN W. GROSS 
URBAN PLANNING ADMINISTRATOR

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 715), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS INCLUDED UNDER TITLE X (ZONING CODE) OF THE SALEM REVISED CODE TO ESTABLISH CONSISTENCY WITH PROPOSED SRC CHAPTER 215

ISSUE

Should the City amend the Salem Revised Code (SRC) to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715?

RECOMMENDATION

That the Planning Commission recommend that the City Council approve the proposed amendments to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715.

FACTS AND FINDINGS

1. On February 26, 2013, the Planning Commission held a public hearing to receive testimony on proposed amendments to the Salem Revised Code related to wireless communications facilities.
2. The Planning Commission continued the hearing to March 26, 2013 to allow staff to respond to new information presented at the hearing and to allow the public to submit additional testimony.
3. Staff's responses to testimony received as of March 19, 2013 are included in this supplemental report.
4. Staff will respond to additional testimony received through March 26, 2013 in the Future Report to be presented to City Council prior to first reading.
5. Testimony Received from Citizens and Neighborhood Associations

Since completion of the February 26, 2013 staff report, the following written comments or testimony have been received on the proposed amendments:

A. Emissions

Several citizens expressed concerns over possible health impacts of emissions from antennas, cited health studies, suggested that the City could be liable for impacts, and requested that the City establish a system to monitor emissions. The Northeast Neighborhood Association (NEN) commented that they support establishment of a system to monitor emissions.

Staff response: The City of Salem cannot regulate placement, construction, and modification of cell towers and antennas on the basis of environmental effects of radio frequency emissions. The Federal Communication Commission sets the allowable levels for radio frequency emissions and cell service providers are required to comply with them. Information is available from the FCC website: <http://www.fcc.gov/encyclopedia/radio-frequency-safety>. The proposed submittal requirements would include documentation demonstrating compliance with radiation emissions standards established by the Federal Communications Commission. The City may not set standards for emissions. Staff does not recommend requiring periodic measurements or other monitoring.

B. Setbacks

Several citizens requested that the City retain the existing 300-foot setback from R and CO zones and certain buildings and facilities in order to minimize neighborhood health concerns from emissions and reduce impacts on property values.

Staff response: The City may not impose setbacks on the basis of radio frequency emissions to the extent that facilities comply with FCC standards but may impose setbacks based on safety, visual compatibility, and property values.

Staff recommends no revisions to the proposed setbacks. The proposed setbacks were intended to reduce barriers to providing service in or near residential areas and were proposed in combination with stealth design standards and height limits within 300 feet of residential, mixed-use, CO zones or PC zones which are intended to promote visual compatibility.

C. Height

Several citizens requested that the City retain existing maximum cell tower heights, particularly the height of 35 feet in an RM1 (Multiple Family Residential 1) zone on 14th Street NE with historic homes. NEN requested retaining the 35-foot maximum tower height in residential neighborhoods zoned RS and RM1, explained that these areas in the NEN neighborhood contain rezoned single-family historic homes dating to 1890, and noted that the proposed new code should be mindful of how it will affect neighborhood property values and City tax revenue for funding essential services.

Staff response: In the current draft, staff proposed maximum cell tower heights of 50 feet in the RA, RS, and RD zones and 70 feet in the RM1 and CO zones; these heights are equal to the current maximum heights of nonresidential structures in these zones. Staff recommends no changes to the proposed maximum height in this particular area or in other RM1 or RM2 zones because the proposed heights are reasonable.

D. Undergrounding of equipment in residential areas

A citizen and NEN requested that the City require equipment in residential areas to be placed underground to address noise, aesthetic, and health concerns from emissions.

Staff response: Proposed SRC 715.050(g) would require auxiliary support equipment installed in right-of-way in historic districts or in right-of-way adjacent to

historic districts or historic resources to be placed underground. Staff does not recommend expanding this requirement to all equipment in residential areas. The City cannot require equipment to be placed underground due to health concern related to emissions. The City could require undergrounding to reduce noise from equipment and improve aesthetics. However, wireless industry representatives have stated that undergrounding is very expensive, exposes equipment to the potential for water damage, and poses safety issues for workers. Through franchise agreements, the City has allowed wireless providers to place equipment above ground outside of the historic district. The proposed amendments are intended to be similar to the requirements for previous franchise agreements. The proposed amendments allow alternatives to underground placement and require screening. Equipment will be subject to the City's noise regulations in SRC Chapter 93.

E. Facilities in residential areas

A citizen expressed concern that the proposal would allow facilities to be placed on arterial streets in residential areas, requested that the City should not encourage location of wireless facilities in residential areas that have been disproportionately affected by commercial and industrial development such as large billboards, electronic display signs, etc., and requested that the City should require stealth design even for facilities in right-of-way in these areas. Several citizens and NEN commented that property values could decrease near wireless communications facilities.

Staff response: The priorities for locations within rights-of-way are based on street classification and were proposed to balance the need to reduce barriers to providing service in residential areas with the need to mitigate visual impacts in residential areas. The amendments would allow facilities to be located in residential areas on busier arterial and collector streets before they are located on local streets. The proposal does not require stealth or camouflage design for facilities on utility poles but does require antennas to be mounted close to the poles so that they have similar visual impacts to other types of equipment located on utility poles, and staff does not recommend more restrictive design standards. The proposed design standards for support towers in and within 300 feet of residential zones are intended to mitigate negative impacts on property values.

F. Notification Requirements

- a. A citizen commented that notification of nearby property owners should be required for all antennas, even for Class 1/Type I applications.

Staff response: Staff does not recommend creating exceptions to the notification requirements established in SRC 300 for Class 1 / Type I applications, which are approved administratively if they meet standards.

- b. A citizen requested that notification should be extended to property owners within 1,500 feet because the elderly, disabled and other homebound residents who would continuously be in their homes would not be aware of public hearing notice posted on the property subject to the application. She also stated that, if SRC Chapter 300 is not changed to 1,500-foot notification, then the City should maintain a list of all interested property owners who request notification, and comments should not be restricted to only the proposed small 250' radius, and wireless provider application fees should pay for any notification costs. NEN also commented that notice should be sent within a 1,500-foot radius because the 250-foot radius does not include all affected parties and is not adequate.

Staff response: Staff does not recommend expanding the required notification area of property owners within 250 feet of the subject property because standard

notice requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors. SRC Chapter 300 requires mailed notice of Type II and Type III applications to any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City, and they may submit comments or testimony.

- c. A citizen requested that the notification process for Type II applications in SRC 300.520(b) should allow 30 days for comments because the U.S. Postal Service is discontinuing weekend mail service, property owners may be out-of-town for business or pleasure, 14 days is not adequate time to research and prepare comments, a 30-day comment period is more consistent with the notification policy of other county, state and federal government entities. NEN also requested that the comment period be extended to 30 days because Salem Neighborhood Associations only meet monthly or bi-monthly and the 14-day period is out-dated and inadequate.

Staff response: Staff does not recommend increasing the length of the comment period established in SRC 300. This would lengthen the timeline for decisions and make it more difficult to meet the Federal "shot clock" timelines of 90 days for collocations and 150 days for other applications and the State maximum of 120 days for land use decisions.

G. Stealth or camouflage design

A citizen and NEN requested that the City change the word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings" to address neighborhood concerns of additional design standards for screening and landscaping and that the City apply this design requirement to all towers.

Staff response: This wording was included on posters provided at the Open House meetings to illustrate that staff may require stealth design as a condition of approval under the current code. The proposed text in SRC 715.070(e) states that additional design standards *shall* [emphasis added] apply to support towers in or within 300 feet of all residential zones, mixed-use zones, CO (Commercial Office) zones or PC (Public Cemetery) zones. Proposed text in 715.070(e)(1) states that a support tower in any of these zones *shall* [emphasis added] be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone. These additional "stealth" or "camouflage" design standards, in combination with Table 715-1 height limitations within 300 feet of EFU, RA, RS, RD, RM1 and CO zones and restrictions on siting in residential, public, mixed use and overlay zones in SRC 715.030(c), encourage providers to locate away from residences. Wireless industry representatives have commented that these design standards are too inflexible as written and may require many variances. Staff does not recommend expanding these design standards to other zones and areas.

H. Use of the word "feasible."

A citizen and NEN requested that the City Eliminate all use of the weak word "feasible" in the new code because the word gives wireless providers a way to circumvent the City code by claiming something is not "easy" or "convenient" for them to do and weakens the code.

Staff response: Staff recommends no revisions because "feasible" is a reasonable qualifier, and staff will apply the term according to the common definition.

I. Removal of obsolete facilities

A citizen and NEN requested that the City require that wireless carriers promptly remove obsolete facilities to address noise, aesthetics, and public health concerns over emissions.

Staff response: The City may not regulate wireless communications facilities on the basis of emissions. All siting permits would be subject to condition SRC 715.080(a), which would require removal of an obsolete facility within six months of the date it ceases to be operational. A special provision in SRC 715.100(f) would deem any wireless communications facility that has not provided service for six months a nuisance subject to abatement and would require that any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair. Neighborhoods and other interested parties could report obsolete facilities to the City for investigation and enforcement. The Neighborhood Enhancement Division reviewed this section and stated that it should be revised to refer to SRC 50, Property Maintenance, rather than SRC 98, Public Nuisance. Staff recommends the following revision:

715.100(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98 50. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

6. Testimony Received from Wireless Communications Industry Representatives

A. Objectives

The Northwest Wireless Association commented that the code did not have a clear objective and that it should focus on how to best provide wireless communication services with the least visual impact.

Staff response: The Purpose section states the objectives of the proposed chapter. Staff recommends adding a provision similar to suggested language.

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
- (c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (d) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities;
- (f) The provision of wireless communication services through facilities with minimal visual impact.

B. Capacity and coverage

Representatives of T-Mobile, the Northwest Wireless Association, AT&T, and Verizon noted that the proposed amendment focuses on sites proposed for a carrier's coverage needs and does not address customers' and carriers' needs to provide additional network capacity to process existing service demands and wireless traffic. Wireless communications (voice, data, and broadband) can be dropped in areas where an antenna site is overloaded with traffic due to a number of factors, including a growing customer base; greater numbers or longer durations of voice calls; and larger numbers of and more intensive use of data and/or broadband services. Many of the items required for documentation (radio frequency propagation maps, field strength measurements, and related evidence) are related to coverage issues. Capacity is mentioned only in the application requirements for Class 3 applications (SRC 715.020(e)(3)(c)(ii)) and the criteria for a variance (SRC 715.090(d)(3)(A)(i)). Capacity needs are not acknowledged or addressed in the first four siting priorities and their approval requirements. This evidences a fundamental misconception and misunderstanding of the wireless industry, customer demands, and infrastructure needs; as written the draft forces carriers into public hearings or variance proceedings for approval of a capacity site.

Staff response: Staff understands that many applications will be submitted to address capacity needs and concurs that the draft should be revised to address capacity as well as coverage for all priorities and classes. Staff proposes several revisions in the application requirements to address this concern, addressed in later sections of this report.

C. Definitions

Representatives of T-Mobile and AT&T commented that the proposed definitions of "auxiliary support equipment" (SRC 715.005(d)) and "base station" (SRC 715.005(d)) conflict with the FCC's recent interpretation of a "base station," which specifically includes antennas and any other necessary equipment to operate a wireless facility. The FCC issued this interpretation and guidance about the meaning of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 in a Public Notice dated January 25, 2013.

Staff response: Staff concurs that the proposed definition of "base station" is different than the interpretation in the Public Notice and proposes the following revisions to the definitions:

715.005. Definitions. Unless the context specifically requires, as used in the Chapter, the following mean:

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

Industry representatives also commented that auxiliary support equipment should be considered as part of the base station. Staff concurs and will evaluate the auxiliary support equipment development standards and other provisions of the chapter and make revisions, if appropriate, in the draft that will be presented to City Council.

AT&T suggested deleting the definition of support tower and incorporating monopoles, lattice towers, guyed towers, and self-supporting towers into the definition of support structure and proposed related changes in other sections of the code, deleting references to support towers and changing these references to support structures.

Staff response: Staff does not recommend these revisions, as many of the other sections of the code refer specifically to support towers.

D. Collocation requirement in general rule

T-Mobile, the Northwest Wireless Association, and AT&T requested revisions to the general collocation rule in SRC 715.010(b). They found that the proposed text contained inconsistencies and was confusing and that it did not acknowledge many issues that determine whether collocation is feasible.

Staff response: The requirement for collocation outside right-of-way, with limited exceptions, is intended to limit the number of new support towers. The requirement for collocation in right-of-way is intended to prevent the net addition of utility structures in right-of-way. Staff prepared several alternatives for revision, based on the specific comments submitted by the providers, and recommends option 4.

Alternate wording 1 (T-Mobile):

715.010(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure. All wireless communications facilities located in right-of-way shall be collocated.

Alternate wording 2 (AT&T):

715.010(b) Collocation Required. To the extent feasible, all All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

Alternate wording 3 (Northwest Wireless Association):

715.010(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. All wireless communications facilities located in right-of-way shall be collocated. New support towers shall be allowed only if collocation is proven to not be feasible.

Alternate wording 4 (Staff recommendation):

715.010(b) Collocation Required. All wireless communications facilities located in right-of-way shall be collocated. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would

interfere with other wireless communications facilities located on the same facility, or jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. All wireless communications facilities located in right-of-way shall be collocated.

E. Siting priority, classes, and procedures

T-Mobile, AT&T, and the Northwest Wireless Association commented that the proposed siting priority in 715.010(c) and classes in 715.020(b) are cumbersome and contradictory.

T-Mobile commented that the draft purports to encourage collocation, but replacement of a support tower to achieve such collocation is the next to last priority, requiring public hearings for approval even where no additional height is proposed; that this would re-open and place at risk antenna sites that are fully approved, permitted, constructed, and operating, with no public benefit other than what can be termed a "second look"; that this is the same procedure required for construction of a new support tower; and that it is not explained how the costs, delays, expense and risks of full public hearings to replace an existing support tower, at the same height, aid the stated goal of encouraging collocation.

T-Mobile recommended revising the permit classifications as follows so that the classes in 715.020(b) more closely correlate the level of permit review to the relative impacts of the proposed facilities:

- (1) Class 1: projects that involve locating a wireless communication facility on an existing or replacement structure below the "substantial increase" threshold of 47 U.S.C. § 1455 (2012) (previously P.L. 112-6, § 6409(a));
- (2) Class 2: projects that involve locating a wireless communication facility on a replacement structure where the replacement structure exceeds the "substantial increase" threshold; and
- (3) Class 3: projects that involve the construction of a new single purpose wireless support structure.

AT&T commented that replacement of existing towers that are structurally failing with new ones that are the same size should be encouraged, rather than discouraged by the draft code language; that replacement towers should not be put into the same category as "substantial changes" to existing towers, nor should they be considered a lesser priority than the four preceding categories; and that there are very significant (and unintended) consequences of this potential policy:

- (1) Structurally unsafe towers should be replaced to protect the health and safety of the public; the proposed policy could delay, and in some cases preclude, these critical improvements at the expense of public safety;
- (2) If failing (or at maximum capacity) towers are left in place, it will discourage collocations (the code's top priority) and new technology upgrades by existing collocators;
- (3) If a tower is non-conforming and cannot be structurally upgraded or replaced with the same size/height, multiple collocators would need to build several new sites to replace the coverage provided from the tower that is being removed. This creates substantially more impact than just replacing towers that already exist.
- (4) In replacing an existing tower with one that is the same size, the applicant would need to show the City that it is not feasible to locate the facility in a higher priority classification. This type of process shouldn't be necessary to upgrade existing sites because these towers are already in place – there are no new impacts that need to be assessed.

(5) This provision also appears to conflict with the new federal collocation law. If the existing tower is replaced or structurally modified such that the end result is a tower that is not substantially different (and in most cases, virtually identical) from the existing, it is consistent with the intent of the federal law, and should be treated as such under the code.

AT&T requested that tower replacements be deleted from the priority list and added as an exempt activity under 715.010(a)(2) and that references to a Type 3 process for replacement towers be removed from 715.020(d)(4)(B), 715.020(e)(3)(C) and 715.030(c).

The Northwest Wireless Association requested that the siting priority be changed to:
715.010(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:
(1) First priority: collocation ~~outside of the right-of-way~~ on an existing support structure;
(2) ~~Second~~ priority: collocation ~~inside of the right-of-way~~;
(3) ~~(2)~~ Third ~~Second~~ priority: replacement of a utility structure ~~outside of in the~~ right-of-way;
(4) ~~(3)~~ Fourth ~~Third~~ priority: replacement of a utility structure ~~inside of~~ outside of the right-of-way;
(5) ~~(4)~~ Fifth ~~Fourth~~ priority: replacement or substantial increase in the size of a support tower;
(6) ~~(5)~~ Sixth ~~Fifth~~ priority: erection of a new support tower ~~outside of the right-of-way~~.

Staff response: Staff concurs that the proposed siting priority and classes unintentionally discourage replacement of older support towers with stronger support towers that can be used to support additional antenna arrays. The result would be more new support towers rather than collocation on existing support towers. Staff also recognizes that the siting priority favoring collocations and replacement of utility structures outside right of way over those inside right-of-way will not in itself have the desired result of provision of facilities with the least visual impact.

Staff recommends the following revisions to the exemptions:

- 715.010(a)(2) Exemptions.** A siting permit is not required for the following:
- (A) Siting of dish antennas solely for the benefit of persons residing on a property.
 - (B) Ordinary maintenance or repair of a wireless communications facility.
 - (C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to ~~pursuant to P.L. 112-96, Section 6409(a)~~ 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.
 - (D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(E) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

Staff recommends the following revisions to the siting priority:

715.010(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1) First priority: collocation outside of the right-of-way on a support tower, support structure, or utility structure;
- (2) Second priority: collocation inside of the right-of-way replacement of a utility structure for the purpose of collocation;
- (3) Third priority: replacement of a utility structure outside of the right-of-way substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
- (4) Fourth priority: replacement of a utility structure inside of the right-of-way construction of a new support tower;
- (5) Fifth priority: replacement or substantial increase in the size of a support tower;
- (6) Sixth priority: erection of a new support tower outside of the right-of-way.

Staff recommends the following revisions to the classes:

715.020(b) Classes. There are three classes of wireless communications facilities siting permits.

- (1) A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures a first priority siting.
- (2) A Class 2 Permit is a permit for the replacement of utility structures a second priority siting.
- (3) A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers a third priority siting or fourth priority siting.

Staff will re-evaluate all provisions in the proposed chapter related to the exemptions, siting priority and classes and make additional revisions as necessary in the draft that will be presented to City Council.

F. Nonconforming towers

The Northwest Wireless Association asked for clarification of the process to modify nonconforming towers with a tower extension that would exceed the code's height limits for the purpose of collocation; are such modifications not allowed, allowed under a conditional use permit, or allowed under a variance?

Staff response: The exemption in proposed SRC 715.010(a)(2)(C) was drafted to follow 47 U.S.C. § 1455 (Section 6409), and modifications of nonconforming towers that would not substantially change the physical dimensions from the dimensions approved as part of the original decision or building permit for the support tower would be exempt from siting permits. Building permits would be required. Modifications of nonconforming towers that exceed the "substantial change" threshold would be third siting priority and processed as Class 3 Permits with Type III procedures. This procedure is consistent with the City's nonconforming development chapter, SRC 112, which requires a conditional use approval for expansion of a nonconforming development or use.

G. Barriers to entry in residential areas and in general

Providers including AT&T have objected to the proposed requirement in 715.070(a)(2) limiting a support tower located three hundred feet or less from EFU,

RA, RS, RD, RM1 or CO to the lowest maximum allowed height in any of those zones. AT&T suggested deleting that requirement and replacing it with "The height limits set forth in 715.070(a)(1) may be exceeded pursuant to Section 715.090, if the owner demonstrates that the additional height is the minimum necessary to provide service to fill the significant wireless communications service gap in coverage and/or capacity."

T-Mobile commented that the proposed code encourages commercial wireless providers to locate antennas on existing structures and to locate new cell towers in non-residential zones, while imposing severe limits on new, enlarged, or expanded structures in rights-of-way; that permits for any other site other than collocations outside the right-of-way required that applicants prove, among other things, that "multiple but less-obtrusive replacement structures, are not feasible" (715.020(d)(1)(A)); that this amounts to a codified preference for distributed antenna systems (DAS), a preference which contradicts federal law; that there will rarely be an antenna site where roughly comparable coverage could not be achieved by numerous, shorter replacement structures, but the draft ordinance nowhere defines – and thus gives city staff unbridled discretion to determine – "feasibility"; that these provisions effectively elevate City decision-makers to the role of design architects for the carriers' wireless networks, with no requirement that staff and others making these decisions identify alternative locations which are readily available, technologically functional, and economically and otherwise feasible, according to defined, published standards; and that by establishing these and similarly fluid criteria, the draft creates burdens of proof which are extraordinarily difficult for applicants to satisfy, effectively raising barriers to entry into the Salem market for the continued provision of wireless services.

Staff response: Citizens have commented that they support current height restrictions and current setbacks for support towers in and near residential areas, and staff drafted the proposed amendments to balance their concerns with the need for improved coverage and capacity in residential areas. The proposed amendments contain many provisions to reduce current barriers to service in and near residential areas. The proposed code amendment significantly reduces the setback to residential zones for towers greater than 35 feet in height. In the current code, these towers either must be located at least 300 feet from Residential and Commercial Office zones or must obtain a variance in addition to an Administrative Conditional Use or Specific Conditional Use approval. Proposed maximum heights for support towers in Residential zones equal the current maximum heights allowed in those zones for non-residential structures. Staff proposed the requirement limiting a support tower located three hundred feet or less from EFU, RA, RS, RD, RM1 or CO to the lowest maximum allowed height in any of those zones to mitigate the reduced setback and the increased heights in some of those zones. Requirements for stealth or camouflage design in and within 300 feet of Residential zones are reasonable in combination with the reduced setback. Heights, setbacks, and design are all eligible for variances in SRC 715.090. Staff does not recommend revisions to the height, setback, or design provisions.

Staff drafted the proposed language in 715.020(d)(1)(A) to ensure that an applicant would provide documentation establishing why a particular site was selected and that higher priority sites were not feasible. Staff did not intend to force providers toward DAS and removed a previous reference to DAS from an earlier draft. Staff recommends the following revisions to the submittal requirements for all applications:

715.020(d) Submittal Requirements.

(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are is not feasible.

H. Submittal requirements

The Northwest Wireless Association and AT&T provided comments on various submittal requirements in 715.020(d).

715.020(d)(1)(A)

The Northwest Wireless Association commented that 715.020(d)(1)(A) was confusing and suggested alternate wording: "The location of the proposed wireless communication facility, according to the siting priorities set forth in 715.010(c), shall be First priority, unless documentation is provided that demonstrates that this is not feasible." AT&T also commented on this section, questioning why an applicant for a second priority site would have to justify why replacement structures (lower priority sites) were not feasible, commenting that this section makes the assumption that multiple facilities on replacement structures (which are presumably taller to meet separation requirements) are less obtrusive when the siting priority assumes the opposite, and suggesting deletion of "and multiple but less-obtrusive replacement structures."

Staff response: Staff's recommendation for revised wording is included above in the discussion of barriers to entry.

715.020(d)(1)(C)

The Northwest Wireless Association commented that staff may want to define what is required to document compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

Staff response: Staff recommends no revisions.

715.020(d)(1)(E)

The Northwest Wireless Association commented that not all sites are subject to State Historic Preservation Office review and questioned the requirement for documentation. AT&T suggested adding "If applicable," to this requirement.

Staff response: Staff recommends the following revision:

715.020(d)(1)(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

715.020(d)(2)(A), 715.020(d)(3)(A), and 715.020(d)(4)(A)

PGE asked for a clearer definition of the engineer's certification.

Staff response: Staff recommends no revisions.

715.020(d)(2)(C) and (D)

AT&T suggested revisions to (C) and deletion of (D). The Northwest Wireless Association asked for a clarification of "field tests" for second priority sites in (D).

Staff response: Because staff is recommending a revision that would remove second priority sites from Class 1, staff recommends the following revisions to the application requirements for Class 1:

~~715.020(d)(2)(C)~~ If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

~~715.020(d)(2)(D)~~ If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

715.020(d)(3)(B)

AT&T suggested deleting "that required by any applicable safety standards adopted by the Oregon Public Utility Commission or" and the Northwest Wireless Association commented that the width/diameter of the pole should be up to the utility provider. PGE commented that they prefer to install utility poles that exceed the minimum width allowed by law in order to provide a safety margin.

Staff response: Staff recommends the following revisions:

715.020(d)(3)(B) Documentation that the replacement utility structure is ~~no~~ greater in width than at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

715.020(d)(3)(D), 715.020(d)(3)(E), and 715.020(d)(3)(F)

AT&T suggested deleting (E), Coverage maps and field tests for the proposed antennas, and revising (D), Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

Staff response: Staff finds that these changes correspond with the providers' requests that the City consider capacity as well as coverage and recommends the following revisions:

715.020(d)(3)(D) Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

715.020(d)(3)(E) Coverage maps and field tests for the proposed antennas.

715.020(d)(3)(F) Color simulations of the wireless communications facility after construction.

715.020(d)(4)(B) through (K)

The Northwest Wireless Association (NWWA) and AT&T commented on the application requirements for Class 3 applications. Staff had previously addressed some of these comments and recommended revisions in the February 26 staff report. NWWA commented that the alternatives analysis for new support towers, including alternatives for locating support towers within 250 feet of the proposed location, did not make sense because the carrier has already done due diligence to find the best location within its search parameters and questioned the purpose of this requirement. NWWA commented that a statement of compliance with collocation requirements be required instead of a lease showing that collocation would be allowed. Both NWWA and AT&T commented on requirements for documentation demonstrating that the Federal Aviation Administration and Oregon Aeronautics Division had reviewed and approved the proposal; AT&T recommended deletion of the requirement, and NWWA said that it is the carrier's responsibility to ensure compliance with the federal and state rules and noted that the FAA does not review all proposed sites. NWWA suggested removing the requirement for a field strength survey and keeping the requirements for coverage maps and field tests. AT&T suggested deleting the requirement for coverage maps and field tests and revising the requirement for information related to gaps in service to include documentation of capacity issues.

Staff response: Staff recommends the following revisions to the application requirements to correspond to the changes in siting priority and classes, to account for documentation related to capacity as well as coverage, and to eliminate unnecessary or duplicative requirements:

715.020(d)(4)

~~(B)~~ For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

~~(i)~~ No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

~~(ii)~~ Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

~~(iii)~~ Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

~~(iv)~~ The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

~~(v)~~ Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;

~~(vi)~~ Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

~~(C)~~ A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

~~(C)~~ ~~(D)~~ An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

~~(D)~~ ~~(E)~~ The number and type of antennas that the support tower is designed to accommodate.

~~(E)~~ ~~(F)~~ A signed certification statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

~~(G)~~ Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

~~(F)~~ ~~(H)~~ A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design

standards in 715.070(e), the graphic simulation shall include the proposed design.

~~(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.~~

~~(G) (J) Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.~~

~~(K) Coverage maps and field tests for the proposed antennas.~~

I. Criteria

The Northwest Wireless Association commented on the criteria for Class 3 applications (715.020(e)(3)(C)) and gave an example: There are two existing towers within the search ring. AT&T owns one and T-Mobile owns the other. AT&T needs to increase the height of the existing site due to surrounding tree growth, but they could conceptually collocate on the T-Mobile site as it is. Are the criteria saying that AT&T would have to close the lease on the property, tear down the existing tower, and locate on the T-Mobile tower?

Staff response: Staff recommends the following revisions to clarify that this section applies to new support towers and is not intended to prevent logical modifications of existing towers:

715.020(e)(3)(C) If the proposal is to construct a new support tower ~~or replace or substantially increase the size of an existing support tower:~~

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

J. Siting standards

The Northwest Wireless Association (NWWA) and AT&T commented on siting standards for Class 1 applications in 715.030.

715.030(a)(1)(A)

The standard for Class 1 applications outside right-of-way states, "The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure." NWWA asked if antennas attached to an existing utility pole that is outside the right-of-way would be allowed to extend into the right-of-way. AT&T suggested deleting "or modification of an existing," from the standard.

Staff response: The standard would not allow antennas attached to a structure outside right-of-way to extend into the right-of-way. Staff recommends the following revision removing the reference to modification because collocation applications may involve minor modifications to existing structures.

715.030(a)(1)(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, ~~or modification of an existing,~~ support tower, utility structure, or support structure.

715.030(c)(1)

Northwest Wireless Association (NWWA) and AT&T commented on the siting standards for Class 3 applications in 715.030(c). NWWA proposed alternate wording: "New support towers or increases in the size of existing support towers can only be located in Residential, Mixed-Use, Public and Overlay zones if it has been

demonstrated that there is no other way to provide wireless telecommunication services to the area." AT&T proposed revisions to add references to configuration, and gaps in coverage and/or capacity and suggested changing references to "replaced, or modified" support towers to "substantially changed" support towers. NWWA and AT&T proposed deleting Public zones from this section.

Staff response: Staff does not recommend major changes to the language provided by our consultant but proposes the following revision:

715.030(c)(1): (1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new, ~~replaced, or modified~~ or substantially changed support tower and future collocated facilities on the proposed tower.

10. Development standards for antennas, auxiliary support equipment, replacement utility structures, and support structures

AT&T and NWWA provided comments on development standards including screening and mounting of antennas and auxiliary support equipment, height and width of replacement utility structures, height of support towers, and design standards for support towers.

Staff response: Staff will prepare a detailed analysis and recommend revisions, if appropriate, in the draft that will be presented to City Council.

11. Administrative relief provisions

AT&T suggested revisions to SRC 715.090 to create a method of administrative relief for development standards that would not require a Type III variance.

Staff response: In the February 26 staff report, staff recommended adding adjustment provisions to the proposed chapter that would create a Type II process for minor deviations from certain standards. Staff will include these provisions in the draft to be presented to City Council.

12. Variance criteria

T-Mobile commented that the variance criteria in 715.090(d)(3) limit a carrier's ability to fill significant gaps in wireless coverage and that this is an unlawful attempt to define "service gaps" in a way that conflicts with well-established federal case law holding that a gap in personal wireless service is measured by whether or not a customer is able to achieve reliable wireless coverage within a building.

Staff response: Staff recommends the following revision:

715.090(d)(3) The owner demonstrates the existence of either of the following:
(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
(ii) The gap can only be filled through a variance in one or more of the standards in this Chapter; and

(iii) The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

15. Third party review and associated fees

T-Mobile requested that the special provision in 715.100(b) be revised so that the City retains consultants only where genuine issues arise and the fees must be limited to "reasonable" fees.

Staff response: Staff recommends no revisions to the fee because the current wording allows the City flexibility. Staff recommends the following revisions to limit third party review to circumstances involving variances and new support towers in residential zones, public zones, mixed-use zones, and overlay zones:

715.100(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for a variance or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

- Attachment:
1. Comments from Phyllis Shoemake
 2. Comments from Northeast Neighborhood Association (NEN)
 3. Comments from Ken Lyons for AT&T

Prepared by Pamela Cole, Planner II

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\CA10-04 (PC Continued Hearing 03-26-2013).docx

From: Phyllis Shoemake <phyllis.shoe@gmail.com>
To: <pcole@cityofsalem.net>
Date: 3/5/13 1:04 PM
Subject: planning commission hearing

Thank you for keeping open the record of homeowners for a proposed land use regulation.

The purpose of my letter is to object to any reduction in existing standards for wireless communication facilities. It is my understanding that Salem currently does not have restrictive standards and I am concerned that lowering them would not be advantageous to property owners. Further, the proposed 14 day notice to homeowners of proposed facilities is not adequate.

Thank you for your attention to my concerns. Please include this letter in the public record.

Phyllis A. Shoemake
1702 Toucan St. NW
Salem OR 97304

ATTACHMENT 1

NEN WIRELESS HEARING COMMENTS

NEN NEIGHBORHOOD ASSOCIATION PLANNING COMMISSION HEARING COMMENTS
CODE AMENDMENT CASE NO. CA10-04 REGARDING WIRELESS COMMUNICATION FACILITIES

March 5, 2013

Community Development Dept./Planning Commission
Attn: Pamela Cole, Case Manager
City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RECEIVED

MAR 19 2013

COMMUNITY DEVELOPMENT

THE SALEM NORTHEAST NEIGHBORHOOD ASSOCIATION (NEN) SUPPORTS:

1. *Change 300.520 (6) Public Notice & Comment Period to 30-days.*

Since Salem Neighborhood Associations only meet monthly, or bi-monthly now, the "14-days from date of mailing" is out-dated, inadequate notification time.

2. *Send Notice to Property Owner to a 1,500' radius of proposed site.*

It is the public's right of all affected parties to be adequately notified. The proposed 250' does not include all affected parties and is not adequate.

3. *Retain the current 300' setback and maximum 35' tower height in residential neighborhoods zoned RS and RM1,* which in the NEN neighborhood contain rezoned single-family historic homes dating to 1890. The 300' setback is only 1/2 a football field distance.

The proposed new code should be mindful of how it will affect neighborhood property values and City tax revenue for funding essential services.

4. *Monitor EMF emission levels.*

Have the City use revenue fees to monitor wireless carriers to ensure emissions do not exceed the FCC lawful limits. Industry self-regulation is not in the public's interest.

5. *Put new equipment underground and require wireless carriers to remove obsolete facilities.*

This addresses neighborhood noise, aesthetic and public health concerns from emissions.

6. *Require towers to be visible blending city-wide.*

Change current code word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings."

7. *Do not weaken code by using wording "when feasible."*

"Feasible" gives wireless carriers a way to circumvent the City code by claiming a requirement is not "easy" or "convenient" (Oxford Dictionary definition) for them to do.

Thank you for addressing our NEN Neighborhood Association concerns to help keep our Salem neighborhoods safe and liveable.

NEN Meeting 3/5/13
Vote- NEN Wireless Hearing Code Amendment
Case #CA-10-04
NEN Letter 3/5/13
Vote: Unanimous to approve letter as written to

ATTACHMENT 2

Pamela Cole - Re: Salem Wireless Code Amendment - Additional AT&T Comments

From: Ken Lyons <ken.lyons@wirelesscounsel.com>
To: Pamela Cole <pcole@cityofsalem.net>
Date: 3/17/2013 10:56 PM
Subject: Re: Salem Wireless Code Amendment - Additional AT&T Comments
CC: "ggross@cityofsalem.net" <ggross@cityofsalem.net>
Attachments: Salem Code Edits (DRAFT 3-16-2013).doc

Hi Pamela:

As discussed, I have put together some suggestions on how to change the code language. I took a look at Mr. Topp's notes (as you suggested) and well as notes from some of the carrier attorneys. I did not capture all of their thoughts, but made some suggestions on how to smooth out some of the rough edges of the code – these rough edges would result in variances being necessary for the vast majority of new site applications. That is a very dangerous path.

If you would, please give me a call to discuss. I had a number of questions. I'll write up a more formal explanation for the suggested changes after we have a chance to talk.

Did the City ever consider incentivizing stealth designs with easier processes? For example, a new stealth flagpole in a non-residential area would have the same process (Type 3) as a monopole or lattice tower. Another way to incentivize stealth facilities is to allow more height...

Thanks again for your work on this – it has been a long road, especially for you and your staff, and my hope is that we can get to a good, workable code sooner than later...

Best regards,

Ken Lyons
Jurisdictional Relations Director, PNW

Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesscounsel.com

RECEIVED

MAR 18 2013

COMMUNITY DEVELOPMENT

ATTACHMENT 3

RECEIVED

MAR 18 2013

COMMUNITY DEVELOPMENT

CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

- 715.001. Purpose
- 715.005. Definitions
- 715.010. General Rule; Collocation and Siting Priority
- 715.020. Wireless Communications Facility Siting Permits
- 715.030. Siting Standards
- 715.040. Antenna Development Standards
- 715.050. Auxiliary Support Equipment Development Standards
- 715.060. Replacement Utility Structure Development Standards
- 715.070. Support Tower Development Standards
- 715.080. Conditions
- 715.090. Wireless Communications Facilities Variance
- 715.100. Special Provisions

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
- (c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (d) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

- (a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
- (b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and

parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

(c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

(f) Collocation means the mounting or installation of an antenna on an existing support structure or utility structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Deleted: ,

Deleted: , or support tower

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

Deleted: tower

(k) Monopole means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

Deleted: tower

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include mixed use building;

(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;

(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.

(p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

(q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.

(s) Skipped pole means:

(1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or

(2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(t) Substantially change the physical dimensions means:

(1) The mounting of a proposed antenna on a support structure would increase the existing height of the support structure by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support structure that would protrude from the edge of the support structure more than twenty feet, or more than the width of the support structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.

Deleted: tower

Deleted: tower

Deleted: tower

Deleted: tower

Deleted: tower

(u) Support structure means an existing building or structure, other than single family dwellings and duplexes, to which an antenna is or will be attached, including, but not limited to, monopoles, lattice towers, guyed towers, self-supporting towers, buildings, steeples, water towers, and outdoor advertising signs.

Deleted: and support towers

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

Deleted: (v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.†

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

Deleted: support towers or

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ordinary maintenance or repair of a wireless communications facility.

(C) Modification or replacement of an existing support structure or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support structure or base station from the dimensions approved as part of the original decision or building permit for the support structure or base station. However, any modification to a support structure or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support structure

Deleted: tower

Deleted: tower

Deleted: tower

Deleted: tower

Deleted: tower

or base station, shall be subject to the siting permits and authorizations as required by this chapter.

(D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(b) **Collocation Required.** ~~To the extent feasible, all wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.~~

Deleted: A

(c) **Siting Priority.** Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1) First priority: collocation outside of the right-of-way;
- (2) Second priority: collocation inside of the right-of-way;
- (3) Third priority: replacement of a utility structure outside of the right-of-way;
- (4) Fourth priority: replacement of a utility structure inside of the right-of-way;
- (5) Fifth priority: ~~substantial increase in the size of a support structure;~~
- (6) Sixth priority: erection of a new support structure outside of the right-of-way.

Deleted: replacement or

Deleted: tower

Deleted: tower

715.020. Wireless Communications Facility Siting Permits.

(a) **Applicability.** This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) **Classes.** There are three classes of wireless communications facilities siting permits.

(1) A Class 1 Permit is a permit for the collocation on utility structures and support structures.

Deleted: support towers,

(2) A Class 2 Permit is a permit for the replacement of utility structures.

(3) A Class 3 Permit is a permit for the siting of new support structures or the substantial change in the physical dimensions of existing support structures.

Deleted: towers

Deleted: , replacement of existing support towers,

(c) **Procedure Type.**

Deleted: towers

(1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.

(2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.

(3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) **Submittal Requirements.**

(1) **All Applications.** In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support structures or utility structures are not feasible.

Comment [KL1]: Replacement structures are the 3rd and 4th priorities - why would an applicant have to justify this for a 2nd priority site? Also, make the assumption that multiple facilities on replacement structures (which presumably are taller to meet separation requirements) is less obtrusive when the Siting Priority assumes the opposite.

Deleted: towers or support

(B) A site plan that includes:

Deleted: , and multiple but less-obtrusive replacement structures,

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) If applicable, documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

Deleted: D

(2) **Class 1 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure or utility structure will safely handle the load created by the collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

Deleted: ,

Deleted: , or support tower

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage or capacity need using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage or capacity reasons, the owner shall provide a statement identifying and justifying those reasons.

Deleted: , plus and minus 5 dB,

Deleted:

(C) If the application is for a second priority site, coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

Deleted: field

Deleted: strength surveys

Deleted: contours of

(3) **Class 2 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

Deleted: (D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.†

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is no greater in width than the minimum necessary to accommodate collocation on the proposed replacement structure.

Deleted: that required by any applicable safety standards adopted by the Oregon Public Utility Commission or

(C) If the replacement utility structure is on a local street, color radio frequency contour maps or documentation clearly showing the calculated coverage or capacity need using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-

Deleted: , plus and minus 5 dB,

radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

~~(D) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.~~

~~Deleted: Field~~

~~Deleted: strength survey~~

~~Deleted: contours of~~

~~(F) Color simulations of the wireless communications facility after construction.~~

~~Deleted: (E) Coverage maps and field tests for the proposed antennas.¶~~

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support structure will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

~~Deleted: tower~~

(B) For new support structures, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

~~Deleted: towers or replacement support towers~~

~~Deleted: tower~~

(i) No existing support structures or utility structures are located within the geographic area where service will be provided;

~~Deleted: towers or support~~

(ii) Existing support structures or utility structures or replacement utility structures would not be of sufficient height or configuration to provide the identified necessary service within the geographic area;

~~Deleted: towers or support~~

(iii) Existing support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

~~Deleted: towers or support~~

~~Deleted: towers or support~~

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

~~Deleted: tower or support~~

(v) Other limiting engineering factors render existing support structures and utility structures and replacement utility structures not feasible;

~~Deleted: towers and support~~

(vi) Contract terms required by an existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

~~Deleted: tower's owner or existing support~~

~~(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.~~

~~Deleted: (C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.¶~~

~~(E) The number and type of antennas that the support tower is designed to accommodate.~~

(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but, to the extent feasible, shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support structure must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

Deleted: (G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.¶

Deleted: tower

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

Deleted: Field

Deleted: strength survey

Deleted: contours of

Deleted: (K) Coverage maps and field tests for the proposed antennas.¶

(e) Criteria. A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation meets the standards in this Chapter.

(B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, or support structures located outside right-of-way available to meet the service requirements of the wireless provider.

Deleted: , or support towers

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:

(A) The support structure conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of reasonable conditions relating to

Deleted: tower

the location, size, design and operating characteristics of the wireless communications facility.

(B) The support structure will not be located in the right-of-way.

Deleted: tower

(C) If the proposal is to construct a new support structure or substantially increase the size of an existing support structure:

Deleted: tower or replace.

Deleted: tower

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the structure is the least intrusive means feasible of filling a significant wireless communications service gap in coverage and/or capacity; and

Deleted: tower

(iii) Prohibiting a new structure would prohibit or have the effect of prohibiting the provision of wireless communications services.

Deleted: tower

715.030. Siting Standards.

(a) Class 1. The collocation on utility structures and support structures shall comply with the following siting standards:

Deleted: support towers,

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new utility structure, or support structure.

Deleted: , or modification of an existing, support tower,

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;

(ii) Second priority: major arterials;

(iii) Third priority: minor arterials;

(iv) Fourth priority: collectors;

(v) Fifth priority: local streets.

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;

- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(c) **Class 3.** The construction of a new support structure or substantial increase in the size of an existing support structure shall comply with the following siting standards:

(1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support structures may not be sited in residential zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means feasible to fill a significant wireless communications service gap in coverage and/or capacity, and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support structure and future collocated facilities on the proposed tower.

Deleted: tower, replacement of an existing support tower,
 Deleted: tower
 Deleted: towers
 Deleted: public zones
 Deleted: of filling

(2) New support structures may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

Deleted: , replaced, or modified
 Deleted: tower
 Deleted: towers

(3) The location of the support structure minimizes visual impacts to residential zones to the extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

Deleted: tower
 Deleted: maximum

(4) To the extent feasible, the support structure is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

Deleted: tower

(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot reasonably be provided by collocation on, or modification to, an existing support structure or utility structure or by collocation on a replacement utility structure.

Deleted: tower or support

715.040. Antenna Development Standards.

(b) Antennas on Existing Buildings.

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) Height:

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) Screening: To the extent feasible, antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other

Deleted: (a) Antennas on Support Towers. Antennas attached to a support tower shall comply with the following development standards:
 (1) Height. Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.
 (2) Surface and Coloration. Antennas attached a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.
 (3) Mounting. Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

Deleted: A

architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

(B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.

(B) **Screening, Surface and Coloration.**

(i) If the building is located in a residential zone, the antenna shall, to the extent feasible, be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall, to the extent feasible, be either:

(aa) Flush-mounted and painted the same color as the exterior of the building, or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) **Antennas on Support Structures Other than Existing Buildings.** Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) **Height.** Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) **Surface and Coloration.** Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the extent practicable.

Deleted: greatest

(d) **Antennas on Utility Structures.** Antennas attached to utility structures shall comply with the following development standards:

(1) **Physical integrity.** The antennas shall not jeopardize the utility structure's physical integrity.

(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) **Utility structures outside right-of-way.** Antennas attached to a utility structure outside right-of-way shall be no higher than the minimum separation required by the utility provider, or fifteen feet, whichever is greater, above the top of the utility structure.

(B) **Utility structures in right-of-way.**

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than the minimum separation required by the utility provider, or the following height allowances, whichever is greater:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than the minimum separation required by the utility provider, or the following height allowances, whichever is greater:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than the minimum length required by the utility provider, or one foot, whichever is greater.

Deleted: in length

(5) **Surface and Coloration.** Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably feasible.

Deleted: possible

(6) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

715.050. Auxiliary Support Equipment Development Standards.

(a) **Screening.**

(2) **Equipment Associated with Antennas on Existing Buildings.** To the extent feasible, auxiliary support equipment on an existing building shall be located within or on top of the building, or screened from the right-of-way and adjacent properties.

Deleted: (1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).¶

(3) **Equipment Associated with Antennas on Support Structures Other than Existing Buildings.** Above-ground auxiliary support equipment associated with a support structure that is a tower shall, to the extent feasible, be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c). Any auxiliary support equipment on support structures other than existing buildings or

Deleted: A

Deleted: .

towers must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the extent practicable.

Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

Deleted: greatest

(4) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than conduit, optical fibers, wires or cables, attached to a utility structure shall, to the extent feasible:

- (i) Project no more than eighteen inches from the surface of the utility structure;
- (ii) Be less than or equal to twenty-four inches in height.
- (iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards (for accessory structures?) in the underlying zone.

(c) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) Coloration.

(1) Equipment Associated with Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(2) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is, to the extent feasible, identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted

Deleted: Towers and Support

natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment and shall, to the extent practicable, be shielded to prevent direct light from falling on adjacent properties.

Deleted: shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level.

(g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

715.060. Replacement Utility Structure Development Standards.

(a) Height.

(1) Outside Right of Way.

(A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

Comment [K1.2]: Conflicts with 715.040(d)(3)(A). Did the City mean "support structure" and not the regular zone height limit?

(B) **Skipped poles.** Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

Comment [K1.3]: Same issue? Conflicts with 715.040(d)(3)(A).

(2) Inside Right of Way.

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

- (i) Seventy eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy three feet for a replacement structure on a major arterial;
- (iii) Sixty three feet for a replacement structure on a minor arterial; or
- (iv) Fifty three feet for a replacement structure located on a collector street or local street.

(B) **Skipped poles.** Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support.

(c) **Surface and Coloration.** ~~To the extent feasible, a replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.~~

Deleted: , and to meet safety standards promulgated by the Oregon Public Utility Commission

Deleted: A

(d) **External cables and wires.** All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. Support Structure Development Standards. The construction of a new support structure, or substantial increase in the size of an existing support structure, shall comply with the following development standards:

Deleted: Tower

Deleted: tower

Deleted: the replacement or

Deleted: tower

Deleted: towers

(a) **Height.**

(1) Except as provided in paragraph (2) of this subsection, support structures shall comply with the height limitations in Table 715-1.

TABLE 715-1

Maximum Support	Height by Zone
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.
EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

Deleted: Tower

Comment [KL4]: What were the height limits before? Has the City investigated the height limits in unincorporated Marion County? Anything under 70' effectively precludes collocation.

(2) The height limits set forth in 715.070(a)(1) may be exceeded pursuant to Section 715.090, if the owner demonstrates that the additional height is the minimum necessary to provide service to fill the significant wireless communications service gap in coverage and/or capacity.

(b) **Setbacks.** The base of a new support structure shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the new support structure shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO

Comment [KL5]: Increased setback requirements (or design requirements as found below), as provided in the old code, would be better. These types of requirements, as proved over and over again, could have the effect of prohibiting service.

Deleted: A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

Deleted: .

Deleted: tower

Deleted: tower

- zones, the base of the new support structure shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the new support structure shall be set back a minimum of thirty feet from all property lines.
- (2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.
- (c) **Screening.** New support structures shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:
- (1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
 - (2) SRC 132.150 (Standards for Landscaping Materials);
 - (3) SRC 132.160 (Installation);
 - (4) SRC 132.170 (Maintenance);
 - (5) SRC 132.180 (Compliance/Performance Assurance);
 - (6) SRC 132.190 (Irrigation);
 - (7) SRC 132.200 (Open Space);
 - (8) SRC 132.210 (Street Trees); and
 - (9) SRC Table 132-3 (Plant Unit Definition).
- (d) **Surface and Coloration.** New support structures shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
- (e) **Design Standards.** The following additional design standards shall apply to support structures in all residential zones, mixed-use zones, CO zones or PC zones; and to support structures located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:
- (1) The support structure shall, to the extent feasible, be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to, a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
 - (2) The object chosen shall, to the extent feasible, be appropriate to the context of surrounding environment, both natural and man-made.
 - (3) The physical dimensions of the support structure shall, to the extent feasible, have proportions that are similar in scale to the natural or manmade object.
 - (4) To the extent feasible, the antennas shall not be easily recognized.
- (f) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support structure.
- (g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support structures shall not be lighted.
- (h) **Collocation.**
- (1) Support structures one hundred feet in height or higher shall, to the extent feasible, be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support structure.

Deleted: tower

Deleted: tower

Deleted: S

Deleted: towers

Deleted: S

Deleted: towers

Deleted: towers

Deleted: towers

Deleted: tower

Deleted: tower

Deleted: greatest

Deleted: possible

Deleted: tower

Deleted: towers

Deleted: towers

Deleted: tower

(2) Support structures between ~~seventy~~ feet and one hundred feet in height shall, to the extent feasible, be designed to provide for collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support structure.

(3) Support structures that are less than seventy feet in height, or utilize a stealth design pursuant to 715.070(e)(1), shall not be required to provide for collocation.

(i) Access.

(1) Where a support structure is adjacent to a local street and a collector or arterial street, access to the support structure shall, to the extent feasible, be from the local street, subject to all applicable access standards.

(2) Access to the support structure shall, to the extent feasible, be oriented away from existing dwellings, and any property zoned residential or mixed use.

Comment [KL6]: Minimum height for wireless antennas is 10 meters (33'). 50' tall towers can't provide for collocators given separation requirements.

Deleted: towers

Deleted: fifty

Deleted: tower

Deleted: tower

Deleted: tower

Deleted: tower

715.080. Conditions. Every wireless communications facility siting permit shall, to the extent applicable, be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.

(d) All new wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted, to the extent feasible, with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.

- (i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
- (j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.
- (k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities - Modification to Development Standards:

(a) **Applicability.** Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a modification has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities.

(d) **Criteria.** A request for a wireless communications facility development standard modification shall be granted if the following criteria are met:

- (1) Except for height requirements, the modification is consistent with the purpose of the development standard for which the modification is sought.
- (2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
- (3) The owner demonstrates the existence of either of the following:
 - (A) **Gap in Service.**
 - (i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;
 - (ii) The gap can only be filled through a modification in one or more of the standards in this Chapter; and
 - (iii) The modification is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the extent feasible.
 - (B) **Minimization of Impacts.** The modification would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there are one or more of the following:
 - (i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
 - (ii) Better preservation of views or view corridors;
 - (iii) A decrease in negative impacts on property values; or
 - (iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

Deleted: Variance
Deleted: .
Deleted: variance
Deleted: , and are in lieu of the generally applicable variance provisions under SRC 115.
Comment [KL7]: Why should an applicant show hypothetical scenarios (what a facility would look like "without the variance") if it has already demonstrated through documentation that such scenarios won't work? Such requirements would confuse a decision maker of the validity of such scenarios.
Deleted: (b) Procedure Type. A wireless communications facility variance is 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 wireless communications facility variance shall include:¶
(1) A written statement demonstrating how the variance would meet the criteria.¶
(2) A site plan that includes:¶
(A) Description of the proposed siting's design and dimensions, as it would appear with and without the variance.¶
(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance.¶
(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance.¶
Deleted: n
Deleted: application
Deleted: variance
Deleted: T
Deleted: variance
Deleted: variance
Deleted: variance
Deleted: variance
Deleted: variance
Deleted: greatest
Deleted:
Deleted: possible
Deleted: variance
Deleted: is

715.100. Special Provisions

(a) **Temporary facilities.** In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, unless for emergency purposes, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) **Third-party review and associated fees.** Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) **Issuance of Building Permit.** No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) **Removal for discontinuance of service.** Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any unused freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

Deleted: obsolete

(g) **Relocation.**

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

G:\CD\PLANNING\CASE APPLICATION FILES 2011-ON\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\CA 10-04 Draft for DLCD Submittal 12-2012.doc

Pamela Cole - Code Amendment Case No. CA 10-04; Wireless Communications Facilities Planning Commission Agenda, Feb. 26, 2013; Chapter 17, Wireless Communications Facilities

From: "Sloboda, Monica" <Monica.Sloboda@T-Mobile.com>
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>
Date: 2/26/2013 3:00 PM
Subject: Code Amendment Case No. CA 10-04; Wireless Communications Facilities Planning Commission Agenda, Feb. 26, 2013; Chapter 17, Wireless Communications Facilities
Attachments: Letter to Salem Planning Commission 022613.pdf

Ms. Cole,

Please see the attached letter with comments regarding the above-referenced matter for tonight's meeting. Should you have any questions, please call or email me.

Thank you,

Monica

Monica Sloboda
Corporate Counsel

T-Mobile

1855 Gateway Boulevard, 9th Floor
Concord, CA 94520
Office (925) 521-5857

RECEIVED

FEB 26 2013

COMMUNITY DEVELOPMENT

NOTICE: This message is covered by the Electronic Communications Privacy Act, Title 18, United States Code, §§ 2510-2521. This e-mail and any attached files are the exclusive property of T-Mobile USA, Inc., may be deemed privileged and confidential, and are intended solely for the use of the individual(s) or entity to whom this e-mail is addressed. If you are not one of the named recipient(s) or believe that you have received this message in error, please delete this e-mail and any attachments and notify the sender immediately. Any other use, re-creation, dissemination, forwarding or copying of this e-mail is strictly prohibited and may be unlawful. Receipt by anyone other than the named recipient(s) is not a waiver of any attorney-client, attorney work product, or other applicable privilege. Thank you.

ATTACHMENT D

RECEIVED

FEB 26 2013

T-Mobile

COMMUNITY DEVELOPMENT

1855 Gateway Boulevard, Suite 900
Concord, CA 94520

February 26, 2013

VIA ELECTRONIC MAIL

Salem Planning Commission
C/o Ms. Pamela Cole, Associate Planner
Community Development Dept.
555 Liberty St. SE, Rm. 305
Salem, OR 97301-3513

Re: Code Amendment Case No. CA10-04; Wireless Communications Facilities
Planning Commission Agenda, Feb. 26, 2013, ¶ 6.1.

Dear Commission Members and Ms. Cole:

On behalf of T-Mobile West LLC ("T-Mobile"), I am writing with respect to the draft Wireless Communications Facilities Ordinance scheduled to be presented this evening at the Commission's public hearing. T-Mobile currently has 33 existing wireless communication facilities ("WCFs") in Salem, including 7 antenna sites in the public rights-of-way. These facilities include a combination of monopoles, building/rooftop mounted WCFs, and utility pole-mounted WCFs.

We appreciated the opportunity to comment on earlier drafts of the ordinance, which T-Mobile representatives undertook in writing and in person, and we understand the considerable time required for planning personnel to prepare the current draft. Without diminishing in any way their efforts, there continue to be, unfortunately, significant areas of concern.

Siting Priority Classes

The draft ordinance creates six new siting priorities, divided into three separate permit classes, with approval procedures ranging from administrative review to full public hearings. Draft Ordinance, §§715.010(c), 715.020(b),(c). As T-Mobile and other industry participants have pointed out, this treatment is highly cumbersome and, in places, inherently contradictory. Whereas the draft purports to encourage collocation, §715.010(b), replacement of a support tower to achieve such collocation is a fifth (that is, next to last) priority, requiring public hearings for approval – even where no additional height is proposed. §§715.010(c)(5), 715.020(d)(4)(B)(iii). The net effect of this treatment is to re-open, and thereby place at risk, antenna sites that are fully-approved, permitted, constructed and operating, with no public benefit other than what can only be termed a "second look." Moreover, this is the very same

procedure required for construction of a brand new wireless support tower. It is not explained how the costs, delays, expense and risks of full public hearings to replace an existing support tower, at the same height, aid the stated goal of encouraging collocation.

T-Mobile again recommends that the City consider revising the permit classifications as follows:

- 1) Class 1: projects that involve locating a wireless communication facility on an existing or replacement structure below the "substantial increase" threshold of 47 U.S.C. §1455 (2012)(previously P.L. 112-6, §6409(a));
- 2) Class 2: projects that involve locating a wireless communication facility on a replacement structure where the replacement structure exceeds the "substantial increase" threshold; and
- 3) Class 3: projects that involve the construction of new single purpose wireless support structures.

These classifications more closely correlate the level of permit review to the relative impacts of the proposed wireless facilities.

Permitting Approval Requirements Create Barriers to Entry

The proposed code encourages commercial wireless providers to locate antennas on existing structures and to locate new cell towers in non-residential zones, while imposing severe limits on new, enlarged or expanded structures in rights-of-way. Draft Ordinance, §715.001(d), (e). Permits for any site other than collocations outside the right-of-way require that applicants prove, among other things, that "multiple but less-obtrusive replacement structures, are not feasible." §715.020(d)(A).

As has been pointed out, this amounts to a codified preference for distributed antenna systems (DAS), a preference which contradicts federal law. Moreover, there will rarely be an antenna site where roughly comparable coverage could not be achieved by numerous, shorter replacement structures, but the draft ordinance nowhere defines -- and thus gives city staff unbridled discretion to determine -- "feasibility." These provisions effectively elevate City decision-makers to the role of design architects for the carriers' wireless networks, with no requirement that staff and others making these decisions identify alternative locations which are readily available, technologically functional, and economically and otherwise feasible, according to defined, published standards. By establishing these and similarly fluid criteria, the draft creates burdens of proof which are extraordinarily difficult for applicants to satisfy, effectively raising barriers to entry into the Salem market for the continued provision of wireless services.

The Ordinance Conflicts with Federal Law

The Federal Communications Commission has recently issued guidance about the meaning of Section 6409(a) of the Middle Tax Relief Act and Job Creation of 2012 ("TRA"). (A copy of the FCC Public Notice dated January 25, 2013 is attached for your convenient reference.) The draft ordinance conflicts with the FCC's interpretations of Section 6409(a).

The definitions of "auxiliary support equipment" and "base station" (§§715.005 (d) and (e), respectively) conflict with the FCC's interpretation of a "base station", which specifically includes antennas and any other necessary equipment to operate a wireless facility. (See page 3 of the Public Notice.)

Additionally, Section 715.090(d)(3) of the draft code limits a wireless carrier's ability to fill significant gaps in wireless coverage. This is an unlawful attempt to define "service gaps" in a way that conflicts with well-established federal case law holding that a gap in personal wireless service is measured by whether or not a customer is able to achieve reliable wireless coverage within a building. (See, e.g., T-Mobile NE v. City of Lowell, 2012 US Dist. Lexis 18020 MA (D MA 1/27/2012), T-Mobile NE v. Borough of Leonia, NJ, Civil Action No. 11-234 (SDW)(MCA) slip opinion 1/10/2013 (D NJ), T-Mobile West v. City of Huntington Beach, CA, Civil Action CV 10-2835 (CAS) Findings of Fact and Conclusions of Law filed CD CA 10/10/2012, and T-Mobile Central LLC v. City of West Bloomfield, MI, 6th Cir., 8/21/12.)

The Ordinance Fails to Account for Capacity Issues & Remedies

The draft ordinance is directed to WCF sites which are proposed for a carrier's coverage needs. Applicants will bear the burden of providing extensive documentation of existing and proposed coverage, field strength measurements, propagation maps, and related evidence to establish need. See, e.g., §§715.020(d)(2)(B)-(D) (Class 1 applications require color radio frequency contour maps clearly showing calculated coverage; second priority sites require field strength surveys, coverage maps and field tests showing contours "of any gap" and minimum facility height required to "fill the gap"); 715.020(d)(3)(C)-(F) (same requirements for Class 2 applications); 715.020(d)(4)(J)-(K) (same requirements for Class 3 applications).

Coverage sites are those where a carrier seeks to expand its wireless footprint into new geographic areas that are not currently served by existing antenna arrays. However, particularly in urban, developed areas such as the City of Salem, customers' and carriers' needs are often not a matter of new, expanded coverage but a matter of network capacity, that is, the network's ability to process existing service demands and wireless traffic. Wireless communications (voice, data and broadband) can be dropped or blocked in areas where an antenna site is overloaded with traffic, meaning beyond the antennas' capacity to accept and process the customers' demands on the system. This can arise from any number of factors, including: a growing customer base; greater numbers or longer durations of voice calls; larger numbers of and more intensive use of data and/or broadband services; and more.

These capacity issues demand ongoing network and infrastructure solutions no less than coverage concerns. Unlike coverage issues, however, capacity issues do not lend themselves to radio frequency propagation plots, field strength measurements, or other physical manifestations. Moreover, capacity issues are not static, but may vary by day of the week, and particular hours of a given day, based as they all are on customer usage and demands.

Although T-Mobile and other industry participants have previously raised this issue, the draft ordinance mentions network capacity only twice. First, it is among the alternatively required findings for a Class 3 application, which by definition requires a public hearing. §715.020(e)(3)(c)(ii) (siting permit shall only be granted for a new support tower, or a replacement tower, or substantial increase in the size of an existing support tower, where proposed location "is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity") (emphasis added); §715.020(c)(3) (Class 3 permits are a Type III procedure under SRC Chapter 300, requiring a public hearing).

Second, the draft ordinance identifies network capacity as an optionally required element of proof where an applicant seeks a variance from the development standards, which is also a Type III proceeding requiring a public hearing. §715.090(d)(3)(A) (applicant must demonstrate that either "[a] gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection") (emphasis added); §715.090(b) (wireless communications facility variance is a Type III procedure).

In the context of the draft ordinance as a whole, customers' and carriers' capacity needs are recognized only in the circumstance of Class III proceedings or as a variance from the development standards. Capacity needs are not acknowledged or addressed anywhere in the first, and topmost, four siting priorities and their corresponding approval requirements. Regrettably, this evidences a fundamental misconception and misunderstanding of the wireless industry, customer demands, and infrastructure needs; as written the draft forces carriers into public hearings or variance proceedings for approval of a capacity site.

Conclusion

For reasons stated above and in our prior correspondence to the City, T-Mobile requests that the Planning Commission return the draft ordinance to staff for further work with carriers and industry representatives. We understand and we agree that within the constraints on local zoning jurisdictions imposed by federal law, a comprehensive, balanced, thorough development ordinance for wireless communications facilities can benefit all stakeholders – residents, businesses, customers, constituents, carriers and the local government. However, the draft ordinance presented to the Commission this evening does not meet those standards.

T-Mobile West LLC, hereby authorizes William Howard and Odelia Pacific Corporation, one of our principal development contractors in the State of Oregon, to speak on its behalf before

Salem Planning Commission
Code Amendment 10-04
February 26, 2013
Page 5

the Planning Commission, Salem City Council, and in other matters relating to the proposed ordinance. Thank you for your time and consideration.

Yours very truly,
T-MOBILE WEST, LLC



Monica Sloboda
Corporate Counsel

MS:wgh

cc (via e-mail): Luis Reyes, T-Mobile Acting Director, PNW
Brandon Braunlich, T-Mobile Engineering/Operations Mgr.
Bill Howard, Odelia Pacific Corp.

Encls.



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-3322

WIRELESS TELECOMMUNICATIONS BUREAU OFFERS GUIDANCE ON INTERPRETATION OF SECTION 6409(a) OF THE MIDDLE CLASS TAX RELIEF AND JOB CREATION ACT OF 2012

DA 12-2047
January 25, 2013

On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act)¹ became law. Section 6409(a) of the Tax Act provides that a state or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station.² The full text of Section 6409(a) is reproduced in the Appendix to this Public Notice.

To date, the Commission has not received any formal petition to interpret or apply the provisions of Section 6409(a). We also are unaware of any judicial precedent interpreting or applying its terms. The Wireless Telecommunications Bureau has, however, received informal inquiries from service providers, facilities owners, and state and local governments seeking guidance as to how Section 6409(a) should be applied. In order to assist interested parties, this Public Notice summarizes the Bureau's understanding of Section 6409(a) in response to several of the most frequently asked questions.³

What does it mean to "substantially change the physical dimensions" of a tower or base station?

Section 6409(a) does not define what constitutes a "substantial[] change" in the dimensions of a tower or base station. In a similar context, under the *Nationwide Collocation Agreement* with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, the Commission has applied a four-prong test to determine whether a collocation will effect a "substantial increase in the size of [a] tower."⁴ A proposed collocation that does not involve a substantial increase in

¹ Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, H.R. 3630, 126 Stat. 156 (enacted Feb. 22, 2012) (Tax Act).

² *Id.*, § 6409(a).

³ Although we offer this interpretive guidance to assist parties in understanding their obligations under Section 6409(a), see, e.g., *Truckers United for Safety v. Federal Highway Administration*, 139 F.3d 934 (D.C. Cir. 1998), the Commission remains free to exercise its discretion to interpret Section 6409(a) either by exercising its rulemaking authority or through adjudication. With two exceptions not relevant here, the Tax Act expressly grants the Commission authority to "implement and enforce" this and other provisions of Title VI of that Act "as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.)," Tax Act § 6003.

⁴ 47 C.F.R. Part 1, App. B, *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas*, § LC (*Nationwide Collocation Agreement*).

size is ordinarily excluded from the Commission's required historic preservation review under Section 106 of the National Historic Preservation Act (NHPA).⁵ The Commission later adopted the same definition in the 2009 Declaratory Ruling to determine whether an application will be treated as a collocation when applying Section 332(c)(7) of the Communications Act of 1934.⁶ The Commission has also applied a similar definition to determine whether a modification of an existing registered tower requires public notice for purposes of environmental review.⁷

Under Section I.C of the *Nationwide Collocation Agreement*, a "substantial increase in the size of the tower" occurs if:

- 1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
- 2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- 3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
- 4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Although Congress did not adopt the Commission's terminology of "substantial increase in size" in Section 6409(a), we believe that the policy reasons for excluding from Section 6409(a) collocations that substantially change the physical dimensions of a structure are closely analogous to those that animated the Commission in the *Nationwide Collocation Agreement* and subsequent proceedings. In light of the Commission's prior findings, the Bureau believes it is appropriate to look to the existing definition of "substantial increase in size" to determine whether the collocation, removal, or replacement of equipment

⁵ See 16 U.S.C. § 470f, see also 47 C.F.R. § 1.1307(a)(4) (requiring applicants to determine whether proposed facilities may affect properties that are listed, or are eligible for listing, in the National Register of Historic Places).

⁶ See Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify All Wireloss Siting Proposals as Requiring a Variance, WT Docket No. 08-165, *Declaratory Ruling*, 24 FCC Rcd. 13994, 14012, para. 46 & n.146 (2009) (2009 Declaratory Ruling), *recon. denied*, 25 FCC Rcd. 11157 (2010), *pet. for review denied sub nom. City of Arlington, Texas v. FCC*, 668 F.3d 229 (5th Cir.), *cert. granted*, 113 S.Ct. 524 (2012); 47 U.S.C. § 332(c)(7).

⁷ See 47 C.F.R. § 17.4(c)(1)(B); National Environmental Policy Act Compliance for Proposed Tower Registrations, WT Docket No. 08-61, *Order on Remand*, 26 FCC Rcd. 16700, 16720-21, para. 53 (2011).

on a wireless tower or base station substantially changes the physical dimensions of the underlying structure within the meaning of Section 6409(a).

What is a "wireless tower or base station"?

A "tower" is defined in the *Nationwide Collocation Agreement* as "any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities."⁸ The Commission has described a "base station" as consisting of "radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics."⁹ Section 6409(a) applies to the collocation, removal, or replacement of equipment on a wireless tower or base station. In this context, we believe it is reasonable to interpret a "base station" to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station.¹⁰ Moreover, given the absence of any limiting statutory language, we believe a "base station" encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Section 6409(a) by its terms applies to any "wireless" tower or base station. By contrast, the scope of Section 332(c)(7) extends only to facilities used for "personal wireless services" as defined in that section.¹¹ Given Congress's decision not to use the pre-existing definition from another statutory provision relating to wireless siting, we believe the scope of a "wireless" tower or base station under Section 6409(a) is not intended to be limited to facilities that support "personal wireless services" under Section 332(c)(7).

May a state or local government require an application for an action covered under Section 6409(a)?

Section 6409(a) states that a state or local government "may not deny, and shall approve, any eligible facilities request...." It does not say that a state or local government may not require an application to be filed. The provision that a state or local government must approve and may not deny a request to take a covered action, in the Bureau's view, implies that the relevant government entity may require the filing of an application for administrative approval.

⁸ See *Nationwide Collocation Agreement*, § 1.B.

⁹ See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993, WT Docket No. 10-133, *Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services, Fifteenth Report*, 26 FCC Red. 9664, 9481, para. 308 (2011).

¹⁰ See also 47 C.F.R. Part 1, App. C, *Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process*, § II.A.14 (defining "tower" to include "the on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that Tower but not installed as part of an Antenna as defined herein").

¹¹ 47 U.S.C. § 332(c)(7)(A). "Personal wireless services" is in turn defined to mean "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services." *Id.* § 332(c)(7)(C)(i).

Is there a time limit within which an application must be approved?

Section 6409(a) does not specify any period of time for approving an application. However, the statute clearly contemplates an administrative process that invariably ends in approval of a covered application. We believe the time period for processing these applications should be commensurate with the nature of the review.

In the *2009 Declaratory Ruling*, the Commission found that 90 days is a presumptively reasonable period of time to process collocation applications.¹² In light of the requirement of Section 6409(a) that the reviewing authority "may not deny, and shall approve" a covered request, we believe that 90 days should be the maximum presumptively reasonable period of time for reviewing such applications, whether for "personal wireless services" or other wireless facilities.

Wireless Telecommunications Bureau contact: Maria Kirby at (202) 418-1476 or by email: Maria.Kirby@fcc.gov.

-FCC-

For more news and information about the Federal Communications Commission please visit: www.fcc.gov

¹² See *2009 Declaratory Ruling*, 24 FCC Rcd. at 14012-13, paras. 46-47.

APPENDIX

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.

(1) **IN GENERAL.** Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104-104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) **ELIGIBLE FACILITIES REQUEST.** For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves —
(A) collocation of new transmission equipment;
(B) removal of transmission equipment; or
(C) replacement of transmission equipment.

(3) **APPLICABILITY OF ENVIRONMENTAL LAWS.** Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.

Pamela Cole - Re: Salem Wireless Code Amendment

RECEIVED

FEB 26 2013

From: "Steven W. Topp" <sw.topp@comcast.net>
To: "Pamela Cole" <pcole@cityofsalem.net>
Date: 2/26/2013 2:06 PM
Subject: Re: Salem Wireless Code Amendment
Attachments: Salem Chapter SRC 715 revision for hearing- 02-26-2013-SWT-ZP.pdf

COMMUNITY DEVELOPMENT

Hi Pamela -

I intend on attending tonight, but just in case something happens, here are comments on behalf of the NorthWest Wireless Association.

Steven W. Topp, AICP
Land Use and Development Consultant
12566 SW Bridgeview Ct.
Tigard, OR 97223
503-708-7337

----- Original Message -----

From: Pamela Cole
Sent: Friday, February 22, 2013 5:20 PM
Subject: Salem Wireless Code Amendment

The staff report for the February 26 Planning Commission Public Hearing is available on our web page.

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

Thanks.

Pamela Cole
Associate Planner
Community Development
City of Salem
(503) 540-2309
pcole@cityofsalem.net

FEB 26 2013

CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES **COMMUNITY DEVELOPMENT**

- 715.001. Purpose
- 715.005. Definitions
- 715.010. General Rule; Collocation and Siting Priority
- 715.020. Wireless Communications Facility Siting Permits
- 715.030. Siting Standards
- 715.040. Antenna Development Standards
- 715.050. Auxiliary Support Equipment Development Standards
- 715.060. Replacement Utility Structure Development Standards
- 715.070. Support Tower Development Standards
- 715.080. Conditions
- 715.090. Wireless Communications Facilities Variance
- 715.100. Special Provisions

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- (a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- (b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
- (c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
- (d) The encouragement of the location of new support towers and related equipment in non-residential zones;
- (e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

- (a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
- (b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and

SK TWP
/

parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

(c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include mixed use building;

(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;

- (3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.
- (p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.
- (q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.
- (r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.
- (s) Skipped pole means:
- (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
 - (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.
- (t) Substantially change the physical dimensions means:
- (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
 - (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
 - (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.

(u) Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(2) **Exemptions.** A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ordinary maintenance or repair of a wireless communications facility.

(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station.

However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

(D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

Confusing - all WCF outside of RoW shall be collocated, but that contradicts the ability to collocate inside the RoW. Perhaps (b) should read All WCF should be collocated, unless... or the available structures do not provide sufficient height to obtain coverage objectives. New support towers shall be allowed only if collocation is proven to not be feasible."

(b) **Collocation Required.** All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

this wording would tend to indicate that carrier would need to consider all existing structures within a search ring, regardless of height. so, all 1-story, 2-story buildings would have to have owner say no, or forced to collocate on one of those.

(c) **Siting Priority.** Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

- (1) First priority: collocation on existing support structure
- (2) ~~Second priority: collocation inside of the right-of-way;~~
- (3) Third priority: replacement of a utility structure in the of the right-of-way;
- (4) Fourth priority: replacement of a utility structure outside of the right-of-way
- (5) Fifth priority: replacement or substantial increase in the size of a support tower;
- (6) Sixth priority: erection of a new support tower outside of the right-of-way.

What if collocation is possible with a tower extension but it would exceed the code's height limits? (I've had that happen in Salem and had to install a new tower.) Are modifications to towers that are nonconforming to the zone either not allowed, allowed under a CUP, or allowed only by a variance?

715.020. Wireless Communications Facility Siting Permits.

(a) **Applicability.** This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) **Classes.** There are three classes of wireless communications facilities siting permits.

- (1) A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures.
- (2) A Class 2 Permit is a permit for the replacement of utility structures.
- (3) A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers.

(c) **Procedure Type.**

- (1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
- (2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
- (3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) **Submittal Requirements.**

- (1) **All Applications.** In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

Confusing. Suggest: "The location of the proposed WCF, according to the siting priorities set forth in 715.010(c), shall be First Priority (1), unless documentation is provided that demonstrates that this is not feasible and a lower priority

(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

(B) A site plan that includes:
(i) Description of the proposed wireless communications facility's design and dimensions.
(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

May want to define what is required.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

Not all sites need SHPO. Do we need to submit regardless?

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

(2) **Class 1 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

Field tests for the antennas, what do they mean?

(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

(3) **Class 2 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is no greater in width than that required by any applicable safety standards adopted by the Oregon

Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(E) Coverage maps and field tests for the proposed antennas.

(F) Color simulations of the wireless communications facility after construction.

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

- (i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
- (ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
- (iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
- (iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
- (v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
- (vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility

structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

Lease is a proprietary document. Recommend a statement of compliance be required instead. Collocation is required per Telcom of 1996.

This makes no sense when we have to have a lease in place first and the carrier has already done due diligence to find the best location within its search parameters.

insert "timely" - carrier can agree to allow collocation, but take 2 years to approve it....

Fed and State Authorities should be in charge of enforcing their rules. It is the carriers responsibility to ensure compliance.

Remove J and keep K. Essentially the same thing.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

(E) The number and type of antennas that the support tower is designed to accommodate.

(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

(e) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation meets the standards in this Chapter.

(B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(D) - what? why? what purpose does this serve? Do we need to tie up options with other property owners within the 250'?? what is the objective of this requirement?

FAA does not review all. Typically provide TOWAIR which states no registration required.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower or replace or substantially increase the size of an existing support tower:

So, let's say there are two existing towers within the search ring. AT&T owns one, TMO owns the other. AT&T needs to increase the height of the existing site due to surrounding tree growth. But they could conceptually collocate on the TMO site as it is. Are you saying that AT&T has to close the

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

lease on the property, tear down the existing tower and locate on the TMO tower?

715.030. Siting Standards.

(a) Class 1. The collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph,

There is an existing utility pole that is just outside the RoW. The antennas would be on 1' davit arms, which puts them over the property line and into the RoW - allowed or not?

streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(b) **Class 2.** The replacement of a utility structure shall comply with the following siting standards:

(1) **Inside Right-of-Way.**

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

- (i) First priority: parkway or freeway;
- (ii) Second priority: major arterials;
- (iii) Third priority: minor arterials;
- (iv) Fourth priority: collectors;
- (v) Fifth priority: local streets.

(c) **Class 3.** The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height required to provide service to fill the significant wireless communications service gap shall be the maximum height permitted for the new, replaced, or modified support tower and future collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland /Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

Instead: "New support towers or increases in the size of existing support towers can only be located in Res, Mixed-Use, Public, and Overlay zones if it has been demonstrated there is no other way to provide wireless telecommunication services to the area."

Are you sure you want to include Public Zones in this grouping?

AT&T did a flagpole at Clark County Fairgrounds, and it looks nice. But this would not allow similar. Seems too restrictive.

(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

(a) **Antennas on Support Towers.** Antennas attached to a support tower shall comply with the following development standards:

(1) **Height.** Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(2) **Surface and Coloration.** Antennas attached a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) **Height:**

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

(B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.

(B) **Screening, Surface and Coloration.**

I can't tell if we are supposed to put everything behind frp or not. Imagine these standards applying to telephone poles. What is the objective?

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building, or this seems to be in contradiction to 3.A above - allowed to extend 10' above, but must be flush mounted??

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

flush mounted is not defined. But the antennas may need (and typically do need) to extend out from the structure at least a bit - typically a 1-foot davit arm and ideally 3-foot. It depends upon the actual structure.

(1) **Height.** Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) **Surface and Coloration.** Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) **Mounting.** Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) **Physical integrity.** The antennas shall not jeopardize the utility structure's physical integrity.

(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) **Utility structures outside right-of-way.** Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) **Utility structures in right-of-way.**

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

- (aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
- (bb) Ten feet above the top of a utility structure on a minor arterial; or
- (cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

conflicts with PGE/PSE standards, which require 3' davit arm standoff so tech can climb the pole

- (A) Flush with the utility structure; or
- (B) On extension arms that are no greater than one foot in length.

(5) **Surface and Coloration.** Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

(6) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

715.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

(1) **Equipment Associated with Support Towers.** Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).

Really? You can't allow for the option of placing it on the ground inside a compound or shelter?

(2) **Equipment Associated with Antennas on Existing Buildings.** Auxiliary support equipment on an existing building shall be located within or on top of the building.

(3) **Equipment Associated with Antennas on Support Structures Other than Existing Buildings.** Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) **Equipment Associated with Antennas on Utility Structures.**

(A) **Equipment installed in right-of-way.** Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

In case not covered elsewhere, does the equipment cabinets (or shelter) need to meet setbacks? I would hope not - since tool sheds, etc. do not.

(B) **Equipment installed outside right-of-way.** Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) **Equipment attached to a utility structure.** Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

- (i) Project no more than eighteen inches from the surface of the utility structure;
 - (ii) Be less than or equal to twenty-four inches in height.
 - (iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.
- (b) **Setbacks.** Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.
- (c) **Vision Clearance.** Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.
- (d) **External cables and wires.** All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.
- (e) **Coloration.**
- (1) **Equipment Associated with Support Towers and Support Structures.** All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
 - (2) **Equipment Associated with Utility Structures.** Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
- (f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.
- (g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground. Not even if disguised as a rock or bench?

715.060. Replacement Utility Structure Development Standards.

(a) Height.

(1) Outside Right of Way.

- (A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.
- (B) **Skipped poles.** Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the

combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(2) Inside Right of Way.

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

- (i) Seventy eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy three feet for a replacement structure on a major arterial;
- (iii) Sixty three feet for a replacement structure on a minor arterial; or
- (iv) Fifty three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph **(2)** of this subsection, support towers shall comply with the height limitations in Table 715-1.

TABLE 715-1

Maximum Support Tower Height by Zone

Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.
EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

Some of these height limits make no sense. 100' makes sense in EFU, not 35'. There needs to be a CUP that allows structures to be taller provided the need can be shown and/or it could reduce the number of facilities needed. need to make sure that a wireless facility can at least meet the limits of the zone and can be conditioned similar to other non-conforming structures. At a minimum, should be allowed the same height as a power pole.

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) **Setbacks.** The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line

abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

(c) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);

(2) SRC 132.150 (Standards for Landscaping Materials);

(3) SRC 132.160 (Installation);

(4) SRC 132.170 (Maintenance);

(5) SRC 132.180 (Compliance/Performance Assurance);

(6) SRC 132.190 (Irrigation);

(7) SRC 132.200 (Open Space);

(8) SRC 132.210 (Street Trees); and

(9) SRC Table 132-3 (Plant Unit Definition).

(d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) **Design Standards.** The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(2) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.

(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(4) To the greatest extent possible, the antennas shall not be easily recognized.

External cables and wires. All external cables and wires shall be placed in duct or painted to match the support tower.

Lighting. Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for collocation of at least one future antenna system, in a

Does this standard apply to power poles with transformers? Instead of making the wcf look like something else the focus should be on how to make it look better/uniform. What if there is an existing tower in the zone already?

manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) Access.

- (1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.
- (2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

715.080. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.

(d) All wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

A statement to this effect is all that a carrier should need to declare regarding the FCC and compliance. If the jurisdiction has concerns they should bring them to the FCC.

(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities Variance.

(a) **Applicability.** Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance provisions under SRC 115.

(b) **Procedure Type.** A wireless communications facility variance is 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 wireless communications facility variance shall include:

- (1) A written statement demonstrating how the variance would meet the criteria.
- (2) A site plan that includes:
 - (A) Description of the proposed siting's design and dimensions, as it would appear with and without the variance.
 - (B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance.
 - (C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance.

(d) **Criteria.** An application for a wireless communications facility variance shall be granted if the following criteria are met:

- (1) The variance is consistent with the purpose of the development standard for which the variance is sought.
- (2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
- (3) The owner demonstrates the existence of either of the following:

(A) Gap in Service.

- (i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;
- (ii) The gap can only be filled through a variance in one or more of the standards in this Chapter; and
- (iii) The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

Why does a carrier need to provide this information? They do not arbitrarily locate facilities and the information is proprietary. What about infill sites?

(B) Minimization of Impacts. The variance would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there is:

- (i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
- (ii) Better preservation of views or view corridors;
- (iii) A decrease in negative impacts on property values; or
- (iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

G:\CD\PLANNING\CASE APPLICATION FILES 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\CA 10-04 Draft for DLCDC Submittal 12-2012.doc

The main problem with this code is that it doesn't have an objective. There are a lot of rules and guidelines but it doesn't state why they are there. Instead, the code should focus on how to best provide wireless communication services with the least visual impact. These are wireless telephone poles.

RECEIVED

FEB 26 2013

COMMUNITY DEVELOPMENT

2892 Bluff Ave SE

Salem, OR 97302

February 25, 2013

RE: Code Amendment Case No. 10-04

Salem Planning Commission:

As someone who has experienced "Nimby" after Nimby, this appears to be another plan to concentrate undesirable uses in already hard hit areas rather than fairly distributing, in this case, cell towers, in neighborhoods.

I assume my street would now be considered a minor arterial. At the time I bought my house it was between two houses on a quiet block with stop signs at either end. The first sign of trouble was when we learned that our street was to become part of a new East-West Corridor system. At meetings we were continually assured that the residential nature would be maintained, but at the same time arrangements were apparently being made for a nearby church to acquire a vacant lot for parking as the city was taking a corner of the area they used for parking for the road. The entire lot (larger than supposedly allowed in a residential area) was paved over with nary a speck of landscaping anywhere. When a neighborhood association member asked me how I felt about my block becoming a one way I said that I thought I could live with it but was concerned about parking. I was assured that parking would be allowed on both sides of the street.

After finally reaching the end of the lengthy disruption the project caused, a new threat emerged. A businessman bought the residence next to mine and went around to neighbors saying that he wanted to rezone the property and offered to pay the filing fee if we also requested to rezone our properties. He stated that he wouldn't even try for a zone change if neighbors didn't go along with it. Of course everyone turned down the offer, but he applied for the zone change anyway and removed the house and many trees. Only a row of evergreens remained which buffered our residential street from the sights and pollution of 12th St. He sat in a pre-hearing meeting with city staff and the neighborhood association and assured everyone that he wasn't going to remove any more trees. A short time later he removed all the trees.

At first the Planning Commission remembered their promise to maintain the residential character of the area and also expressed concern about the removal of the house in order to increase the chances of getting a zone change and denied the request.

The applicant simply waited about a year and a half and applied again. By then the vacant lot had become a nuisance and he presented a nice drawing of a kitchen show room that he "intended" to put on the property. At that point neighbors didn't fight it as that didn't seem so bad considering what we now had. He got the zone change and promptly leased the property to a large lumber company from Tualatin. We were told that once he had the zone change, he could do what he wanted with the property. How can residents have meaningful input if truthfulness isn't required at hearings? The several years that that company was there operating seven days a week were absolutely horrible. They had three to four extremely loud smelly diesel trucks and three fork lifts racing around all day, and there was a constant stream of semis off the lot and past our houses. (The East-West Corridor project representatives had also promised no trucks.) One day my nerves were so shot that I threw together some food and reading material and went camping without even taking the time to try and find someone to go with me. They tried to buy me out a couple of times, but I was so stressed that there was no way I could deal with obtaining another house and moving, and I wouldn't do that to my neighbors or want to see further destruction of the creek area anyway. We lost the promised parking on my side of the street at that time, probably related to the business. Though visitors could no longer park in front of my house, overflow semis parked there and idled many times a day.

This company was replaced by a smaller lumber yard, still not a good business next to residences, but more tolerable than the previous business.

Then came the news that the property was sold to Willamette Urology, a large clinic, and finally I am pushed to the brink of having to move from the home I've resided in for 30 years. What is essentially a new street connecting Bluff Ave. to 12th St. goes past my patio and bedrooms without adequate screening, forcing me to unexpectedly have to come up with screening, and I sacrificed shade on my patio and trimmed a large laurel to make it grow in denser to block headlights from the 25 staff cars that exit there. (The previous businesses were well screened the length of my property and privacy was not one of the many problems.) A condition of the zone change that the property be gated after hours has apparently vanished with the new owners, and there is foot and vehicle traffic shortcutting through to 12th St. all hours of the day and night, seven days a week. I am surrounded on three sides by traffic and the public and have no privacy. Picnic tables placed next to my property without screening compound the problem. Last summer I saw men urinating in the area three different times as well as a small boy, and I think I've twice seen drug deals going on there. I frequently find evidence of prowlers having been in my back yard at night. The parking lot lights at both the clinic and the church are intrusive. I place cardboard in my window at night to block the light placed right across from my bedroom as well as headlights from the cleaning crew that comes in the middle of the night. The dumpster was placed in an area close to many houses, rather than near 12th St. Three times a week a garbage truck roars past my bedroom, goes down and bangs the dumpster a few times, then beeps all the way back to my house. There was a 5:25 A.M. pick up from the time they opened, and when they began to also have a 6:15 pick up, I thought being wakened early twice a week was too much. I called the garbage company and luckily they changed the 5:25 pick up to later in the day. Loud, smelly FedEx and UPS trucks arrive at least twice a day, often three times, and park right across from my patio. Very noisy landscapers arrive once a week. The clinic was also granted a larger parking lot than supposedly allowed in a residential

area, so between the church and the clinic there is lengthy racket from blowers cleaning the lots, and I have yet to see anyone who uses a blower corral the dust and debris toward their own buildings. There are back up beepers from wheelchair vans and a myriad of delivery vehicles and constant horn honking since someone came up with the inane idea that everyone should honk their horns every time they lock and unlock their vehicles.

Actually, compared to all this, a quiet non privacy-invading cell tower doesn't seem so bad. But seriously, I urge that cell towers and other Nimbys not be concentrated in areas already hard hit. Those of us who by choice or necessity live in more modest neighborhoods should be appreciated, not penalized. We are helping to conserve resources and protect the environment. A city staff once stated that one has to accept some Nimbys. This Nimby should be fairly distributed among people who use them, and a cell tower located on a minor arterial, for example, should also be disguised as a tree. There are people living there, too. I would also urge that policies for screening, etc., actually be enforced and not routinely be waived. From my experience, things that look good on paper, like limiting the size of parking lots in residential areas, are routinely waived.

I didn't stick to the cell tower topic very well, but as you can see, I am very frustrated with the number of Nimbys that have been allowed in our neighborhood and we don't need yet another.

Karen Cook

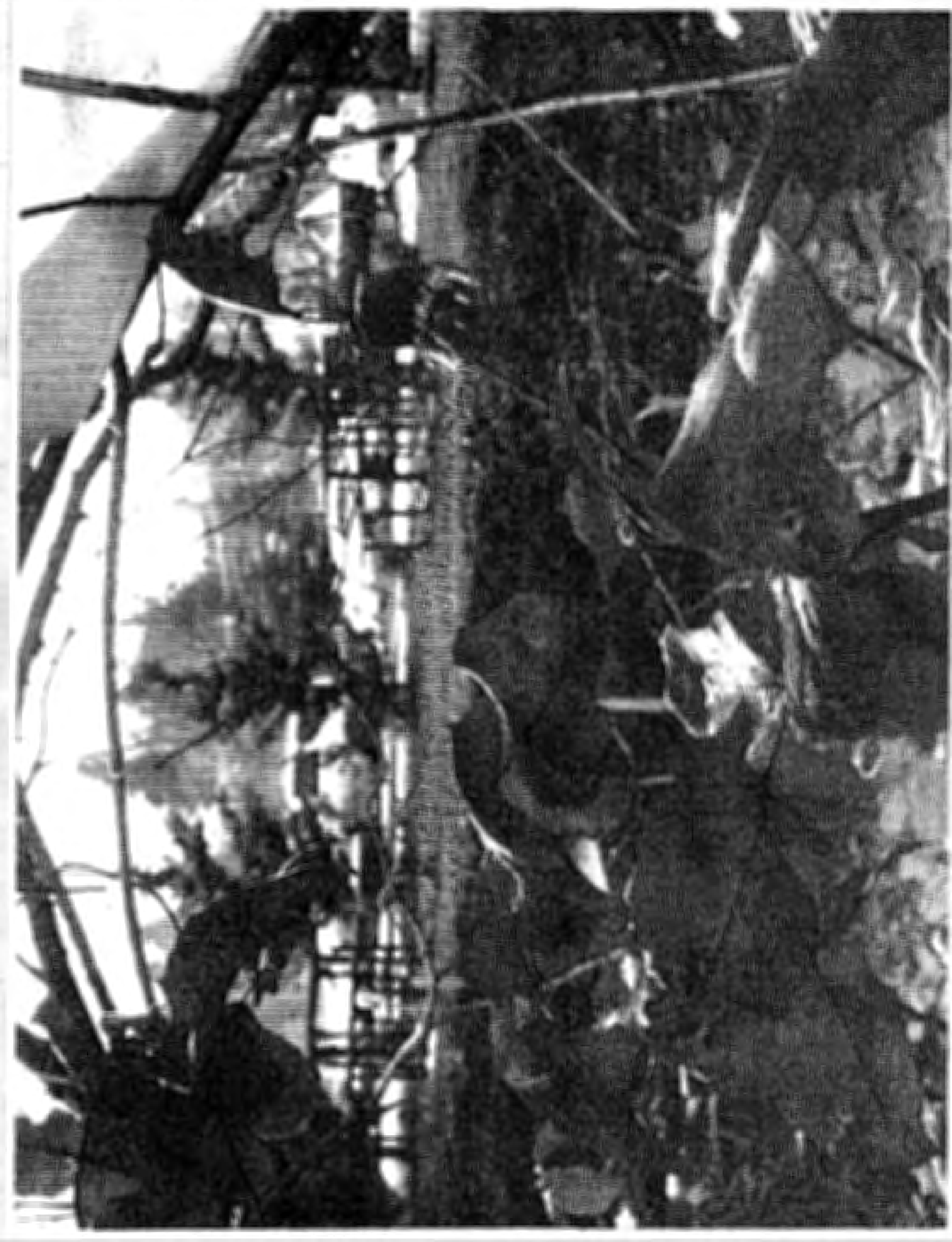
Karen Cook

I've included pictures of what a lot of "Nimbys" concentrated in one area looks like in real life.



View from my back yard. Though the electronic billboard is placed on 12th St. it intrudes on my residence. The clinic's parking lot lamp is just 8-10 ft. from my property, and the lamp in it is aimed toward my back yard, entirely lighting it up. This is apparently what draws so many intruders into my back yard since the clinic opened.

I paid taxes for nearly 30 years on about 425 sq feet that the previous owner had paved over and used for their business. The present owners returned it to me as a slope filled with rock + sand. (After they removed the construction trailer they went ahead and placed on it.)





They managed to obtain a waiver to install landscaping in lieu of a sight-obscuring fence & left a wide gap right at the exit to parking ~~exit~~^{lot}, and headlights shine onto my patio & dining room. There are many gaps.

The church can now have bigger ^(noisy) celebrations by parking here on the weekend. I imagine they can greatly expand, too, by using this parking space on a weekly basis.

View from my
living room window





BUSCHLAWFIRMPLLC
WWW.WIRELESSCOUNSEL.COM

RECEIVED

FEB 26 2013

February 26, 2013

COMMUNITY DEVELOPMENT

City of Salem
Department of Community Development
c/o Pamela Cole, Associate Planner
555 Liberty Street SE
Salem, OR 97301

VIA EMAIL TRANSMISSION

RE: Public Hearing Comments on Proposed Ordinance
SRC Chapter 715 – Wireless Communications Facility

Dear Pamela:

The purpose of this letter is to provide additional comments on the proposed rewrite of the City of Salem's Wireless Communications Facilities ordinance, provided on behalf of AT&T.

AT&T agrees with the comments provided by Verizon's counsel, dated January 2, 2013, and by other carriers and industry representatives that have commented throughout the process. The following are just a few issues that we would like to highlight and make sure they are addressed prior to final adoption of the new code:

Replacement of Existing Towers – Section 715.010(c):

Replacing existing towers that are structurally failing with new ones that are the same size should be encouraged, rather than discouraged by the draft code language. Replacement towers should not be put into the same category as "substantial changes" to existing towers, nor should they be considered a lesser priority than the four preceding categories. There are very significant (and unintended) consequences of this potential policy:

- Replacement of structurally unsafe towers should be replaced to protect the health and safety of the public. This policy could delay, and in some cases preclude, these critical improvements at the expense of public safety.
- If failing (or at maximum capacity) towers are left in place, it will discourage collocations (the code's top priority as found in 715.010(b)) and new technology upgrades by existing collocators.
- If a tower is non-conforming and cannot be structurally upgraded or replaced with the same size/height, multiple collocators would need to build several new sites to replace the coverage provided from tower that is being removed. This creates substantially more impact than just replacing the existing towers that already exist.
- In replacing an existing tower with one that is the same size, the applicant would need to show the City that it is not feasible to locate the facility in a higher priority classification. This type of process shouldn't be necessary to upgrade existing sites because these towers are already in place – there are no new impacts that need to be assessed.

22525 SE 64th Place, Suite 288
Issaquah, WA 98027
t 425.458.3940
f 206.219.6717
www.WirelessCounsel.com



BUSCHLAWFIRM PLLC
WWW.WIRELESSCOUNSEL.COM

- This provision also appears to conflict with new federal collocation law¹. If the existing tower is replaced or structurally modified such that the end result is a tower that is not substantially different (and in most cases, virtually identical) from the existing, it is consistent with the intent of the federal law, and should be treated as such under the Code.

We request that tower replacements be deleted from the priority list, and added as an exempt activity under 715.010(a)(2). References to a Type 3 process for replacement towers will need to be removed from 715.020(d)(4)(b), 715.020(e)(3)(C) and 715.030(c).

Antenna Development Standards – Section 715.040:

This section should be modified to allow more flexibility for antenna mounting configurations. The requirement to flush mount antennas on existing towers (715.040(a)) appears to conflict with the new federal collocation law (and the exemption section), which allows for appurtenances and antenna connections that do not meet the flush-mount definition. Further, requiring flush-mounted antennas (the term “shall” provides no flexibility) will reduce the amount of space available for collocators since carriers will need much more vertical space on the tower to fit the same number of antennas. This would result in additional towers being built and additional visual impacts in the surrounding neighborhood.

Collocating antennas on existing buildings could have significant challenges as well. Under 715.040(b)(1), no flexibility is provided for where adding architectural features are not structurally feasible. There may be ideas to make antennas less visible, but extensive structural modifications are often not feasible. These requirements could eliminate buildings where antennas that are painted/flush-mounted (and not screened by an architectural feature) should still be preferred over the construction of new towers or other lower priority classifications.

Please note that the new federal collocation law does apply to existing installations on rooftops and other types of structures that do not meet the “tower” definition. Please see the attached FCC interpretation of the federal collocation law that was recently released (January 25, 2013). The City may need to consider revising this Section to create separate standards for new installations and upgrades to existing installations, and modify the definitions related to “base stations” accordingly.

Design Standards for New Support Structures – Section 715.070(e):

Stealth towers, such as flagpoles, light standards, and “mono-pines”, often do not have the same physical characteristics of natural/manmade structures, particularly related to width. In order to conceal antennas inside of a new flagpole/light standard, the width needs to be substantially larger than “normal” flagpoles/light standards. To give you an example, it is not uncommon for 60-75’ flagpoles to have a 10” diameter at the base. In contrast, a 60-70’ tall stealth wireless flagpoles need 30-36” diameter to accommodate the antennas inside of the pole. In the case of “mono-pines”, please note that the diameter of these poles tend to be much larger than their natural counterparts to be structurally capable of supporting the fiberglass



BUSCHLAWFIRMPLLC
WWW.WIRELESSCOUNSEL.COM

limbs that attach to the pole. These standards, as written, are unachievable without a variance, and could lead to a prohibition of service.

Alternative to the Variance Process:

An additional section should be added that allows City staff to administratively modify requirements, within certain limitations, without having to apply for a variance. The variance process was intended to provide a rarely used "safety valve." However, since the code generally lacks even a minimal amount of flexibility/discretion as compared with many other jurisdictional regulations, that it is likely that variances will be required quite often. Staff should be given the latitude to apply design standards with reasonable amounts of discretion to minimize impacts without having to resort to a variance every single time.

If you have any questions, feel free to contact me at (206) 227-0020 or at ken.lyons@wirelesscounsel.com.

Sincerely,

Ken Lyons
Jurisdictional Relations Director, PNW, LTE

cc: File

¹ Section 6409, "Middle Class Tax Relief and Job Creation Act of 2012"

February 26, 2013

RECEIVED

FEB 26 2013

Pamela Cole, Case Manager
City of Salem
Community Development Department
555 Liberty St SE
Room 305
Salem OR 97301

COMMUNITY DEVELOPMENT

RE: Code Amendment 10-04 Comments

Dear Ms. Cole:

I would first like to commend the City of Salem for the outreach provided to inform the community on the proposed wireless communication standards which included conducting two public forums. I attended a forum held on February 20th and was impressed with the materials available to view and with the City representatives who took the time to answer questions. Both you and Bryan were quite informative and knowledgeable on the subject matter and willing to answer the questions brought up by others and myself.

I am pleased to see that the City is considering standards which prioritize the placement of wireless facilities and to make them more visually compatible with their surroundings.

I do request the City consider changing the notification process and public input process for the siting of wireless communication facilities in residential neighborhoods under all of the priorities. For instance, under priority 2, the installation of an antenna on an existing structure in the right of way, requires only review and approval of an application by the city. No notification of the public or comment period is required. In residential neighborhoods, surrounding residents should always have an opportunity to provide input and comment on the proposed siting and design prior to its approval.

Thank you for the opportunity to comment.

Sincerely

Betty Markey
2590 Crestview DR S
Salem, Oregon 97302

Wireless Communication Facilities
Public Hearing Comments 2/26/13
for the Record

RECEIVED

FEB 20, 2013

FEB 22 2013

COMMUNITY DEVELOPMENT

DEAR CASE MANAGER MS. COLE,

MY PROPERTY WAS DEVALUED 13 percent this year.

Is someone anticipating a cell phone tower on the lots the City of Salem bought close to my property line?

One news article after the other cite county assessor devaluing of roughly 10 percent in residential areas.

Please see page 1 of DeKalb Co. Georgia.

Thank you,

Jeannie Reutter

Jeannie Reutter
620 Plaza Del Rey NE
Salem, OR 97303-5025

7/1/12-6/30/13 REAL PROPERTY TAX STATEMENT

ACCOUNT NO.: R86051

MARION COUNTY, OREGON - 1115 COMMERCIAL ST NE - SALEM, OR 97301

PROPERTY DESCRIPTION
 620 PLAZA DEL REY NE
 SALEM, OR 97303
 ACRES: 0.188
 MAP: 073W11CC04200
 CODE: 92401000

LAST YEAR'S TAX 2,114.04
 See back for explanation of taxes marked with (*)

REUTTER, CAROLE JEAN
 620 PLAZA DEL REY
 SALEM, OR 97303

THIS YEAR'S TAX

EDUCATION:
 SALEM-KEIZER SCHOOL 497.67
 WILLAMETTE REG ESD 32.70
 CHEMEKETA COM COL 68.94
 EDUCATION TOTAL: 599.31

VALUES:	LAST YEAR	THIS YEAR
MARKET VALUES:		
LAND	67,000	58,000
IMPROVEMENT	93,570	81,970
TOTAL VALUE	160,570	139,970
TAXABLE VALUES:		
ASSESSED	112,890	116,270
NET TAXABLE:	112,890	116,270

GENERAL GOVERNMENT:
 MARION COUNTY 331.28
 SALEM 641.93
 MARION SOIL & WTR 5.50
 REGIONAL LIBRARY 9.06
 SALEM MASS TRANSIT 83.80
 SALEM UR SPECIAL LEVY 44.65
 SALEM URBAN RENEWAL AG 110.65
 GENERAL GOVERNMENT TOTAL 1,226.87

198,070
 highest value
 2009/2010

EXCLUDE FROM LIMIT:
 SALEM BOND (2) 111.91
 SALEM-KEIZER SCHOOL 158.64
 CHEMEKETA COM COL 9.39
 SALEM-KEIZER SCHOOL, BO 82.17
 CHEMEKETA COM COL, BON 21.21
 EXCLUDE FROM
 LIMIT TOTAL: 383.32

If a mortgage company pays your taxes,
 This statement is for your records only.

TAX TOTALS 2,209.50
 TOTAL TAX (After Discount) 2,143.21

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
2,143.21	1,443.54	736.50

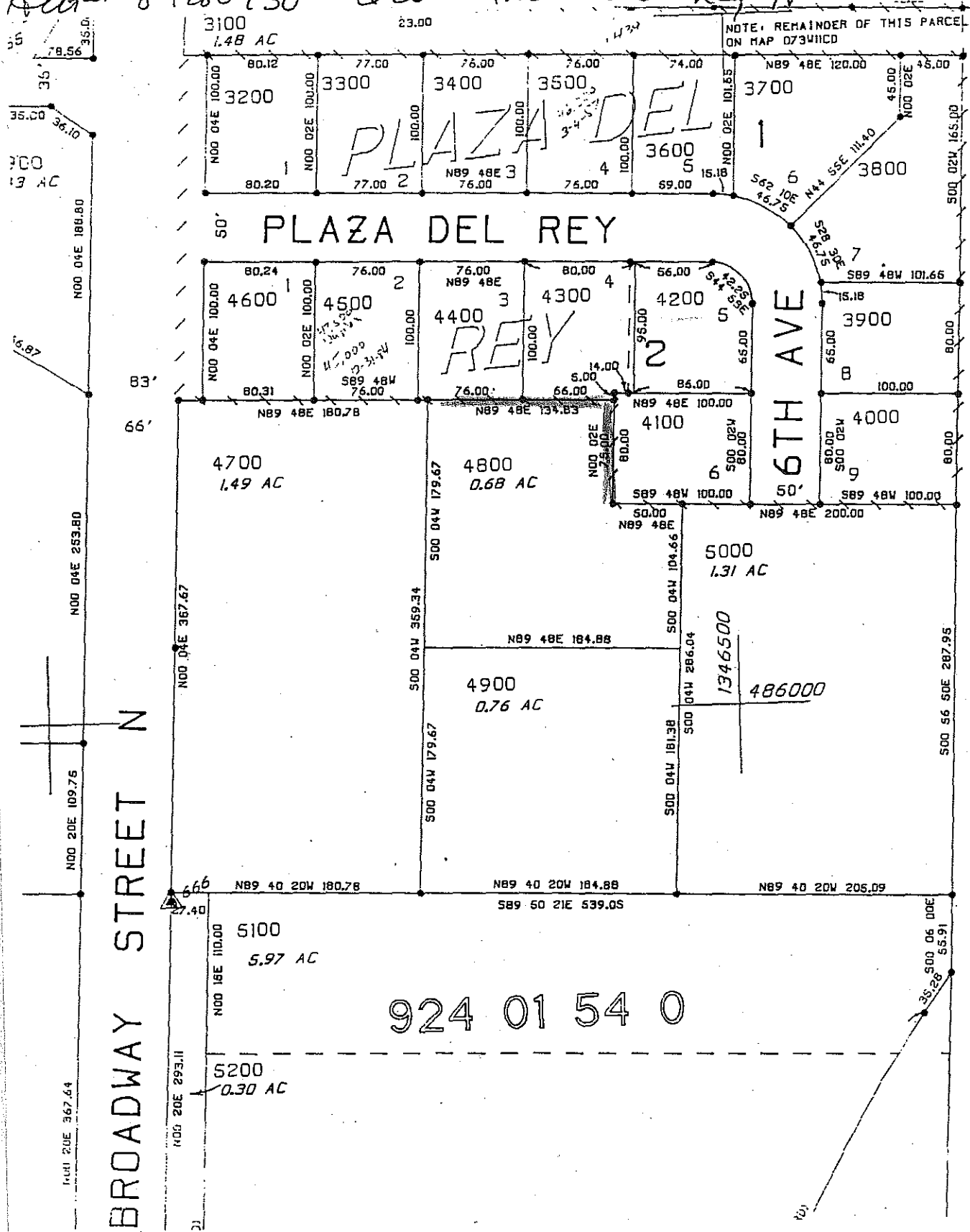
4
 of
 2

see 1100
7-3W

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes liability for variations, if any, in dimensions and location ascertained by actual survey.

TICOR TITLE INSURANCE

Acct 4 84280-130 620 Plaza Del Rey NE Salem 97303



SEE MAP 7 3W 11CD

W
J

2nd August 2012 Yes, a Cell Tower Will Lower Property Values. And, Yes,
Lower Property Values Result in Less Money for the
Operating Fund of Our Public Schools



[<http://1.bp.blogspot.com/-846iAK2xfWw/TsQDbaCnRwI>

/AAAAAAAAAANc/SXuVm8v_1_M/s1600/briarcliff.woods.jpg]

We have been talking about the many, many reasons why there might be some upset people when they wake up in DeKalb County, after an overwhelming majority of voters sent a clear message that we do not want T-mobile towers on our school grounds... only to see a giant cell tower going up right outside their window.

One good reason they might be concerned is that their property values, already taking a beating, might get even worse. And, they would probably be justified in thinking that way.

Who would want to live right next to one of these things, seriously?

The DeKalb County School Board Chairman Dr. Eugene Walker said he would take one in his front yard, but that was *before* a cell tower in Lilburn caught fire and fell over. He probably had second thoughts after he saw that happen.

And imagine what it's like for people who purchase or build their dream home or neighborhood, only to later have an unwanted cell tower installed just outside their window?

This negative effect can also contribute to **urban blight**, a deterioration of neighborhoods and school districts that can happen when residents move away or pull their children out of school because they do not want to spend so much time near urban health hazards, like cell towers.

People don't want to live next to one not just because of health concerns, but also due to aesthetics and public safety reasons. Cell towers become eyesores, obstructing or tarnishing cherished views, and also can attract crime, are potential noise nuisances, and fire and fall hazards. There is also concern for injuries to people and property on the ground below a cell tower in winter as ice and debris often accumulate up top, then fall to the ground as the weather gets warmer throughout the day.

These points underscore why wireless facilities are commercial / industrial facilities that don't belong in residential areas, parks and schools. In addition, your county officials have the power to regulate the placement and

Pamela Cole - FEB 26, 2013 PLANNING COMMISSION HEARING COMMENTS

From: Laurelyn Schellin <laurelynschellin@hotmail.com>
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>
Date: 2/25/2013 2:06 PM
Subject: FEB 26, 2013 PLANNING COMMISSION HEARING COMMENTS
CC: Chuck Bennett <crbennett@cityofsalem.net>, Anna Peterson <ampeterson@cit...

February 24, 2013

RECEIVED

Community Development Department/Planning Commission
 Attn: Pamela Cole, Case Manager
 City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301-3503

FEB 25 2013

COMMUNITY DEVELOPMENT

**RE: February 26, 2013 5:30pm Planning Commission Public Hearing Comments
 for Proposed Cell Tower Code 10-04 Regulation Amendments and Establish
 New Wireless Ordinance (SRC 715)**

Dear Planning Commission President Lewis and Commission Members,

I support the intent that the proposed ordinance consolidates into one code chapter, SRC 715, the various application requirements, review processes, development standards, and criteria applicable to wireless communication facilities.

After attending the staff-hosted Library Open House on February 7, reviewing the City's New Cell Tower Regulations web page (with Neighborhood Comments and Staff Report Code Amendment 10-04 Recommendations), I suggest the following be incorporate to make Salem more livable and safe for residents and visitors:

1. NEIGHBORHOOD CONCERNS & REMEDIES

* Put underground equipment in residential areas to address the neighborhood noise, asthetic and health concerns from emissions.

* Retain the current code 300' residential setbacks to help minimize neighborhood health concerns from emissions (Staff Report Attachment 4, Table 2). This is the minimum residential setback recommended by the World Health Organization that has linked four-times as many cancer patients (and a high rate of childhood leukemia) to living near cell towers. Maintaining the existing 300' setbacks reduces emf exposure expotentially of distance from the source, so WHY change residential setbacks to mere 30' and 15'?

* Use a portion of the wireless carrier land use and franchise revenue fees paid to the City (\$122,210 in

2012; increases 4% annually) to regularly monitor unhealthy electro-magnetic field (emf) transmissions. City watermeter readers could easily do this with small cell phone size emf monitors available for as little as \$40. Monitors could also be made available to each Neighborhood Association for use by residents whose health (like a heart condition or pacemaker) are severely affected by emf.

Monitoring is needed because court cases show that The Federal Communication Commission's allowable levels for emissions have been exceeded when not monitored--to the detriment of the public's welfare, particularly the most vulnerable subject to emf 24/7--the homebound, young, disabled and elderly. The FCC sets emf levels which the City can, and should, monitor for compliance. This is in the City's best interest.

* Require that wireless carriers promptly remove obsolete facilities, as neighborhoods have requested. This is in the City's best interest.

*Change the current code word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings." This would help address neighborhood concerns of additional design standards for screening and landscaping. Apply this to ALL cell towers (not just limited to within 300' of certain zones). Both residents and visitors are concerned how the City looks and deserve visible blending city-wide. This is in the City's best interest.

* Retain the current maximum 35' cell tower height for zone RM1 Multiple Family. This affects previously zoned RS Single Family 1920's historic homes that have been rezoned RM1. A proposed 70' cell tower height change would be incompatible with the single family residential NEN neighborhood (Staff Report Attachment 3, Table 1).

* Maintain the current code 300' setbacks and maximum 35' cell tower height to help mitigate neighborhood concerns of reduced home property values (Staff Report Attachments 3/4, Tables 1/2). According to The Appraisal Journal's Summer 2005 report on "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," there was a market sales loss of over 20%. This also is a property tax loss to the City for financing essential city services, so this is in the best interest of the City.

2. PROPERTY OWNER CONCERNS IN STAFF REPORT & REMEDIES

* Eliminate all use of the weak word "feasible" in the new code. As Ward 4 resident John Shepard points out, "feasible" is defined in the Oxford Dictionary as "possible to do easily or conveniently" (Staff Report Attachment 6). Feasible gives wireless providers a way to circumvent the City code by claiming something is not "easy" or "convenient" for them to do. This weakens the code and is not in the City's best interest.

* Send Notice to Property Owners to a 1,500' radius, as Ward 8 property owner Rano Ellertson and others have requested, and they should have an opportunity to comment on the proposed style, size and height of facilities (Staff Report Attachment 7). Property owners outside the proposed short 250' distance of wireless applications who want to be notified should be. The elderly, disabled and other homebound residents who would continuously be in their homes would not be aware of a public hearing notice posed on the property subject to the application.

If SRC Chapter 300 is not changed to 1,500' notification, then the City should maintain a list of all interested property owners who request notification, and comments should not be restricted to only the proposed small 250' radius. This is in keeping with the City's policy of encouraging residents to be involved in City planning and governance. Wireless provider application fees should pay for any notification costs.

* Change 300.520(6) Public Notice and Comment period to 30 day. The proposed "14 days from the date notice is mailed" is outdated and insufficient given that the U.S. Postal Service is discontinuing weekend mail service. Property owners may also be out-of-town for business or pleasure. Furthermore, 14 days is not adequate time to research and prepare comments. A 30-day comment period is more consistent with the notification policy of other county, state and federal government entities. This is in keeping with the City's policy of encouraging residents to be involved in City planning and governance.

In summary, before The Planning Commission recommends that the City Council accept a first reading, some revisions can be made for the benefit of the City and its residents.

Thank you for being part of Salem at Your Service.

Respectfully submitted,

L.R. Schellin
NEN Neighborhood
Ward 1 Resident/Property Owner
Former Salem Land Use Commission Member
& Salem Neighbor-to-Neighbor Board of Directors

cc: Ward 1 Councilor Chuck Bennett
Salem Mayor Anna Peterson

Pamela Cole - Public comment on Cell Towers.

From: Peter Dane <peterdane2000@yahoo.com>
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>
Date: 2/25/2013 10:36 AM
Subject: Public comment on Cell Towers.

From: Peter Dane, 720 Capitol St, NE, Salem, OR, 97301, tel: 503-463-1617

February 25, 2013

To: Pamela Cole, Associate Planner, Community Development, City of Salem

Re: Public comment on Cell Tower plan

RECEIVED

FEB 25 2013

COMMUNITY DEVELOPMENT

Dear Ms. Cole:

In regards, to the Public Hearings about the new plan for more cell transmission installations in Salem, I would like to make a comment. It's surprising there has been little mention of the related health studies, e.g., the Horst Eger, 2004 study, the British researcher, Dr. John Walker's 2007 study, and more. Some persons who are more vulnerable to intense electro-magnetic fields (EMF). Could there a liability issue, due to negligence?

Is this plan, to allow more cell tower installations in Salem, part of the "First Responders National Network?" It sounds like it's similar to the old Federal program to boost national security, by building an interstate highways and freeway systems. It proved to have high maintenance costs, compounded by the increase in public services for suburbs, along with more non-point pollution.

Maybe the public needs to be better informed on the side effects of installing more cell toweres in Salem. Thank you.

Respectfully,
Peter Dane

Public comment on Cell Towers.

From: Peter Dane, 720 Capitol St, NE, Salem, OR, 97301, tel: 503-463-1617

February 25, 2013

To: Pamela Cole, Associate Planner, Community Development, City of Salem

Re: Public comment on Cell Tower plan, WITH DOCUMENTATION

Dear Ms. Cole:

In regards, to the Public Hearings about the new plan for more cell transmission installations in Salem, I would like to make a comment. It's surprising there has been little mention of the related health studies, e.g., the Horst Eger, 2004 study, the British researcher, Dr. John Walker's 2007 study, and more. Some persons who are more vulnerable to intense electro-magnetic fields (EMF). Could there a liability issue, due to negligence?

Is this plan, to allow more cell tower installations in Salem, part of the "First Responders National Network?" It sounds like it's similar to the old Federal program to boost national security, by building an interstate highways and freeway systems. It proved to have high maintenance costs, compounded by the increase in public services for suburbs, along with more non-point pollution.

Maybe the public needs to be better informed on the side effects of installing more cell toweres in Salem. Thank you.

Respectfully,

Peter Dane

Peter Dane

CITY OF SALEM
HEARINGS OFFICER _____
PLANNING COMMISSION <input checked="" type="checkbox"/> _____
OTHER: _____
EXHIBIT: _____
CASE NO: <u>CA 10-04</u>
DATE: <u>Feb. 26, 2013</u>

ASOCIACIÓN VALLISOLETANA DE AFECTAD@S POR LAS ANTENAS DE TELEFONÍA

Publicar [escribir]

AVAATE

[http://www.avaate.org]

EDICIÓN AMBITO TEMAS DOLENCIAS Y SINTOMAS

Ir a INICIO [http://www.avaate.org] | Buscador [recherche.php3] | Correo electrónico [mailto:avaate@avaate.org] | Enlaces [http://www.avaate.org/rubrique.php3?id_rubrique=54] | Lista de correo [http://mail.avaate.org/mailman/listinfo/noticias_avaate.org] | Lo más visitado [resume.php3] | Mapa del sitio [plan.php3] | Sindicar Breves [backend-breves.php3] | Sindicar Noticias [backend.php3] | Traductor [http://translate.google.es/translate_?hl=es]



Inicio [http://www.avaate.org] > Estudios científicos [rubrique.php3?id_rubrique=9]

Dr. med. Horst Eger: Specific symptoms and radiation from mobile basis stations in Seibitz, Bavaria, Germany: evidence for a dose-effect relationship. Umwelt medizn gesellschaft 2010; 23(2): 130-139. ESTUDIO COMPLETO EN INGLÉS Y ALEMÁN

27-09-2010 - Visitas: 1849

Buscar / Search

Estudios científicos [rubrique.php3?id_rubrique=9]

Apartado Jurídico [rubrique.php3?id_rubrique=12]

Artículos de Opinión [rubrique.php3?id_rubrique=31]

Campañas [rubrique.php3?id_rubrique=8]

Documentos de interés [rubrique.php3?id_rubrique=10]

Efectos sobre la fauna y la flora [rubrique.php3?id_rubrique=60]

Fibromialgia y personas electro-sensibles [rubrique.php3?id_rubrique=19]

Llamamientos y declaraciones científicas internacionales [rubrique.php3?id_rubrique=16]

Mapas de antenas [rubrique.php3?id_rubrique=62]

Noticias [rubrique.php3?id_rubrique=7]

Sitios web [rubrique.php3?id_rubrique=54]

¿Quiénes somos? [rubrique.php3?id_rubrique=6]

Specific symptoms and radiation from mobile basis stations in Seibitz, Bavaria, Germany: evidence for a dose-effect relationship
Abstract in January 2009 the municipality of the Bavarian town of Seibitz, carried out a health survey by which the data of 251 citizens was recorded and then analyzed regarding radiation intensity by microwaves. In a second step, the radiation data was used to stratify the participants in pollution intensity groups, utilizing place of residence and available readings of the regional mobile telephone radiation. The mean radiation measurements of the groups exposed at most in Seibitz (1.2 V/m) was substantially higher than the mean radiation of the study population studied in the QUEBEB study (1) of the German mobile telephone research program (Deutsches Mobilfunkforschungsprogramm DMF, established mean value DMF 0.07 V/m). A significant correlation was found dependent on dose-effects for insomnia, depressions, cerebral symptoms, joint illnesses, infections, skin changes, heart and circulation disorders, and disorders of the optical and acoustic sensory systems and the gastro-intestinal tract with objectively determined locations of exposure, which can be related by the influence of microwaves on the human nervous system. This work, which has been carried out without external resources, provides a protocol for surveys of medical practitioners and municipality administrations to estimate possible health effects of mobile telephone basic stations situated near population residents.

Keywords: symptoms, HF-radiation, dose-effect evidence

Ver el abstract en pdf



[IMG/pdf/Eger_Jahn_Selbitz-Studie_Zusammenfassung.pdf]

Formato: PDF · Tamaño: 12.8 KB



[IMG/pdf/Eger_Jahn_Selbitz_Studie_gesamt_umg_2_2010.pdf]

ESTUDIO ORIGINAL COMPLETO (EN ALEMÁN)

Formato: PDF · Tamaño: 770.3 KB



[IMG/pdf/EGER_inglesEgerJahnSELBITZSTUDY2010EnglishFinalmitOriginalQuelle_1_.pdf]

ESTUDIO COMPLETO EN INGLÉS

Formato: PDF · Tamaño: 1.8 MB

Enviar un comentario al autor/a [mailto:avaate@avaate.org]

Recomendar Enviar 5 personas han recomendado esto. Regístrate para ver qué recomiendan tus amigos.

GoogleTranslate Select Language

Undale this article Click here

Go, gk: [http://fusion.google.com/ig/add?

synd=open&source=ggyp&moduleurl=http://www.google.com/ig/modules/t

Peter Dane

CITY OF SALEM	
HEARINGS OFFICER _____	
PLANNING COMMISSION <input checked="" type="checkbox"/>	
OTHER: _____	
EXHIBIT: _____	
CASE NO: CA 10-04	
DATE: Feb. 26, 2013	

- [Home](#)
- [Products](#)
- [Benefits](#)
- [Q&A »](#)
- [EMF Health Concerns »](#)
- [Smart Meters](#)
- [Cell Phones](#)
- [Power Lines](#)
- [Testimonials](#)
- [Research](#)
- [Blog](#)
- [Kids »](#)
- [About Us »](#)

Peter Dane

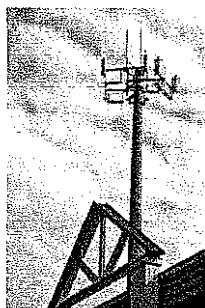
CITY OF SALEM	
HEARINGS OFFICER _____	
PLANNING COMMISSION <input checked="" type="checkbox"/>	
OTHER: _____	
EXHIBIT: _____	
CASE NO: <u>CA 10-04</u>	
DATE: <u>Feb 26, 2013</u>	

NON-US CUSTOMERS: Reduce Customs & Shipping Fees
800.474.2584 | customerservice@earthcalm.com | [Contact Us](#)

« [EMF Radiation--A Cause of Autism?](#)
[Cordless Phones and Radiation Danger](#) »

Cell Tower Radiation--Is it Hazardous?

Published May 31, 2011 | By [Vidya](#), Editor



Dangers of cell towers have been well-documented over the last decade. Cell tower radiation is indeed hazardous, and more and more people are concerned about it.

Although the telecom industry and federal governments maintain there's no conclusive evidence of health risks of cell tower radiation, literally dozens of studies world-wide consistently warn us about the dangers. Following is just a sampling of these studies.

Research on Cell Tower Radiation

Australia: As far back as 1995, Prof. Henri Lai and N.P. Singh documented damage to the DNA of rats when exposed to the same kind of radiation as that emitted by cell towers. He conducted another study in 2004, which confirmed these earlier results. **DNA damage** can lead to a wide variety of disorders, including **cancer**.

In another Australian study two years later, Dr. Bruce Hocking in Sidney found that children living near TV and FM broadcast towers (emitting the same kind of radiation as cell towers) had more than twice the rate of **leukemia** than children living more than seven miles away.

New Zealand: In 2002, Dr. Neil Cherry, biophysicist at the University of New Zealand, wrote a 120-page review of 188 scientific studies on the dangers of cell towers. He stated that the government standards were based only on thermal effects, and did not take into consideration the non-thermal effects that also take place—such as **cell death** and **DNA breakdown**. "To claim there is no adverse effect from phone towers flies in the face of a large body of evidence."

France: In 2003, a study was conducted by R. Santini, et al, in Rennes, France. They found that people living within 300 meters of cell antennas reported the following disorders: “**fatigue, sleep disturbances, headaches, feeling of discomfort, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, cardiovascular disorders and dizziness.**”

Spain: Also in 2003, E.A. Navarro in Valencia, Spain conducted a study in which he concluded that “exposed individuals that lived within 50 and 150 meters of the base station...experienced more **headaches, sleep disturbances, irritability, difficulty concentrating, dizziness, appetite loss and dizziness.**”

Germany: Horst Eger, et al, in a study conducted in 2004 in Naila, Germany, gathered evidence from 1000 patients residing at the same address during a period of 10 years. Their findings were that the proportion of newly-developed **cancer** cases was three times higher among those who had lived at a distance of up to 400 m (1300 ft) from a cell tower, compared to those living further away. They also fell ill on the average of 8 years earlier.

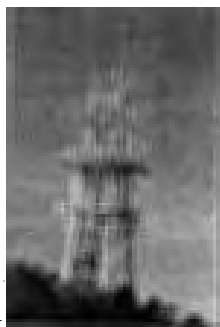
UK: In 2007, Dr. John Walker compiled a series of cluster studies on the effects of cell tower radiation. Seven clusters of cancer and other serious illnesses were discovered around mobile phone masts. Studies of the sites showed high incidences of **cancer, brain hemorrhages and high blood pressure** within a radius of 400 yards of mobile phone masts. One of the studies, showed a cluster of 31 cancers around a single street. A quarter of the 30 staff at a special school within sight of the 90ft high mast had developed tumors since 2000, while another quarter had suffered significant health problems.

Israel: In 2010, Dr. Siegal Sadetzki of Tel Aviv University testified at a US Senate Hearing that she had examined 622 people living from 3-7 years within 350 meters of a cell tower. They were compared to a group who lived further away. The results were startling: there were over four times as many **cancer** patients from the area near the cell tower. Women were especially susceptible.

India: In 2011, Dr. Neha Kumar at India's Anna University, et al., indicated a rise in **attention disorders** in people (especially in children) who received prolonged exposure to EMFs from cell towers.

What will it take to Alert People to the Dangers of Cell Towers?

With so much evidence about **cell tower radiation health risks**, how is it that governments allow cell



phone companies to continue to erect more and more cell towers and antennas? One factor, of course, is that although ever-growing numbers of people are voicing concerns about possible health risks of cells towers, most people want good reception on their phones, wherever they happen to be. And competing cell phone companies are very accommodating; they strive to put up as many cell towers and antennas as they can to keep their far-roaming customers satisfied.

But another reason is that governments continue to protect the right of the telecom industry to put up as many towers as they want. In the US, the wireless industry is protected by Article 704 of the Telecommunications Act, signed by President Clinton in 1996. This act does not allow rejection of a tower based on health risks. It even prohibits arguments of potential health risks from towers to be made at a public hearing.

It's well-known that the US government receives sizable revenues every year in taxes from the telecommunications industry. And the telecom industry, of course, benefits greatly from its sales that are now sky-rocketing, even in a

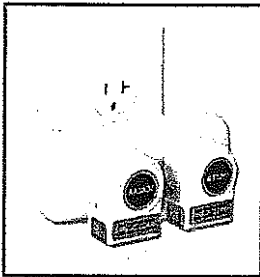
depressed economy. A speaker at a recent hearing on the subject of the dangers of cell towers aptly quoted Upton Sinclair: "It is difficult to get a man to understand something when his salary depends on him not understanding it."

Approaches to Minimize the Risks

There are several approaches you can take to minimize the risks of living near cell towers:

1. Avoid or minimize your exposure. If you find your home is surrounded by cell towers and moving isn't an option, you can find some help from specially-formulated EMF protection paint, shielding fabric or shielding glass or tinting for windows.
2. Use EMF protection devices, such as pendants, chips or other protective devices. Good products will ground you into the earth's electro-magnetic field to strengthen your biofield. This helps to restore cellular function and strengthen your immune system.
3. Reverse the damage that EMFs have already done. Do this through nutritional support, such as with anti-oxidant supplementation, which can counteract the effects of free radicals caused by EMF exposure. Glutathione and CoQ 10 are also helpful.

EarthCalm's Solution



The EMF Home Protection System will give you effective protection from cell towers around your home. One unit covers the entire home, regardless of size of house.

[learn more](#)

Posted in [EMF Dangers](#) | Tagged [cell phone tower health risks](#), [cell towers](#), [DNA damage](#), [leukemia and cell towers](#), [radiation danger](#)

Leave a Reply

Your email address will not be published. Required fields are marked *

Name *

Email *

RECEIVED

FEB 22 2013

COMMUNITY DEVELOPMENT

FEBRUARY 26 LAND USE PUBLIC HEARING COMMENTS

February 22, 2013


Community Development/Planning Division
City of Salem
555 Liberty Street SE, Room 305
Salem Oregon 97301

RE: Comments for February 26, 2013 Public Hearing for Proposed Cell Tower Code Regulation Amendments

Land Use Commission Members:

I am a 90-year old Salem grandmother opposed to code amendments that allow any cell towers, or antennas, closer than 300' to any residence, health care facility or day care/school because the vulnerable young, the ill and the elderly would be continually exposed to harmful wireless carrier radiation that affect these populations the most.

Fees that the City gets from wireless carriers should be used to **at least semi-annually monitor their transmissions** to be sure they are in compliance.



Helen Howard
Former Marion County Volunteer of the Year
944 Fir Street
Salem Oregon, 97302

Phone: 503-362-4051

✓

Cell Towers and Cancer

Perhaps the most serious cell tower health risk is cancer. Many studies have now linked a number of different cancers to living near cell towers.

One notable study headed by Horst Eger in 2004 involving 1,000 patients showed that the proportion of **newly developing cancer cases was three times higher** among those patients who had lived during the past 10 years at a distance within 400 meters of a cell tower.

In another study in 2010, Dr. Siegal Sadetzki of Tel Aviv University, examined 622 people living from 3-7 years within 350 meters of a cell tower. They were compared to a group who lived further away. The results showed that there were over four times as many **cancer patients** from the area near the cell tower.

Other studies have been done on children living near TV and FM broadcast towers (emitting the same kind of radiation as cell towers). Dr. Bruce Hocking in Sidney Australia found that those children had more than **twice the rate of leukemia** than children living more than seven miles away.

Research on Cell Towers and Other Health Risks

In 2003, R. Santini, et al in Rennes, France conducted a study in which they found that people living within 300 meters of cell antennas reported the following disorders: **“fatigue, sleep disturbances, headaches, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, cardiovascular disorder and dizziness.**

In the same year, E.A. Navarro in Valencia, Spain conducted a study in which he concluded that **“exposed individuals that lived within 50-150 meters of the base station...experience more headaches, sleep disturbances, irritability, difficulty concentration, appetite loss and dizziness”.**

In 2007, British researcher, Dr. John Walker compiled a series of cluster studies on the effects of cell tower radiation. Studies showed high incidences of **cancer, brain hemorrhages and high blood pressure** within a radius of 400 yards of mobile phone masts.

03/26/2013

6.1

RECEIVED

MAR 26 2013

COMMUNITY DEVELOPMENT

MARCH 26, 2013 6.1 AGENDA CODE AMENDMENT 10-4 WIRELESS AND
PUBLIC UTILITY FACILITIES

DEAR MS. COLE AND PLANNING COMMISSION MEMBERS,

ie: SETBACKS AND TOWER HEIGHTS
HAS ANYONE DONE AN IMPACT STUDY ON PROPERTY VALUES?

THANK YOU,

Jeannie Reutter
JEANNIE REUTTER

3/26/13

Jeannie Reutter
620 Plaza Del Rey NE
Salem, OR 97303-5025

Renee Pinfler
695 17th St NE
Salem OR 97301
503-363-8263

RECEIVED 03/26/2013

MAR 28 2013

6.1

COMMUNITY DEVELOPMENT

RE: Code Amendment 10-04 (Wireless Comm. Facilities)

To whom it may concern:

I AM writing this letter as a concerned citizen of Salem & particularly as a resident in the Northeast neighborhood.

I AM protesting the Code Amendment for the following reasons:

- A - possible property value reduction
- B - Health concerns
- C - Antennas on historic buildings

I do "perceive" these changes would affect the value of our property. Our street would probably be considered a second or third arterial street. There are already many negatives in NE Salem. (Railroad, heavy traffic, half-way houses etc) The street light is on the NW corner of our property right in front of our porch. The possibility of antenna on top of that pole would add another negative to the value of our property.

I AM very disappointed that the City of Salem would not be monitoring & regulating the radio frequency emissions from antennas. After hearing ~~reporting~~ reports regarding health problems near schools etc I AM extremely concerned about future health ~~issues~~ issues in our neighborhood.

As to historic buildings, I feel that Salem has a terrible record in preserving our history (starting with City Hall). Anything that reduces the aesthetics of our historic Building should be out of the question.

The bottom line for the wireless communication companies is expanding their business. They would be doing it at the "expense" of the residents of Salem. Their loyalty is to their company & their profits.

They reside in Portland & do not have a vested interest in Salem except the money they can make. They are not interested in or concerned about the mess they leave behind.

Please do not approve this Amendment. No matter what other cities have done we have to do what is best for Salem & it's citizens.

Thank you for your time & consideration.

Sincerely,

Renee Trotter

From: Ken Lyons <ken.lyons@wirelesscounsel.com>
To: Pamela Cole <pcole@cityofsalem.net>
Date: 3/26/13 4:58 PM
Subject: Additional Comments - Salem Draft Wireless Ordinance
Attachments: Salem Code Edits (DRAFT 3-16-2013).doc

Good afternoon Pamela:

As requested, here are some additional comments I have following reading the Staff Report:

* Further Review Needed: Although the Staff Report makes references to changes that Staff intended to make in the draft ordinance, these changes were not available prior to tonight's Planning Commission meeting. Without being able to see how the changes work within the context of the previous draft, I would request that the Commission continue the public hearing to ensure that any concerns arising from the changes can be expressed and addressed accordingly.

* Type II Variance Process: It appears that Staff intends to add a more administrative variance process (Item #11 in the Staff Report), but has not provided a list of which development standards could be deviated through such a process. This list should be reviewed to make sure it is appropriate for addressing the majority of deviations that are expected. A Type III Variance should be used very rarely, and only then for exceptional issues. If a variance (Type II or Type III) is required for most sites, then the wireless code is not reasonably written – the code language is asking carriers to meet standards that are routinely not feasible, in many cases through no fault of the carrier (PGE standards, inherent structural limitations, etc.).

* Additional Discretion by Staff: To avoid requiring most applications to go through the variance process, it is necessary to provide Staff the flexibility to allow a project to be reviewed without a variance if the information provided is reasonable and convincing. To that end, most instances where the word "shall" is used should be prefaced with "to the extent feasible," or similar qualifiers. Suggested additions of such language were provided in my redline version of the Code dated 3/16/2013 (attached, already in the PC packet). Some examples:

* 715.040(b)(1)(B) - Installing new architectural features (bell towers, etc) may not be structurally feasible on rooftops that were not designed for such loads. Not allowing an applicant to provide such documentation as a means to propose an alternative screening proposal is not reasonable.

* 715.040(d)(4)(B) - While the City requires flush-mounting of antennas on utility poles, it requires a standard that cannot be met in some cases due to the utility provider and their requirements. It's reasonable to require that the antennas be mounted as close as the utility provider will allow, and not require the carrier to obtain a variance to do so.

* 715.070(e)(3) - Even stealth designs for wireless facilities are distinguishable from the structures they are trying to mimic. For example, a normal 50' tall flagpole would have a diameter of approximately 8-10", where a stealth flagpole of a similar height would need to be 30-36" in diameter to fit the antennas/coax cable inside the pole. It's not reasonable to require a variance when it is demonstrated that the width is the minimum necessary to support the facility.

We appreciate the City's consideration of our comments. Please let me know if you have any questions.

Best regards,

Ken Lyons
Jurisdictional Relations Director, PNW

Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesscounsel.com

GET THE LATEST NEWS, UPDATED THROUGHOUT THE DAY, AT YOUR FINGERTIPS



Website: StatesmanJournal.com Mobile: Go to m.StatesmanJournal.com
 iPhone & Android apps: Download free from app store. Tablet: Go to tablet.StatesmanJournal.com
 Mobile: Go to m.StatesmanJournal.com Twitter: @Salem_Statesman
 Facebook: Facebook.com/StatesmanJournal Alerts to email: Inbox Sign up

Laurelyn Schelline
 MONDAY, APRIL 25, 2015 3C

CITY OF SALEM
 HEARINGS OFFICER _____
 HEARINGS COMMISSION _____
 OTHER: _____
 STATESMANJOURNAL.COM/NEWSLETTERS
 CASE NO. 25-16-04
 DATE: March 26, 2015

SALEM

Development plan up for comment

Rental assistance, fixing up affordable homes and boosting social services are among the local targets for federal funding received by the city of Salem and the Salem-Keizer Consortium.

The Housing and Community Development 2013-14 Annual Action Plan is undergoing its required 30-day notice comment period, which runs through April 18. The plan provides a playbook for funds received from the federal Housing and Urban Development Department with a community assistance focus to end homelessness, promote economic development, realize affordable housing options and revitalize neighborhoods.

The city announced this week that the plan is available to view at various locations: the reference desk at Salem Public Library, 585 Liberty St. SE; the city's Urban Development Department, 350 Commercial St. NE; Salem Housing Authority, 360 Church St. SE; and the Keizer Department of Community Development, 930 Chemawa Road NE.

Comments on the plan must be submitted to the Salem Urban Development or Keizer Community Development departments before 8 a.m. April 18.

For information, call (503) 588-6178, ext. 2405. *Justin Much*

Spring break lunch program begins today

A spring break lunch program will begin serving meals today at 45 sites in Marion and Polk counties. Coordinated by Marion-Polk Food Share, the program is expected to serve about 9,000 meals and distribute thousands of books.

From noon to 1 p.m. Monday through Friday, 10 sites in Polk County and 35 sites in Marion County will offer a free lunch at area schools, churches, Boys & Girls clubs, apartments complexes and other venues.

Volunteers will run activities during meal time. For information, call (503) 581-3855.

Saerom Yoo

OREGON

Mobile dental clinic gets grant funding

The Dental Foundation of Oregon announced this week that it received a \$20,000 grant from Spirit Mountain Community Fund in support of Tooth Taxi, a free, mobile dental clinic.

Tooth Taxi is a mobile dental van that travels to schools throughout Oregon to deliver free dental care and oral health education to underserved children.

SALEM

Gardening's benefits for healthy aging is topic of talk

Gardening is regarded by many as a superlative activity for the older set. With that perspective in mind, OSU Extension Service will host a free discussion this week on the topic of gardening for healthy aging.

Gardening is consistently reported as an enjoyable mode of physical activity for older adults and an activity in which one can participate across the lifespan, said OSU Extension professor Debra Minar-Driscoll.

Driscoll said the discussion, which will be offered twice, will review concepts of aging, health and wellness as they relate to gardens and gardening and allow participants to examine ways to plan and implement garden features that engage older adults in gardening for healthy aging.

The discussions take place 9:30 to 11 a.m. Wednesday at the Polk County OSU Extension Office, 289 E. Ellendale Ave. in Dallas; 9:30 to 11 a.m. Thursday at the Marion County OSU Extension Office, Health Service Building Room 2A, 3180 Center St. NE, Salem.

For information, contact (503) 602-2651.

Justin Much



Gardening is regarded by many as a superlative activity for the older set. *Stock Photo*

"We are very grateful to Spirit Mountain Community Fund for this significant grant," said Charlie LaBurette, executive director of DFO. "Oregon children have among the worst dental decay in the nation, and support from Spirit Mountain Community Fund is especially appreciated during this very challenging economy when so many families are suffering."

Created in 1997, the fund dedicates 6 percent

of annual profits from Spirit Mountain Casino in Grand Ronde to a variety of nonprofits that are based in Western Oregon. Tooth Taxi was created through a partnership with the Dental Foundation of Oregon, the OEA Choice Trust and ODS to take dental care and education directly to children who need the most help.

Justin Much

Help them call home.



CELL PHONES FOR SENIORS

Lairdelyn Schellin
CITY OF SALEM
HEARINGS OFFICER _____
PLANNING COMMISSION
OTHER: _____
EXHIBIT: _____
DATE: MARCH 25, 2013
CA10-04
Where readers should find a variety of viewpoints — ones that will challenge their own as well as comment on their own.

Opinion

I, like several others, am getting in line to complain about parking meter rate changes in Salem.

My beef is less about the amount (though the increase is a bit of a shock) and more about convenience.

City of Salem, if your goal is to continue to have "Parking Services" be the most maligned department in city government, by all means, stay the course. As a financial strategy, it is certainly more efficient to glean revenue through a \$15 infraction than a paltry \$3 in meter deposits.

If, however, you are interested in a show of good faith to your citizens, please invest in your infrastructure; do your part with a nod to modernity by letting me swipe a bank card to pay for the parking meter. I know of no one who keeps 12 quarters at a time in their pocket or purse.

Michelle Deister
Salem

Don't subject wild horses to rodeo races

Wild, terrified horses



should not be subjected to a rodeo horse race.

It's extremely dangerous for the horses and people. The trauma could ruin a horse for becoming a reliable riding horse.

It is possible that a herd of horses that have no fear of a noisy crowd could run free style (no roping or riding) around the arena. Or domestic breeds like flashy Arabs or gaited breeds could run free style.

The wild horse once tamed could have a future as a race horse. All wild horses need a large area to run in.

I had a small Owyhee Mountain filly and it took them most of the day to rope her from the herd in a small corral. Star-lyte had both speed and endurance and later become a saddle horse.

Anne Taylor
Salem

Why doesn't city monitor radiation?

Our elected city officials, staff and commissioners who oversee cell towers should be looking out for the good of the community and its residents.

So why aren't they monitoring cell tower and wireless antenna radiation (like other cities do) to be sure the levels are within the Federal Communications Commission's lawful limits?

This is important to people with pacemakers and other health problems.

Monitoring can easily be done at no cost to the city by using revenue the city receives from the cell tower/

Cellular code should include funds to monitor

As a mother and grandmother, I am concerned that the city of Salem does not know how much cancer-causing radiation is being emitted from cell towers and the wireless cell antennas being installed on power and telephone poles all over town.

The new city of Salem cellular code being drafted should include a provision that land use and franchise fees the city receives from wireless providers be used to monitor these emissions monthly to ensure they do not exceed the federal government's lawful limits.

This especially affects my young grandchildren and older neighbors with pacemakers who are continually exposed to unhealthy radiation.

The public has a right to know the amount of radiation in their neighborhoods. Some residents might even have to sell their homes and move for health reasons.

Linda Sozzi
Salem

you doing for Spring Break?

Going on vacation out of town	4%
Having a staycation in Mid-Valley	4%
Hanging out at home	27%
Working/Nothing special	40%
Don't know	2%
None of your business!	20%

TODAY'S QUESTION

Should chickens be raised in city backyards?

To vote, go to [Statesman Journal.com/opinion](http://StatesmanJournal.com/opinion) by 5 p.m.

Letters to the editor, blogs, guest opinions, columns, cartoons, photos and articles submitted to the Statesman Journal and/or StatesmanJournal.com may be published or distributed in print, electronic, audio or other forms.

JOIN THE CONVERSATION

LETTERS

Lanellyn Schellum

CITY OF SALEM		AD/1
HEARINGS OFFICER		
PLANNING COMMISSION <input checked="" type="checkbox"/>		
OTHER: _____		
EXHIBIT: _____		
CASE NO: <u>CA 10-04</u>		
DATE: <u>March 26, 2013</u>		

Letter: Cellular code should include funds to m

Mar 23, 2013 | 2Comments

Recommend | 6 peo
recomm

Recommend { 6

A A

FILED UNDER
Opinion

As a mother and grandmother, I am concerned that the city of Salem does not know how much cancer-causing radiation is being emitted from cell towers and the wireless cell antennas being installed on power and telephone poles all over town.

The new city of Salem cellular code being drafted should include a provision that land use and franchise fees the city receives from wireless providers be used to monitor these emissions monthly to ensure they do not exceed the federal government's lawful limits.

This especially affects my young grandchildren and older neighbors with pacemakers who are continually exposed to unhealthy radiation.

The public has a right to know the amount of radiation in their neighborhoods. Some residents might even have to sell their homes and move for health reasons.

Linda Sozzi

Salem

OPEN

JOB'S CARS HOMES RENTALS CLASSIFIEDS NOTICES DEALS

LOC

News

Communities

Sports

Business

FEATURED: Video Oregon Politics Watch Crime Photos Blogs DealChicken

Louise Schellin

CITY OF SALEM		ADV
HEARINGS OFFICER		
PLANNING COMMISSION		<input checked="" type="checkbox"/>
OTHER:		
EXHIBIT:		
CASE NO:		CA 10-04
DATE:		March 26, 2013

Letter: Why doesn't city monitor radiation?

Mar 23, 2013 | 1 Comments

Recommend

Sign L

Recommend { 0

Tweet { 0

0

A A

FILED UNDER

Opinion

Our elected city officials, staff and commissioners who oversee cell towers should be looking out for the good of the community and its residents.

So why aren't they monitoring cell tower and wireless antenna radiation (like other cities do) to be sure the levels are within the Federal Communications Commission's lawful limits?

This is important to people with pacemakers and other health problems.

Monitoring can easily be done at no cost to the city by using revenue the city receives from the cell tower/antenna franchise and land use fees. Letting a billion-dollar industry self-regulate itself is like putting a fox in charge of the hen house.

Salem residents deserve better.

Helen Howard

Salem

Pamela Cole - Cell Tower Application--Center & 17th St. NE

From: Laurelyn Schellin <laurelynschellin@hotmail.com>
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>
Date: 5/16/2013 1:29 PM
Subject: Cell Tower Application--Center & 17th St. NE
CC: Joan Lloyd <jello_878@comcast.net>, Nancy McDaniel <nanmcdann@yahoo.com>...

Pamela,

As case manager for the AT&T Mobility almost 70' free-standing cell tower application at Center & 17th Street in NEN, have you checked if this wireless carrier has any court judgments against it for exceeding the Federal Communication Commission's allowable levels for emf radiation limits?

Besides AT&T Mobility, what other wireless carriers is the City working with?

Have any of them exceeded the FCC emf limits?

In the proposed new Cell Tower Code you are sending to Council for first reading June 10, what provisions are there to monitor for compliance, and protect Salem citizens against, the wireless carriers exceeding the FCC radiation limits?

As you know from the Planning Commission's February 26, 2013 cell tower code hearing, there are wireless carriers in violation of this, even resulting in a school closing when the judge ruled the outbreak of student cancer was due to cell tower radiation levels.

With a similar public concern at West Salem High, has the City monitored those West Salem wireless emf levels for FCC compliance?

Laurelyn Schellin, NEN

ATTACHMENT E



**Federal
Communications
Commission**

**Local and State
Government
Advisory
Committee**

**A Local Government Official's Guide to
Transmitting Antenna RF Emission Safety:
Rules, Procedures, and Practical Guidance**



ATTACHMENT F

June 2, 2000

A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance

Over the past two years, the Federal Communications Commission (FCC) and its Local and State Government Advisory Committee (LSGAC) have been working together to prepare a voluntary guide to assist state and local governments in devising efficient procedures for ensuring that the antenna facilities located in their communities comply with the FCC's limits for human exposure to radiofrequency (RF) electromagnetic fields. The attached guide is the product of this joint effort.

We encourage state and local government officials to consult this guide when addressing issues of facilities siting within their communities. This guide contains basic information, in a form accessible to officials and citizens alike, that will alleviate misunderstandings in the complex area of RF emissions safety. This guide is not intended to replace OET Bulletin 65, which contains detailed technical information regarding RF issues, and should continue to be used and consulted for complex sites. The guide contains information, tables, and a model checklist to assist state and local officials in identifying sites that do not raise concerns regarding compliance with the Commission's RF exposure limits. In many cases, the model checklist offers a quick and effective way for state and local officials to establish that particular RF facilities are unlikely to exceed specific federal guidelines that protect the public from the environmental effects of RF emissions. Thus, we believe this guide will facilitate federal, state, and local governments working together to protect the public while bringing advanced and innovative communications services to consumers as rapidly as possible. We hope and expect that use of this guide will benefit state and local governments, service providers, and, most importantly, the American public.

We wish all of you good luck in your facilities siting endeavors.

William E. Kennard, Chairman
Federal Communications Commission

Kenneth S. Fellman, Chair
Local and State Government
Advisory Committee

**A LOCAL GOVERNMENT OFFICIAL'S GUIDE TO TRANSMITTING ANTENNA RF
EMISSION SAFETY: RULES, PROCEDURES, AND PRACTICAL GUIDANCE**

A common question raised in discussions about the siting of wireless telecommunications and broadcast antennas is, "Will this tower create any health concerns for our citizens?" We have designed this guide to provide you with information and guidance in devising efficient procedures for assuring that the antenna facilities located in your community comply with the Federal Communication Commission's (FCC's) limits for human exposure to radiofrequency (RF) electromagnetic fields.¹

We have included a checklist and tables to help you quickly identify siting applications that do not raise RF exposure concerns. Appendix A to this guide contains a checklist that you may use to identify "categorically excluded" facilities that are unlikely to cause RF exposures in excess of the FCC's guidelines. Appendix B contains tables and figures that set forth, for some of the most common types of facilities, "worst case" distances beyond which there is no realistic possibility that exposure could exceed the FCC's guidelines.

As discussed below, FCC rules require transmitting facilities to comply with RF exposure guidelines. The limits established in the guidelines are designed to protect the public health with a very large margin of safety. These limits have been endorsed by federal health and safety agencies such as the Environmental Protection Agency and the Food and Drug Administration. The FCC's rules have been upheld by a Federal Court of Appeals.² As discussed below, most facilities create maximum exposures that are only a small fraction of the limits. Moreover, the limits themselves are many times below levels that are generally accepted as having the potential to cause adverse health effects. Nonetheless, it is recognized that any instance of noncompliance with the guidelines is potentially very serious, and the FCC has therefore implemented procedures to enforce compliance with its rules. At the same time, state and local governments may wish to verify compliance with the FCC's exposure limits in order to protect their own citizens. As a state or local government official, you can play an important role in ensuring that innovative and beneficial communications services are provided in a manner that is consistent with public health and safety.

This document addresses only the issue of compliance with RF exposure limits established by the FCC. It does not address other issues such as construction, siting, permits, inspection, zoning, environmental review, and placement of antenna facilities within communities. Such issues fall generally under the jurisdiction of states and local governments, within the limits imposed for personal wireless service facilities by Section 332(c)(7) of the Communications Act.³

¹ This guide is intended to complement, but not to replace, the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997. Bulletin 65 can be obtained from the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: rfsafety@fcc.gov). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website: <http://www.fcc.gov/oet/rfsafety>.

² See *Cellular Phone Taskforce v. FCC*, 205 F.3d 82 (2d Cir. 2000).

This document is not intended to provide legal guidance regarding the scope of state or local government authority under Section 332(c)(7) or any other provision of law. Section 332(c)(7)⁴ generally preserves state and local authority over decisions regarding the placement, construction, and modification of personal wireless service facilities,⁵ subject to specific limitations set forth in Section 332(c)(7). Among other things, Section 332(c)(7) provides that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC’s] regulations concerning such emissions.” The full text of Section 332(c)(7) is set forth in Appendix C.

State and local governments and the FCC may differ regarding the extent of state and local legal authority under Section 332(c)(7) and other provisions of law. To the extent questions arise regarding such authority, they are being addressed by the courts. Rather than address these legal questions, this document recognizes that, as a practical matter, state and local governments have a role to play in ensuring compliance with the FCC’s limits, and it provides guidance to assist you in effectively fulfilling that role. The twin goals of this document are: (1) to define and promote locally-adaptable procedures that will provide you, as a local official concerned about transmitting antenna emissions, with adequate assurance of compliance, while (2), at the same time, avoiding the imposition of unnecessary burdens on either the local government process or the FCC’s licensees.

First, we’ll start with a summary of the FCC’s RF exposure guidelines and some background information that you’ll find helpful. Next, we’ll review the FCC’s procedures for verifying compliance with the guidelines and enforcing its rules. Finally, we’ll offer you some practical guidance to help you determine if personal wireless service facilities may raise compliance concerns. Note, however, that this guide is only intended to help you distinguish sites that are unlikely to raise compliance concerns from those that may raise compliance concerns, not to identify sites that are out of compliance. Detailed technical information necessary to determine compliance for individual sites is contained in the FCC’s OET Bulletin 65 (see footnote 1, above).

³ 47 U.S.C. § 332(c)(7). Under limited circumstances, the FCC also plays a role in the siting of wireless facilities. Specifically, the FCC reviews applications for facilities that fall within certain environmental categories under the National Environmental Policy Act of 1969 (NEPA), *see* 47 C.F.R. § 1.1307(a). Antenna structures that are over 200 feet in height or located near airport runways must be marked or lighted as specified by the Federal Aviation Administration and must be registered with the FCC, *see* 47 C.F.R. Part 17.

⁴ Section 332(c)(7) of the Communications Act is identical to Section 704(a) of the Telecommunications Act of 1996.

⁵ “Personal wireless services” generally includes wireless telecommunications services that are interconnected with the public telephone network and are offered commercially to the public. Examples include cellular and similar services (such as Personal Communications Service or “PCS”), paging and similar services, certain dispatch services, and services that use wireless technology to provide telephone service to a fixed location such as a home or office.

Before we start, however, let's take a short tour of the radiofrequency spectrum. RF signals may be transmitted over a wide range of frequencies. The frequency of an RF signal is expressed in terms of cycles per second or "Hertz," abbreviated "Hz." One kilohertz (kHz) equals one thousand Hz, one megahertz (MHz) equals one million Hz, and one gigahertz (GHz) equals one billion Hz. In the figure below, you'll see that AM radio signals are at the lower end of the RF spectrum, while other radio services, such as analog and digital TV (DTV), cellular and PCS telephony, and point-to-point microwave services are much higher in frequency.

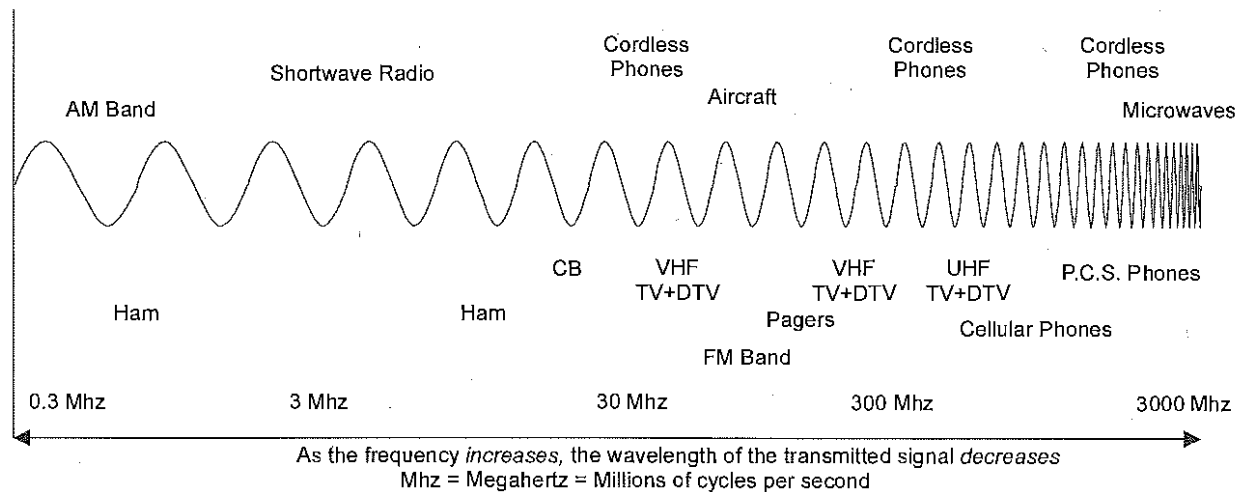


Illustration 1

The FCC's limits for maximum permissible exposure (MPE) to RF emissions depend on the frequency or frequencies that a person is exposed to. Different frequencies may have different MPE levels. Later in this document we'll show you how this relationship of frequency to MPE limit works.

I. The FCC's RF Exposure Guidelines and Rules.

Part 1 of the FCC's Rules and Regulations contains provisions implementing the National Environmental Policy Act of 1969 (NEPA). NEPA requires all federal agencies to evaluate the potential environmental significance of an agency action. Exposure to RF energy has been identified by the FCC as a potential environmental factor that must be considered before a facility, operation or transmitter can be authorized or licensed. The FCC's requirements dealing with RF exposure can be found in Part 1 of its rules at 47 C.F.R. § 1.1307(b). The exposure limits themselves are specified in 47 C.F.R. § 1.1310 in terms of frequency, field strength, power density and averaging time. Facilities and transmitters licensed and authorized by the FCC must either comply with these guidelines or else an applicant must file an Environmental Assessment (EA) with the FCC as specified in 47 C.F.R. § 1.1301 *et seq.* An EA is an official document required by the FCC's rules whenever an action may have a significant environmental impact (see discussion below). In practice, however, a potential environmental RF exposure problem is typically resolved before an EA would become necessary. Therefore, compliance with the FCC's RF guidelines constitutes a *de facto* threshold for obtaining FCC approval to construct or operate a station or transmitter. The FCC guidelines are based on exposure criteria

recommended in 1986 by the National Council on Radiation Protection and Measurements (NCRP) and on the 1991 standard developed by the Institute of Electrical and Electronics Engineers (IEEE) and later adopted as a standard by the American National Standards Institute (ANSI/IEEE C95.1-1992).

The FCC's guidelines establish separate MPE limits for "general population/uncontrolled exposure" and for "occupational/controlled exposure." The general population/uncontrolled limits set the maximum exposure to which most people may be subjected. People in this group include the general public not associated with the installation and maintenance of the transmitting equipment. Higher exposure limits are permitted under the "occupational/controlled exposure" category, but only for persons who are exposed as a consequence of their employment (e.g., wireless radio engineers, technicians). To qualify for the occupational/controlled exposure category, exposed persons must be made fully aware of the potential for exposure (e.g., through training), and they must be able to exercise control over their exposure. In addition, people passing through a location, who are made aware of the potential for exposure, may be exposed under the occupational/controlled criteria. The MPE limits adopted by the FCC for occupational/controlled and general population/uncontrolled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

Determining whether a potential health hazard could exist with respect to a given transmitting antenna is not always a simple matter. Several important factors must be considered in making that determination. They include the following: (1) What is the frequency of the RF signal being transmitted? (2) What is the operating power of the transmitting station and what is the actual power radiated from the antenna?⁶ (3) How long will someone be exposed to the RF signal at a given distance from the antenna? (4) What other antennas are located in the area, and what is the exposure from those antennas? We'll explore each of these issues in greater detail below.

For all frequency ranges at which FCC licensees operate, Section 1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. The MPE limits vary by frequency because of the different absorptive properties of the human body at different frequencies when exposed to whole-body RF fields. Section 1.1310 establishes MPE limits in terms of "electric field strength," "magnetic field strength," and "far-field equivalent power density" (power density). For most frequencies used by the wireless services, the most relevant measurement is power density. The MPE limits for power density are given in terms of "milliwatts per square centimeter" or mW/cm². One milliwatt equals one thousandth of one watt (1/1000 of a watt).⁷ In terms of power density, for a given frequency the FCC MPE limits can be interpreted as specifying the maximum rate that energy can be transferred (*i.e.*, the power) to a square centimeter of a person's body over a period of time (either 6 or 30 minutes, as explained

⁶ Power travels from a transmitter through cable or other connecting device to the radiating antenna. "Operating power of the transmitting station" refers to the power that is fed from the transmitter (transmitter output power) into the cable or connecting device. "Actual power radiated from the antenna" is the transmitter output power minus the power lost (power losses) in the connecting device plus an apparent increase in power (if any) due to the design of the antenna. Radiated power is often specified in terms of "effective radiated power" or "ERP" or "effective isotropic radiated power" or "EIRP" (see footnote 14).

⁷ Thus, by way of illustration, it takes 100,000 milliwatts of power to fully illuminate a 100 watt light bulb.

below). In practice, however, since it is unrealistic to measure separately the exposure of each square centimeter of the body, actual compliance with the FCC limits on RF emissions should be determined by "spatially averaging" a person's exposure over the projected area of an adult human body (this concept is discussed in the FCC's OET Bulletin 65).

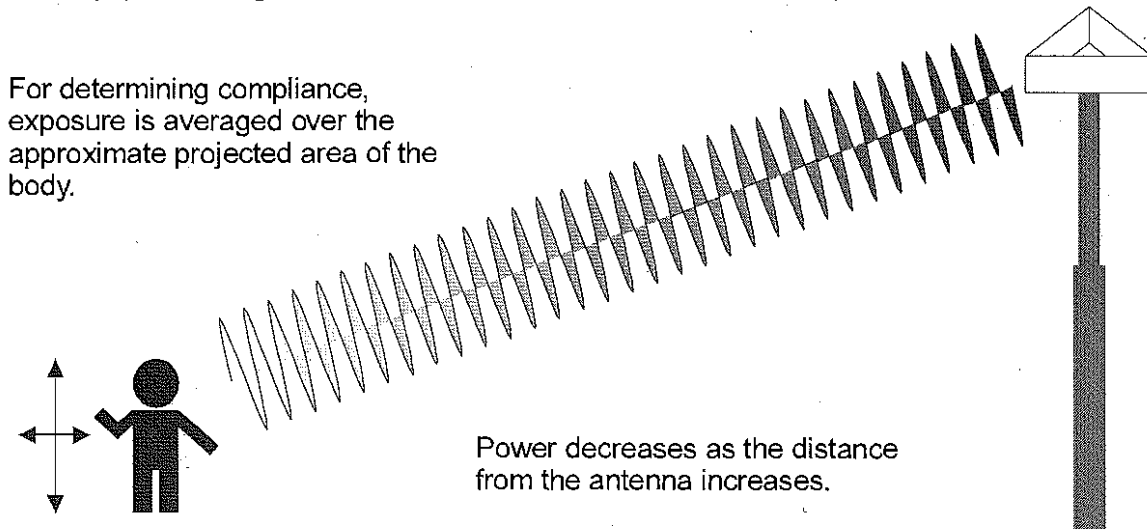


Illustration 2

Electric field strength and magnetic field strength are used to measure "near field" exposure. At frequencies below 300 MHz, these are typically the more relevant measures of exposure, and power density values are given primarily for reference purposes. However, evaluation of far-field equivalent power density exposure may still be appropriate for evaluating exposure in some such cases. For frequencies above 300 MHz, only one field component need be evaluated, and exposure is usually more easily characterized in terms of power density. Transmitters and antennas that operate at 300 MHz or lower include radio broadcast stations, some television broadcast stations, and certain personal wireless service facilities (*e.g.*, some paging stations). Most personal wireless services, including all cellular and PCS, as well as some television broadcast stations, operate at frequencies above 300 MHz. (See Illustration 1.)

As noted above, the MPE limits are specified as time-averaged exposure limits. This means that exposure can be averaged over the identified time interval (30 minutes for general population/uncontrolled exposure or 6 minutes for occupational/controlled exposure). However, for the case of exposure of the general public, time averaging is usually not applied because of uncertainties over exact exposure conditions and difficulty in controlling time of exposure. Therefore, the typical conservative approach is to assume that any RF exposure to the general public will be continuous. The FCC's limits for exposure at different frequencies are shown in Illustration 3, below:

Illustration 3. FCC Limits for Maximum Permissible Exposure (MPE)

(A) Limits for Occupational/Controlled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

*Plane-wave equivalent power density

NOTE 1: Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

NOTE 2: General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

Finally, it is important to understand that the FCC's limits apply cumulatively to all sources of RF emissions affecting a given area. A common example is where two or more wireless operators have agreed to share the cost of building and maintaining a tower, and to place their antennas on that joint structure. In such a case, the total exposure from the two facilities taken together must be within the FCC guidelines, or else an EA will be required.

A. Categorically Excluded Facilities

The Commission has determined through calculations and technical analysis that due to their low power or height above ground level, many facilities by their very nature are highly unlikely to

cause human exposures in excess of the guideline limits, and operators of those facilities are exempt from routinely having to determine compliance. Facilities with these characteristics are considered "categorically excluded" from the requirement for routine environmental processing for RF exposure.

Section 1.1307(b)(1) of the Commission's rules sets forth which facilities are categorically excluded.⁸ If a facility is categorically excluded, an applicant or licensee may ordinarily assume compliance with the guideline limits for exposure. However, an applicant or licensee must evaluate and determine compliance for a facility that is otherwise categorically excluded if specifically requested to do so by the FCC.⁹ If potential environmental significance is found as a result, an EA must be filed with the FCC.

No radio or television broadcast facilities are categorically excluded. Thus, broadcast applicants and licensees must affirmatively determine their facility's compliance with the guidelines before construction, and upon every facility modification or license renewal application. With respect to personal wireless services, a cellular facility is categorically excluded if the total effective radiated power (ERP) of all channels operated by the licensee at a site is 1000 watts or less. If the facility uses sectorized antennas, only the total effective radiated power in each direction is considered. Examples of a 3 sector and a single sector antenna array are shown below:

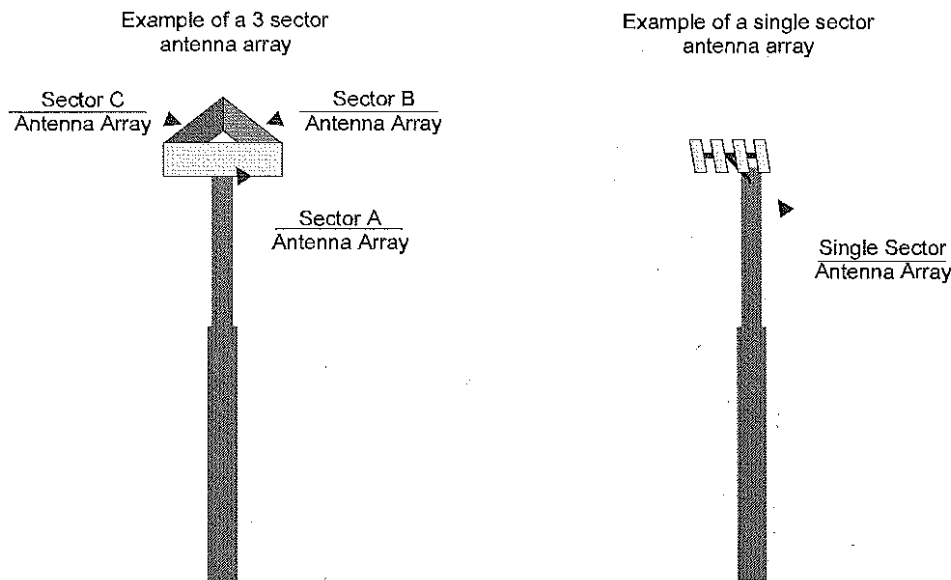


Illustration 4

⁸ "The appropriate exposure limits . . . are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits . . . (routine environmental evaluation), and preparation of an EA if the limits are exceeded, is necessary only for facilities, operations and transmitters that fall into the categories listed in table 1 [of §1.1307], or those specified in paragraph (b)(2) of this section. All other facilities, operations and transmitters are categorically excluded from making studies or preparing an EA . . ."

⁹ See 47 C.F.R. §1.1307(c) and (d).

In addition, a cellular facility is categorically excluded, regardless of its power, if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. A broadband PCS antenna array is categorically excluded if the total effective radiated power of all channels operated by the licensee at a site (or all channels in any one direction, in the case of sectorized antennas) is 2000 watts or less. Like cellular, another way for a broadband PCS facility to be categorically excluded is if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. The power threshold for categorical exclusion is higher for broadband PCS than for cellular because broadband PCS operates at a higher frequency where exposure limits are less restrictive. For categorical exclusion thresholds for other personal wireless services, consult Table 1 of Section 1.1307(b)(1).¹⁰

For your convenience, we have developed the checklist in Appendix A that may be used to streamline the process of determining whether a proposed facility is categorically excluded. You are encouraged to adopt the use of this checklist in your jurisdiction, although such use is not mandatory.

B. What If An Applicant Or Licensee Wants To Exceed The Limits Shown In Illustration 3?

Any FCC applicant or licensee who wishes to construct or operate a facility that, by itself or in combination with other sources of emissions (*i.e.*, other transmitting antennas), may cause human exposures in excess of the guideline limits must file an Environmental Assessment (EA) with the FCC. Where more than one antenna is collocated (for example, on a single tower or rooftop or at a hilltop site), the applicant must take into consideration all of the RF power transmitted by all of the antennas when determining maximum exposure levels. Compliance at an existing site is the shared responsibility of all licensees whose transmitters produce exposure levels in excess of 5% of the applicable exposure limit. A new applicant is responsible for compliance (or submitting an EA) at a multiple-use site if the proposed transmitter would cause non-compliance and if it would produce exposure levels in excess of 5% of the applicable limit.¹¹

An applicant or licensee is not permitted to construct or operate a facility that would result in exposure in excess of the guideline limits until the FCC has reviewed the EA and either found no significant environmental impact, or pursued further environmental processing including the preparation of a formal Environmental Impact Statement. As a practical matter, however, this process is almost never invoked for RF exposure issues because applicants and licensees normally undertake corrective actions to ensure compliance with the guidelines before submitting an application to the FCC.

Unless a facility is categorically excluded (explained above), the FCC's rules require a licensee to evaluate a proposed or existing facility's compliance with the RF exposure guidelines and to

¹⁰ Table 1 of §1.1307(b)(1) is reproduced in Appendix A to this guide.

¹¹ For more information, see OET Bulletin 65, or see 47 CFR §1.1307(b)(3).

determine whether an EA is required. In the case of broadcast licensees, who are required to obtain a construction permit from the FCC, this evaluation is required before the application for a construction permit is filed, or the facility is constructed. In addition, if a facility requires the filing of an EA for any reason other than RF emissions, the RF evaluation must be performed before the EA is filed. Factors other than RF emissions that may require the filing of an EA are set out in 47 C.F.R. § 1.1307(a). Otherwise, new facilities that do not require FCC-issued construction permits should be evaluated before they are placed in operation. The FCC also requires its licensees to evaluate existing facilities and operations that are not categorically excluded if the licensee seeks to modify its facilities or renew its license. These requirements are intended to enhance public safety by requiring periodic site compliance reviews.

All facilities that were placed in service before October 15, 1997 (when the current RF exposure guidelines became effective) are expected to comply with the current guidelines no later than September 1, 2000, or the date of a license renewal, whichever is earlier.¹² If a facility cannot meet the September 1, 2000, date, the licensee of that facility must file an EA by that date. Section 1.1307(b) of the FCC's rules requires the licensee to provide the FCC with technical information showing the basis for its determination of compliance upon request.

II. How the FCC Verifies Compliance with and Enforces Its Rules.

A. Procedures Upon Initial Construction, Modification, and Renewal.

The FCC's procedures for verifying that a new facility, or a facility that is the subject of a facility modification or license renewal application, will comply with the RF exposure rules vary depending upon the service involved. Applications for broadcast services (for example, AM and FM stations, and television stations) are reviewed by the FCC's Mass Media Bureau (MMB). As part of every relevant application, the MMB requires an applicant to submit an explanation of what steps will be taken to limit RF exposure and comply with FCC guidelines. The applicant must certify that RF exposure procedures will be coordinated with all collocated entities (usually other stations at a common transmitter site or hill or mountain peak). If the submitted explanation does not adequately demonstrate a facility's compliance with the guidelines, the MMB will require additional supporting data before granting the application.

The Wireless Telecommunications Bureau (WTB) reviews personal wireless service applications (for cellular, PCS, SMR, etc.). For those services that operate under blanket area licenses, including cellular and PCS, the license application and renewal form require the applicant to certify whether grant of the application would have a significant environmental impact so as to require submission of an EA. The applicant's answer to this question covers all of the facilities sites included within the area of the license.

For those services that continue to be licensed by site (*e.g.*, certain paging renewals), the WTB requires a similar certification on the application form for each site. To comply with the FCC's rules, an applicant must determine its own compliance before completing this certification for

¹² Prior to October 15, 1997, the Commission applied a different set of substantive guidelines.

every site that is not categorically excluded. The WTB does not, however, routinely require the submission of any information supporting the determination of compliance.

B. Procedures For Responding To Complaints About Existing Facilities.

The FCC frequently receives inquiries from members of the public as to whether a particular site complies with the RF exposure guidelines. Upon receiving these inquiries, FCC staff may ask the inquiring party to describe the site at issue. In many instances, the information provided by the inquiring party does not raise any concern that the site could exceed the limits in the guidelines. FCC staff will then inform the inquiring party of this determination.

In some cases, the information provided by the inquiring party does not preclude the possibility that the limits could be exceeded. Under these circumstances, FCC staff may ask the licensee who operates the facility to supply information demonstrating its compliance. FCC staff may also inspect the site to determine whether it is accessible to the public, and examine other relevant physical attributes. Usually, the information obtained in this manner is sufficient to establish compliance. If compliance is established in this way, FCC staff will inform the inquiring party of this determination.

In some instances, a licensee may be unable to provide information sufficient to establish compliance with the guideline limits. In these cases, FCC staff may test the output levels of individual facilities and evaluate the physical installation. Keep in mind, however, that instances in which physical testing is necessary to verify compliance are relatively rare.

If a site is found to be out of compliance with the RF guidelines, the FCC will require the licensees at the site to remedy the situation. Depending on the service and the nature and extent of the violation, these remedies can include, for example, an immediate reduction in power, a modification of safety barriers, or a modification of the equipment or its installation. Actions necessary to bring a site into compliance are the shared responsibility of all licensees whose facilities cause exposures in that area that exceed 5% of the applicable MPE limit. In addition, licensees may be subject to sanctions for violating the FCC's rules and/or for misrepresentation.

The FCC is committed to responding fully, promptly, and accurately to all inquiries regarding compliance with the RF exposure guidelines, and to taking swift and appropriate action whenever the evidence suggests potential noncompliance. To perform this function effectively, however, the FCC needs accurate information about potentially problematic situations. By applying the principles discussed in this guide about RF emissions, exposure and the FCC's guidelines, state and local officials can fulfill a vital role in identifying and winnowing out situations that merit further attention.

III. Practical Guidance Regarding Compliance.

This section is intended to provide some general guidelines that can be used to identify sites that should not raise serious questions about compliance with FCC RF exposure guidelines. Sites that don't fall into the categories described here may still meet the guidelines, but the determination

of compliance will not be as straightforward. In such cases, a detailed review may be required. The tables and graphs shown in Appendix B are intended only to assist in distinguishing sites that should not raise serious issues from sites that may require further inquiry. They are not intended for use in identifying sites that are out of compliance. As noted above, the factors that can affect exposure at any individual site, particularly a site containing multiple facilities, are too numerous and subtle to be practically encompassed within this framework.

Applying the basic principles discussed in this guide should allow you to eliminate a large number of sites from further consideration with respect to health concerns. You may find it useful to contact a qualified radio engineer to assist you in your inquiry. Many larger cities and counties, and most states, have radio engineers on staff or under contract. In smaller jurisdictions, we recommend you seek initial assistance from other jurisdictions, universities that have RF engineering programs, or perhaps the engineer in charge of your local broadcast station(s).

We'll exclude any discussion of broadcast sites. As explained before, broadcast licensees are required to submit site-specific information on each facility to the FCC for review, and that information is publicly available at the station as long as the application is pending. The focus in this section is on personal wireless services, particularly cellular and broadband PCS, the services that currently require the largest numbers of new and modified facilities. Many other personal wireless services, however, such as paging services, operate in approximately the same frequency ranges as cellular and broadband PCS.¹³ Much of the information here is broadly applicable to those services as well, and specific information is provided in Appendix B for paging and narrowband PCS operations over frequency bands between 901 and 940 MHz.

Finally, this section only addresses the general population/uncontrolled exposure guidelines, since compliance with these guidelines generally causes the most concern to state and local governments. Compliance with occupational/controlled exposure limits should be examined independently.

A. Categorically Excluded Facilities.

As a first step in evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

B. Single Facility Sites.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed below and the tables and figures in Appendix B.

¹³ The major exception is fixed wireless services, which often operate at much higher frequencies. In addition, some paging and other licensees operate at lower frequencies

If you "run the numbers" using the conservative approaches promoted in this paper and the site in question does not exceed these values, then you generally need look no further. Alternately, if the "numbers" don't pass muster, you may have a genuine concern. But remember, there may be other factors (*i.e.*, power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

Where a site contains only one antenna array, the maximum exposure at any point in the horizontal plane can be predicted by calculations. The tables and graphs in Appendix B show the maximum distances in the horizontal plane from an antenna at which a person could possibly be exposed in excess of the guidelines at various levels of effective radiated power (ERP).¹⁴ Thus, if people are not able to come closer to an antenna than the applicable distance shown in Appendix B, there should be no cause for concern about exposure exceeding the FCC guidelines. The tables and graphs apply to the following wireless antennas: (1) cellular omni-directional antennas (Table B1-1 and Figure B1-1); (2) cellular sectorized antennas (Table B1-2 and Figure B1-2); (3) broadband PCS sectorized antennas (Table B1-3 and Figure B1-3);¹⁵ and (4) high-power (900 MHz-band) paging antennas (Table B1-4 and Figure B1-4). Table B1-4 and Figure B1-4 can also be used for omni-directional, narrowband (900 MHz) PCS antennas. Note that both tables and figures in Appendix B have been provided. In some cases it may be easier to use a table to estimate exposure distances, but figures may also be used when a more precise value is needed that may not be listed in a table.

It's important to note that the predicted distances set forth in Appendix B are based on a very conservative, "worst case" scenario. In other words, Appendix B identifies the furthest distance from the antenna that presents even a remote realistic possibility of RF exposure that could exceed the FCC guidelines. The power levels are based on the approximate maximum number of channels that an operator is likely to operate at one site. It is further assumed that each channel operates with the maximum power permitted under the FCC's rules and that all of these channels are "on" simultaneously, an unlikely scenario. This is a very conservative assumption. In reality, most sites operate at a fraction of the maximum permissible power and many sites use fewer than the maximum number of channels. Therefore, actual exposure levels would be expected to be well below the predicted values. Another mitigating factor could be the presence of intervening structures, such as walls, that will reduce RF exposure by variable amounts. For all these reasons, the values given in these tables and graphs are considered to be quite conservative and should over-predict actual exposure levels.

¹⁴ ERP is the apparent effective amount of power leaving the transmit antenna. The ERP is determined by factors including but not limited to transmitter output power, coaxial line loss between the transmitter and the antenna, and the "gain" (focusing effect) of the antenna. In some cases, power may also be expressed in terms of EIRP (effective isotropically radiated power). Therefore, for convenience, the tables in Appendix B also include a column for EIRP. ERP and EIRP are related by the mathematical expression: $(1.64) \times \text{ERP} = \text{EIRP}$.

¹⁵ Because broadband PCS antennas are virtually always sectorized, no information is provided for omni-directional PCS antennas.

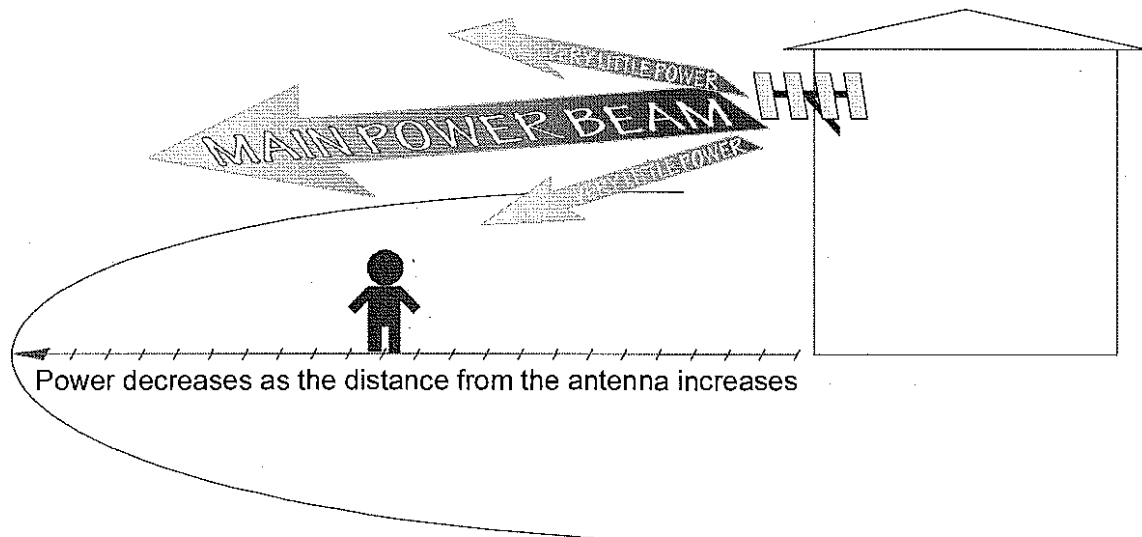


Illustration 5

Personal wireless service antennas typically do not emit high levels of RF energy directed above or below the horizontal plane of the antenna. Although the precise amount of energy transmitted outside the horizontal plane will depend upon the type of antenna used, we are aware of no wireless antennas that produce significant non-horizontal transmissions. Thus, exposures even a small distance below the horizontal plane of these antennas would be significantly less than in the horizontal plane. As discussed above, the tables and figures in Appendix B show distances in the horizontal plane from typical antennas at which exposures could potentially exceed the guidelines, assuming “worst case” operating conditions at maximum possible power levels. In any direction other than horizontal, including diagonal or straight down, these “worst case” distances would be significantly less.

Where unidirectional antennas are used, exposure levels within or outside the horizontal plane in directions other than those where the antennas are aimed will typically be insignificant. In addition, many new antennas are being designed with shielding capabilities to minimize emissions in undesired directions.

C. Multiple Facility Sites.

Where multiple facilities are located at a single site, the FCC’s rules require the total exposure from all facilities to fall within the guideline limits, unless an EA is filed and approved. In such cases, however, calculations of predicted exposure levels and overall evaluation of the site may become much more complicated. For example, different transmitters at a site may operate different numbers of channels, or the operating power per channel may vary from transmitter to transmitter. Transmitters may also operate on different frequencies (for example, one antenna array may belong to a PCS operator, while the other belongs to a cellular operator). A large number of variables such as these make the calculations more time consuming, and make it difficult to apply a simple rule-of-thumb test. See the following illustration.

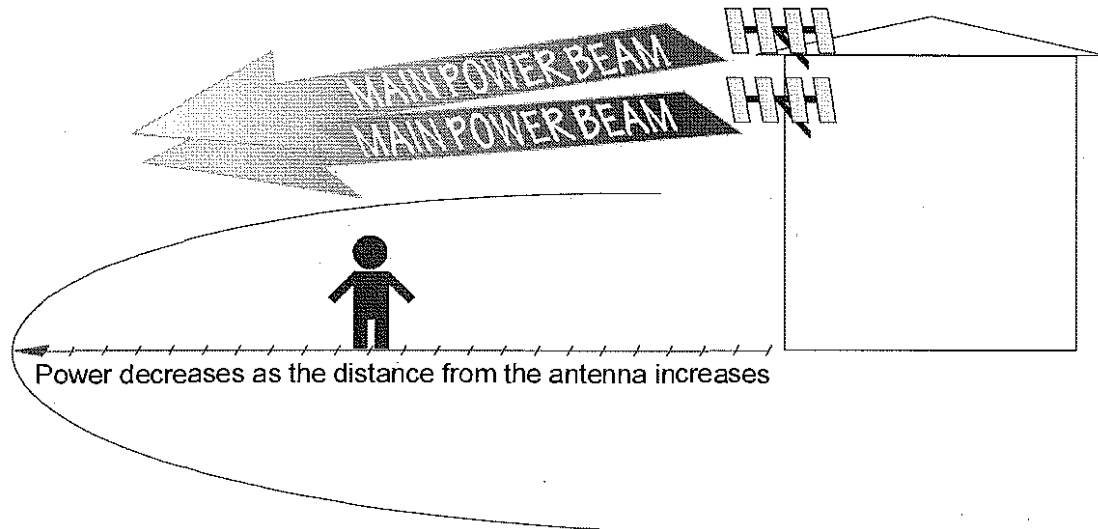


Illustration 6

However, we can be overly conservative and estimate a "worst case" exposure distance for compliance by assuming that the total power (e.g., ERP) of all transmitting antennas at the site is concentrated in the antenna that is closest to the area in question. (In the illustration above, this would be the antenna that is mounted lower on the building.) Then the values in the tables and graphs in Appendix B may be used as if this were the only antenna at the site, with radiated power equal to the sum of the actual radiated power of all antennas at the site. Actual RF exposure at any point will always be less than the exposure calculated using these assumptions. Thus, if people are not able to come closer to a group of antennas than the applicable distance shown in Appendix B using these assumptions, there should be no cause for concern about exposure exceeding the FCC guidelines. This is admittedly an extremely conservative procedure, but it may be of assistance in making a "first cut" at eliminating sites from further consideration.

IV. Conclusion.

We've highlighted many of the most common concerns and questions raised by the siting of wireless telecommunications and broadcast antennas. Applying the principles outlined in this guide will allow you to make initial conservative judgments about whether RF emissions are or should be of concern, consistent with the FCC's rules.

As we have explained, when first evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed in Part III of this paper and the tables and figures in Appendix B. If the site in question does not exceed the values, then you generally need look no further. Alternately, if the values don't pass muster, you may have a genuine concern. But

remember, there may be other factors (*i.e.*, power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

If you have questions about compliance, your initial point of exploration should be with the facilities operator in question. That operator is required to understand the FCC's rules and to know how to apply them in specific cases at specific sites. If, after diligently pursuing answers from the operator, you still have genuine questions regarding compliance, you should contact the FCC at one of the numbers listed below. Provision of the information identified in the checklist in Appendix A may assist the FCC in evaluating your inquiry.

General Information: Compliance and Information Bureau, (888) CALL-FCC

Concerns About RF Emissions Exposure at a Particular Site: Office of Engineering and Technology, RF Safety Program, phone (202) 418-2464, FAX (202) 418-1918, e-mail rfsafety@fcc.gov

Licensing and Site Information Regarding Wireless Telecommunications Services: Wireless Telecommunications Bureau, Commercial Wireless Division, (202) 418-0620

Licensing and Site Information Regarding Broadcast Radio Services: Mass Media Bureau, Audio Services Division, (202) 418-2700

Licensing and Site Information Regarding Television Service (Including DTV): Mass Media Bureau, Video Services Division, (202) 418-1600

Also, note that the RF Safety Program Web site is a valuable source of general information on the topic of potential biological effects and hazards of RF energy. For example, OET recently updated its OET Bulletin 56 ("Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields"). This latest version is available from the program and can be accessed and downloaded from the FCC's web site at:

<http://www.fcc.gov/oet/rfsafety/>

APPENDIX A

*Optional Checklist for Determination
Of Whether a Facility is Categorically Excluded*

**Optional Checklist for Local Government
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator's Legal Name: _____
2. Facility Operator's Mailing Address: _____
3. Facility Operator's Contact Name/Title: _____
4. Facility Operator's Office Telephone: _____
5. Facility Operator's Fax: _____
6. Facility Name: _____
7. Facility Address: _____
8. Facility City/Community: _____
9. Facility State and Zip Code: _____
10. Latitude: _____
11. Longitude: _____

continue
→

Optional Local Government Checklist (page 2)

EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1): _____
13. Structure Type (free-standing or building/roof-mounted): _____
14. Antenna Type [omnidirectional or directional (includes sectored)]: _____
15. Height above ground of the lowest point of the antenna (in meters): _____
16. Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
- (b) This facility will not be mounted on a building (see question 13).
- (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: $EIRP = (1.64) \times ERP$): _____
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: _____
19. Enter the ERP or EIRP per channel (using the same units as in question 17): _____
20. Multiply answer 18 by answer 19: _____
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)? _____

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

TABLE 1: TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Experimental Radio Services (part 5)	power > 100 W ERP (164 W EIRP)
Multipoint Distribution Service (subpart K of part 21)	<u>non-building-mounted antennas:</u> height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP <u>building-mounted antennas:</u> power > 1640 W EIRP
Paging and Radiotelephone Service (subpart E of part 22)	<u>non-building-mounted antennas:</u> height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas:</u> power > 1000 W ERP (1640 W EIRP)
Cellular Radiotelephone Service (subpart H of part 22)	<u>non-building-mounted antennas:</u> height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas:</u> total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
<p>Personal Communications Services (part 24)</p>	<p>(1) Narrowband PCS (subpart D): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 1000 W ERP (1640 W EIRP)</p> <p>(2) Broadband PCS (subpart E): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 2000 W ERP (3280 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 2000 W ERP (3280 W EIRP)</p>
<p>Satellite Communications (part 25)</p>	<p>all included</p>
<p>General Wireless Communications Service (part 26)</p>	<p>total power of all channels > 1640 W EIRP</p>
<p>Wireless Communications Service (part 27)</p>	<p>total power of all channels > 1640 W EIRP</p>
<p>Radio Broadcast Services (part 73)</p>	<p>all included</p>

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Experimental, auxiliary, and special broadcast and other program distributional services (part 74)	subparts A, G, L: power > 100 W ERP subpart I: <u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP <u>building-mounted antennas</u> : power > 1640 W EIRP
Stations in the Maritime Services (part 80)	ship earth stations only
Private Land Mobile Radio Services Paging Operations (part 90)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : power > 1000 W ERP (1640 W EIRP)
Private Land Mobile Radio Services Specialized Mobile Radio (part 90)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Amateur Radio Service (part 97)	transmitter output power > levels specified in § 97.13(c)(1) of this chapter
Local Multipoint Distribution Service (subpart L of part 101)	<p><u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP</p> <p><u>building-mounted antennas</u>: power > 1640 W EIRP</p> <p>LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, <i>e.g.</i>, information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter.</p>

APPENDIX B

*Estimated "Worst Case" Distances that Should be Maintained from
Single Cellular, PCS, and Paging Base Station Antennas*

Table B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single, omni-directional, **cellular base-station** antenna to meet FCC RF exposure guidelines

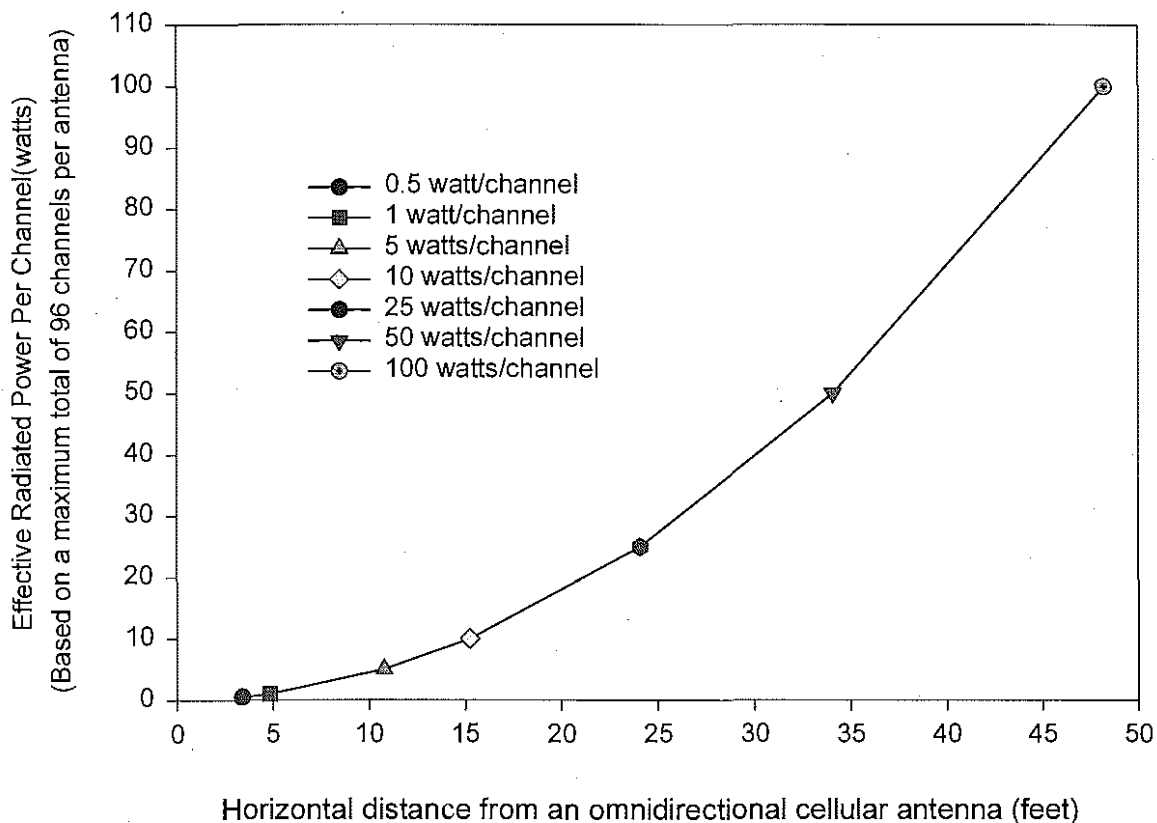
Effective Radiated Power (watts) per channel based on maximum total of 96 channels per antenna	Effective Isotropic Radiated Power (watts) per channel based on a maximum total of 96 channels per antenna	Horizontal* distance (feet) that should be maintained from a single omni-directional cellular antenna
0.5	0.82	3.4
1	1.6	4.8
5	8.2	10.8
10	16.4	15.2
25	41	24.1
50	82	34.1
100	164	48.2

For intermediate values not shown on this table, please refer to the Figure B1-1

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single omni-directional **cellular base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground.

Table B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single, sectorized, **cellular base-station** antenna to meet FCC RF exposure guidelines

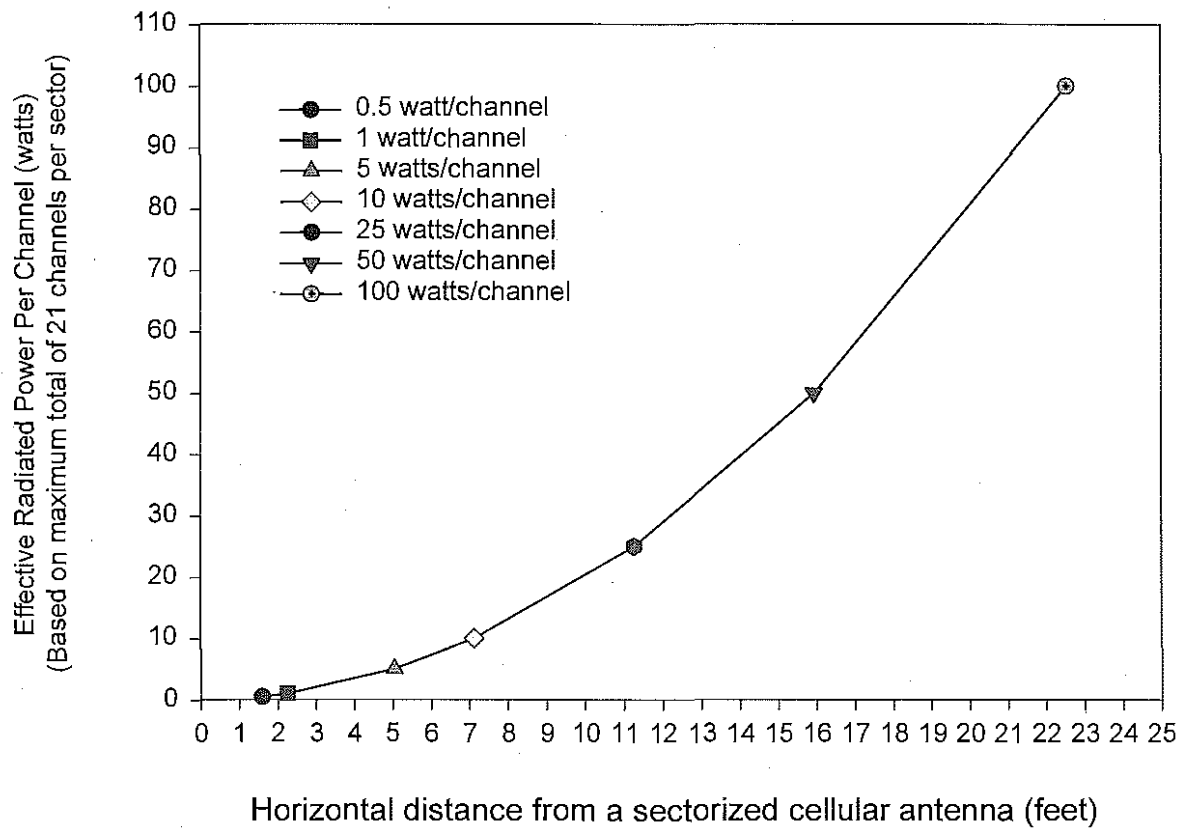
Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Horizontal* distance (feet) that should be maintained from a single sectorized cellular antenna
0.5	0.82	1.6
1	1.6	2.3
5	8.2	5
10	16.4	7.1
25	41	11.3
50	82	16
100	164	22.6

For intermediate values not shown on this table, please refer to the Figure B1-2

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, **cellular base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.

Table B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized **Broadband PCS base station** antenna to meet FCC RF exposure guidelines

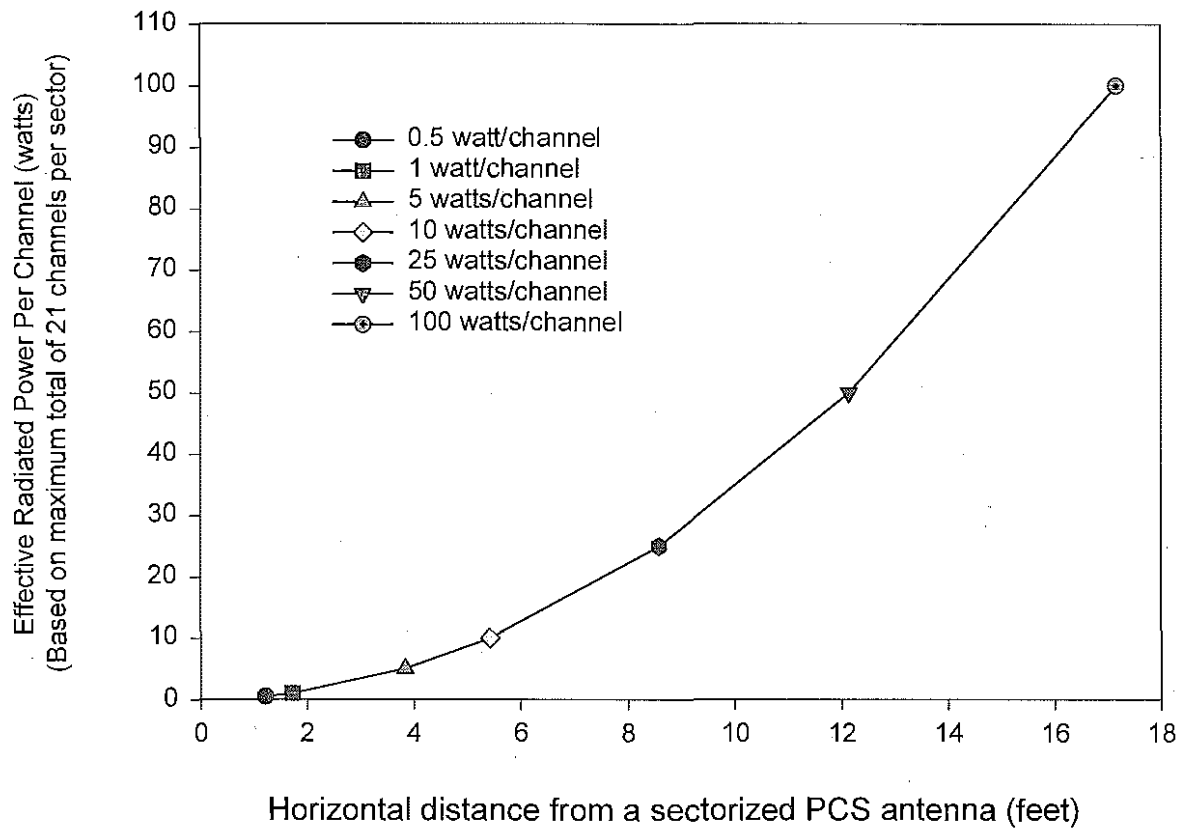
Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Horizontal* distance (feet) that should be maintained from a single sectorized Broadband PCS antenna
0.5	0.82	1.2
1	1.6	1.7
5	8.2	3.8
10	16.4	5.4
25	41	8.6
50	82	12.1
100	164	17.2

For intermediate values not shown on this table, please refer to the Figure B1-3

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the system is using fewer than 21 channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, **PCS base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.

Table B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional **paging** or **narrowband PCS** antenna to meet FCC RF exposure guidelines. Note: this table and the associated figure only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values.

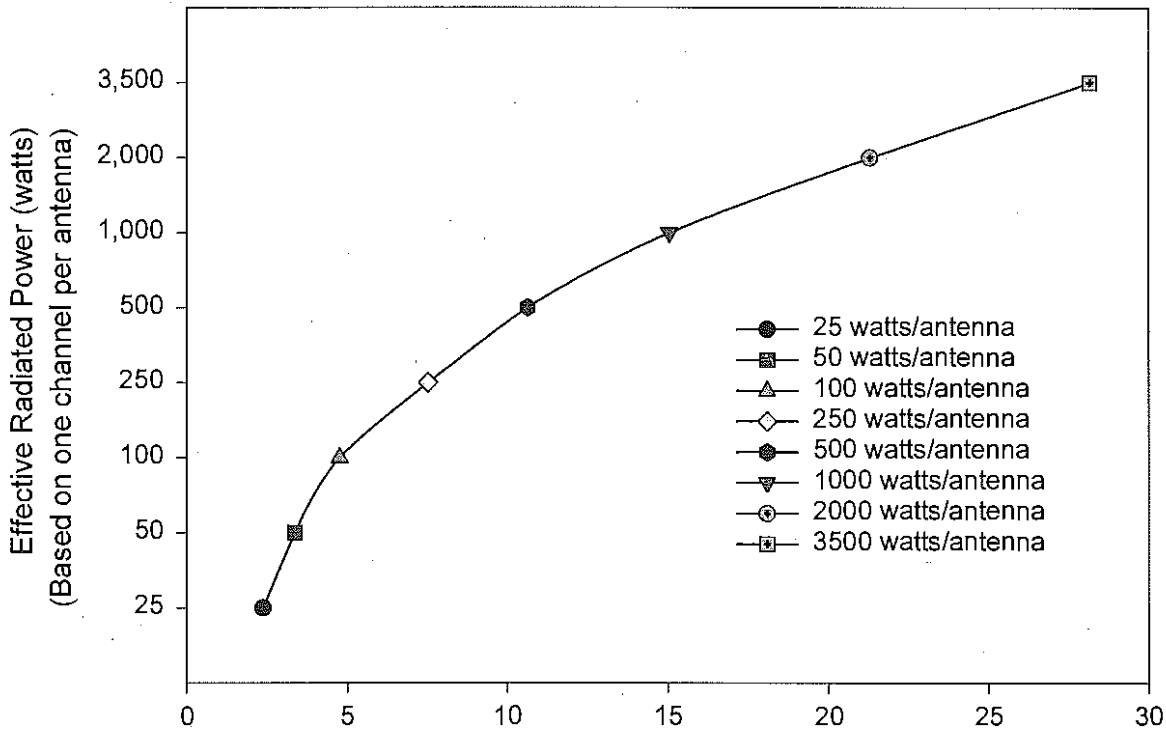
Effective Radiated Power (watts) based on one channel per antenna	Effective Isotropic Radiated Power (watts)	Horizontal* distance (feet) that should be maintained from a single omnidirectional paging or narrowband PCS antenna
50	82	3.4
100	164	4.8
250	410	7.5
500	820	10.6
1,000	1,640	15.1
2,000	3,280	21.3
3,500	5,740	28.2

For intermediate values not shown on this table, please refer to the Figure B1-4

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional **paging** or **narrowband PCS** antenna to meet FCC RF exposure guidelines.
 Note: this figure and the associated table only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values



Horizontal distance from an omnidirectional paging or narrowband PCS antenna (feet)

* These distances are based on exposure at the same level as the antenna, for example, on a rooftop or building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy towards the ground.

APPENDIX C

Text of 47 U.S.C. § 332(c)(7)

(7) PRESERVATION OF LOCAL ZONING AUTHORITY.

(A) GENERAL AUTHORITY. Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS.

- (i) The regulation of the placement, construction, and modification of personal wireless service facilities by and State or local government or instrumentality thereof (I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
- (ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
- (iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.
- (iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.
- (v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) DEFINITIONS. For purposes of this paragraph

- (i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;
- (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and
- (iii) the term "unlicensed wireless service" means the offering of telecommunications service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).

RF Safety FAQ's from <http://transition.fcc.gov/oet/rfsafety/rf-faqs.html>

Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC

WHAT ARE "RADIOFREQUENCY" AND MICROWAVE RADIATION?

Electromagnetic radiation consists of waves of electric and magnetic energy moving together (*i.e.*, radiating) through space at the speed of light. Taken together, all forms of electromagnetic energy are referred to as the electromagnetic "spectrum." Radio waves and microwaves emitted by transmitting antennas are one form of electromagnetic energy. They are collectively referred to as "radiofrequency" or "RF" energy or radiation. Note that the term "radiation" does not mean "radioactive." Often, the terms "electromagnetic field" or "radiofrequency field" may be used to indicate the presence of electromagnetic or RF energy.

The RF waves emanating from an antenna are generated by the movement of electrical charges in the antenna. Electromagnetic waves can be characterized by a wavelength and a frequency. The wavelength is the distance covered by one complete cycle of the electromagnetic wave, while the frequency is the number of electromagnetic waves passing a given point in one second. The frequency of an RF signal is usually expressed in terms of a unit called the "hertz" (abbreviated "Hz"). One Hz equals one cycle per second. One megahertz ("MHz") equals one million cycles per second.

Different forms of electromagnetic energy are categorized by their wavelengths and frequencies. The RF part of the electromagnetic spectrum is generally defined as that part of the spectrum where electromagnetic waves have frequencies in the range of about 3 kilohertz (3 kHz) to 300 gigahertz (300 GHz). Microwaves are a specific category of radio waves that can be loosely defined as radiofrequency energy at frequencies ranging from about 1 GHz upward.

WHAT IS NON-IONIZING RADIATION?

"Ionization" is a process by which electrons are stripped from atoms and molecules. This process can produce molecular changes that can lead to damage in biological tissue, including effects on DNA, the genetic material of living organisms. This process requires interaction with high levels of electromagnetic energy. Those types of electromagnetic radiation with enough energy to ionize biological material include X-radiation and gamma radiation. Therefore, X-rays and gamma rays are examples of ionizing radiation.

The energy levels associated with RF and microwave radiation, on the other hand, are not great enough to cause the ionization of atoms and molecules, and RF energy is, therefore, is a type of non-ionizing radiation. Other types of non-ionizing radiation include visible and infrared light. Often the term "radiation" is used, colloquially, to imply that ionizing radiation (radioactivity), such as that associated with nuclear power plants, is present. Ionizing radiation should not be confused with the lower-energy, non-ionizing radiation with respect to possible biological effects, since the mechanisms of action are quite different.

HOW IS RADIOFREQUENCY ENERGY USED?

Probably the most important use for RF energy is in providing telecommunications services. Radio and television broadcasting, cellular telephones, personal communications services (PCS), pagers, cordless telephones, business radio, radio communications for police and fire departments, amateur radio, microwave point-to-point links and satellite communications are just a few of the many telecommunications applications of RF energy. Microwave ovens are an example of a non-communication use of RF energy. Radiofrequency radiation, especially at microwave frequencies, can transfer energy to water molecules. High levels of microwave energy will generate heat in water-rich materials such as most foods. This efficient absorption of microwave energy via water molecules results in rapid heating throughout an object, thus allowing food to be cooked more quickly in a microwave oven than in a conventional oven. Other important non-communication uses of RF energy include radar and industrial heating and sealing. Radar is a valuable tool used in many applications range from traffic speed enforcement to air traffic control and military surveillance. Industrial heaters and sealers generate intense levels of RF radiation that rapidly heats the material being processed in the same way that a microwave oven cooks food. These devices have many uses in industry, including molding plastic materials, gluing wood products, sealing items such as shoes and pocketbooks, and processing food products. There are also a number of medical applications of RF energy, such as diathermy and magnetic resonance imaging (MRI).

HOW IS RADIOFREQUENCY RADIATION MEASURED?

An RF electromagnetic wave has both an electric and a magnetic component (electric field and magnetic field), and it is often convenient to express the intensity of the RF environment at a given location in terms of units specific to each component. For example, the unit "volts per meter" (V/m) is used to express the strength of the electric field (electric "field strength"), and the unit "amperes per meter" (A/m) is used to express the strength of the magnetic field (magnetic "field strength"). Another commonly used unit for characterizing the total electromagnetic field is "power density." Power density is most appropriately used when the point of measurement is far enough away from an antenna to be located in the "far-field" zone of the antenna.

Power density is defined as power per unit area. For example, power density is commonly expressed in terms of watts per square meter (W/m^2), milliwatts per square centimeter (mW/cm^2), or microwatts per square centimeter ($\mu W/cm^2$). One mW/cm^2 equals $10 W/m^2$, and $100 \mu W/cm^2$ equal one W/m^2 . With respect to frequencies in the microwave range, power density is usually used to express intensity of exposure.

The quantity used to measure the rate at which RF energy is actually absorbed in a body is called the "Specific Absorption Rate" or "SAR." It is usually expressed in units of watts per kilogram (W/kg) or milliwatts per gram (mW/g). In the case of exposure of the whole body, a standing ungrounded human adult absorbs RF energy at a maximum rate when the frequency of the RF radiation is in the range of about 70 MHz. This means that the "whole-body" SAR is at a maximum under these conditions. Because of this "resonance" phenomenon and consideration of children and grounded adults, RF safety standards are generally most restrictive in the frequency range of about 30 to 300 MHz. For exposure of parts of the body, such as the exposure from hand-held mobile phones, "partial-body" SAR limits are used in the safety standards to control absorption of RF energy (see later questions on mobile phones).

WHAT BIOLOGICAL EFFECTS CAN BE CAUSED BY RF ENERGY?

Biological effects can result from exposure to RF energy. Biological effects that result from heating of tissue by RF energy are often referred to as "thermal" effects. It has been known for many years that exposure to very high levels of RF radiation can be harmful due to the ability of RF energy to heat biological tissue rapidly. This is the principle by which microwave ovens cook food. Exposure to very high RF intensities can result in heating of biological tissue and an increase in body temperature. Tissue damage in humans could occur during exposure to high RF levels because of the body's inability to cope with or dissipate the excessive heat that could be generated. Two areas of the body, the eyes and the testes, are particularly vulnerable to RF heating because of the relative lack of available blood flow to dissipate the excess heat load.

At relatively low levels of exposure to RF radiation, *i.e.*, levels lower than those that would produce significant heating; the evidence for production of harmful biological effects is ambiguous and unproven. Such effects, if they exist, have been referred to as "non-thermal" effects. A number of reports have appeared in the scientific literature describing the observation of a range of biological effects resulting from exposure to low-levels of RF energy. However, in most cases, further experimental research has been unable to reproduce these effects. Furthermore, since much of the research is not done on whole bodies (*in vivo*), there has been no determination that such effects constitute a human health hazard. It is generally agreed that further research is needed to determine the generality of such effects and their possible relevance, if any, to human health. In the meantime, standards-setting organizations and government agencies continue to monitor the latest experimental findings to confirm their validity and determine whether changes in safety limits are needed to protect human health.

CAN PEOPLE BE EXPOSED TO LEVELS OF RADIOFREQUENCY RADIATION THAT COULD BE HARMFUL?

Studies have shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature. However, there may be situations, particularly in workplace environments near high-powered RF sources, where the recommended limits for safe exposure of human beings to RF energy could be exceeded. In such cases, restrictive measures or mitigation actions may be necessary to ensure the safe use of RF energy.

CAN RADIOFREQUENCY RADIATION CAUSE CANCER?

Some studies have also examined the possibility of a link between RF exposure and cancer. Results to date have been inconclusive. While some experimental data have suggested a possible link between exposure and tumor formation in animals exposed under certain specific conditions, the results have not been independently replicated. Many other studies have failed to find evidence for a link to cancer or any related condition. The Food and Drug Administration has further information on this topic with respect to RF exposure from mobile phones at the following Web site: [FDA Radiation-Emitting Products Page](#).

WHAT RESEARCH IS BEING DONE ON RF BIOLOGICAL EFFECTS?

For many years, research into the possible biological effects of RF energy has been carried out in laboratories around the world, and such research is continuing. Past research has resulted in a large number of peer-reviewed scientific publications on this topic. For many years the U.S. Government has sponsored research into the biological effects of RF energy. The majority of this work has been funded by the Department of Defense, due in part, to

the extensive military interest in using RF equipment such as radar and other relatively high-powered radio transmitters for routine military operations. In addition, some U.S. civilian federal agencies responsible for health and safety, such as the Environmental Protection Agency (EPA) and the U.S. Food and Drug Administration (FDA), have sponsored and conducted research in this area. At the present time, most of the non-military research on biological effects of RF energy in the U.S. is being funded by industry organizations, although relatively more research by government agencies is being carried out overseas, particularly in Europe.

In 1996, the World Health Organization (WHO) established a program called the International EMF Project, which is designed to review the scientific literature concerning biological effects of electromagnetic fields, identify gaps in knowledge about such effects, recommend research needs, and work towards international resolution of health concerns over the use of RF technology. The WHO maintains a Web site that provides extensive information on this project and about RF biological effects and research (www.who.ch/peh-emf).

The FDA, the EPA and other federal agencies responsible for public health and safety have worked together and in connection with the WHO to monitor developments and identify research needs related to RF biological effects. More information about this can be obtained at the FDA Web site: [FDA Radiation-Emitting Products Page](#).

WHAT LEVELS ARE SAFE FOR EXPOSURE TO RF ENERGY?

Exposure standards for radiofrequency energy have been developed by various organizations and countries. These standards recommend safe levels of exposure for both the general public and for workers. In the United States, the FCC has adopted and used recognized safety guidelines for evaluating RF environmental exposure since 1985. Federal health and safety agencies, such as the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) have also been involved in monitoring and investigating issues related to RF exposure.

The FCC guidelines for human exposure to RF electromagnetic fields were derived from the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE). Both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate prudent margins of safety. In adopting the most recent RF exposure guidelines, the FCC consulted with the EPA, FDA, OSHA and NIOSH, and obtained their support for the guidelines that the FCC is using.

Many countries in Europe and elsewhere use exposure guidelines developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The ICNIRP safety limits are generally similar to those of the NCRP and IEEE, with a few exceptions. For example, ICNIRP recommends somewhat different exposure levels in the lower and upper frequency ranges and for localized exposure due to such devices as hand-held cellular telephones. One of the goals of the WHO EMF Project (see above) is to provide a framework for international harmonization of RF safety standards. The NCRP, IEEE and ICNIRP exposure guidelines identify the same threshold level at which harmful biological effects may occur, and the values for Maximum Permissible Exposure (MPE) recommended for electric and magnetic field strength and power density in both documents are based on this

level. The threshold level is a Specific Absorption Rate (SAR) value for the whole body of 4 watts per kilogram (4 W/kg).

In addition, the NCRP, IEEE and ICNIRP guidelines for maximum permissible exposure are different for different transmitting frequencies. This is due to the finding (discussed above) that whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on whole-body exposure are in the frequency range of 30-300 MHz where the human body absorbs RF energy most efficiently when the whole body is exposed. For devices that only expose part of the body, such as mobile phones, different exposure limits are specified (see below).

The exposure limits used by the FCC are expressed in terms of SAR, electric and magnetic field strength and power density for transmitters operating at frequencies from 300 kHz to 100 GHz. The actual values can be found in either of two informational bulletins available at this Web site ([OET Bulletin 56](#) or [OET Bulletin 65](#)), see listing for "OET Safety Bulletins."

WHY HAS THE FCC ADOPTED GUIDELINES FOR RF EXPOSURE?

The FCC authorizes and licenses devices, transmitters and facilities that generate RF radiation. It has jurisdiction over all transmitting services in the U.S. except those specifically operated by the Federal Government. However, the FCC's primary jurisdiction does not lie in the health and safety area, and it must rely on other agencies and organizations for guidance in these matters.

Under the National Environmental Policy Act of 1969 (NEPA), all Federal agencies are required to implement procedures to make environmental consideration a necessary part of an agency's decision-making process. Therefore, FCC approval and licensing of transmitters and facilities must be evaluated for significant impact on the environment. Human exposure to RF radiation emitted by FCC-regulated transmitters is one of several factors that must be considered in such environmental evaluations. In 1996, the FCC revised its guidelines for RF exposure as a result of a multi-year proceeding and as required by the Telecommunications Act of 1996.

Facilities under the jurisdiction of the FCC having a high potential for creating significant RF exposure to humans, such as radio and television broadcast stations, satellite-earth stations, experimental radio stations and certain cellular, PCS and paging facilities are required to undergo routine evaluation for compliance with RF exposure guidelines whenever an application is submitted to the FCC for construction or modification of a transmitting facility or renewal of a license. Failure to show compliance with the FCC's RF exposure guidelines in the application process could lead to the preparation of a formal Environmental Assessment, possible Environmental Impact Statement and eventual rejection of an application. Technical guidelines for evaluating compliance with the FCC RF safety requirements can be found in the FCC's [OET Bulletin 65](#).

Low-powered, intermittent, or inaccessible RF transmitters and facilities are normally "categorically excluded" from the requirement of routine evaluation for RF exposure. These exclusions are based on calculations and measurement data indicating that such transmitting stations or devices are unlikely to cause exposures in excess of the guidelines under normal conditions of use. The FCC's policies on RF exposure and categorical exclusion can be found in Section 1.1307(b) of the FCC's Rules and Regulations [47 CFR 1.1307(b)]. It should be emphasized, however, that these exclusions are not exclusions from compliance, but, rather, only exclusions from routine evaluation. Transmitters or facilities

that are otherwise categorically excluded from evaluation may be required, on a case-by-case basis, to demonstrate compliance when evidence of potential non-compliance of the transmitter or facility is brought to the Commission's attention [see 47 CFR 1.1307(c) and (d)].

HOW SAFE ARE MOBILE AND PORTABLE PHONES?

In recent years, publicity, speculation, and concern over claims of possible health effects due to RF emissions from hand-held wireless telephones prompted various research programs to investigate whether there is any risk to users of these devices. There is no scientific evidence to date that proves that wireless phone usage can lead to cancer or a variety of other health effects, including headaches, dizziness or memory loss. However, studies are ongoing and key government agencies, such as the Food and Drug Administration (FDA) continue to monitor the results of the latest scientific research on these topics. Also, as noted above, the World Health Organization has established an ongoing program to monitor research in this area and make recommendations related to the safety of mobile phones.

The FDA, which has primary jurisdiction for investigating mobile phone safety, has stated that it cannot rule out the possibility of risk, but if such a risk exists, "it is probably small." Further, it has stated that, while there is no proof that cellular telephones can be harmful, concerned individuals can take various precautionary actions, including limiting conversations on hand-held cellular telephones and making greater use of telephones with hands-free kits where there is a greater separation distance between the user and the radiating antenna. The Web site for the FDA's Center for Devices and Radiological Health provides further information on mobile phone safety: [FDA Radiation-Emitting Products Page](#).

The Government Accounting Office (GAO) prepared a report of its investigation into safety concerns related to mobile phones. The report concluded that further research is needed to confirm whether mobile phones are completely safe for the user, and the report recommended that the FDA take the lead in monitoring the latest research results.

The FCC's exposure guidelines specify limits for human exposure to RF emissions from hand-held mobile phones in terms of Specific Absorption Rate (SAR), a measure of the rate of absorption of RF energy by the body. The safe limit for a mobile phone user is an SAR of 1.6 watts per kg (1.6 W/kg), averaged over one gram of tissue, and compliance with this limit must be demonstrated before FCC approval is granted for marketing of a phone in the United States. Somewhat less restrictive limits, *e.g.*, 2 W/kg averaged over 10 grams of tissue, are specified by the ICNIRP guidelines used in Europe and most other countries.

Measurements and analysis of SAR in models of the human head have shown that the 1.6 W/kg limit is unlikely to be exceeded under normal conditions of use of cellular and PCS hand-held phones. The same can be said for cordless telephones used in the home. Testing of hand-held phones is normally done under conditions of maximum power usage, thus providing an additional margin of safety, since most phone usage is not at maximum power. Information on SAR levels for many phones is available electronically through the FCC's Web site and database (see next question).

HOW CAN I OBTAIN THE SPECIFIC ABSORPTION RATE (SAR) VALUE FOR MY MOBILE PHONE?

As explained above, the Specific Absorption Rate, or SAR, is the unit used to determine compliance of cellular and PCS phones with safety limits adopted by the FCC. The SAR is a value that corresponds to the rate at which RF energy absorbed in the head of a user of a wireless handset. The FCC requires mobile phone manufacturers to demonstrate compliance with an SAR level of 1.6 watts per kilogram (averaged over one gram of tissue).

Information on SAR for a specific cell phone model can be obtained for almost all cellular telephones by using the FCC identification (ID) number for that model. The FCC ID number is usually printed somewhere on the case of the phone or device. In many cases, you will have to remove the battery pack to find the number. Once you have the number proceed as follows. Go to the following website: [Equipment Authorization](#). Click on the link for "FCC ID Search". Once you are there you will see instructions for inserting the FCC ID number. Enter the FCC ID number (in two parts as indicated: "Grantee Code" is comprised of the first three characters, the "Equipment Product Code" is the remainder of the FCC ID). Then click on "Start Search." The grant(s) of equipment authorization for this particular ID number should then be available. Click on a check under "Display Grant" and the grant should appear. Look through the grant for the section on SAR compliance, certification of compliance with FCC rules for RF exposure or similar language. This section should contain the value(s) for typical or maximum SAR for your phone.

For portable phones and devices authorized since June 2, 2000, maximum SAR levels should be noted on the grant of equipment authorization. For phones and devices authorized between about mid-1998 and June 2000, detailed information on SAR levels is typically found in one of the "exhibits" associated with the grant. Therefore, once the grant is accessed in the FCC database, the exhibits can be viewed by clicking on the appropriate entry labeled "View Exhibit." Electronic records for FCC equipment authorization grants were initiated in 1998, so devices manufactured prior to this date may not be included in our electronic database.

Although the FCC database does not list phones by model number, there are certain non-government Web sites such as www.cnet.com that provide information on SAR from specific models of mobile phones. However, the FCC has not reviewed these sites for accuracy and makes no guarantees with respect to them. In addition to these sites, some mobile phone manufacturers make this information available at their own Web sites. Also, phones certified by the Cellular Telecommunications and Internet Association (CTIA) are now required to provide this information to consumers in the instructional materials that come with the phones.

If you want additional consumer information on safety of cell phones and other transmitting devices please consult the information available below at this Web site. In particular, you may wish to read or download our [OET Bulletin 56](#) (see "OET RF Safety Bulletins" listing) entitled: "Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields." If you have any problems or additional questions you may contact us at: rf_safety@fcc.gov or you may call: 1-888-225-5322. You may also wish to consult a consumer update on mobile phone safety published by the U.S. Food and Drug Administration (FDA) that can be found at: [FDA Radiation-Emitting Products Page](#).

DO "HANDS-FREE" EAR PIECES FOR MOBILE PHONES REDUCE EXPOSURE TO RF EMISSIONS? WHAT ABOUT MOBILE PHONE ACCESSORIES THAT CLAIM TO SHIELD THE HEAD FROM RF RADIATION?

"Hands-free" kits with ear pieces can be used with cell phones for convenience and comfort. In addition, because the phone, which is the source of the RF emissions, will not be placed against the head, absorption of RF energy in the head will be reduced. Therefore, it is true that use of an ear piece connected to a mobile phone will significantly reduce the rate of energy absorption (or "SAR") in the user's head. On the other hand, if the phone is mounted against the waist or other part of the body during use, then that part of the body will absorb RF energy. Even so, mobile phones marketed in the U.S. are required to meet safety limit requirements regardless of whether they are used against the head or against the body. So either configuration should result in compliance with the safety limit. Note that hands-free devices using "Bluetooth" technology also include a wireless transmitter; however, the Bluetooth transmitter operates at a much lower power than the cell phone.

A number of devices have been marketed that claim to "shield" or otherwise reduce RF absorption in the body of the user. Some of these devices incorporate shielded phone cases, while others involve nothing more than a metallic accessory attached to the phone. Studies have shown that these devices generally do not work as advertised. In fact, they may actually increase RF absorption in the head due to their potential to interfere with proper operation of the phone, thus forcing it to increase power to compensate.

CAN MOBILE PHONES BE USED SAFELY IN HOSPITALS AND NEAR MEDICAL TELEMETRY EQUIPMENT?

The FCC does not normally investigate problems of electromagnetic interference from RF transmitters to medical devices. Some hospitals have policies, which limit the use of cell phones, due to concerns that sensitive medical equipment could be affected. The FDA's Center for Devices and Radiological Health (CDRH) has primary jurisdiction for medical device regulation. FDA staff provide more information at their Web site:

<http://www.fda.gov/Radiation-EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/default.htm>.

ARE CELLULAR AND PCS TOWERS AND ANTENNAS SAFE?

Cellular radio services transmit using frequencies between 824 and 894 megahertz (MHz). Transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. Antennas used for cellular and PCS transmissions are typically located on towers, water tanks or other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50-200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles, 10 to 15 feet in length, although these types of antennas are less common in urbanized areas.

In urban and suburban areas, cellular and PCS service providers commonly use "sector" antennas for their base stations. These antennas are rectangular panels, *e.g.*, about 1 by 4 feet in size, typically mounted on a rooftop or other structure, but they are also mounted on towers or poles. Panel antennas are usually arranged in three groups of three each. It is common that not all antennas are used for the transmission of RF energy; some antennas may be receive-only.

At a given cell site, the total RF power that could be radiated by the antennas depends on the number of radio channels (transmitters) installed, the power of each transmitter, and the type of antenna. While it is theoretically possible for cell sites to radiate at very high power levels, the maximum power radiated in any direction usually does not exceed 50 watts.

The RF emissions from cellular or PCS base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antennas, the pattern is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from the antenna. Consequently, ground-level exposures are much less than exposures if one were at the same height and directly in front of the antenna.

Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles.

When cellular and PCS antennas are mounted at rooftop locations it is possible that a person could encounter RF levels greater than those typically encountered on the ground. However, once again, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. For sector-type antennas, RF levels to rear are usually very low.

For further information on cellular services go to
http://wireless.fcc.gov/services/index.htm?job=service_home&id=cellular

ARE CELLULAR AND OTHER RADIO TOWERS LOCATED NEAR HOMES OR SCHOOLS SAFE FOR RESIDENTS AND STUDENTS?

As discussed above, radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Other antennas, such as those used for radio and television broadcast transmissions, use power levels that are generally much higher than those used for cellular and PCS antennas. Therefore, in some cases there could be a potential for higher levels of exposure to persons on the ground. However, all broadcast stations are required to demonstrate compliance with FCC safety guidelines, and ambient exposures to nearby persons from such stations are typically well below FCC safety limits.

ARE EMISSIONS FROM RADIO AND TELEVISION BROADCAST ANTENNAS SAFE?

Radio and television broadcast stations transmit their signals via RF electromagnetic waves. There are thousands of radio and TV stations on the air in the United States. Broadcast stations transmit at various RF frequencies, depending on the channel, ranging from about 540 kHz for AM radio up to about 800 MHz for UHF television stations. Frequencies for FM

radio and VHF television lie in between these two extremes. Broadcast transmitter power levels range from a few watts to more than 100,000 watts. Some of these transmission systems can be a significant source of RF energy in the local environment, so the FCC requires that broadcast stations submit evidence of compliance with FCC RF guidelines.

The amount of RF energy to which the public or workers might be exposed as a result of broadcast antennas depends on several factors, including the type of station, design characteristics of the antenna being used, power transmitted to the antenna, height of the antenna and distance from the antenna. Note that the power normally quoted for FM and TV broadcast transmitters is the "effective radiated power" or ERP not the actual transmitter power mentioned above. ERP is the transmitter power delivered to the antenna multiplied by the directivity or gain of the antenna. Since high gain antennas direct most of the RF energy toward the horizon and not toward the ground, high ERP transmission systems such as used for UHF-TV broadcast tend to have less ground level field intensity near the station than FM radio broadcast systems with lower ERP and gain values. Also, since energy at some frequencies is absorbed by the human body more readily than at other frequencies, both the frequency of the transmitted signal and its intensity is important. Calculations can be performed to predict what field intensity levels would exist at various distances from an antenna.

Public access to broadcasting antennas is normally restricted so that individuals cannot be exposed to high-level fields that might exist near antennas. Measurements made by the FCC, EPA and others have shown that ambient RF radiation levels in inhabited areas near broadcasting facilities are typically well below the exposure levels recommended by current standards and guidelines. There have been a few situations around the country where RF levels in publicly accessible areas have been found to be higher than those recommended in applicable safety standards. As they have been identified, the FCC has required that stations at those facilities promptly bring their combined operations into compliance with our guidelines. Thus, despite the relatively high operating powers of many broadcast stations, such cases are unusual, and members of the general public are unlikely to be exposed to RF levels from broadcast towers that exceed FCC limits

Antenna maintenance workers are occasionally required to climb antenna structures for such purposes as painting, repairs, or lamp replacement. Both the EPA and OSHA have reported that in such cases it is possible for a worker to be exposed to high levels of RF energy if work is performed on an active tower or in areas immediately surrounding a radiating antenna. Therefore, precautions should be taken to ensure that maintenance personnel are not exposed to unsafe RF fields.

HOW SAFE ARE RADIO ANTENNAS USED FOR PAGING AND "TWO-WAY" COMMUNICATIONS? WHAT ABOUT "PUSH-TO-TALK" RADIOS SUCH AS "WALKIE-TALKIES?"

"Land-mobile" communications include a variety of communications systems, which require the use of portable and mobile RF transmitting sources. These systems operate in several frequency bands between about 30 and 1000 MHz. Radio systems used by the police and fire departments, radio paging services and business radio are a few examples of these communications systems. They have the advantage of providing communications links between various fixed and mobile locations.

There are essentially three types of RF transmitters associated with land-mobile systems: base-station transmitters, vehicle-mounted transmitters, and hand-held transmitters. The

antennas and power levels used for these various transmitters are adapted for their specific purpose. For example, a base-station antenna must radiate its signal to a relatively large area, and therefore, its transmitter generally has to use higher power levels than a vehicle-mounted or hand-held radio transmitter. Although base-station antennas usually operate with higher power levels than other types of land-mobile antennas, they are normally inaccessible to the public since they must be mounted at significant heights above ground to provide for adequate signal coverage. Also, many of these antennas transmit only intermittently. For these reasons, base-station antennas are generally not of concern with regard to possible hazardous exposure of the public to RF radiation. Studies at rooftop locations have indicated that high-powered paging antennas may increase the potential for exposure to workers or others with access to such sites, *e.g.*, maintenance personnel. This could be a concern especially when multiple transmitters are present. In such cases, restriction of access or other mitigation actions may be necessary.

Transmitting power levels for vehicle-mounted land-mobile antennas are generally less than those used by base-station antennas but higher than those used for hand-held units. Some manufacturers recommend that users and other nearby individuals maintain some minimum distance (*e.g.*, 1 to 2 feet) from a vehicle-mounted antenna during transmission or mount the antenna in such a way as to provide maximum shielding for vehicle occupants. Studies have shown that this is probably a conservative precaution, particularly when the percentage of time an antenna is actually radiating is considered. Unlike cellular telephones, which transmit continuously during a call, two-way radios normally transmit only when the "push-to-talk" button is depressed. This significantly reduces exposure, and there is no evidence that there would be a safety hazard associated with exposure from vehicle-mounted, two-way antennas when the manufacturer's recommendations are followed.

Hand-held "two-way" portable radios such as walkie-talkies are low-powered devices used to transmit and receive messages over relatively short distances. Because of the low power levels used, the intermittency of these transmissions ("push-to-talk"), and due to the fact that these radios are held away from the head, they should not expose users to RF energy in excess of safe limits. Although FCC rules do not require routine documentation of compliance with safety limits for push-to-talk two-way radios as it does for cellular and PCS phones (which transmit continuously during use and which are held against the head), most of these radios are tested and the resulting SAR data are available from the FCC's [Equipment Authorization](#) database. Click on the link for "FCC ID Search <imbed hypertext link>."

HOW SAFE ARE MICROWAVE AND SATELLITE ANTENNAS?

Point-to-point microwave antennas transmit and receive microwave signals across relatively short distances (from a few tenths of a mile to 30 miles or more). These antennas are usually circular ("dish") or rectangular in shape and are normally mounted on a supporting tower, rooftop, sides of buildings or on similar structures that provide clear and unobstructed line-of-sight paths between both ends of a transmission path. These antennas have a variety of uses, such as relaying long-distance telephone calls, and serving as links between broadcast studios and transmitting sites.

The RF signals from these antennas travel in a directed beam from a transmitting antenna to the receiving antenna, and dispersion of microwave energy outside of this narrow beam is minimal or insignificant. In addition, these antennas transmit using very low power levels, usually on the order of a few watts or less. Measurements have shown that ground-level power densities due to microwave directional antennas are normally thousands of times or

more below recommended safety limits. Moreover, microwave tower sites are normally inaccessible to the general public. Significant exposures from these antennas could only occur in the unlikely event that an individual were to stand directly in front of and very close to an antenna for a period of time.

Ground-based antennas used for satellite-earth communications typically are parabolic "dish" antennas, some as large as 10 to 30 meters in diameter, that are used to transmit ("uplink") or receive ("downlink") microwave signals to or from satellites in orbit around the earth. These signals allow delivery of a variety of communications services, including television network programming, electronic newsgathering and point-of-sale credit card transactions. Some satellite-earth station antennas are used only to receive RF signals (*i.e.*, like the satellite television antenna used at a residence), and because they do not transmit, RF exposure is not an issue for those antennas.

Since satellite-earth station antennas are directed toward satellites above the earth, transmitted beams point skyward at various angles of inclination, depending on the particular satellite being used. Because of the longer distances involved, power levels used to transmit these signals are relatively large when compared, for example, to those used by the terrestrial microwave point-to-point antennas discussed above. However, as with microwave antennas, the beams used for transmitting earth-to-satellite signals are concentrated and highly directional, similar to the beam from a flashlight. In addition, public access would normally be restricted at uplink sites where exposure levels could approach or exceed safe limits.

Although many satellite-earth stations are "fixed" sites, portable uplink antennas are also used, *e.g.*, for electronic news gathering. These antennas can be deployed in various locations. Therefore, precautions may be necessary, such as temporarily restricting access in the vicinity of the antenna, to avoid exposure to the main transmitted beam. In general, however, it is unlikely that a transmitting earth station antenna would routinely expose members of the public to potentially harmful levels of RF energy.

ARE RF EMISSIONS FROM AMATEUR RADIO STATIONS HARMFUL?

There are hundreds of thousands of amateur radio operators ("hams") worldwide. Amateur radio operators in the United States are licensed by the FCC. The Amateur Radio Service provides its members with the opportunity to communicate with persons all over the world and to provide valuable public service functions, such as making communications services available during disasters and emergencies. Like all FCC licensees, amateur radio operators are required to comply with the FCC's guidelines for safe human exposure to RF fields. Under the FCC's rules, amateur operators can transmit with power levels of up to 1500 watts. However, most operators use considerably less power than this maximum. Studies by the FCC and others have shown that most amateur radio transmitters would not normally expose persons to RF levels in excess of safety limits. This is primarily due to the relatively low operating powers used by most amateurs, the intermittent transmission characteristics typically used and the relative inaccessibility of most amateur antennas. As long as appropriate distances are maintained from amateur antennas, exposure of nearby persons should be well below safety limits.

To help ensure compliance of amateur radio facilities with RF exposure guidelines, both the FCC and American Radio Relay League (ARRL) have issued publications to assist operators in evaluating compliance for their stations. The FCC's publication (Supplement B to OET

Bulletin 65 can be viewed and downloaded elsewhere at this Web site (see "OET RF Safety Bulletins").

WHAT IS THE FCC'S POLICY ON RADIOFREQUENCY WARNING SIGNS? FOR EXAMPLE, WHEN SHOULD SIGNS BE POSTED, WHERE SHOULD THEY BE LOCATED AND WHAT SHOULD THEY SAY?

Radiofrequency warning or "alerting" signs should be used to provide information on the presence of RF radiation or to control exposure to RF radiation within a given area. Standard radiofrequency hazard warning signs are commercially available from several vendors. Appropriate signs should incorporate the format recommended by the Institute for Electrical and Electronics Engineers (IEEE) and as specified in the IEEE standard: IEEE C95.2-1999 (Web address: www.ieee.org). Guidance concerning the placement of signs can be found in IEEE Standard C95.7-2005. When signs are used, meaningful information should be placed on the sign advising affected persons of: (1) the nature of the potential hazard (*i.e.*, high RF fields), (2) how to avoid the potential hazard, and (3) whom to contact for additional information. In some cases, it may be appropriate to also provide instructions to direct individuals as to how to work safely in the RF environment of concern. Signs should be located prominently in areas that will be readily seen by those persons who may have access to an area where high RF fields are present.

CAN IMPLANTED ELECTRONIC CARDIAC PACEMAKERS BE AFFECTED BY NEARBY RF DEVICES SUCH AS MICROWAVE OVENS OR CELLULAR TELEPHONES?

Over the past several years there has been concern that signals from some RF devices could interfere with the operation of implanted electronic pacemakers and other medical devices. Because pacemakers are electronic devices, they could be susceptible to electromagnetic signals that could cause them to malfunction. Some anecdotal claims of such effects in the past involved emissions from microwave ovens. However, it has never been shown that the RF energy from a properly operating microwave oven is strong enough to cause such interference.

Some studies have shown that mobile phones can interfere with implanted cardiac pacemakers if a phone is used in close proximity (within about 8 inches) of a pacemaker. It appears that such interference is limited to older pacemakers, which may no longer be in use. Nonetheless, to avoid this potential problem, pacemaker patients can avoid placing a phone in a pocket close to the location of their pacemaker or otherwise place the phone near the pacemaker location during phone use. Patients with pacemakers should consult with their physician or the FDA if they believe that they may have a problem related to RF interference. Further information on this is available from the [FDA website for Radiation-Emitting Products](#).

DOES THE FCC REGULATE EXPOSURE TO THE ELECTROMAGNETIC RADIATION FROM MICROWAVE OVENS, TELEVISION SETS AND COMPUTER MONITORS?

The Commission does not regulate exposure to emissions from these devices. Protecting the public from harmful radiation emissions from these consumer products is the responsibility of the U.S. Food and Drug Administration (FDA). Inquiries should be directed to the FDA's Center for Devices and Radiological Health (CDRH), and, specifically, to the CDRH Office of Compliance at (301) 594-4654.

DOES THE FCC ROUTINELY MONITOR RADIOFREQUENCY RADIATION FROM ANTENNAS?

The FCC does not have the resources or the personnel to routinely monitor the emissions for all of the thousands of transmitters that are subject to FCC jurisdiction. However, the FCC does have measurement instrumentation for evaluating RF levels in areas that may be accessible to the public or to workers. If there is evidence of potential non-compliance with FCC exposure guidelines for an FCC-regulated facility, staff from the FCC's Office of Engineering and Technology or the Enforcement Bureau can conduct an investigation, and, if appropriate, perform actual measurements. It should be emphasized that the FCC does not perform RF exposure investigations unless there is a reasonable expectation that the FCC exposure limits may be exceeded. Potential exposure problems should be brought to the FCC's attention by contacting the FCC at: 1-888-225-5322 or by e-mailing: rfsafety@fcc.gov.

DOES THE FCC MAINTAIN A DATABASE THAT INCLUDES INFORMATION ON THE LOCATION AND TECHNICAL PARAMETERS OF ALL OF THE TRANSMITTER SITES IT REGULATES?

The Commission does not have a comprehensive, transmitter-specific database for all of the services it regulates. The Commission has information for some services such as radio and television broadcast stations, and many larger antenna towers are required to register with the FCC if they meet certain criteria. In those cases, location information is generally specified in terms of degrees, minutes, and seconds of latitude and longitude. In some services, licenses are allowed to utilize additional transmitters or to increase power without notifying the Commission. Other services are licensed by geographic area, such that the Commission has no knowledge concerning the actual number or location of transmitters within that geographic area.

The *FCC General Menu Reports (GenMen)* search engine unites most of the Commission's licensing databases under a single umbrella. Databases included are the Wireless Telecommunications Bureau's ULS, the Media Bureau's CDBS, COALS (cable data) and BLS, and the International Bureau's IBFS. Entry points or search options in the various databases include frequency, state/county, latitude/longitude, call sign and licensee name.

The FCC also publishes, generally on a weekly basis, bulk extracts of the various Commission licensing databases. Each licensing database has its own unique file structure. These extracts consist of multiple, very large files. OET maintains an index to these databases.

OET has developed a *Spectrum Utilization Study Software* tool-set that can be used to create a Microsoft Access version of the individual exported licensing databases and then create MapInfo "mid" and "mif" files so that radio assignments can be plotted. This experimental software is used to conduct internal spectrum utilization studies needed in the rulemaking process. While the FCC makes this software available to the public, no technical support is provided.

For further information on the Commission's existing databases, please contact Donald Campbell at donald.campbell@fcc.gov or 202-418-2405.

WHICH OTHER FEDERAL AGENCIES HAVE RESPONSIBILITIES RELATED TO POTENTIAL RF HEALTH EFFECTS?

Certain agencies in the Federal Government have been involved in monitoring, researching or regulating issues related to human exposure to RF radiation. These agencies include the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the National Telecommunications and Information Administration (NTIA) and the Department of Defense (DOD).

By authority of the Radiation Control for Health and Safety Act of 1968, the Center for Devices and Radiological Health (CDRH) of the FDA develops performance standards for the emission of radiation from electronic products including X-ray equipment, other medical devices, television sets, microwave ovens, laser products and sunlamps. The CDRH established a product performance standard for microwave ovens in 1971 limiting the amount of RF leakage from ovens. However, the CDRH has not adopted performance standards for other RF-emitting products. The FDA is, however, the lead federal health agency in monitoring the latest research developments and advising other agencies with respect to the safety of RF-emitting products used by the public, such as cellular and PCS phones.

The FDA's microwave oven standard is an emission standard (as opposed to an exposure standard) that allows specific levels of microwave energy leakage (measured at five centimeters from the oven surface). The standard also requires ovens to have two independent interlock systems that prevent the oven from generating microwaves if the latch is released or if the door of the oven is opened. The FDA has stated that ovens that meet its standards and are used according to the manufacturer's recommendations are safe for consumer and industrial use. More information is available from: [FDA's website for Radiation-Emitting Products](#).

The EPA has, in the past, considered developing federal guidelines for public exposure to RF radiation. However, EPA activities related to RF safety and health are presently limited to advisory functions. For example, the EPA chairs an Inter-agency Radiofrequency Working Group, which coordinates RF health-related activities among the various federal agencies with health or regulatory responsibilities in this area.

OSHA is part of the U.S. Department of Labor, and is responsible for protecting workers from exposure to hazardous chemical and physical agents. In 1971, OSHA issued a protection guide for exposure of workers to RF radiation [29 CFR 1910.97]. However, this guide was later ruled to be only advisory and not mandatory. Moreover, it was based on an earlier RF exposure standard that has now been revised. At the present time, OSHA uses the IEEE and/or FCC exposure guidelines for enforcement purposes under OSHA's "general duty clause" (for more information see: www.osha.gov/SLTC/radiofrequencyradiation/).

NIOSH is part of the U.S. Department of Health and Human Services. It conducts research and investigations into issues related to occupational exposure to chemical and physical agents. NIOSH has, in the past, undertaken to develop RF exposure guidelines for workers, but final guidelines were never adopted by the agency. NIOSH conducts safety-related RF studies through its Physical Agents Effects Branch in Cincinnati, Ohio.

The NTIA is part of the U.S. Department of Commerce and is responsible for authorizing Federal Government use of the RF electromagnetic spectrum. Like the FCC, the NTIA also has NEPA responsibilities and has considered adopting guidelines for evaluating RF exposure from U.S. Government transmitters such as radar and military facilities.

CAN LOCAL AND STATE GOVERNMENTAL BODIES ESTABLISH LIMITS FOR RF EXPOSURE?

In the United States, some local and state jurisdictions have also enacted rules and regulations pertaining to human exposure to RF energy. However, the Telecommunications Act of 1996 contained provisions relating to federal jurisdiction to regulate human exposure to RF emissions from certain transmitting devices. In particular, Section 704 of the Act states that, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Further information on FCC policy with respect to facilities siting is available from the FCC's Wireless Telecommunications Bureau (see <http://wireless.fcc.gov/siting/>).

WHERE CAN I OBTAIN MORE INFORMATION ON POTENTIAL HEALTH EFFECTS OF RADIOFREQUENCY ENERGY?

Although relatively few offices or agencies within the Federal Government routinely deal with the issue of human exposure to RF fields, it is possible to obtain information and assistance on certain topics from the following federal agencies, all of which also have Internet Web sites.

FDA: For information about radiation from microwave ovens and other consumer and industrial products contact: Center for Devices and Radiological Health (CDRH), Food and Drug Administration. [[FDA website for Radiation-Emitting Products](#)]

EPA: The Environmental Protection Agency's Office of Radiation Programs is responsible for monitoring potential health effects due to public exposure to RF fields. Contact: Environmental Protection Agency, Office of Radiation and Indoor Air, Washington, D.C. 20460, (202) 564-9235. [[EPA Non-Ionizing Radiation Web Page](#)]

OSHA: The Occupational Safety and Health Administration's (OSHA) Health Response Team has been involved in studies related to occupational exposure to RF radiation. [http://www.osha.gov/SLTC/radiation_nonionizing/index.html]

NIOSH: The National Institute for Occupational Safety and Health (NIOSH) conducts research on RF-related safety issues in workplaces and recommends measures to protect worker health. Contact: NIOSH, Engineering and Physical Hazards Branch, Mail Stop R-5, 4676 Columbia Parkway, Cincinnati, Ohio 45226, or phone 1-513-841-4221. Toll-free public inquiries: 1-800-CDC-INFO (1-800-232-4636), or by email: cdcinfo@cdc.gov. Internet information on workplace RF safety: <http://www.cdc.gov/niosh/topics/emf/#rffields>.

NCI: The National Cancer Institute, part of the U.S. National Institutes of Health, conducts and supports research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer. Contact: NCI Public Inquiries Office, 6116 Executive Boulevard, Room 3036A, Bethesda, MD 20892-8322. [<http://www.cancer.gov/cancertopics/factsheet/Risk/cellphones>]

Toll-free number: 1-800-4-CANCER (1-800-422-6237).

FCC: Questions regarding potential RF hazards from FCC-regulated transmitters can be directed to the Federal Communications Commission, Consumer & Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C. 20554; Phone: 1-888-225-5322; E-mail: rfsafety@fcc.gov; or go to: www.fcc.gov/oet/rfsafety.

In addition to federal government agencies, there are other sources of information regarding RF energy and health effects. Some states and localities maintain non-ionizing radiation programs or, at least, some expertise in this field, usually in a department of public health or environmental control. The following table lists some representative Internet Web sites that provide information on this topic. However, the FCC neither endorses nor verifies the accuracy of any information provided at these sites. They are being provided for information only.

- **Bioelectromagnetics Society:** <http://www.bioelectromagnetics.org/>
- **EPA's RadTown USA:** <http://www.epa.gov/radtown/>
- **International Commission on Non-Ionizing Radiation Protection (ICNIRP Europe):** <http://www.icnirp.de/>
- **IEEE Committee on Man & Radiation:** <http://ewh.ieee.org/soc/embs/comar/>
- **Microwave News:** <http://www.microwavenews.com/>
- **National Council on Radiation Protection & Measurements:**
<http://www.ncrponline.org/>
- **NJ Dept Radiation Protection:** <http://www.nj.gov/dep/rpp/nrs/index.htm>
- **RFcom (Canada):** <http://www.rfcom.ca/welcome/index.shtml>
- **Wireless Industry (CTIA):** <http://www.ctia.org/>
- **World Health Organization (WHO):** <http://www.who.ch/peh-emf>
- **Germany's EMF Portal:** <http://www.emf-portal.de/>

For more information on this topic please note:

OET Bulletin 56: Questions and Answers About the Biological Effects and Potential Hazards of Radiofrequency Radiation.

1 **ENGROSSED**

ORDINANCE BILL NO. 24-13

2 AN ORDINANCE RELATING TO ESTABLISHING NEW SALEM REVISED CODE
3 CHAPTER 703, WIRELESS COMMUNICATIONS FACILITIES; ADDING SRC 143A.075,
4 143B.065, 143E.055, 144.045, 145.045, 146.045, 147.045, 148.195, 148.345, 149.045, 150.045,
5 151.045, 152.045, 153.045, 154.045, 155.045, 156.045, 157.045, 158.045, 159.045, 160.125,
6 161.045, AND 162.065; AMENDING SRC 111.020, 111.040, 111.060, 111.070, 111.130,
7 111.140, 111.240, 130.210, 132.220, 133.100, 133.110, 135.020, 136.020, 137.020, 138.020,
8 139.040, 142.020, 143.020, 143A.020, 143A.060, 143A.080, 143A.200, 143B.030, 143B.070,
9 143B.090, 143B.120, 143B.150, 143C.060, 143D.020, 143D.070, 143D.100, 143D.120,
10 143D.180, 143D.190, 143D.230, 143D.250, 143E.060, 144.050, 145.030, 145.050, 145.900,
11 146.030, 146.050, 146.900, 147.030, 147.050, 147.900, 148.170, 148.200, 148.210, 148.300,
12 148.350, 148.360, 148.450, 149.030, 149.050, 149.900, 150.030, 150.050, 150.900, 151.030,
13 151.040, 151.050, 151.900, 152.030, 152.040, 152.050, 152.900, 153.030, 153.040, 153.050,
14 153.900, 154.030, 154.040, 154.050, 154.090, 154.900, 155.030, 155.040, 155.050, 155.900,
15 156.030, 156.035, 156.050, 156.900, 157.030, 157.040, 157.050, 157.900, 158.030, 158.040,
16 158.050, 158.900, 159.030, 159.040, 159.050, 159.900, 160.020, 160.100, 160.900, 161.060,
17 161.170, 162.050, 162.120, 162.130, 215.055, 220.005, 300.100, 300.520, 532.015, 532.020,
18 532.025, AND 532.040; AND REPEALING SRC 116.130, 118.340, 119.460, 143B.050,
19 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035,
20 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040,
21 AND 162.060

22 *The City of Salem ordains as follows:*

23 **Section 1.** SRC Chapter 703 is added to the Salem Revised Code as follows:

24 **703.001. Purpose.** The purpose of this Chapter is to provide a means whereby wireless
25 communications facilities are located, designed, installed, maintained, and removed in a
26 manner that provides for the effective provision of wireless communications within the City,
27 while protecting and promoting the health, safety, and welfare of the City and its residents by
28 requiring:

- 29 (a) The collocation, to the greatest extent possible, of new wireless
30 communications facilities on existing facilities in order to minimize the number of

1 support towers and related equipment;

2 (b) The careful consideration of the topography, natural features, and historical
3 significance in potential wireless communications facility sites;

4 (c) The encouragement of the use of existing structures, including, but not limited
5 to, freestanding structures such as light or utility poles and water towers, instead of
6 constructing new support towers;

7 (d) The encouragement of the location of new support towers and related
8 equipment in non-residential zones;

9 (e) The limiting of new structures and the regulation of enlargement or expansion
10 of existing structures in rights-of-way for the purpose of providing wireless
11 communications facilities;

12 (f) The provision of wireless communication services through facilities with
13 minimal visual impact.

14 **703.005. Definitions.** Unless the context specifically requires, as used in this Chapter, the
15 following mean:

16 (a) Amateur radio: The licensed and private use of designated radio bands, for
17 purposes of private recreation, non-commercial exchange of messages,
18 experimentation, self-training, and emergency communication pursuant to an
19 amateur operator license granted from the Federal Communications Commission.
20 Amateur radio is also commonly referred to as “ham radio.”

21 (b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
22 transmission or reception of radio frequency signals, including, but not limited to
23 omni-directional antenna (whip), directional antenna (panel), micro cell, and
24 parabolic antenna (dish). Antenna does not include support structures, utility
25 structures, or support towers.

26 (c) Array: A grouping of two or more antennas on a single support structure,
27 support tower, or utility structure.

28 (d) Auxiliary support equipment: All equipment necessary to provide wireless
29 communications signals and data, including, but not limited to, electronic
30 processing devices, air conditioning units, and emergency generators. Auxiliary

1 support equipment also includes the shelter, cabinets, and other structural facilities
2 used to house and shelter necessary equipment. Auxiliary support equipment does
3 not include antennas, support towers, utility structures, support structures, or
4 external cables and wires.

5 (e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup
6 power supply, and other associated electronics. A base station includes a structure
7 that currently supports or houses an antenna, transceiver, or other associated
8 equipment that constitutes part of a base station and encompasses such equipment
9 in any technological configuration, including distributed antennas systems and
10 small cells.

11 (f) Collocation: The mounting or installation of an antenna on ~~a~~ an existing
12 support structure, utility structure, or support tower for the purpose of transmitting
13 and/or receiving radio frequency signals for communications purposes.

14 (g) Existing facility: A wireless communication facility that was lawfully in place
15 ~~on the effective date of Ordinance Bill No. 24-13~~ at the time an application is
16 submitted.

17 (h) Guy pole: A pole that is used primarily to structurally support a utility pole,
18 and has no energized conductors or telephone wires or wireless communications
19 facilities attached.

20 (i) High voltage transmission lines: Either power lines with capacity for
21 transmitting electricity of 57,000 volts or greater, or a skipped pole between high
22 voltage transmission power lines.

23 (j) Lattice tower: A support tower which consists of a network of crossed metal
24 braces, forming a tower which is usually triangular or square in cross-section.

25 (k) Monopole: A support tower which consists of a single pole sunk into the
26 ground and/or attached to a foundation.

27 (l) Original structure: A lawfully placed utility structure located in the right-of-
28 way as of the effective date of the right-of-way use agreement between the owner
29 and the City.
30

1 (m) Owner: The person or entity that owns, operates, or manages an existing
2 wireless communications facility or proposed wireless communications facility, or
3 that person's or entity's agent.

4 (n) Replacement structure: A utility structure that replaces a lawfully existing
5 utility structure or original structure to accommodate wireless communications
6 facilities and does not result in an increase in the total number of utility, guy, or
7 support poles in the rights-of-way or on private property.

8 (o) Residential building: A building used for household living or group living,
9 regardless of zone. For the purposes of this definition:

10 (1) Residential building does not include a mixed use building;

11 (2) Household living means the residential occupancy of an owner-occupied or
12 rented dwelling unit on a wholly or primarily non-transient long-term basis,
13 typically more than twenty-eight days, by a family;

14 (3) Group living means the residential occupancy of a structure on a wholly or
15 primarily non-transient long-term basis, typically more than twenty-eight days,
16 by a group of people not meeting the characteristics of household living either
17 because the structure does not provide self-contained dwelling units or because
18 the dwelling is occupied by a group of people who do not meet the definition of
19 family, or both. Group Living facilities generally include common facilities that are
20 shared by residents, including, but not limited to, facilities for dining, social and
21 recreational activities, and laundry.

22 (p) Right-of-way: The space upon, above, below, in, along, across, over, or under
23 public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges,
24 trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including
25 the subsurface under and air space over these areas, but does not include parks,
26 parkland, or City property not generally open to the public for travel. This
27 definition applies only to the extent of the City's right, title, and interest in the
28 property and its authority to grant a license, permit, or other permission to use and
29 occupy the property.

30 (q) Screening: To obscure effectively the view of the base of a wireless

1 communications facility and its auxiliary support equipment.

2 **(r)** Siting: The location, construction, collocation, modification, or installation of a
3 wireless communications facility.

4 **(s)** Skipped pole:

5 **(1)** A utility structure that lies between and is shorter than the two immediately
6 adjacent utility structures; or

7 **(2)** Where runs of taller poles (typically high voltage transmission) and shorter
8 poles (typically low voltage distribution or communication) are located on the
9 same side of the street, a shorter pole situated adjacent to and between two taller
10 poles in the same run.

11 **(t)** Substantially change the physical dimensions:

12 **(1)** The mounting of a proposed antenna on a support tower would increase the
13 existing height of the support tower by more than 10%, or by the height of one
14 additional antenna array with separation from the nearest existing antenna not to
15 exceed twenty feet, whichever is greater, except that the mounting of the
16 proposed antenna may exceed the size limits set forth in this paragraph if
17 necessary to avoid interference with existing antennas; or

18 **(2)** The mounting of a proposed antenna involving the installation of more than
19 the standard number of new equipment cabinets for the technology involved,
20 not to exceed four, or more than one new equipment shelter; or

21 **(3)** The mounting of a proposed antenna involving the addition of an
22 appurtenance to the body of the support tower that would protrude from the
23 edge of the support tower more than twenty feet, or more than the width of the
24 support tower structure at the level of the appurtenance, whichever is greater,
25 except that the mounting of the proposed antenna may exceed the size limits set
26 forth in this paragraph if necessary to shelter the antenna from inclement
27 weather or to connect the antenna to the tower via cable; or

28 **(4)** The mounting of the proposed antenna involving excavation outside the
29 current support tower site, defined as the current boundaries of the leased or
30 owned property surrounding the support tower and any access or utility

1 easements currently related to the site.

2 (u) Support structure: An existing building or structure, other than single family
3 dwellings and duplexes and support towers, to which an antenna is or will be
4 attached, including, but not limited to, buildings, steeples, water towers, and
5 outdoor advertising signs.

6 (v) Support tower: A freestanding structure designed and constructed exclusively
7 to support a wireless communications facility or an antenna or antenna array,
8 including, but not limited to, monopoles, lattice towers, guyed towers, and self-
9 supporting towers.

10 (w) Temporary wireless communications facility: Any wireless communications
11 facility that is to be in use for not more than ninety days and is not deployed in a
12 permanent manner.

13 (x) Utility structure: Any utility pole, guy or support pole, utility pole extension,
14 light standard, light pole or other similar pole that is suitable for the installation of
15 wireless communications facilities.

16 (y) Wireless communications: Any personal wireless services, as defined by the
17 Federal Telecommunications Act of 1996 as amended, that currently exist or that
18 may be developed in the future, including but not limited to cellular, personal
19 communications services, specialized mobile radio, enhanced specialized mobile
20 radio, paging, similar Federal Communications Commission-licensed commercial
21 wireless telecommunications services, but excluding wireless telecommunications
22 services used exclusively for public health or safety purposes and wireless
23 communications services used exclusively by gas and electric utilities and
24 cooperative utilities for internal communications of an operational nature.

25 (z) Wireless communications facility: Any un-staffed facility for the transmission
26 and/or reception of radio frequency signals for commercial wireless
27 communications purposes, including, but not limited to, auxiliary support
28 equipment; support towers or support structures, or utility structures used to achieve
29 the necessary elevation for the antenna; transmission and reception cabling and
30 devices; and all antennas or arrays; but excluding wireless telecommunications

1 services used exclusively for public health or safety purposes and wireless
2 communications services used exclusively by gas and electric utilities and
3 cooperative utilities for internal communications of an operational nature.

4 **703.010. General Rule; Collocation and Siting Priority.**

5 **(a) Siting Permit Required.**

6 (1) Except as provided in paragraph (2) of this subsection, no wireless
7 communications facility may be sited in the City without a siting permit having
8 first been obtained.

9 (2) **Exemptions.** A siting permit is not required for the following:

10 (A) Siting of dish antennas solely for the benefit of persons residing on a
11 property.

12 (B) Ham radios and associated equipment.

13 (C) Ordinary maintenance or repair of a wireless communications facility.

14 (D) Modification of an existing support tower or base station for the
15 collocation of or attachment of new transmission equipment or removal or
16 replacement of existing transmission equipment, pursuant to 47 U.S.C. §
17 1455, and notwithstanding any provision of this Chapter to the contrary,
18 provided that such modification does not substantially change the physical
19 dimensions of such support tower or base station from the dimensions
20 approved as part of the original decision or building permit for the support
21 tower or base station, that the applicant requesting a modification or
22 expansion of a support tower or base station establishes by substantial
23 evidence that the requested separation between antennas is the minimum
24 necessary to avoid interference, and, to the extent feasible, that the
25 additional equipment or modified equipment shall maintain the appearance
26 and design of the original facility, including, but not limited to, color,
27 screening, landscaping, stealth or camouflage design, mounting
28 configuration, and architectural treatment. However, any modification to a
29 support tower or base station which substantially changes the physical
30 dimensions of either the support tower or base station, and any other

1 modification to a wireless communications facility that does not qualify as a
2 support tower or base station, shall be subject to the siting permits and
3 authorizations as required by this Chapter.

4 (E) Siting of temporary wireless communications facilities that are used by
5 a public agency for emergency communications, emergency preparedness,
6 or other public health or safety purposes.

7 (F) Replacement of an existing support tower with a tower that does not
8 substantially change the physical dimensions of the existing support tower.

9 **(b) Collocation Required.** All wireless communications facilities located in right-
10 of-way shall be collocated or attached to replacement utility structures. All
11 wireless communications facilities located outside of right-of-way shall be
12 collocated, unless the collocation would interfere with other wireless
13 communications facilities located on the same ~~facility~~ structure or jeopardize the
14 physical integrity of the ~~facility~~ structure upon which collocation will be made,
15 consent cannot be obtained for the collocation on a ~~support~~ structure, or the
16 available structures do not provide sufficient height to obtain coverage ~~or capacity~~
17 objectives.

18 **(c) Siting Priority.** Wireless communications facilities shall be sited according to
19 the following priority, by descending order of preference:

20 (1) First priority: collocation or attachment of an antenna or antenna array on
21 a support tower, support structure, or utility structure;

22 (2) Second priority: replacement of a utility structure for the purpose of
23 ~~collocation~~ attachment of an antenna or antenna array;

24 (3) Third priority: substantial change in the physical dimensions of a support
25 tower or replacement with a support tower that represents a substantial change
26 in the physical dimensions of the original support tower;

27 (4) Fourth priority: construction of a new support tower.

28 **703.020. Wireless Communications Facility Siting Permits.**

29 **(a) Applicability.** This section provides the exclusive means of review for
30 applications to site wireless communications facilities.

1 **(b) Classes.** There are three classes of wireless communications facilities siting
2 permits.

3 **(1)** A Class 1 Permit is a permit for a first priority siting.

4 **(2)** A Class 2 Permit is a permit for a second priority siting.

5 **(3)** A Class 3 Permit is a permit for a third priority siting or fourth priority
6 siting.

7 **(c) Procedure Type.**

8 **(1) Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I
9 procedure under SRC Chapter 300.

10 **(2) Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II
11 procedure under SRC Chapter 300.

12 **(3) Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III
13 procedure under SRC Chapter 300.

14 **(d) Submittal Requirements.**

15 **(1) All Applications.** In addition to the submittal requirements under SRC
16 Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall
17 include:

18 **(A)** The location of the siting, according to the siting priorities set forth in
19 703.010(c), and, if the priority is other than the first priority, documentation
20 establishing that placement at a higher-priority site is not feasible.

21 **(B)** A site plan that includes:

22 **(i)** Description of the proposed wireless communications facility's
23 design and dimensions.

24 **(ii)** Elevations showing all components of the wireless communications
25 facility, and its connections to utilities.

26 **(C)** Documentation demonstrating compliance with non-ionizing
27 electromagnetic radiation emissions standards established by the Federal
28 Communications Commission.

29 **(D)** Documentation showing that the auxiliary support equipment will not
30 produce sound levels in excess of standards contained in SRC Chapter 93, or

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) Class 1 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer’s certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 703.010(c). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(3) Class 2 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer’s certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate ~~collocation~~ attachment on the proposed replacement structure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 703.030(c).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 703.070(e), the graphic simulation shall include the proposed design.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

~~(G) Coverage maps or capacity documentation~~ showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(e) Criteria. A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

1 **(3) For Class 3 Applications:**

2 **(A)** The support tower conforms to the standards in this Chapter, and the
3 reasonably likely adverse impacts of the use on the immediate neighborhood
4 can be minimized through the imposition of conditions relating to the
5 location, size, design, and operating characteristics of the wireless
6 communications facility.

7 **(B)** The support tower will not be located in the right-of-way.

8 **(C)** If the proposal is to construct a new support tower:

9 **(i)** Collocation on existing wireless communications facilities within
10 the cell service area of the proposed site is not feasible.

11 **(ii)** Proposed location for the tower is the least intrusive means of
12 filling a significant wireless communications service gap in coverage
13 and/or capacity; and

14 **(iii)** Prohibiting a new tower would prohibit or have the effect of
15 prohibiting the provision of wireless communications services.

16 **703.030. Siting Standards.**

17 **(a) Class 1.** The attachment or collocation on support towers, utility structures and
18 support structures shall comply with the following siting standards:

19 **(1) Outside Right-of-Way.**

20 **(A)** The antenna will not be located in public right-of-way and will not
21 require the erection or placement of a new support tower, utility structure, or
22 support structure.

23 **(2) Inside Right-of-Way.**

24 **(A)** All wireless communications facilities located in right-of-way shall be
25 collocated or attached to a replacement utility structure.

26 **(B)** Wireless communications facilities proposed to be sited in right-of-way
27 shall be sited according to the following priorities, in descending order of
28 preference. If the priority is not followed, the owner must demonstrate why
29 a higher priority is not available for use. For purposes of this subparagraph,
30 streets shall have the classification set forth in the Salem Transportation

1 System Plan.

- 2 (i) First priority: parkway or freeway;
- 3 (ii) Second priority: major arterials;
- 4 (iii) Third priority: minor arterials;
- 5 (iv) Fourth priority: collectors;
- 6 (v) Fifth priority: local streets.

7 (b) **Class 2.** The replacement of a utility structure shall comply with the following
8 siting standards:

9 (1) **Inside Right-of-Way.**

- 10 (A) All wireless communications facilities located in right-of-way shall be
11 collocated or attached to a replacement utility structure.
- 12 (B) Wireless communications facilities proposed to be sited in right-of-way
13 shall be sited according to the following priorities, in descending order of
14 preference. If the priority is not followed, the owner must demonstrate why
15 a higher priority is not available for use. For purposes of this subparagraph,
16 streets shall have the classification set forth in the Salem Transportation
17 System Plan.

- 18 (i) First priority: parkway or freeway;
- 19 (ii) Second priority: major arterials;
- 20 (iii) Third priority: minor arterials;
- 21 (iv) Fourth priority: collectors;
- 22 (v) Fifth priority: local streets.

23 (c) **Class 3.** The construction of a new support tower, replacement of an existing
24 support tower, or substantial increase in the size of an existing support tower shall
25 comply with the following siting standards:

- 26 (1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support
27 towers may not be sited in residential zones, public zones, mixed-use zones, or
28 in an overlay zone unless the siting is the least intrusive means of filling a
29 significant wireless communications service gap in coverage ~~and/or capacity~~
30 and prohibiting the siting would effectively prohibit the provision of wireless

1 communications services. If the siting meets these criteria, the minimum height
2 and/or configuration required to provide service to fill the significant wireless
3 communications service gap in coverage ~~and/or capacity~~ shall be the maximum
4 height permitted for the new or substantially changed support tower and future
5 attached or collocated facilities on the proposed tower.

6 (2) New support towers may not be sited within the CB zone; in a historic
7 district, or on property that has been designated as a historic resource under
8 federal, state, or local law; within three hundred feet of public right-of-way in
9 the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
10 Commercial Street SE right-of-way in the South Gateway Overlay Zone.

11 (3) The location of the support tower minimizes visual impacts to residential
12 zones to the maximum extent feasible, through the effective use of setbacks,
13 height, bulk, and landscaping or other screening techniques.

14 (4) The support tower is sited in a way that minimizes the visual impact by
15 taking advantage of existing buildings, topography, or other existing features.

16 (5) No new support tower shall be constructed, unless the owner submits the
17 required statement and documentation from a radio frequency (RF) engineer or
18 licensed civil engineer to demonstrate that the necessary service cannot be
19 provided by collocation on, or modification to, an existing support tower or
20 support structure or utility structure or by ~~collocation~~ attachment on a
21 replacement utility structure.

22 **703.040. Antenna Development Standards.**

23 (a) **Antennas on Support Towers.** Antennas attached to a support tower shall
24 comply with the following development standards:

25 (1) **Height.** Antennas attached to a support tower shall be no higher than
26 fifteen feet above the top of the support tower.

27 (2) **Surface and Coloration.** Antennas attached to a support tower shall be
28 made of non-reflective material and painted to match the support tower or
29 existing antennas, whichever results in the new antennas being less visible.
30

1 **(3) Mounting.** Antennas attached to a support tower shall be flush-mounted or
2 mounted using similar techniques that minimize visual impact to the greatest
3 extent practicable.

4 **(b) Antennas on Existing Buildings.**

5 **(1)** Antennas, other than whip antennas, located on the roof of an existing
6 building shall comply with the following development standards:

7 **(A) Height:**

8 **(i)** If the building is located in a residential zone or mixed-use zone, the
9 antenna shall extend no higher than ten feet above the point of
10 attachment to the building; or

11 **(ii)** If the antenna is located in any zone other than a residential zone or
12 mixed-use zone, the antenna shall extend no higher than thirty feet
13 above the point of attachment to the building.

14 **(B) Screening:** Antennas shall be screened from the right-of-way and
15 adjacent properties by placement behind a parapet or other architectural
16 feature, including, but not limited to, dormers, chimneys, clocks, or bell
17 towers, or shall be made of non-reflective material and painted to match
18 the building or existing antennas, whichever results in the new antennas
19 being less visible.

20 **(2)** Whip antennas located on the roof of a building shall comply with the
21 following development standards:

22 **(A) Height.** Whip antennas shall extend no higher than fifteen feet above
23 the building.

24 **(B) Surface and Coloration.** Whip antennas shall be made of non-
25 reflective material and designed to match any existing whip antennas on
26 the building.

27 **(3)** Antennas attached to the side of a building or the edge of the roof of a
28 building shall comply with the following development standards:

29 **(A) Height.** Antennas shall extend no higher than ten feet above the
30 point of attachment to the building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building; or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure's physical integrity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(2) Guy poles. Antennas shall not be located on guy poles.

(3) Height.

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

(5) Surface and Coloration. Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility

1 structure so as to minimize visual impact as much as reasonably possible.

2 **(6) Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
3 antennas shall not be lighted.

4 **703.050. Auxiliary Support Equipment Development Standards.**

5 **(a) Screening.**

6 **(1) Equipment Associated with Support Towers.** Above-ground auxiliary
7 support equipment associated with a support tower shall be located inside the 6-
8 foot-high sight-obscuring fence or wall that complies with 703.070(c).

9 **(2) Equipment Associated with Antennas on Existing Buildings.** Auxiliary
10 support equipment shall be located within or on top of the building or screened
11 from the right-of-way and adjacent properties to the greatest extent practicable.
12 Examples: within an underground vault, behind landscaping or a sight-
13 obscuring fence, within an architectural element, or concealed to resemble a
14 natural object such as a boulder.

15 **(3) Equipment Associated with Antennas on Support Structures Other**
16 **than Existing Buildings.** Any auxiliary support equipment on support
17 structures other than existing buildings must be screened from the right-of-way
18 and adjacent properties and located within the support structure's footprint to
19 the greatest extent practicable. Examples: placing the equipment within the
20 interior of an adjacent building or structure, within an underground vault,
21 behind landscaping or a sight-obscuring fence, or within an architectural
22 element, or concealed to resemble a natural object such as a boulder.

23 **(4) Equipment Associated with Antennas on Utility Structures.**

24 **(A) Equipment installed in right-of-way.** Any auxiliary support
25 equipment associated with one or more antennas on a utility structure and
26 not installed on the utility structure shall be installed within an underground
27 vault or in not more than one above-ground cabinet with a combined height
28 plus width plus depth no greater than 120 lineal inches.

29 **(B) Equipment installed outside right-of-way.** Any auxiliary support
30 equipment installed outside right of way shall be screened from the right-of-

1 way and adjacent properties. Examples: placing the equipment within the
2 interior of an adjacent building or structure, within an underground vault,
3 behind landscaping or a sight-obscuring fence, or within an architectural
4 element, or concealed to resemble a natural object such as a boulder.

5 **(C) Equipment attached to a utility structure.** Equipment, other than
6 optical fibers, wires or cables, attached to a utility structure shall:

7 (i) Project no more than eighteen inches from the surface of the utility
8 structure;

9 (ii) Be less than or equal to twenty-four inches in height;

10 (iii) Be mounted a minimum of fifteen feet above ground level on a
11 utility structure located in right-of-way between the sidewalk and the
12 street improvement or a minimum of ten feet above ground level on a
13 utility structure located in right-of-way between the sidewalk and the
14 property line abutting the right-of-way or a minimum of ten feet above
15 ground level on a utility structure located outside right-of-way.

16 **(b) Setbacks.** Auxiliary support equipment installed above ground and outside
17 right-of-way shall be set back from all property lines according to the applicable
18 standards in the underlying zone.

19 **(c) Vision Clearance.** Auxiliary support equipment installed above ground shall
20 meet the vision clearance area requirements of SRC 76.170.

21 **(d) External cables and wires.** All external cables and wires for auxiliary support
22 equipment shall be placed in conduit or painted to match the tower, building,
23 support structure, or utility structure, as applicable.

24 **(e) Coloration.**

25 **(1) Equipment Associated with Support Towers and Support Structures.**

26 All auxiliary support equipment shall be non-reflective and shall be painted
27 natural earth or leaf tones or otherwise colored or surfaced so as to blend with
28 the surrounding environment.

29 **(2) Equipment Associated with Utility Structures.** Equipment installed on a
30 utility structure shall be non-reflective and painted, coated or given a surface

1 application that is identical to the color and surface texture of the utility
2 structure. Other equipment shall be non-reflective and painted natural earth or
3 leaf tones or otherwise colored or surfaced so as to blend with the surrounding
4 environment.

5 **(f) Lighting.** Motion detecting security lighting is allowed for auxiliary support
6 equipment, but shall be the minimum necessary to secure the auxiliary support
7 equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
8 measured directly beneath the security lighting, at ground level, and shall be
9 shielded to prevent direct light from falling on adjacent properties.

10 **(g) Undergrounding Required.** Auxiliary support equipment installed in right-of-
11 way in a historic district or in right-of-way adjacent to a historic district or historic
12 resource or in right-of-way where all other utilities are required to be placed
13 underground shall be placed underground.

14 **703.060. Replacement Utility Structure Development Standards.**

15 **(a) Height.**

16 **(1) Outside Right-of-Way.**

17 **(A)** Outside right-of-way, an existing utility structure may be replaced with
18 a replacement structure that is taller than the existing utility structure,
19 provided that the combined height of a replacement structure, antenna
20 mounting device, and antennae does not exceed the maximum height for a
21 structure in the zone.

22 **(B) Skipped poles.** Outside right-of-way, a skipped pole may be replaced
23 with a pole of the same height as the adjacent taller poles, provided that the
24 combined height of a replacement structure, antenna mounting device, and
25 antennae does not exceed the maximum height for a structure in the zone.

26 **(2) Inside Right-of-Way.**

27 **(A)** Inside right-of-way, an original utility structure may be replaced with a
28 replacement utility structure that is taller than the original structure,
29 provided that the combined height of a replacement structure, antenna
30 mounting device, and antennae is no greater than:

- (i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy-three feet for a replacement structure on a major arterial;
- (iii) Sixty-three feet for a replacement structure on a minor arterial; or
- (iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be ~~no greater in width than~~ at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
NCMU	35 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) **Setbacks.** The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

(c) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the

1 outside perimeter except as required to access the facility. The landscaped area
2 shall be planted with one plant unit per twenty square feet of yard area. The
3 landscaping shall conform to the following requirements of SRC 132:

- 4 (1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
- 5 (2) SRC 132.150 (Standards for Landscaping Materials);
- 6 (3) SRC 132.160 (Installation);
- 7 (4) SRC 132.170 (Maintenance);
- 8 (5) SRC 132.180 (Compliance/Performance Assurance);
- 9 (6) SRC 132.190 (Irrigation);
- 10 (7) SRC 132.200 (Open Space);
- 11 (8) SRC 132.210 (Street Trees); and
- 12 (9) SRC Table 132-3 (Plant Unit Definition).

13 **(d) Surface and Coloration.** Support towers shall be non-reflective, and shall be
14 painted natural earth or leaf tones or otherwise colored or surfaced so as to blend
15 with the surrounding environment.

16 **(e) Design Standards.** The following additional design standards shall apply to
17 support towers in all residential zones, mixed-use zones, CO zones, or PC zones;
18 and to support towers located within three hundred feet of all residential zones,
19 mixed-use zones, CO zones or PC zones:

- 20 (1) The support tower shall be designed to resemble an object that would
21 commonly be found in the area and that would be permitted in the zone,
22 including, but not limited to a tree that is a native conifer species, a flag or light
23 pole, a clock or bell tower, or a silo.
- 24 (2) The object chosen shall be appropriate to the context of surrounding
25 environment, both natural and man-made.
- 26 (3) The physical dimensions of the support tower shall have proportions that
27 are similar in scale to the natural or manmade object.
- 28 (4) To the greatest extent possible, the antennas shall not be easily recognized.

29 **(f) External cables and wires.** All external cables and wires shall be placed in
30 conduit or painted to match the support tower.

1 (g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
2 support towers shall not be lighted.

3 (h) **Collocation.**

4 (1) Support towers one hundred feet in height or higher shall be designed to
5 provide for attachment or collocation of at least two future antenna systems, in
6 a manner that will accommodate the additional antenna systems without a need
7 to increase the height or base diameter of the support tower.

8 (2) Support towers between fifty feet and one hundred feet in height shall be
9 designed to provide for attachment or collocation of at least one future antenna
10 system, in a manner that will accommodate the additional antenna system
11 without a need to increase the height or base diameter of the support tower.

12 (i) **Access.**

13 (1) Where a support tower is adjacent to a local street and a collector or arterial
14 street, access to the support tower shall be from the local street, subject to all
15 applicable access standards.

16 (2) Access to the support tower shall be oriented away from existing dwellings,
17 and any property zoned residential or mixed use.

18 **703.080. Conditions.** Every wireless communications facility siting permit shall be subject
19 to the following conditions:

20 (a) An obsolete wireless communications facility shall be removed by the owner
21 within six months of the date the facility ceases to be operational.

22 (b) All wireless communications facilities shall be operated and maintained in
23 compliance with all radio frequency emission standards specified by the Federal
24 Communications Commission.

25 (c) All wireless communications facilities shall be installed and maintained in
26 accordance with applicable federal, state, and local laws.

27 (d) All wireless communications facilities shall allow for the attachment or
28 collocation of additional facilities to the greatest extent possible, unless such
29 attachment or collocation interferes with the owner's wireless communications
30 facilities, jeopardizes the physical integrity of a structure with which a wireless

1 communications facility is associated, or the owner refuses to consent to the
2 attachment or collocation of additional wireless communications facilities.

3 (e) Vegetation that is either removed or destroyed as a result of construction shall
4 be replanted with appropriate plant materials as prescribed in SRC 132.200.

5 (f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
6 approval from the City Engineer.

7 (g) After construction, maintenance or repair of any wireless communications
8 facility, an owner shall leave any right-of-way disturbed by such activity in as good
9 or better condition than it was before the commencement of such work. The owner
10 shall promptly complete restoration work and promptly repair any damage caused
11 by such work at its sole cost and expense. When any opening or cut is made by the
12 owner in the pavement of right-of-way, the owner must promptly refill the opening
13 or cut, and restore the surface to a condition satisfactory to the City Engineer, in
14 accordance with public works construction standards.

15 (h) Prior to performing any excavation in right-of-way to underground any
16 auxiliary support equipment, all necessary city permits shall be obtained and all
17 appropriate notice given to any franchisees, licensees and grantees, other city
18 departments, and other governmental units that own or maintain facilities which
19 may be affected by the excavation.

20 (i) All undergrounding and excavation work must comply with the Oregon Utility
21 Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
22 promulgated thereunder.

23 (j) All excavations made by an owner in right-of-way shall be properly safeguarded
24 for the prevention of accidents and must be done in compliance with all applicable
25 federal, state, and local laws and regulations.

26 (k) Except for short or temporary durations during testing or during operation in
27 emergency situations, noise generating equipment associated with wireless
28 communications facilities shall not produce sound levels in excess of standards
29 established in SRC Chapter 93.
30

1 **703.090. Wireless Communications Facilities Adjustment.**

2 **(a) Applicability.** Except as otherwise provided in this Chapter, no wireless
3 communications facility shall be used or developed contrary to any applicable
4 development standard unless an adjustment has been granted pursuant to this
5 Chapter. These provisions apply exclusively to wireless communications facilities,
6 and are in lieu of the generally applicable adjustment provisions under SRC 250.

7 **(b) Procedure Type.** A wireless communications facility adjustment is a Type II
8 procedure under SRC Chapter 300.

9 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type
10 II application under SRC Chapter 300, an application for a wireless
11 communications facility adjustment shall include:

12 **(1)** A written statement demonstrating how the adjustment would meet the
13 criteria.

14 **(2)** A site plan that includes:

15 **(A)** Description of the proposed siting's design and dimensions, as it would
16 appear with and without the adjustment.

17 **(B)** Elevations showing all components of the wireless communications
18 facility, and its connection to utilities, as it would appear with and without
19 the adjustment.

20 **(C)** Color simulations of the wireless communications facility after
21 construction demonstrating compatibility with the vicinity, as it would
22 appear with and without the adjustment.

23 **(d) Criteria.** An application for a wireless communications facility adjustment
24 shall be granted if the following criteria are met:

25 **(1)** The adjustment is consistent with the purpose of the development standard
26 for which the adjustment is sought.

27 **(2)** Based on a visual analysis, the design minimizes the visual impacts to
28 residential zones through mitigating measures, including, but not limited to,
29 building heights, bulk, color, and landscaping.

30 **(3)** The owner demonstrates the existence of either of the following:

1 succeeding six months after the expiration of the initial permit.

2 **(b) Third-party review and associated fees.** Notwithstanding any other
3 provisions of the Salem Revised Code, the City Council may establish fees in
4 amounts sufficient to recover all of the City's costs ~~in~~ including retaining
5 consultants to review and evaluate evidence offered as part of an application
6 submitted under this Chapter for an adjustment or for a new support tower in a
7 residential zone, public zone, mixed-use zone, or overlay zone or for a new support
8 tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay
9 zone. The City may impose a third-party review fee to obtain the services of an
10 engineer to review the owner's findings.

11 **(c) Issuance of Building Permit.** No building permit shall be issued for the
12 construction of a wireless communications facility until the application for the
13 specific type of siting has been approved, including any local appeal.

14 **(d)** Nothing in this Chapter shall be deemed to prohibit a public utility from
15 installing or constructing a new utility structure, or enlarging, expanding, or
16 reconstructing an existing utility structure in public right-of-way, if the installation,
17 construction, enlargement, expansion, or reconstruction of the utility structure
18 would otherwise be permitted under law and the utility can demonstrate that the
19 need for the new utility structure is not related to or created by a wireless
20 communications facility.

21 **(e) Removal for discontinuance of service.** Any wireless communications
22 facility that has not provided service for six months is deemed a nuisance and is
23 subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or
24 attached wireless communications facility shall be removed by the facility owner
25 within six months of the date it ceases to be operational or if it falls into disrepair.

26 **(f) Relocation.**

27 (1) The City has the right to require changes in the location of wireless
28 communications facilities in rights-of-way when the public convenience
29 requires such change, and the expense thereof shall be paid solely by the owner.

30 (2) Prior to requiring relocation, the City will provide the owner with notice

1 substantially similar to that given to franchisees, licensees, or grantees.

2 (3) Should an owner fail to remove or relocate the wireless communications
3 facility by the date stated in the notice, the City may cause removal or relocation
4 of the wireless communications facility, and the expense thereof shall be paid
5 by the owner, including all expenses incurred by the City due to the owner's
6 failure to remove or relocate the wireless communications facility.

7 (4) If an owner must relocate its wireless communications facility in rights-of-
8 way as the result of a request by the City, the City will make a reasonable effort
9 to provide the owner with an alternate location for the relocated facility.

10 (g) **Measurements.** Unless otherwise specified in this Chapter, all references to
11 the existing or allowed height of a structure in this Chapter are measured from the
12 original grade at the base of the wireless communications facility to the highest
13 point on the wireless communications facility, including all antennas and excluding
14 any lightning rods.

15 **Section 2.** The following SRC 143A.075 is hereby added to SRC Chapter 143A:

16 **143A.075. Wireless Communications Facilities.** Wireless Communications Facilities are
17 allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

18 **Section 3.** The following SRC 143B.065 is hereby added to SRC Chapter 143B:

19 **143B.065. Wireless Communications Facilities.** Wireless Communications Facilities are
20 allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

21 **Section 4.** The following SRC 143E.055 is hereby added to SRC Chapter 143E:

22 **143E.055. Wireless Communications Facilities.** Wireless Communications Facilities are
23 allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

24 **Section 5.** The following SRC 144.045 is hereby added to SRC Chapter 144:

25 **144.045. Wireless Communications Facilities.** Wireless Communications Facilities are
26 allowed in the EFU district, subject to SRC Chapter 703.

27 **Section 6.** The following SRC 145.045 is hereby added to SRC Chapter 145:

28 **145.045. Wireless Communications Facilities.** Wireless Communications Facilities are
29 allowed in the RA district, subject to SRC Chapter 703.
30

1 **Section 7.** The following SRC 146.045 is hereby added to SRC Chapter 146:

2 **146.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the RS district, subject to SRC Chapter 703.

4 **Section 8.** The following SRC 147.045 is hereby added to SRC Chapter 147:

5 **147.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the RD district, subject to SRC Chapter 703.

7 **Section 9.** The following SRC 148.195 is hereby added to SRC Chapter 148:

8 **148.195. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the RM1 district, subject to SRC Chapter 703.

10 **Section 10.** The following SRC 148.345 is hereby added to SRC Chapter 148:

11 **148.345. RM2 Wireless Communications Facilities.** Wireless Communications Facilities
12 are allowed in the RM2 district, subject to SRC Chapter 703.

13 **Section 11.** The following SRC 149.045 is hereby added to SRC Chapter 149:

14 **149.045. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the RH district, subject to SRC Chapter 703.

16 **Section 12.** The following SRC 150.045 is hereby added to SRC Chapter 150:

17 **150.045. Wireless Communications Facilities.** Wireless Communications Facilities are
18 allowed in the CO district, subject to SRC Chapter 703.

19 **Section 13.** The following SRC 151.045 is hereby added to SRC Chapter 151:

20 **151.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the CN district, subject to SRC Chapter 703.

22 **Section 14.** The following SRC 152.045 is hereby added to SRC Chapter 152:

23 **152.045. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the CR district, subject to SRC Chapter 703.

25 **Section 15.** The following SRC 153.045 is hereby added to SRC Chapter 153:

26 **153.045. Wireless Communications Facilities.** Wireless Communications Facilities are
27 allowed in the CG district, subject to SRC Chapter 703.

28 **Section 16.** The following SRC 154.045 is hereby added to SRC Chapter 154:

29 **154.045. Wireless Communications Facilities.** Wireless Communications Facilities are
30 allowed in the CB district, subject to SRC Chapter 703.

1 **Section 17.** The following SRC 155.045 is hereby added to SRC Chapter 155:
2 **155.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the IC district, subject to SRC Chapter 703.

4 **Section 18.** The following SRC 156.045 is hereby added SRC Chapter 156:
5 **156.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the IBC district, subject to SRC Chapter 703.

7 **Section 19.** The following SRC 157.045 is hereby added to SRC Chapter 157:
8 **157.045. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the IP district, subject to SRC Chapter 703.

10 **Section 20.** The following SRC 158.045 is hereby added to SRC Chapter 158:
11 **158.045. Wireless Communications Facilities.** Wireless Communications Facilities are
12 allowed in the IG district, subject to SRC Chapter 703.

13 **Section 21.** The following SRC 159.045 is hereby added to SRC Chapter 159:
14 **159.045. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the II district, subject to SRC Chapter 703.

16 **Section 22.** The following SRC 160.125 is hereby added to SRC Chapter 160:
17 **160.125. Wireless Communications Facilities.** Wireless Communications Facilities are
18 allowed in the P district, subject to SRC Chapter 703.

19 **Section 23.** The following SRC 161.045 is hereby added to SRC Chapter 161:
20 **161.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the EC Zone, subject to SRC Chapter 703.

22 **Section 24.** The following SRC 162.065 is hereby added to SRC Chapter 162:
23 **162.065. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the SWMU Zone, subject to SRC Chapter 703.

25 **Section 25.** SRC 111.020 is amended to read as follows:
26 **111.020. "A" Definitions.**
27 (a) Abut means to be contiguous at some point.
28 (b) Accessory building, structure, or use means a building, structure, or use which
29 is incidental and subordinate to and dependent upon the main use on the same
30 premises.

1 ~~(1) Omni-Direction ("whip") Antenna~~ receives and transmits signals in a
2 360 degree pattern.

3 ~~(2) Directional or Parabolic ("panel" or "disk") Antenna~~ receives and
4 transmits signals in a directional pattern typically encompassing an arc of 120
5 degrees. The term "antenna" shall not include ~~Ancillary Antenna~~ which are
6 antennas less than 12 inches in its largest dimension and are not directly used
7 to provide personal wireless communications services. An example would be
8 a global positioning satellite (GPS) antenna

9 any pole, panel rod, reflection disc, or similar device used for the transmission or
10 reception of radio frequency signals, including, but not limited to omni-directional
11 antenna (whip), directional antenna (panel), micro cell, and parabolic antenna
12 (dish). Antenna does not include support structures, utility structures, or support
13 towers.

14 (n) Apartment means a court apartment, or a dwelling unit in an apartment house.

15 (o) Apartment house means any building, or portion thereof, which is designed,
16 built, rented, leased, let or hired out to be occupied, or which is occupied as the
17 home or residence of three or more families living independently of each other and
18 doing their own cooking in the said building; or a building in condominium
19 ownership containing three or more dwelling units.

20 (p) Approved means approved by the administrator or other administrative body or
21 official specifically given jurisdiction to grant such approval.

22 **Section 26.** SRC 111.040 is amended to read as follows:

23 **111.040. "C" Definitions.**

24 (a) Carport means a permanent structure which is not totally enclosed on two or
25 more sides, and which is used or intended for the parking of motor vehicles.

26 (b) Children or child means a human being under 13 years of age.

27 (c) City or City of Salem means the City of Salem, an Oregon municipal
28 corporation.

29 (d) City business day means a day other than a Saturday, Sunday, or holiday,
30 during which the City's administrative offices are open for the transaction of regular

1 and routine business. A City business day begins at 8:00 a.m. and closes, unless
2 otherwise 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~~ mounting or installation of an antenna on an
11 existing support structure, utility structure, or support tower for the purpose of
12 transmitting and/or receiving radio frequency signals for communications purposes.

13 (i) Commission means the Salem Planning Commission, created by SRC Chapter
14 6.

15 (j) Contiguity means the state of being contiguous.

16 (k) Contiguous means touching along a boundary or point. Two or more lots or
17 parcels that are under common ownership and are separated by a public right-of-
18 way shall not be considered contiguous.

19 (l) Complex means a building or group of buildings, and their accessory buildings
20 and structures, all under common ownership, condominium ownership, or common
21 management, and housing an integrated development of industrial uses, commercial
22 uses, public uses, residential uses, or combinations thereof.

23 (m) Compliance period means the period prescribed in this zoning code or by the
24 decision on a land use action within which all conditions precedent must be met.

25 (n) Comprehensive plan means the officially adopted Salem Area Comprehensive
26 Plan, including all components thereof adopted by reference or otherwise lawfully
27 incorporated as parts thereof.

28 (o) Conditional use means any use which is permitted in a particular zoning district
29 only after review and approval as provided in SRC Chapter 240 or 118, and
30 includes where not excepted, "nonconforming" conditional uses and development

1 requiring conditional use review pursuant to SRC Chapter 270. See specific
2 conditional use.

3 **(p)** Condition precedent means any condition upon the use or development of
4 property imposed by this zoning code or a decision on a land use action which must
5 be met prior to an unqualified right vesting in the development, use, or continued
6 use of a building, structure or premises. With respect to conditional zone changes it
7 means any condition imposed in a conditional zone change declaration which must
8 be met prior to issuance of a conditional zone change order.

9 **(q)** Corner lot means a lot having two or more adjacent front lot lines in which the
10 interior angle formed by the extensions of the front lot lines in the direction which
11 they take at their intersections with the side lot lines forms an angle of 135 degrees
12 or less. In the event a street front lot line is a curve at its point of intersection with a
13 side lot line, the tangent to the curve at that point shall be considered the direction
14 of the front lot line.

15 **(r)** Cottage Housing means a development consisting of at least two or more
16 attached and/or detached dwelling units on one lot as a legal nonconforming use as
17 of May 15, 1979.

18 **(s)** Council means the council of the City of Salem, Oregon.

19 **(t)** Court apartment is a dwelling unit which is one of three or more dwelling units
20 contained in two or more buildings on the same lot, and which is designed, built,
21 rented, leased, let, or hired out to be occupied, or which is occupied by a family
22 which does not include an owner of the apartment; or which is a condominium unit
23 in a complex containing three or more dwelling units in two or more buildings.

24 **(u)** CSDP (Central Salem Development Program) area means that area of the city
25 within the following boundaries: Beginning at the SE corner of 12th Street SE and
26 Mission Street SE in Section 27 Township 7 South Range 3 West in Marion
27 County, Oregon; Thence Northerly along the East line of 12th Street SE to its
28 intersection with the East Right-of-Way line of the Southern Pacific Railroad;
29 Thence continuing Northerly along said East line of Railroad to the North side of
30 "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West

1 Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
2 the North side of Market Street NE; Thence Easterly along the North side of Market
3 Street NE to an Alley running between Fifth Street NE and Church Street NE;
4 Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
5 Easterly along the North side of Gaines Street to the West side of Church Street NE;
6 Thence Northerly along the West Side of Church Street to the North line of an
7 Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
8 along the North side of Said Alley to the East bank of the Willamette River; Thence
9 Southerly along the East Bank of the Willamette River and Willamette Slough to
10 the Westerly projection of the South line of Mission Street SE; Thence running
11 Easterly along the South side of Mission Street SE to the Place of Beginning.

12 **Section 27.** SRC 111.060 is amended to read as follows:

13 **111.060. "E" Definitions.**

14 (a) Employees means all persons, including proprietors, performing work on a
15 premises during the largest shift at peak season.

16 ~~(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to~~
17 ~~house and protect the electronic equipment necessary for processing wireless~~
18 ~~communications signals. Associated equipment may include air conditioning and~~
19 ~~emergency generators.~~

20 ~~(c)~~ Existing Wildlife Rehabilitation Facility means any building, structure, or land
21 which meets the standards set forth in SRC 119.080 and is occupied or being used
22 by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and
23 Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

24 **Section 28.** SRC 111.070 is amended to read as follows:

25 **111.070. "F" Definitions.**

26 (a) Family means an individual or two or more persons related by blood or
27 marriage, or a group of not more than five persons (excluding servants) who need
28 not be related by blood or marriage, living together in a dwelling unit. Family shall
29 include two or more handicapped persons as defined in the Fair Housing
30 Amendments Act of 1988 living as a single housekeeping unit.

1 (b) Farm use means the current employment of land for the purpose of obtaining a
2 profit in money by raising, harvesting and selling crops or the feeding, breeding,
3 management and sale of, or the produce of, livestock, or for dairying and the sale of
4 dairy products or any other agricultural or horticultural use or animal husbandry or
5 any combination thereof. "Farm use" includes the preparation and storage of the
6 products raised on such land for human use and animal use and disposal by
7 marketing or otherwise. "Farm use" also includes the propagation, cultivation,
8 maintenance and harvesting of aquatic species. It does not include the use of land
9 subject to the provisions of ORS Chapter 321, except land used exclusively for
10 growing cultured Christmas trees as defined in ORS 215.203(3). "Current
11 employment" shall be as defined in ORS 215.203(2)(b).

12 (c) Fence means an unroofed structure used as an enclosure, barrier, or restriction
13 to light, sight, air, or passage.

14 (d) Final decision means a decision by the council, or a decision by any other
15 administrative body after the applicable appeal and review periods have expired.

16 (e) Fish habitat enhancement means the addition or modification of aquatic habitat
17 components whose absence, scarcity, or condition has been determined by the city
18 to limit fish presence or abundance in the immediate project area, specific stream
19 corridor or watershed.

20 (f) Floor area means the area included within the surrounding exterior walls of a
21 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
22 structure or portion thereof not provided with surrounding exterior walls shall be
23 the usable area under the horizontal projection of the roof or floor above.

24 ~~(g) Freestanding Support Structure means the structure to which antenna and other~~
25 ~~necessary associated hardware is mounted. Freestanding support structures include,~~
26 ~~but are not limited to, lattice towers, and monopoles. For the purposes of this code,~~
27 ~~the terms "monopole" and "freestanding support structure" are used~~
28 ~~interchangeably.~~

29 (hg) Frontage means that portion of a parcel of real property which abuts a public
30 street, whether or not access to the property is accorded thereby, and whether or not

1 a building or structure faces the street frontage. In context, coupled with the term
2 "alley" "frontage" has the same meaning with respect to an abutting alley.

3 **(ih)** Front lot line. See "lot line, front."

4 **Section 29.** SRC 111.130 is amended to read as follows:

5 **111.130. "L" Definitions.**

6 **(a)** Land use action means a zone change, conditional zone change, variance,
7 adjustment, conditional use approval, specific conditional use approval, planned
8 unit development approval at any stage requiring commission or council action, or
9 any other action requiring discretionary review by an administrative body, including
10 appeals from any of the foregoing.

11 **(b)** Land use proceeding means a proceeding on a zone change, variance,
12 adjustment, conditional use, specific conditional use, or planned unit development
13 application; a council or commission initiated zone change proceeding; a
14 proceeding to designate zoning classifications for a newly annexed area; or any
15 other proceeding which will result in a land use action unless dismissed.

16 **(c)** Landscaped means primarily devoted to the planting and preservation of trees,
17 shrubs, lawn and other organic ground cover, together with other natural or artificial
18 supplements to that primary use such as watercourses, ponds, fountains, decorative
19 lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways,
20 sculpture, trellises, and screens.

21 **(d)** Lattice Tower means a wireless communications facility ~~freestanding support~~
22 ~~structure-tower~~ which consists of a network of crossed metal braces, forming a
23 tower which is usually triangular or square in cross-section.

24 **(e)** Livestock means:

25 **(1)** One or more members of any species of cattle, swine, sheep, goat, horse or
26 other equine, llama, alpaca or related ruminant, or poultry, excluding chickens,
27 regardless of the purpose for which any of the foregoing may be kept; and

28 **(2)** Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for
29 sale of by-products, for livestock increase, or for value increase.
30

1 (f) Loading space means an off-street space or bay on the same lot or parcel with a
2 building or complex for the parking of a vehicle while loading or unloading
3 passengers or cargo.

4 (g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or
5 contiguous unit of lots or other parcels under common or condominium ownership,
6 common life estate, or subject to a common leasehold for a term of at least 99 years.

7 (h) Lot area means the area in square feet or acres (43,560 square feet equals one
8 acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

9 (i) Lot coverage means the percentage of lot area covered by structures other than
10 fences or by other structures no point of which is more than three feet above grade.

11 (j) Lot depth means the horizontal distance between the front and rear lot lines
12 measured at a point halfway between the side lot lines.

13 (k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

14 (l) Lot, interior means any lot other than a corner lot.

15 (m) Lot line means one of the property lines forming the exterior boundaries of a
16 lot; and includes a condominium unit ownership line where the underlying real
17 property is included in a unit.

18 (n) Lot line, front means:

19 (1) In the case of any lot having a front lot line designated pursuant to SRC
20 63.145(e), the line so designated;

21 (2) In the case of an interior lot having only one street frontage, the lot line
22 separating the lot from the street right-of-way; and

23 (3) In the case of any lot not covered by paragraphs (1) or (2) of this
24 subsection, the lot line which the architecturally designed front of the building
25 faces.

26 (o) Lot line, interior means a lot line which is not adjacent to a street.

27 (p) Lot line, rear means:

28 (1) In the case of any lot having a rear lot line designated or determinable under
29 SRC 63.145(g), the lot line so designated or determined; and

30 (2) In the case of any other lot, the lot line opposite and most distant from the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

front lot line.

(q) Lot line, side means any lot line which is not a front or rear lot line.

(r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

(s) Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

Section 30. SRC 111.140 is amended to read as follows:

111.140. "M" Definitions.

(a) Manufactured dwelling means:

(1) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

“Manufactured dwelling” does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(b) Manufactured dwelling park means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land

1 under the same ownership, the primary purpose of which is to rent or lease space or
2 keep space for rent or lease to any person for a charge or fee paid or to be paid for
3 the rental or lease or use of facilities or to offer space free in connection with
4 securing the trade or patronage of such person. "Manufactured dwelling park" does
5 not include a lot or lots located within a subdivision being rented or leased for
6 occupancy by no more than one manufactured dwelling per lot if the subdivision
7 was approved pursuant to SRC Chapter 63.

8 (c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon
9 which is used for the purpose of preparing, processing or converting food for
10 immediate consumption as a drive-in, drive-through, curb or walk-up service. It
11 does not include a street vendor's cart as described in SRC 31.1055 or a peddler's
12 vehicle or conveyance described in SRC 31.180.

13 (d) Monopole means a wireless communications facility ~~freestanding support~~
14 ~~structure~~ tower which consists of a single pole sunk into the ground and/or attached
15 to a foundation.

16 **Section 31.** SRC 111.240 is amended to read as follows:

17 **111.240. "W" Definitions.**

18 (a) Wetland means an area that is inundated or saturated by surface water or
19 groundwater at a frequency and duration sufficient to support, and that under
20 normal circumstances does support, a prevalence of vegetation typically adapted for
21 life in saturated soil conditions.

22 (ORS196.800).

23 (b) Wetland restoration means to restore former wetlands, create new wetlands, or
24 enhance existing wetlands for the purpose of improving ecological or habitat
25 functions. Restoration means to reestablish wetland hydrology to a former wetland.
26 Creation means to successfully convert an area that has never been a wetland to
27 wetland conditions. Enhancement means the alteration and/or active management
28 of degraded wetlands for the sustainable recovery or improvement of lost or
29 degraded wetland functions and values.

30 (c) Wildlife shall have the meaning as defined under ORS Chapter 496.

1 (d) Wildlife rehabilitation means the restoration of an injured, sick, or immature
2 wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition
3 where it is capable of being released into the wild or, if incapable of survival on its
4 own, retained for educational purposes or transferred to an organization,
5 educational institution, museum, publicly funded zoo or other facility as determined
6 by the Oregon Department of Fish and Wildlife.

7 (e) Wildlife rehabilitator means any individual who is licensed as a Wildlife
8 Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife
9 rehabilitation.

10 (f) Wildlife Rehabilitation Facility means any building, structure, or land being
11 used for the purpose of wildlife rehabilitation.

12 (g) ~~Wireless Communication Facilities (WCF)~~ means an unstaffed facility for the
13 ~~transmission and reception of radio or microwave signals used for commercial~~
14 ~~communications. WCFs are composed of two or more of the following components:~~
15 ~~(1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security~~
16 ~~Barrier. Wireless communications means any personal wireless services as defined~~
17 ~~by the Federal Telecommunications Act of 1996, as amended, that currently exist or~~
18 ~~that may be developed in the future, including but not limited to cellular, personal~~
19 ~~communications services, specialized mobile radio, enhanced specialized mobile~~
20 ~~radio, paging, similar Federal Communications Commission-licensed commercial~~
21 ~~wireless telecommunications services, but excluding wireless telecommunications~~
22 ~~services used exclusively for public health or safety purposes and wireless~~
23 ~~communications services used exclusively by gas and electric utilities and~~
24 ~~cooperative utilities for internal communications of an operational nature.~~

25 ~~(h) Wireless communications facility means any unstaffed facility for the~~
26 ~~transmission and/or reception of radio frequency signals for commercial wireless~~
27 ~~communications purposes, including, but not limited to, auxiliary support~~
28 ~~equipment; support towers or support structures, or utility structures used to achieve~~
29 ~~the necessary elevation for the antenna; transmission and reception cabling and~~
30 ~~devices; and all antennas or arrays; but excluding wireless telecommunications~~

1 services used exclusively for public health or safety purposes and wireless
2 communications services used exclusively by gas and electric utilities and
3 cooperative utilities for internal communications of an operational nature.

4 **Section 32.** SRC 130.210 is amended to read as follows:

5 **130.210. Height Exceptions.**

6 (a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and
7 monuments, none of which exceeds 185 feet in height, are exempt from all other
8 height restrictions provided they do not contain any rooms, offices, or other
9 habitable space, that the horizontal section does not exceed 625 square feet at the
10 top of the main building; and that the sum of the horizontal section of all such
11 projections at the height limit applicable to the building, structure, or land on which
12 they are located does not exceed 20 percent of the horizontal area of the roof of any
13 building on which they are situated.

14 (b) Radio, television, and microwave antennas and structures exclusively for their
15 support are exempt from all height restrictions.

16 (c) Mechanical penthouses, equipment, and appurtenances necessary to the
17 operation or maintenance of the building or structure itself, including ventilators,
18 plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar
19 energy, and window washing equipment, together with enclosures for any such
20 features are exempt from all other height restrictions provided they do not contain
21 any offices, restrooms, storage rooms, or habitable space; provided further that the
22 sum of the horizontal section of all such projections at the height limit applicable to
23 the building or structure on which they are located does not exceed 60 percent of
24 the horizontal area of the roof of the building on which they are situated; and finally
25 provided that no such device or enclosure projects more than 15 feet above the roof,
26 measured vertically from any point on the device or enclosure.

27 (d) Wireless communications facilities are subject to the provisions of SRC
28 Chapter 703.

29 (e) Utility structures located in public rights-of-way and not supporting wireless
30 communications facilities are exempt from the height restrictions of the underlying

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

zone.

Section 33. SRC 132.220 is amended to read as follows:

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:

(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.

1 (3) Using the applicable Buffer Category (A, B, C, D, or E), consult the
2 Screening and Buffering Standards Table 132-2 to determine the buffering and
3 screening requirements.

4 (4) As required by the Bufferyard and Screening Standards Table 132-2, fences
5 shall be sight-obscuring fences and walls shall be constructed of masonry, rock,
6 concrete, concrete block or other similar material.

7 (5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant
8 materials and the minimum size of the plant materials at planting time in order
9 to provide seventy-five (75) percent coverage of the required landscaped yard
10 within five years. A minimum of 40% of the required number of plant units
11 shall be a combination of significant trees, shade trees, evergreen/conifer trees,
12 or ornamental trees.

13 (d) Where two or more uses of differing impact as specified in the Buffer Matrix
14 (Table 132-1) are combined in one building, the Buffer Category shall be
15 determined by the use in the heaviest impact category.

16 (e) In the event a proposed use is not specifically designated in the Buffer Matrix,
17 Table 132-1, the Planning Administrator shall designate to which group the
18 proposed use is most similar in intensity or environmental impact.

19 (f) If the abutting existing use is a "nonconforming use" in the same comprehensive
20 plan designation, then the proposed use shall provide a Category "A" Bufferyard
21 plus a 6 foot fence or wall.

22 **Section 34.** SRC 133.100 is amended to read as follows:

23 **133.100. Off-street Vehicle Parking Requirements.**

24 (a) Except as otherwise specifically provided in this zoning code, off-street parking
25 spaces shall be provided in amounts not less than those set forth in Table 133-1.

26 (b) Off-street parking spaces shall not exceed 2.5 times the amount required under
27 Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such
28 amount is more than 20.

29 (c) For any proposed use not shown on Table 133-1, the administrator shall
30 determine the parking space requirement for the most nearly similar use listed in

1 Table 133-1 with regard to traffic generation, and render such determination as an
2 adjustment pursuant to SRC Chapter 250.

3 (d) The provisions of this section shall apply only to residential uses within the
4 boundaries of the Downtown Parking District created by SRC 7.010.

5 (e) The provisions of this section shall not apply to wireless communications
6 facilities.

7 **Section 35.** SRC 133.110 is amended to read as follows:

8 **133.110. General Bicycle Parking Requirement.** Bicycle parking shall be provided for all
9 new multiple family residential developments (4 units or more), commercial, industrial and
10 institutional uses, in the following manner:

11 (a) The minimum number of required bicycle parking spaces is listed in Table 133-
12 1.

13 (b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide
14 and provide a minimum four foot access aisle unless spaces are provided to store
15 the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-
16 section (c) of this section.

17 (c) Bicycle racks must accommodate using the bicyclist's own locking device.

18 (d) Bicycle parking shall be provided within a convenient distance of, and clearly
19 visible from the primary building entrance as determined by the City. Such parking
20 shall not be further than 50 feet from the public entrance to the building.

21 (e) Direct access to the public right-of-way, with access ramps if necessary, and
22 pedestrian access from the bicycle parking to the building entrance must be
23 provided.

24 (f) The following uses are exempted from the bicycle parking requirements:

25 (1) Seasonal uses, such as fireworks stands and Christmas tree sales;

26 (2) Drive-in theaters;

27 (3) Self-storage facilities;

28 (4) Wireless communications facilities.

29 **Section 36.** SRC 135.020 is amended to read as follows:

30 **135.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

1 (a) Change of use means making a different or more intense use of any building,
2 structure, or land than that which existed on November 1, 1989, and for which
3 permission may be required pursuant to this code. Change of use does not include
4 collocation, replacement, installation, modification, or construction of wireless
5 communications facilities.

6 (b) Develop or Development means to divide a parcel of land into two or more
7 parcels; the construction, reconstruction, structural alteration, relocation, or
8 enlargement of any industrial buildings; and extension of any use of land or any
9 clearing, grading, landscaping, curb cutting, or other use of land for which
10 permission may be required pursuant to this code. To "develop" does not include:

11 (1) Completion of a structure or use of land for which a valid permit has been
12 issued as of November 1, 1989, and under which substantial construction has
13 been undertaken by May 1, 1990;

14 (2) Maintenance and repair, usual and necessary for the continuance of an
15 existing use;

16 (3) Reasonable emergency procedures necessary for the safety or operation of
17 property;

18 (4) Interior remodeling and such exterior remodeling that does not increase
19 square footage of building, increase building height, or substantially alter the
20 appearance of the structure;

21 (5) Collocation, replacement, installation, modification, or construction of
22 wireless communications facilities.

23 **Section 37.** SRC 136.020 is amended to read as follows:

24 **136.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

25 (a) Change of use means making a different or more intense use of any building,
26 structure, or land than that which existed on March 1, 1996 and for which permission
27 may be required pursuant to this code. Change of use does not include collocation,
28 replacement, installation, modification, or construction of wireless communications
29 facilities.

30 (b) Develop or Development means to divide a parcel of land into two or more

1 parcels; the construction, reconstruction, structural alteration, relocation, or
2 enlargement of any buildings; any extension of any use of land or any clearing,
3 grading, landscaping, curb cutting, or other use of land for which permission may be
4 required pursuant to this code. To “develop” does not include:

- 5 (1) Completion of a structure or use of land for which a valid building permit
6 has been issued as of March 1, 1996;
- 7 (2) Maintenance and repair, usual and necessary for the continuance of an
8 existing use;
- 9 (3) Reasonable emergency procedures necessary for the safety or operation of
10 the property;
- 11 (4) Interior remodeling and such exterior remodeling that does not increase
12 square footage of building, increase building height, or substantially alter the
13 appearance of the structure;
- 14 (5) Collocation, replacement, installation, modification, or construction of
15 wireless communications facilities.

16 **Section 38.** SRC 137.020 is amended to read as follows:

17 **137.020. Definitions.**

18 (a) Abandonment, as it applies to industrial uses and structures in this Chapter,
19 means the cessation of the use or structure for a continuous period of one year or a
20 change of use or structure to a non-industrial use. Vacant property within the overlay
21 zone west of Commercial Street and designated industrial on December 1, 1998 shall
22 not be deemed abandoned and may be converted to industrial use.

23 (b) Change of use means making a different use of any building, structure or land
24 than which existed on December 1, 1998 and for which permission may be required
25 pursuant to this code. Change of use does not include collocation, replacement,
26 installation, modification, or construction of wireless communications facilities.

27 (c) Develop or Development means to divide a parcel of land into two or more
28 parcels; the construction, reconstruction, structural alteration, relocation, or
29 enlargement of any buildings; any extension of any use of land or any clearing,
30 grading, landscaping, curb cutting, or other use of land for which permission may be

1 required pursuant to this code. Develop or Development does not include:

- 2 (1) Completion of a structure or use of land for which a valid permit has been
- 3 issued and substantial construction undertaken by December 1, 1998;
- 4 (2) Maintenance and repair, usual and necessary for the continuance of an
- 5 existing use;
- 6 (3) Reasonable emergency procedures necessary for the safety or operation of
- 7 property;
- 8 (4) Interior remodeling and such exterior remodeling that does not increase
- 9 square footage of a building, increase building height, or alter the appearance of
- 10 a structure;
- 11 (5) Collocation, replacement, installation, modification, or construction of
- 12 wireless communications facilities.

13 (d) Drive through use means a business activity involving the buying and selling of
14 goods or the provision of services to a motorist customer or the customer's motor
15 vehicle and typically involving queuing lanes, service windows, service islands, and
16 service bays.

17 (e) Front means the portion of a building that faces a public right-of-way.

18 (f) Parking structure means a private or public garage with at least two levels of
19 parking whose principal use is intended for the temporary storage of motor vehicles.

20 (g) Primary building entrance means the principal pedestrian passage from a public
21 right-of-way into a building. A building may have more than one primary entrance.
22 Primary building entrance shall not include service or employee only entrances.

23 (h) Project means a single development built in a single phase. A project may
24 involve single or multiple buildings.

25 (i) Public right-of-way means property dedicated to the public for ingress and egress.

26 (j) Public street right-of-way means a public right-of-way improved with a road or
27 street.

28 (k) Side street means any public street that intersects Front Street within the
29 Riverfront Overlay Zone.

30

1 **Section 39.** SRC 138.020 is amended to read as follows:

2 **138.020. Definitions.**

3 (a) Change of use means making a different use of any building, structure or land
4 than which existed on December 1, 1998 and for which permission may be required
5 pursuant to this code. Change of use does not include collocation, replacement,
6 installation, modification, or construction of wireless communications facilities.

7 (b) Develop or Development means to divide a parcel of land into two or more
8 parcels; the construction, reconstruction, structural alteration, relocation, or
9 enlargement of any buildings; any extension of any use of land or any clearing,
10 grading, landscaping, curb cutting, or other use of land for which permission may be
11 required pursuant to this code. Develop or Development does not include:

12 (1) Completion of a structure or use of land for which a valid permit has been
13 issued and substantial construction undertaken by December 1, 1998.

14 (2) Maintenance and repair, usual and necessary for the continuance of an
15 existing use;

16 (3) Reasonable emergency procedures necessary for the safety or operation of
17 property;

18 (4) Interior remodeling and such exterior remodeling that does not increase
19 square footage of a building, increase building height, or alter the appearance of
20 a structure;

21 (5) Collocation, replacement, installation, modification, or construction of
22 wireless communications facilities.

23 (c) Drive through use means a business activity involving the buying and selling of
24 goods or the provision of services to a motorist customer or the customer's vehicle
25 and typically involving queuing lanes, service windows, service islands, and service
26 bays for vehicular use.

27 (d) Parking structure means a private or public garage with at least two levels of
28 parking whose principal use is intended for the temporary storage of motor vehicles.

29 (e) Primary building entrance means the principal pedestrian passage from a public
30 right-of-way into a building. A building may have more than one primary entrance.

1 (f) Project means a single development built in a single phase. A project may involve
2 single or multiple buildings.

3 (g) Public right-of-way means a public right-of-way improved with a road or street.

4 (h) Side street means within the Broadway/High Street Overlay Zone, any public
5 street that intersects Broadway Street.

6 **Section 40.** SRC 139.040 is amended to read as follows:

7 **139.040. Permitted Uses.** The following uses are permitted in the compact development
8 overlay district:

9 (a) Any permitted, special, ~~administrative conditional use, or conditional, or allowed~~
10 wireless communications facilities uses allowed in the RS, (Single Family
11 Residential) district.

12 (b) Any combination of single family detached, duplex or triplex units, up to a
13 maximum of three (3) units on a lot subject to the per lot density requirements of SRC
14 139.060 and the development design guidelines or standards contained in the City of
15 Salem Development Design Handbook. Three or more units on a lot shall also
16 comply with SRC 139.150.

17 (c) Townhouses on individual lots subject to the per lot density requirements of SRC
18 139.060 and the development design guidelines or standards contained in the
19 Development Design Handbook.

20 **Section 41.** SRC 142.020 is amended to read as follows:

21 **142.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

22 (a) Change of use means making a different or more intense use of any building,
23 structure, or land than that which existed on August 26, 1987, and for which
24 permission may be required pursuant to this code. Change of use does not include
25 collocation, replacement, installation, modification, or construction of wireless
26 communications facilities.

27 (b) Develop or Development means to divide a parcel of land into two or more
28 parcels; the construction, reconstruction, structural alteration, relocation, or
29 enlargement of any commercial buildings; any extension of any use of land or any
30 clearing, grading, landscaping, curb cutting, or other use of land for which permission

1 may be required pursuant to this code. To "develop" does not include:

- 2 (1) Completion of a structure or use of land for which a valid permit has been
- 3 issued as of August 26, 1987, and under which substantial construction has been
- 4 undertaken by March 1, 1988;
- 5 (2) Maintenance and repair, usual and necessary for the continuance of an
- 6 existing use;
- 7 (3) Reasonable emergency procedures necessary for the safety or operation of
- 8 property;
- 9 (4) Interior remodeling and such exterior remodeling that does not increase
- 10 square footage of building, increase building height, or substantially alter the
- 11 appearance of the structure;
- 12 (5) Collocation, replacement, installation, modification, or construction of
- 13 wireless communications facilities.

14 **Section 42.** SRC 143.020 is amended to read as follows:

15 **143.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

16 (a) Change of use means making a different or more intense use of any building,

17 structure, or land than that which existed on and for which permission may be

18 required pursuant to this code. Change of use does not include collocation,

19 replacement, installation, modification, or construction of wireless communications

20 facilities.

21 (b) Develop or Development means to divide a parcel of land into two or more

22 parcels; the construction, reconstruction, structural alteration, relocation, or

23 enlargement of any commercial buildings; any extension of any use of land or any

24 clearing, grading, landscaping, curb cutting, or other use of land for which permission

25 may be required pursuant to this code. To "develop" does not include:

- 26 (1) Completion of a structure or use of land for which a valid permit has been
- 27 issued as of November 9, 1987, and under which substantial construction has
- 28 been undertaken by May 1, 1988.
- 29 (2) Maintenance and repair, usual and necessary for the continuance of an
- 30 existing use;

1 (3) Reasonable emergency procedures necessary for the safety or operation of
2 property;

3 (4) Interior remodeling and such exterior remodeling that does not increase
4 square footage of building, increase building height, or substantially alter the
5 appearance of the structure;

6 (5) Collocation, replacement, installation, modification, or construction of
7 wireless communications facilities.

8 **Section 43.** SRC 143A.020 is amended to read as follows:

9 **143A.020. Definitions.**

10 (a) Congregate Residence means any building or portion thereof that contains
11 facilities for living, sleeping, and sanitation, and may include facilities for eating and
12 cooking, for occupancy other than a family. A congregate residence may be a shelter,
13 convent, monastery, dormitory, fraternity or sorority house, but does not include jails,
14 hospitals, nursing homes, hotels or lodging houses.

15 (b) Change of Use means making a different use of any building, structure or land
16 than which existed on November 30, 1998 and for which permission may be required
17 pursuant to this code. Change of use does not include collocation, replacement,
18 installation, modification, or construction of wireless communications facilities.

19 (c) Drive through use means a business activity involving the buying and selling of
20 goods and services to a motorist customer or the customer's vehicle and typically
21 involving the queuing lanes, service windows, service islands, and service bays for
22 vehicular use.

23 (d) Floor Area means the area included within the surrounding exterior walls of a
24 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
25 structure or portion thereof not provided with surrounding exterior walls shall be the
26 useable area under the horizontal projection of the roof or floor above.

27 (e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
28 area.

29 (f) Mixed-use Development means a combination of retail, office or residential uses
30 in a single building or separate buildings on the same site.

1 (g) Redevelopment means the structural alteration, enlargement, or reuse of
2 buildings, or clearance of structures and buildings for subsequent development.
3 Redevelopment does not include maintenance and repair, usual and necessary for the
4 continuation of an existing use; reasonable emergency procedures necessary for the
5 safety and operation of the property; and interior remodeling that does not increase
6 the square footage or height of buildings; and collocation, replacement, installation,
7 modification, or construction of wireless communications facilities.

8 (h) Residential Structure means dwellings, hotels, apartment houses, and congregate
9 residences.

10 **Section 44.** 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~~593) with all retail and storage of
20 merchandise and 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
27 individual lot;
- 28 ~~(13)~~ Ambulance Station;
- 29 ~~(14)~~ Ambulance Service Facility.

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 45.** SRC 143A.080 is amended to read as follows:

5 **143A.080. Prohibited Uses.** Within the CHR overlay zone, no building, structure or land
6 shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC
7 143A.050 to SRC ~~143A.070-143A.075~~, except as provided in SRC ~~113.090(b)~~ 113.090(d).

8 Prohibited uses expressly include the following:

- 9 (a) Outdoor Advertising Signs (billboards).
- 10 (b) ~~Freestanding support structures less than 70 feet in height and equipment~~
11 ~~enclosures~~
- 12 (e**b**) Wildlife rehabilitation facilities.
- 13 (d**c**) Outdoor storage of materials and equipment.

14 **Section 46.** SRC 143A.200 is amended to read as follows:

15 **143A.200. Reference to Additional Standards.**

16	General Development Standards	SRC Chapter 130
17	Accessory Structures	SRC Chapter 131
18	Landscaping	SRC Chapter 132
19	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
20	Development Design Handbook (multiple family residential uses)	
21	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 47.** SRC 143B.030 is amended to read as follows:

23 **143B.030. Definitions.**

- 24 (a) Drive-through use means a business activity involving the buying and selling of
25 goods and services to a motorist customer or the customer's vehicle and typically
26 involving queuing lanes service windows, service islands, and service bays for
27 vehicular use.
- 28 (b) Floor Area means the area included within the surrounding exterior walls of a
29 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
30 structure or portion thereof not provided with surrounding exterior walls shall be the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

useable area under the horizontal projection of the roof or floor above.

(c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.

(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

- (1)** Maintenance and repair, usual and necessary for the continuance of an existing use;
- (2)** Reasonable emergency procedures necessary for the safety or operation of property;
- (3)** Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
- (4)** Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(4f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian Scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

(5g) Primary Building Entrance means the principal access point for persons visiting a building.

(Ah) Townhouse means a single family dwelling unit constructed in a row of attached units, with each unit separated by property lines with yard on at least two sides.

1 **Section 48.** SRC 143.070 is amended to read as follows:

2 **143B.070. Prohibited Uses Within Overlay Zone.**

3 (a) No building, structure or land shall be used, erected, structured, or structurally
4 altered or enlarged for any use not permitted under the underlying zone.

5 ~~(b) No freestanding support structure shall be erected, structurally altered, or enlarged~~
6 ~~in the area within 300 feet of public right-of-way.~~

7 **Section 49.** SRC 143B.090 is amended to read as follows:

8 **143B.090. Special Uses - Pine Street CG Mixed-Use Area.**

9 (a) The following uses, when restricted, developed and conducted as required in SRC
10 Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial
11 General underlying zone:

- 12 (1) Used merchandise stores (593);
- 13 (2) Entertainment establishments (58);
- 14 (3) Wildlife rehabilitation facility;
- 15 ~~(4) Antennas attached to existing or approved structures;~~
- 16 (5) Public automobile parking areas;
- 17 (6) Mobile food unit;
- 18 ~~(7)~~ Ambulance Station;
- 19 (8) Ambulance Service Facility.

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 50.** SRC 143B.120 is amended to read as follows:

24 **143B.120. Special Uses - Pine Street IC Mixed-Use Area.**

25 (a) The following uses, when restricted, developed and conducted as required in SRC
26 Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial
27 Commercial underlying zone:

- 28 (1) Entertainment establishments;
- 29 (2) Wildlife rehabilitation facility;
- 30 (3) Mobile food unit;

- 1 ~~(4)~~ Antennas attached to existing structures;
- 2 **(54)** Used Merchandise Stores;
- 3 **(65)** Ambulance Station;
- 4 ~~(76)~~ Ambulance Service Facility.

5 **(b)** In lieu of establishing any use listed in subsection (a) of this section as a special use
6 under SRC Chapter 119, the developer may elect to apply for conditional use approval
7 pursuant to SRC Chapter 240 or 118.

8 **Section 51.** SRC 143B.150 is amended to read as follows:

9 **143B.150. Special Uses - Northgate CR Mixed-Use Area.**

10 **(a)** The following uses, when restricted, developed and conducted as required in SRC
11 Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail
12 underlying zone:

- 13 **(1)** Used merchandise store (593);
- 14 **(2)** Entertainment establishments;
- 15 **(3)** Existing wildlife rehabilitation facility;
- 16 **(4)** Mobile food unit;
- 17 ~~(5)~~ Antennas attached to existing or approved structures;
- 18 **(65)** Ambulance Station;
- 19 ~~(76)~~ Ambulance Service Facility.

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 52.** SRC 143C.060 is amended to read as follows:

24 **143C.060. Permitted Uses.** Only the uses identified in Table 143C-1 are permitted in the
25 FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with
26 the letter “P”. Certain uses are permitted only as a special use and have special conditions
27 attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable
28 section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a
29 Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 240.
30 ~~Uses requiring an Administrative Conditional Use are designated with an “A” and are~~

1 pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are
 2 designated with a "W" and are allowed, subject to SRC Chapter 703.

3 **Table 143C-1**

4 P = permitted use; S = special use; C = conditional use; A = administrative
 5 conditional use W = wireless communications facilities use

	LI	MI*	AU	VC
RESIDENTIAL				
One single family dwelling, townhouse, or duplex per lot	P	P	P	P
Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons		P	P	P
One manufactured home on a single lot [SRC 119.710]	S	S	S	S
AGRICULTURE and FORESTRY				
Agricultural production - crops (01)	P	P	P	P
Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated		P	P	
Veterinary services (0742)		P	P	P
Farm labor and management services (076)			P	
Farm labor and management services (076), offices only		P	P	P
Landscape and horticultural services (078)			P	
Landscape and horticultural services (078), offices only		P	P	P
Timber tracts (081)		P	P	
Forestry services (085), offices only			P	
CONSTRUCTION				
Building construction - general contractors and operative builders (15), offices only		P	P	P

1	Heavy Construction other than building construction – contractors (16), offices only		P	P	P
2	Construction - special trade contractors (17), offices only		P	P	P
3	MANUFACTURING				
4	Dairy products (202)		C	P	
5	Canned, frozen and preserved fruits, vegetables and food specialties (203)			P	
6	Grain mill products (204)		C	P	
7	Bakery products (205)		C	P	
8	Candy and other confectionery products (2064 and 2068)		C	P	
9	Chocolate and cocoa products (2066)		C	P	
10	Beverages (208)		C	P	
11	Miscellaneous food preparations and kindred products (209)		C	P	
12	Textile mill products (22)		C	P	
13	Apparel and other finished products made from fabrics and similar materials (23)		C	P	
14	Wood kitchen cabinets (2434)		C	P	
15	Paperboard containers and boxes (265)		C	P	
16	Printing, publishing, and allied industries (27)		C	P	
17	Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)		C	P	
18	Metal cans and shipping containers (341)		C	P	
19	Cutlery, hand tools and general hardware (342)		C	P	
20	Heating equipment, except electric and warm air; and plumbing fixtures (343)			P	
21	Metal forgings and stampings (346)			P	
22	Computer and office equipment (357)		C	P	
23	Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)		C	P	
24	Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)		C	P	
25					
26					
27					
28					
29					
30					

1	Signs and advertising specialties (3993)		C	P	
2	TRANSPORTATION, COMMUNICATION,				
3	ELECTRIC, GAS, and SANITARY SERVICES				
4	Local and suburban transit and interurban highway			P	P
5	passenger transportation (41)				
6	Motor freight transportation and warehousing (42)			P	P
7	U.S. Postal Service (43)		P	P	P
8	Transportation services (47)		P	P	P
9	Communication (48)		P	P	P
10	Wireless Communications Facilities [SRC-119.460]	A	A <u>W</u>	A	A
11		<u>W</u>		<u>W</u>	<u>W</u>
12	Antennas attached to existing or approved structures	S	S	S	S
13	[SRC-119.460]				
14	WHOLESALE TRADE				
15	Wholesale trade-durable goods (50) BUT EXCLUDING			P	
16	scrap and waste materials (5093), and durable goods, not				
17	elsewhere classified (5099)				
18	Wholesale trade-non-durable goods (51) BUT			P	
19	EXCLUDING livestock (5154), and chemicals and allied				
20	products (516)				
21	RETAIL TRADE				
22	Building materials, hardware, garden supply (52), BUT			P	P
23	EXCLUDING mobile home dealers (5271)				
24	General merchandise stores (53)		P	P	P
25	Food stores (54) BUT EXCLUDING meat markets and		P	P	P
26	freezer provisioners (542)				
27	Automotive dealers and gasoline service stations (55)		C	C	C
28	BUT EXCLUDING Auto and Home Supply Stores (553)				
29	and Gasoline Service Stations (554)				
30	Auto and home supply stores (553)		P	P	P
	Gasoline service stations (554) [SRC 119.150]			S	S
	Apparel and accessories stores (56)		P	P	P
	Furniture, home furnishings, and equipment stores (57)		P	P	P
	Eating and drinking places (58) EXCEPT Drive-throughs		P	P	P

1	Miscellaneous retail (59) including, in addition to uses specifically listed in SIC group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop		P	P	P
2					
3					
4	FINANCE, INSURANCE, and REAL ESTATE				
5	Depository Institutions (60)		P	P	P
6	Non-depository Credit Institutions (61)		P	P	P
7	Security and commodity brokers, dealers, exchanges and services (62)		P	P	P
8	Insurance carriers (63)		P	P	P
9	Insurance agents, brokers, and service (64)		P	P	P
10	Real estate (65)		P	P	P
11	Holding, and other investment offices (67)		P	P	P
12	SERVICES				
13	Hotels and motels (701) BUT EXCLUDING casino hotels			P	P
14	Bed and breakfast establishments		P	P	P
15	Personal services (72)		P	P	P
16	Business services (73)		P	P	P
17	Automotive repair services, and parking (75)			P	P
18	Miscellaneous repair services (76)			P	P
19	Motion pictures (78)		P	P	P
20	Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)		P	P	P
21					
22					
23	Health services (80) BUT EXCLUDING hospitals (806)		P	P	P
24	Legal services (81)		P	P	P
25	Educational services (82)		P	P	P
26	Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons			P	P
27	Child day care home		P	P	P
28	Adult day care home		P	P	P
29	Membership organizations (86), BUT EXCLUDING religious organizations (8661)		P	P	P
30					

1	Religious organizations (8661)	P	P	P	P
2	Engineering, Accounting, Research, Management, and Related Services (87)		P	P	P
3	Accounting, auditing, and bookkeeping (893)		P	P	P
4	Services, not elsewhere classified (899)		P	P	P
5	PUBLIC ADMINISTRATION				
6	Executive offices (911)		P	P	P
7	Executive and legislative combined (913)		P	P	P
8	General government, not elsewhere classified (919)		P	P	P
9	Fire protection (9224)		P	P	P
10	Public order and safety, not elsewhere classified (9229)		P	P	P
11	Finance, taxation, and monetary policy (93)		P	P	P
12	Administration of human resources programs (94)		P	P	P
13	Administration of environmental quality and housing programs (95)		P	P	P
14	Administration of economic programs (96)		P	P	P
15	National security and international affairs (97)		P	P	P
16	OTHER USES				
17	Community or neighborhood clubs		P	P	P
18	Swimming pools, whether or not open to the public for a fee		P	P	P
19	Playgrounds, parks	P	P	P	P
20	Public buildings and structures, such as libraries, fire stations		P	P	P
21	Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines	P	P	P	P
22	Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations	P	P	P	P
23	Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded		P	P	P
24	Recycling depots		P	P	P
25	Transit stop shelters	P	P	P	P
26	Ambulance Station [SRC 119.030]			S	S
27					
28					
29					
30					

1	Ambulance Service Facility [SRC 119.040]			S	S
2	ACCESSORY USES and STRUCTURES				
3	Customary residential accessory buildings and structures for private use of the property and its occupants	P	P	P	P
4	A garage or parking area serving the main building or use	P	P	P	P
5	Sleeping quarters for domestic employees of the resident of the main building	P	P	P	P
6	Home occupations	P	P	P	P
7	The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit	P	P	P	P
8	*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.				
9					
10					
11					

12 **Section 53.** SRC 143D.020 is amended to read as follows:

13 **143D.020. Definitions.**

14 (a) Mixed-Use Development means a combination of retail, office or residential uses
 15 in a single building or separate buildings on the same lot or contiguous lots. For
 16 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
 17 as defined in SRC 119.700.

18 (b) Change of Use means changing an activity from one Standard Industrial
 19 Classification (SIC) Division to another. Change of use does not include collocation,
 20 replacement, installation, modification, or construction of wireless communications
 21 facilities.

22 (c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
 23 land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or
 24 enlarge any building; to extend any use of land or to engage in any clearing, grading,
 25 landscaping, curb cutting, or to engage in any other use of land for which a permit may
 26 be required pursuant to this code. Develop, Development, Redevelop, or
 27 Redevelopment does not include:

- 28 (1) Maintenance and repair, usual and necessary for the continuance of an existing
- 29 use;
- 30 (2) Reasonable emergency procedures necessary for the safety or operation of

1 property; or

2 (3) Interior remodeling and such exterior remodeling that does not increase square
3 footage of a building, increase building height, or alter the appearance of a
4 structure; or

5 (4) Collocation, replacement, installation, modification, or construction of wireless
6 communications facilities.

7 (d) Owner means the person holding fee title or a beneficial interest under a trust deed
8 or mortgage, or the purchaser under a contract for sale of real estate.

9 (e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route
10 between two points that is intended and suitable for pedestrian use.

11 (f) Tuck-Under Parking means parking placed at grade with a building constructed
12 above.

13 (g) User means the user of property in the overlay zone as of December 1, 2002.

14 **Section 54.** SRC 143D.070 is amended to read as follows:

15 **143D.070. Uses.** No building or structure shall be used, erected, structurally altered or
16 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
17 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

18 **Section 55.** SRC 143D.100 is amended to read as follows:

19 **143D.100. Uses.** No building or structure shall be used, erected, structurally altered or
20 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
21 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

22 **Section 56.** SRC 143D.120 is amended to read as follows:

23 **143D.120. Uses.**

24 (a) Except as provided in subsection (b) of this section, no building or structure shall
25 be used, erected, structurally altered or enlarged, or any land used, for any use not
26 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
27 communications facilities use in the underlying zone.

28 (b) The following uses are permitted uses in Area 3:

29 (1) Eating and drinking places and entertainment establishments;

30 (2) Beauty Shops (723);

- 1 (5) Chemicals and allied products (28);
- 2 (6) Motorcycle dealers (557);
- 3 (7) Automotive dealers, not elsewhere classified (559);
- 4 (8) Fuel Dealers (598);
- 5 (9) Outdoor advertising services (7312);
- 6 (10) Disinfecting and pest control services (7342);
- 7 (11) Building cleaning and maintenance services not elsewhere classified (7349);
- 8 (12) Recycling Depots;
- 9 (13) Scrap and waste material establishments (5093);
- 10 (14) Livestock, except dairy, poultry, and animal specialties (021);
- 11 (15) Air transportation, Non-scheduled (452);
- 12 (16) Crude petroleum and natural gas extraction (131);
- 13 (17) Surface mining operations;
- 14 (18) Meat products (201);
- 15 (19) Animal and marine fats and oils (2077);
- 16 (20) Logging camps and logging contractors (241);
- 17 (21) Sawmills and planing mills (242);
- 18 (22) Paper and allied products (26);
- 19 (23) Agricultural chemicals (287);
- 20 (24) Miscellaneous chemical products (289);
- 21 (25) Petroleum and coal products (29);
- 22 (26) Cement hydraulic (324);
- 23 (27) Iron and steel foundries (332);
- 24 (28) Primary smelting and refining nonferrous metals (333);
- 25 (29) Secondary smelting and refining nonferrous metals (334);
- 26 (30) Rolling, drawing, and extruding of nonferrous metals (335);
- 27 (31) Ordinance and accessories, except vehicles and guided missiles (348);
- 28 (32) Storage batteries (3691);
- 29 (33) Primary batteries, dry and wet (3692);
- 30 (34) Livestock (5154);

- 1 (35) Chemicals and allied products (516);
- 2 (36) Racing, including track operation (7948); and
- 3 (37) Solid waste transfer stations.

4 **Section 57.** SRC 143D.180 is amended to read as follows:

5 **143D.180. Uses.** No building or structure shall be used, erected, structurally altered or
6 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
7 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

8 **Section 58.** SRC 143D.190 is amended to read as follows:

9 **143D.190. Uses.**

10 (a) Except as provided in subsection (b) and (c) of this section, no building or structure
11 shall be used, erected, structurally altered or enlarged, or any land used, for any use not
12 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
13 ~~communications facilities~~ use in the underlying zone. Otherwise permitted uses in Area
14 5 may not be conducted as drive-through uses, defined as business activities typically
15 involving queuing lanes, service windows, service islands, and service bays. The
16 additional prohibited uses, identified under subsection (c) of this section that existed
17 within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
18 lot or parcel where they are located on such date. Such uses may be intensified,
19 enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
20 that were not previously utilized for such use.

21 (b) The following uses are permitted uses in Area 5:

- 22 (1) Mixed use developments as defined in this Chapter; and
- 23 (2) Dwellings meeting the density standards of Section 143D.210.

24 (c) In addition to the prohibited uses in the underlying zone, the following uses that are
25 allowed in the underlying zone are prohibited in Area 5:

- 26 (1) Agricultural production - crops (01);
- 27 (2) Landscape and horticultural services (078), but excluding landscape counseling
28 and planning (0781);
- 29 (3) Timber tracts (081);
- 30 (4) Forest nurseries and gathering of forest products (0831);

- 1 (5) Crude petroleum and natural gas extraction (131);
- 2 (6) Gas production and distribution (492);
- 3 (7) Lumber and other building materials dealers (521);
- 4 (8) Automotive dealers and gasoline service stations (55), but excluding auto and
- 5 home supply stores (retail sales only, no service or installation) (5531);
- 6 (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- 7 (10) Camps and recreational vehicle parks (703);
- 8 (11) Carpet and upholstery cleaning (7217);
- 9 (12) Equipment Rental and Leasing (7359);
- 10 (13) Automotive rental and leasing, without drivers (751);
- 11 (14) Automotive repair shops (753);
- 12 (15) Automotive services, except repair (754);
- 13 (16) Motorcycle repair service;
- 14 (17) Professional sports clubs and promoters (7941);
- 15 (18) Temporary motor vehicle and recreational vehicle sales;
- 16 (19) Utilities - secondary truck parking and material storage yard;
- 17 (20) Recycling depots;
- 18 (21) Solid waste transfer stations.

19 **Section 59.** SRC 143D.230 is amended to read as follows:

20 **143D.230. Uses.**

21 (a) Except as provided in subsection (b) of this section, No building or structure shall
 22 be used, erected, structurally altered or enlarged, or any land used, for any use not
 23 allowed as a permitted, special, ~~administrative conditional, or conditional,~~ or wireless
 24 communications facilities use in the underlying zone.

25 (b) The following uses are permitted uses in Area 6:

- 26 (1) Home occupations pursuant with 143D.240.

27 **Section 60.** SRC 143D.250 is amended to read as follows:

28 **143D.250. Uses.** No building or structure shall be used, erected, structurally altered or
 29 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
 30 ~~conditional, or conditional,~~ or wireless communications facilities use in the underlying zone.

1 **Section 61.** SRC 143E.060 is amended to read as follows:

2 **143E.060. Prohibited Uses within Overlay Zone.**

3 (a) No building, structure or land shall be used, erected, structured, or structurally
4 altered or enlarged for any use not permitted under the underlying zone, including:

5 (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores
6 (553) and gasoline service stations (554); and

7 (2) Outdoor display and storage of merchandise within 50 feet of Commercial
8 Street SE right-of-way; and

9 ~~(3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-~~
10 ~~way.~~

11 **Section 62.** SRC 144.050 is amended to read as follows:

12 **144.050. Prohibited Uses.** Within an EFU district, no building, structure, or land shall be
13 used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020
14 to ~~144.040-144.045.~~

15 **Section 63.** SRC 145.030 is amended to read as follows:

16 **145.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the RA district:

19 (1) Veterinary services for animal specialties (0742).

20 (2) Funeral service (726) except crematories.

21 (3) Public golf courses (7992)

22 (4) Membership sports and recreation clubs (7997) having golf courses.

23 (5) Elementary and secondary schools (821).

24 (6) Religious organizations (866).

25 (7) Boat and recreational vehicle storage area.

26 (8) Zero side yard dwellings.

27 (9) Two family shared housing.

28 (10) Public automobile parking areas.

29 (11) Manufactured homes on individual lots.

30 (12) Bed and breakfast establishments.

- 1 (13) Adult day care center.
- 2 (14) Keeping of a miniature swine.
- 3 (15) Residential Sales/Development Office.
- 4 (16) Wildlife Rehabilitation facility.
- 5 (17) Construction of a replacement single family dwelling unit on an individual lot.
- 6 (18) Individual and Family Social Service (832).
- 7 ~~(19) Antennas attached to existing or approved structures.~~
- 8 (2019) Parking for Special Activities at High Schools with Community Parks.
- 9 ~~(2120) Cottage Housing.~~

10 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 11 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 12 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

13 **Section 64.** SRC 145.050 is amended to read as follows:

14 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be
 15 used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020
 16 to ~~145.040-145.045~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 17 or allowed as a nonconforming use pursuant to SRC Chapter 270.

18 **Section 65.** SRC 145.900 is amended to read as follows:

19 **145.900. Reference to Additional Standards.** Additional or alternative use and
 20 development standards may be found in the following Chapters:

21 Preservation of Trees and Vegetation	SRC Chapter 68
22 Landslide Hazards	SRC Chapter 69
23 Street Trees	SRC Chapter 86
24 Planned Unit Developments	SRC Chapter 121
25 Increased Residential Density	SRC Chapter 122
26 Mobile Home Parks	SRC Chapter 123
27 Home Occupations	SRC Chapter 124
28 Lot Development Standards	SRC Chapter 130
29 Accessory Structures	SRC Chapter 131
30 Landscaping	SRC Chapter 132

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

5 **Section 66.** SRC 146.030 is amended to read as follows:

6 **146.030. Special Uses.**

7 (a) The following uses, when restricted, developed and conducted as required in SRC
8 Chapter 119, are permitted in the RS district:

- 9 (1) Funeral service (726) except crematories.
- 10 (2) Public golf courses (7992).
- 11 (3) Membership sports and recreation clubs (7997) having golf courses.
- 12 (4) Elementary and secondary schools (821).
- 13 (5) Religious organizations (866).
- 14 (6) Boat and recreational vehicle storage area.
- 15 (7) Zero side yard dwellings.
- 16 (8) Two family shared housing.
- 17 (9) Public automobile parking areas.
- 18 (10) Manufactured homes on individual lots.
- 19 (11) Bed and breakfast establishments.
- 20 (12) Adult day care center.
- 21 (13) Keeping of a miniature swine.
- 22 (14) Residential Sales/Development Office.
- 23 (15) Existing wildlife rehabilitation facility.
- 24 (16) Construction of a replacement single family dwelling unit on an individual lot.
- 25 ~~(17) Antennas attached to existing or approved structures.~~
- 26 ~~(18)~~ (17) Parking for Special Activities at High Schools with Community Parks.
- 27 ~~(19)~~ (18) Cottage Housing

28 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
29 under SRC Chapter 119, the developer may elect to apply for conditional use approval
30 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

1 **Section 67.** SRC 146.050 is amended to read as follows:

2 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be
3 used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020
4 to ~~146.040~~ 146.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
5 or allowed as a nonconforming use pursuant to SRC Chapter 270.

6 **Section 68.** SRC 146.900 is amended to read as follows:

7 **146.900. Reference to Additional Standards.** Additional or alternative use and
8 development standards may be found in the following Chapters:

9	Landslide Hazards	SRC Chapter 69
10	Street Trees	SRC Chapter 86
11	Planned Unit Developments	SRC Chapter 121
12	Increased Residential Density	SRC Chapter 122
13	Mobile Home Parks	SRC Chapter 123
14	Home Occupations	SRC Chapter 124
15	Lot Development Standards	SRC Chapter 130
16	Accessory Structures	SRC Chapter 131
17	Landscaping	SRC Chapter 132
18	Off-street Parking, Loading and Driveways	SRC Chapter 133
19	Flood Plain Overlay Zones	SRC Chapter 140
20	Willamette Greenway Overlay Zones	SRC Chapter 141
21	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 69.** SRC is amended to read as follows:

23 **147.030. Special Uses.**

24 (a) The following uses, when restricted, developed and conducted as required in SRC
25 Chapter 119, are permitted in the RD district:

26 (1) Nursing and personal care facilities (805).

27 (2) Residential care facilities, including homeless shelters serving five or fewer
28 persons (836), except residential home and other structures housing families of
29 handicapped persons.

30 (3) Zero side yard dwellings.

- 1 (4) Keeping of a miniature swine.
- 2 (5) Manufactured homes on individual lots.
- 3 ~~(6) Antennas attached to existing or approved structures.~~
- 4 ~~(7) Religious organizations (866).~~
- 5 (b) In lieu of establishing any use listed in subsection ~~(2)~~ (a) of this section as a special
- 6 use under SRC Chapter 119, the developer may elect to apply for conditional use
- 7 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

8 **Section 70.** SRC 147.050 is amended to read as follows:

9 **147.050. Prohibited Uses.** Within any RD district, no building, structure, or land shall be
 10 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020
 11 to ~~147.040-147.045~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 12 or allowed as a nonconforming use pursuant to SRC Chapter 270.

13 **Section 71.** SRC 147.900 is amended to read as follows:

14 **147.900. Reference to Additional Standards.** Additional or alternative use and
 15 development standards may be found in the following Chapters:

16 Landslide Hazards	SRC Chapter 69
17 Street Trees	SRC Chapter 86
18 Planned Unit Developments	SRC Chapter 121
19 Increased Residential Density	SRC Chapter 122
20 Mobile Home Parks	SRC Chapter 123
21 Home Occupations	SRC Chapter 124
22 Lot Development Standards	SRC Chapter 130
23 Accessory Structures	SRC Chapter 131
24 Landscaping	SRC Chapter 132
25 Off-street Parking, Loading and Driveways	SRC Chapter 133
26 Flood Plain Overlay Zones	SRC Chapter 140
27 Willamette Greenway Overlay Zones	SRC Chapter 141
28 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

29 **Section 72.** SRC 148.170 is amended to read as follows:

30 **148.170. RM1 Special Uses.**

1 (a) The following uses, when restricted, developed and conducted as required in SRC
2 Chapter 119, are permitted in the RM1 district:

3 (1) Nursing and personal care facilities.

4 (2) Elementary and secondary schools.

5 (3) Religious organizations.

6 (4) Zero side yard dwellings.

7 (5) Manufactured homes on individual lots, provided the minimum density
8 requirements of SRC 148.220 are met.

9 (6) Adult day care center.

10 (7) Keeping of miniature swine.

11 (8) Residential Sales/Development Office.

12 (9) ~~Antennas attached to existing or approved structures~~

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 73.** SRC 148.200 is amended to read as follows:

17 **148.200. RM1 Prohibited Uses.** Within any ~~RD~~ RM1 district, no building, structure, or
18 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
19 SRC ~~147.020~~ 148.160 to ~~147.040~~ 148.195, unless the use is deemed an equivalent use
20 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
21 270.

22 **Section 74.** SRC 148.210 is amended to read as follows:

23 **148.210. RM1 Design Approval.** Developments subject to SRC 148.160-148.190 and SRC
24 148.200-148.300 shall meet either the development design standards contained in the City of
25 Salem Development Design Handbook or shall be reviewed and approved by the Planning
26 Commission pursuant to the guidelines contained in the adopted Development Design
27 Handbook. Development design guidelines and standards are in addition to all development
28 standards contained in this Chapter.

29 **Section 75.** SRC 148.300 is amended to read as follows:

30 **148.300. RM1 Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

2	Landslide Hazards	SRC Chapter 69
3	Planned Unit Development	SRC Chapter 121
4	Mobile Homes Parks	SRC Chapter 123
5	Home Occupations	SRC Chapter 124
6	Lot Development Standards	SRC Chapter 130
7	Accessory Structures	SRC Chapter 131
8	Landscaping	SRC Chapter 132
9	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
10	Flood Plain Overlay Zones	SRC Chapter 141
11	City of Salem Development Design Handbook	
12	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

13 **Section 76.** SRC 148.350 is amended to read as follows:

14 **148.350. RM2 Prohibited Uses.** Within any RD RM2 district, no building, structure, or
15 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
16 SRC ~~147.020~~ 148.310 to ~~147.040~~ 148.345, unless the use is deemed an equivalent use
17 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
18 270.

19 **Section 77.** SRC 148.360 is amended to read as follows:

20 **148.360. RM2 Design Approval.** Developments subject to SRC 148.310-~~148.340~~ and SRC
21 148.350-148.450 shall meet either the development design standards contained in the City of
22 Salem Development Design Handbook or shall be reviewed and approved by the Planning
23 Commission pursuant to the guidelines contained in the Development Design Handbook.
24 Development design guidelines and standards are in addition to all development standards
25 contained in this Chapter.

26 **Section 78.** 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	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

11 **Section 79.** SRC 149.030 is amended to read as follows:

12 **149.030. Special Uses.**

13 (a) The following uses, when restricted, developed and conducted as required in SRC
 14 Chapter 119, are permitted in the RH district:

- 15 (1) Nursing and personal care facilities (805).
- 16 (2) Elementary and secondary schools (821).
- 17 (3) Religious organizations (866).
- 18 (4) Mixed use buildings.
- 19 (5) Adult day care center.
- 20 (6) Keeping of a miniature swine.
- 21 (7) Residential Sales/Development Office.
- 22 ~~(8) Antennas attached to existing or approved structures.~~
- 23 ~~(9)~~ **(9)** Ambulance Station.

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 26 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

27 **Section 80.** SRC 149.050 is amended to read as follows:

28 **149.050. Uses.** Within any RH district, no building, structure or land shall be used, erected,
 29 structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.040
 30 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed

1 as a nonconforming use pursuant to SRC Chapter 270.

2 **Section 81.** SRC 149.900 is amended to read as follows:

3 **149.900. Reference to Additional Standards.** Additional or alternative use and
4 development standards may be found in the following Chapters:

5	Preservation of Trees and Vegetation	SRC Chapter 68
6	Landslide Hazards	SRC Chapter 69
7	Planned Unit Developments	SRC Chapter 121
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	Development Design Handbooks for projects including three or more multiple family 15 units	
16	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

17 **Section 82.** SRC 150.030 is amended to read as follows:

18 **150.030. Special Uses.**

19 (a) The following uses, when restricted, developed and conducted as required in SRC
20 Chapter 119, are permitted in the CO district:

- 21 (1) Veterinary services for animal specialties (0742).
- 22 (2) Public golf courses (7992); and Membership sports and recreation clubs (7997)
23 having golf courses.
- 24 (3) Nursing and personal care facilities (805).
- 25 (4) Religious organizations (866).
- 26 (5) Boat and recreational vehicle storage area.
- 27 (6) Zero side yard dwellings.
- 28 (7) Orthopedic and artificial limb offices - retail (5999).
- 29 (8) Keeping of miniature swine.
- 30 ~~(9) Antennas attached to existing or approved structures.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

~~(109)~~ Ambulance Station.

(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 83. SRC 150.050 is amended to read as follows:

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to ~~150.040~~ 150.045, unless the use is deemed an equivalent use pursuant to except as provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 84. SRC 150.900 is amended to read as follows:

150.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation SRC Chapter 68
- Landslide Hazards SRC Chapter 69
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units
- Wireless Communications Facilities SRC Chapter 703

Section 85. SRC 151.030 is amended to read as follows:

151.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the ~~CR~~ CN district:

- (1) Keeping of a miniature swine.

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

5 **Section 89.** SRC 152.030 is amended to read as follows:

6 **152.030. Special Uses.**

7 (a) The following uses, when restricted, developed and conducted as required in SRC
8 Chapter 119, are permitted in the CR district:

- 9 (1) Gasoline service stations (554).
- 10 (2) Used merchandise store (593).
- 11 (3) Secondary dwellings and guest rooms.
- 12 (4) Entertainment establishments.
- 13 (5) Keeping of a miniature swine.
- 14 (6) Existing wildlife rehabilitation facility.
- 15 (7) Mobile food unit.
- 16 ~~(8) Antennas attached to existing or approved structures;~~
- 17 ~~(9) Freestanding support structures 35 feet or less in height and equipment~~
18 ~~enclosures.~~
- 19 ~~(108) Temporary motor vehicle sales (551).~~
- 20 ~~(119) Temporary recreational vehicle sales (556).~~
- 21 ~~(1210) One single family dwelling, other than a manufactured home, per lot.~~
- 22 ~~(1311) Ambulance Station.~~
- 23 ~~(1412) Ambulance Service Facility.~~

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
26 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

27 **Section 90.** SRC 152.040 is amended to read as follows:

28 **152.040. Conditional Uses.** The following uses, with conditional use approval as provided
29 in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

- 30 (a) Those uses listed in SRC 152.030, at the developer's option, as provided in

1 subsection (b) of that section.

2 **(b) Crude petroleum and natural gas extraction (131).**

3 **(c) Manufacturing:**

4 (1) Jewelry, silverware, and plated ware (391).

5 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
6 except precious metal (396).

7 (3) Signs and advertising specialties (3993).

8 **(d) Transportation, communications, electric, gas, and sanitary services:**

9 (1) Local and suburban passenger transportation (411).

10 (2) InterCity and rural highway passenger transportation within 2,000 feet from the
11 center point of an I-5 interchange and having direct access on to a major arterial
12 (413).

13 (3) Communication services, not elsewhere classified (489).

14 (4) Electric services (491).

15 (5) Gas production and distribution (492).

16 (6) Water supply (494).

17 ~~(7) Free-standing support structures greater than 70 feet in height and equipment~~
18 ~~enclosures.~~

19 **(e) Retail:**

20 (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
21 and auto and home supply stores as permitted under SRC 152.020(e)(14).

22 (2) Nonstore retailers (596).

23 **(f) Services:**

24 (1) Camps and recreational vehicle parks (703).

25 (2) Carpet and upholstery cleaning (7217).

26 (3) Automotive rental and leasing, without drivers (751).

27 (4) Automotive repair shops (753).

28 (5) Automotive services, except repair (754).

29 (6) Electrical repair shops (762).

30 (7) Reupholstery and furniture repair (764).

- 1 (8) Motorcycle repair service.
- 2 (9) Professional sports clubs and promoters (7941).
- 3 (10) Homeless shelters and room and board facilities serving 6 to 75 persons.
- 4 (g) Unlimited number of dwelling units and guest rooms in apartment houses, court
- 5 apartments, lodging houses, condominiums, and residential hotels.
- 6 (h) **Other uses:**
- 7 (1) Utilities - secondary truck parking and material storage yard.
- 8 (2) Recycling depots.
- 9 (3) Solid waste transfer stations.
- 10 (4) Off-site response actions in accordance with applicable law to discharges of
- 11 oil and releases of hazardous substances, pollutants, and contaminants.

12 **Section 91.** SRC 152.050 is amended to read as follows:

13 **152.050. Prohibited Uses.** Within any CR district, no building, structure, or land shall be
 14 used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020
 15 to ~~152.040~~ 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 16 or allowed as a nonconforming use pursuant to SRC Chapter 270.

17 **Section 92.** SRC 152.900 is amended to read as follows:

18 **152.900. Reference to Additional Standards.** Additional or alternative use and
 19 development standards may be found in the following Chapters:

20 Landslide Hazards	SRC Chapter 69
21 Lot Development Standards	SRC Chapter 130
22 Accessory Structures	SRC Chapter 131
23 Landscaping	SRC Chapter 132
24 Off-street Parking, Loading, and Driveways	SRC Chapter 133
25 Flood Plain Overlay Zones	SRC Chapter 140
26 Willamette Greenway Overlay Zones	SRC Chapter 141
27 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

28 **Section 93.** SRC 153.030 is amended to read as follows:

29 **153.030. Special Uses.**

- 30 (a) The following uses, when restricted, developed and conducted as required in SRC

1 Chapter 119, are permitted in the CG district:

- 2 (1) Used merchandise stores (593).
- 3 (2) Entertainment establishments.
- 4 (3) Keeping of a miniature swine.
- 5 (4) Wildlife rehabilitation facility.
- 6 ~~(5) Antennas attached to existing or approved structures.~~
- 7 ~~(6) Freestanding support structures 35 feet or less in height and equipment~~
- 8 ~~enclosures.~~
- 9 ~~(75) Mobile food unit.~~
- 10 ~~(86) Temporary motor vehicles sales (551).~~
- 11 ~~(97) Temporary recreational vehicle sales (556).~~
- 12 ~~(108) One single family dwelling, other than a manufactured home, per lot.~~
- 13 ~~(119) Ambulance Station.~~
- 14 ~~(1210) Ambulance Service Facility.~~

15 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
16 under SRC Chapter 119, the developer may elect to apply for conditional use approval
17 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

18 **Section 94.** SRC 153.040 is amended to read as follows:

19 **153.040. Conditional Uses.** The following uses, with conditional use approval as provided
20 in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

- 21 (a) Those uses listed in SRC 153.030, at the developer's option, as provided in
- 22 subsection (b) of that section.
- 23 (b) Animal specialty services, except veterinary (0752).
- 24 (c) Farm labor and management services (076).
- 25 (d) Crude petroleum and natural gas extraction (131).
- 26 (e) Jewelry, silverware, and plated ware (391).
- 27 (f) Costume jewelry and notions (396).
- 28 (g) Signs and advertising specialities (3993).
- 29 (h) Electric services (491).
- 30 (i) Gas production and distribution (492).

- 1 (j) Water supply (494).
- 2 (k) Durable goods, not elsewhere classified (5099).
- 3 (l) Fish and seafoods (5146).
- 4 (m) Drive-in motion picture theaters (7833).
- 5 (n) Racing, including track operations (7948).
- 6 (o) Residential care (836), including homeless shelters serving 6 to 75 persons, except
- 7 residential home.
- 8 (p) Unlimited number of dwelling units and guest rooms in apartment houses, court
- 9 apartments, duplexes, and condominiums, room and board facilities serving 6 to 75
- 10 persons.
- 11 (q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
- 12 (r) Solid waste transfer stations.
- 13 (s) Off-site response actions in accordance with applicable law to discharges of oil and
- 14 releases of hazardous substances, pollutants, and contaminants.
- 15 (t) ~~Freestanding support structures greater than 70 feet in height and equipment~~
- 16 enclosures.

17 **Section 95.** SRC 153.050 is amended to read as follows:

18 **153.050. Prohibited Uses.** Within any CG district, no building, structure, or land shall be
 19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020
 20 to ~~153.040~~ 153.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 96.** SRC 153.900 is amended to read as follows:

23 **153.900. Reference to Additional Standards.** Additional or alternative use and
 24 development standards may be found in the following Chapters:

25 Landslide Hazards	SRC Chapter 69
26 Lot Development Standards	SRC Chapter 130
27 Accessory Structures	SRC Chapter 131
28 Landscaping	SRC Chapter 132
29 Off-street Parking, Loading, and Driveways	SRC Chapter 133
30 Flood Plain Overlay Zones	SRC Chapter 140

1 Willamette Greenway Overlay Zones SRC Chapter 141

2 Wireless Communications Facilities SRC Chapter 703

3 **Section 97.** SRC 154.030 is amended to read as follows:

4 **154.030. Special Uses.**

5 (a) The following uses, when restricted, developed and conducted as required in SRC
6 Chapter 119, are permitted in the CB district:

7 (1) Keeping of a miniature swine.

8 ~~(2) Antennas attached to existing or approved structures.~~

9 ~~(3) Freestanding support structures thirty five feet or less in height and
10 equipment enclosures.~~

11 ~~(42) Mobile food unit.~~

12 ~~(53) Ambulance station.~~

13 ~~(64) 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 SRC Chapter 118. See SRC 119.010.

17 **Section 98.** SRC 154.040 is amended to read as follows:

18 **154.040. Conditional Uses.**

19 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
20 applicable, are permitted in the CB district:

21 (a) Helicopter landing area, with or without passenger and freight terminal facilities.

22 (b) Farm labor and management services (076).

23 (c) Crude petroleum and natural gas extraction (131).

24 (d) Jewelry, silverware, and plated ware (391).

25 (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except
26 precious metal (396).

27 (f) Electric services (491).

28 (g) Gas production and distribution (492).

29 (h) Water supply (494).

30 (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement

1 of SRC 154.020(e).

2 (j) Durable goods, not elsewhere classified (5099) subject to the retail sales
3 requirement of SRC 154.020(e).

4 (k) Recycling depots.

5 (l) Solid waste transfer stations.

6 (m) Homeless shelters and room and board facilities serving six to seventy-five
7 persons; and relocation of larger than seventy-five-person facilities in existence as of
8 September 1, 1993, from one CB zone site to another site within the CB zone,
9 providing there is no increase in bed capacity.

10 (n) Off-site response actions in accordance with applicable law to discharges of oil and
11 releases of hazardous substances, pollutants, and contaminants.

12 ~~(o) Freestanding support structures greater than 70 feet in height and equipment~~
13 ~~enclosures.~~

14 ~~(p)~~ Drive-through for a bank or credit union in the downtown Historic Core District,
15 where construction of the bank or credit union is commenced on or after October 1,
16 2011 and adequate measures are taken to ensure pedestrian safety.

17 **Section 99.** SRC 154.050 is amended to read as follows:

18 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be
19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020
20 to ~~154.040~~ 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 Otherwise permitted uses in the downtown Historic Core District, other than banks and
23 credit unions where construction of the bank or credit union is commenced on or after
24 October 1, 2011, may not be conducted as drive-through uses, defined as business activities
25 involving the buying and selling of goods or the provision of services to a motorist customer
26 or the customer's motor vehicle and typically involving queuing lanes, service windows,
27 service islands, and service bays.

28 **Section 100.** SRC 154.090 is amended to read as follows:

29 **154.090. Design Approval.** In all districts defined in SRC 154.055, the construction or
30 alteration of the exterior facade of any building or structure shall be consistent with the

standards or guidelines contained in the City of Salem Development Design Handbook.
This section shall not apply to wireless communications facilities or to relocatable structures
not attached to a permanent foundation.

Section 101. SRC 154.900 is amended to read as follows:

154.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC
Chapter 119, are permitted in an IC district:

- (1) Mobile home as a dwelling for a caretaker.
- (2) Entertainment establishments.
- (3) Keeping of a miniature swine.
- (4) Wildlife rehabilitation facility.
- (5) Mobile food unit.
- ~~(6) Antennas attached to existing structures.~~
- ~~(7) Freestanding support structures 35 feet or less in height and equipment enclosures.~~
- ~~(8)~~ One single family dwelling, other than a manufactured home, per lot.
- ~~(9)~~ Ambulance Station.
- ~~(10)~~ Ambulance Service Facility.

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 103.** SRC 155.040 is amended to read as follows:

5 **155.040. Conditional Uses.**

6 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
7 applicable, are permitted in the IC district:

8 (a) **Agriculture:**

9 (1) Animal specialty services (0752).

10 (b) **Mining:**

11 (1) Crude petroleum and gas extraction (131).

12 (c) **Manufacturing:**

13 (1) Millwork (2431).

14 (2) Structural wood members, not elsewhere classified (2439).

15 (3) Wooden containers (244).

16 (4) Miscellaneous wood products (249).

17 (5) Furniture and fixtures (25).

18 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous
19 chemical products (289).

20 (7) Rubber and plastics footwear (302).

21 (8) Fabricated rubber products, not elsewhere classified (306).

22 (9) Miscellaneous plastics products (307).

23 (10) Leather tanning and finishing (311).

24 (11) Fabricated structural metal products (344).

25 (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).

26 (13) Coating, engraving, and allied services (347).

27 (14) Miscellaneous fabricated metal products (349).

28 (15) Metalworking machinery and equipment (354).

29 (16) Woodworking machinery (3553).

30 (17) Refrigeration and service industry machinery (358).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(18) Ship and boat building and repairing (373).

(19) Jewelry, silverware, and patch ware (391).

(20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

~~(1) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~

(e) Utilities:

(1) Electrical service (491).

(2) Gas production and distribution (492).

(3) Water supply (494).

(f) Wholesale trade:

(1) Durable goods, not elsewhere classified (5099).

(g) Services:

(1) Residential care (836).

(h) Residential:

(1) Single family dwellings, other than mobile homes.

(2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.

(3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.

(4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and,

(i) Other uses:

(1) Solid waste transfer stations.

(2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.

1 **Section 104.** SRC 155.050 is amended to read as follows:

2 **155.050. Prohibited Uses.** Within any IC district, no building, structure, or land shall be
3 used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020
4 to ~~155.040~~ 155.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
5 or allowed as a nonconforming use pursuant to SRC Chapter 270.

6 **Section 105.** SRC 155.900 is amended to read as follows:

7 **155.900. Reference to Additional Standards.** Additional or alternative use and
8 development standards may be found in the following Chapters:

9	Landslide Hazards	SRC Chapter 69
10	Lot Development Standards	SRC Chapter 130
11	Accessory Structures	SRC Chapter 131
12	Landscaping	SRC Chapter 132
13	Off-street Parking, Loading and Driveways	SRC Chapter 133
14	Flood Plain Overlay Zones	SRC Chapter 140
15	Willamette Greenway Overlay Zones	SRC Chapter 141
16	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

17 **Section 106.** SRC 156.030 is amended to read as follows:

18 **156.030. Special Uses.**

19 (a) The following uses, when restricted, developed and conducted as required in SRC
20 Chapter 119, are permitted in the IBC district:

- 21 (1) Gasoline service stations (554);
- 22 ~~(2) Antennas attached to existing or approved structures;~~
- 23 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
24 ~~enclosures;~~
- 25 ~~(4) Colleges, universities, professional schools, and junior colleges (8221);~~
- 26 ~~(5) One single family dwelling, other than a manufactured home, per lot;~~
- 27 ~~(6) Ambulance Station;~~
- 28 ~~(7) Ambulance Service Facility.~~

29 (b) The special uses permitted under Subsection (a) of this Section together with the
30 permitted uses listed under SRC 156.020(h) through (j) shall:

- 1 (1) In the aggregate be limited in area to not more than ten percent of the gross
- 2 area of the IBC district; and
- 3 (2) Not be developed until not less than 25 percent of the gross area of the IBC
- 4 district has received an occupancy permit issued by the City of Salem for one or
- 5 more permitted uses listed under SRC 156.020(b) through (f).

6 **Section 107.** SRC 156.035 is amended to read as follows:

7 **156.035. Conditional Uses.** The following uses, with conditional use approval as provided
8 in SRC Chapter ~~117~~ 240 or 118, as applicable, are permitted in the IBC district:

- 9 (a) **Transportation, communication, electric, gas, and sanitary services:**
 - 10 (1) Air transportation, Nonscheduled (452).
 - 11 ~~(2) Freestanding support structures greater than 70 feet in height and equipment~~
 - 12 ~~enclosures.~~
- 13 (b) **Utilities:**
 - 14 (1) Electrical service (491);
 - 15 (2) Gas production and distribution (492);
 - 16 (3) Water supply (494).

17 **Section 108.** SRC 156.050 is amended to read as follows:

18 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be
19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020
20 to SRC ~~156.030~~ 156.045, unless the use is deemed an equivalent use pursuant to SRC
21 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 109.** SRC 156.900 is amended to read as follows:

23 **156.900. Reference to Additional Standards.** Additional or alternative use and
24 development standards may be found in the following Chapters:

25	Landslide Hazards	SRC Chapter 69
26	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

27 **Section 110.** SRC 157.030 is amended to read as follows:

- 28 **157.030. Special Uses.**
 - 29 (a) The following uses, when restricted, developed, and conducted as required in SRC
 - 30 Chapter 119, are permitted in the IP district:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (1) Gasoline service stations (554).
- (2) Mobile home as a dwelling for a caretaker.
- ~~(3) Antennas attached to existing or approved structures.~~
- ~~(4) Freestanding support structures 35 feet or less in height and equipment enclosures.~~
- (53) One single family dwelling, other than a manufactured home, per lot.
- (64) Ambulance Station.
- (75) 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 111. SRC 157.040 is amended to read as follows:

157.040. Conditional Uses. ~~157.040.~~ The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

(a) Transportation, communication, electric, gas, and sanitary services:

- (1) Air transportation, Nonscheduled (452).
- ~~(2) Freestanding support structure greater than 70 feet in height and equipment enclosures.~~

(b) Crude petroleum and natural gas extraction (131).

(c) Carpentering and flooring (175).

(d) Manufacturing:

- (1) Food and kindred products (20) BUT EXCLUDING beverages (208).
- (2) Miscellaneous textile goods (229).
- (3) Lumber and wood products, except furniture (24).
- (4) Furniture and fixtures (25).
- (5) Paper and allied products (26).
- (6) Chemicals and allied products (28).
- (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).
- (8) Leather tanning and finishing (311).

- 1 (9) Flat glass (321).
- 2 (10) Glass and glassware, pressed or blown (322).
- 3 (11) Pottery and related products (326).
- 4 (12) Cut stone and stone products (328).
- 5 (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
- 6 (14) Coating, engraving, and allied services (347).
- 7 (15) Ordnance and accessories, except vehicles and guided missiles (348).
- 8 (16) Industrial and commercial machinery and computer equipment (35) BUT
- 9 EXCLUDING industries permitted under SRC 157.020.
- 10 (17) Storage batteries (3691).
- 11 (18) Primary batteries, dry and wet (3692).
- 12 (19) Transportation equipment (37) BUT EXCLUDING industries permitted
- 13 under SRC 157.020.
- 14 (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and
- 15 advertising displays (3993).

16 (e) **Public utilities:**

- 17 (1) Electric services (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 (2) Chemicals and allied products (516).
- 23 (3) Petroleum and petroleum products (517).

24 (g) **Animal specialty services, excluding veterinary (0752).**

25 (h) **Other uses:**

- 26 (1) Solid waste transfer stations.

27 (i) Those uses listed in SRC 157.030, at the developer's option, as provided in
28 subsection (b) of that section.

29 **Section 112.** SRC 157.050 is amended to read as follows:

30 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be

1 used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020
2 to ~~157.040~~ 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
3 or allowed as a nonconforming use pursuant to SRC Chapter 270.

4 **Section 113.** SRC 157.900 is amended to read as follows:

5 **157.900. Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Landslide Hazards	SRC Chapter 69
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

15 **Section 114.** SRC 158.030 is amended to read as follows:

16 **158.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the IG district;

- 19 (1) Scrap and waste materials establishments (5093).
- 20 (2) Mobile home as a dwelling for a caretaker.
- 21 (3) Wildlife rehabilitation facility.
- 22 (4) Mobile food unit.
- 23 (5) Lumber and other building materials.
- 24 (6) Retail nurseries, lawn and garden supply stores.
- 25 ~~(7) Antennas attached to existing or approved structures.~~
- 26 ~~(8) Freestanding support structures 70 feet or less in height whose base is greater~~
27 ~~than 300 feet from an R or CO zone and equipment enclosures.~~
- 28 ~~(9)~~ (7) Recreational vehicle sales (5561).
- 29 ~~(10)~~ (8) One single family dwelling, other than a manufactured home, per lot.
- 30 ~~(11)~~ (9) Ambulance Station.

1 ~~(1210)~~ 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 115.** SRC 158.040 is amended to read as follows:

6 **158.040. Conditional Uses.** The following uses, with conditional use approval as provided
7 in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

8 (a) Those uses listed in SRC 158.030, at the developer's option, as provided in
9 subsection (b) of that section.

10 (b) **Agriculture, forestry, and fishing:**

11 (1) Livestock, except dairy, poultry, and animal specialties (021).

12 (c) **Transportation, communication, electric, gas, and sanitary services:**

13 (1) Air transportation, Nonscheduled (452).

14 ~~(2) Freestanding support structures greater than 70 feet in height whose base is
15 within 300 feet of a R or CO zone and equipment enclosures.~~

16 (d) **Mining:**

17 (1) Crude petroleum and natural gas extraction (131).

18 (2) Surface mining operations as a specific conditional use under SRC Chapter
19 118.

20 (e) **Manufacturing:**

21 (1) Meat products (201).

22 (2) Animal and marine fats and oils (2077).

23 (3) Logging camps and logging contractors (241).

24 (4) Hardwood veneer and plywood (2435).

25 (5) Softwood veneer and plywood (2436).

26 (6) Structural wood members, not elsewhere classified (2439).

27 (7) Sawmills and planing mills (242).

28 (8) Paper and allied products (26) where not otherwise permitted under SRC
29 158.020.

30 (9) Agricultural chemicals (287).

- 1 (10) Miscellaneous chemical products (289).
- 2 (11) Petroleum and coal products (29).
- 3 (12) Cement hydraulic (324).
- 4 (13) Structural clay products (325).
- 5 (14) Concrete, gypsum, and plaster products (327), except concrete block and
- 6 brick (3271).
- 7 (15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
- 8 (16) Iron and steel foundries (332).
- 9 (17) Primary smelting and refining of nonferrous metals (333).
- 10 (18) Secondary smelting and refining of nonferrous metals (334).
- 11 (19) Rolling, drawing, and extruding of nonferrous metals (335).
- 12 (20) Nonferrous foundries (castings) (336).
- 13 (21) Miscellaneous primary metal products (339).
- 14 (22) Ordinance and accessories, except vehicles and guided missiles (348).
- 15 (23) Storage batteries (3691).
- 16 (24) Primary batteries, dry and wet (3692).
- 17 **(f) Wholesale trade:**
- 18 (1) Livestock (5154).
- 19 (2) Chemicals and allied products (516).
- 20 **(g) Services:**
- 21 (1) Racing, including track operation (7948).
- 22 **(h) Other uses:**
- 23 (1) Solid waste transfer stations.

24 **Section 116.** SRC 158.050 is amended to read as follows:

25 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be
 26 used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020
 27 to ~~158.040~~ 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 28 or allowed as a nonconforming use pursuant to SRC Chapter 270.

29 **Section 117.** SRC 158.900 is amended to read as follows:

30 **158.900. Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

2	Landslide Hazards	SRC Chapter 69
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	Lot Development Standards	SRC Chapter 130
10	Accessory Structures	SRC Chapter 131
11	Landscaping	SRC Chapter 132
12	Off-street Parking, Loading, and Driveways	SRC Chapter 133
13	Flood Plain Overlay Zones	SRC Chapter 140
14	Willamette Greenway Overlay Zones	SRC Chapter 141
15	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

16 **Section 118.** SRC 159.030 is amended to read as follows:

17 **159.030. Special Uses.**

18 (a) The following uses, when restricted, developed and conducted as required in SRC
19 Chapter 119, are permitted in an II district:

20 ~~(1) Antennas attached to an existing and approved structure;~~

21 ~~(2) Freestanding support structures 35 feet or less in height and equipment~~
22 ~~enclosures;~~

23 ~~(3) Ambulance Station;~~

24 ~~(4) Ambulance Service Facility.~~

25 **Section 119.** SRC 159.040 is amended to read as follows:

26 **159.040. Conditional Uses.**

27 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
28 applicable, are permitted in the II district:

29 (a) Transportation, communication, electric, gas, and sanitary services:

30 (1) Air transportation, Nonscheduled (452).

1 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~
2 ~~within 300 feet of an R or CO zone and equipment enclosures.~~

3 (b) Crude petroleum and natural gas extraction (131).

4 (c) Animal and marine fats and oils (2077).

5 (d) Ordinance and Accessories except vehicles and guided missiles (348).

6 (e) Eating and drinking places (58).

7 (f) Dwelling unit for a caretaker or watchman on the premises being cared for or
8 guarded.

9 (g) Surface mining, including washing, screening, processing, asphalt concrete, and
10 cement concrete making, as a specific conditional use under SRC Chapter 118.

11 (h) Solid waste transfer stations.

12 **Section 120.** SRC 159.050 is amended to read as follows:

13 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be
14 used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020
15 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or
16 allowed as a nonconforming use pursuant to SRC Chapter 270.

17 **Section 121.** SRC 159.900 is amended to read as follows:

18 **159.900. Reference to Additional Standards.** Additional or alternative use and
19 development standards may be found in the following Chapters:

20 Landslide Hazards	SRC Chapter 69
21 Lot Development Standards	SRC Chapter 130
22 Accessory Structures	SRC Chapter 131
23 Landscaping	SRC Chapter 132
24 Off-Street Parking, Loading and Driveways	SRC Chapter 133
25 Flood Plain Overlay Zones	SRC Chapter 140
26 Willamette Greenway Overlay Zones	SRC Chapter 141
27 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

28 **Section 122.** SRC 160.020 is amended to read as follows:

29 **160.020. Prohibited Uses.** Within any P district, no building, structure, or land shall be
30 used, erected, structurally altered, or enlarged for any use not permitted in the particular

1 district under SRC 160.030 to ~~160.120~~ 160.125 unless the use is deemed an equivalent use
2 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
3 270.

4 **Section 123.** SRC 160.100 is amended to read as follows:

5 **160.100. Special Uses in P Zones.**

6 (a) The following uses, when restricted, developed, and conducted as required in SRC
7 Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

8 (1) Mobile home as a dwelling for a caretaker.

9 (2) Existing wildlife rehabilitation facility.

10 (3) Wildlife rehabilitation facility.

11 (4) Mobile food unit.

12 (5) Compost facility for yard debris franchise haulers and government entities
13 only, when located on the site of and in compliance with the Oregon State
14 Corrections Area Plan as adopted by the Capital Planning Commission.

15 ~~(6) Antennas attached to existing or approved structures.~~

16 ~~(7) Freestanding support structures 70 feet or less in height whose base is greater
17 than 300 feet from a R or CO zone and equipment enclosures.~~

18 ~~(8) Ambulance Station.~~

19 ~~(9) Ambulance Service Facility.~~

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. See SRC 119.010.

23 **Section 124.** SRC 160.900 is amended to read as follows:

24 **160.900. Reference to Additional Standards.** Additional or alternative use and
25 development standards may be found in the following Chapters:

26 Preservation of Trees and Vegetation SRC Chapter 68

27 Landslide Hazards SRC Chapter 69

28 Lot Development Standards SRC Chapter 130

29 Accessory Structures SRC Chapter 131

30 Landscaping SRC Chapter 132

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	Development Design Handbooks for projects including three or more multiple family	
5	units	
6	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

7 **Section 125.** SRC 161.060 is amended to read as follows:

8 **161.060. Height.** No building, ~~or structure or freestanding support structure~~ in the EC Zone
9 located ninety feet or more from a lot or parcel line that abuts a residential district shall
10 exceed eighty feet in height, and no portion of any building, ~~or structure or freestanding~~
11 ~~support structure~~ that is located within ninety feet of a lot or parcel line that abuts a
12 residential district shall exceed twenty-eight feet in height.

13 **Section 126.** SRC 161.170 is amended to read as follows:

14 **161.170. Additional Standards.** Additional standards may apply to development in the EC
15 Zone as a result of regulations found in the following Chapters:

16	SRC Chapter 69	Landslide Hazards
17	SRC Chapter 140	Flood Plain Overlay Zone
18	SRC Chapter 125	Airport Overlay Zone
19	<u>SRC Chapter 703</u>	<u>Wireless Communications Facilities</u>

20 **Section 127.** SRC 162.050 is amended to read as follows:

21 **162.050. Special Uses.**

22 The following uses, when restricted, developed and conducted as required in SRC Chapter
23 119, are permitted in the SWMU Zone:

- 24 ~~(a) Antennas attached to existing or approved structures.~~
- 25 **(ba)** Mobile food unit.

26 **Section 128.** SRC 162.120 is amended to read as follows:

27 **162.120. Design Approval.**

- 28 **(a)** Within the SWMU Zone, the construction or alteration of the exterior facade of any
29 building or structure shall be consistent with the standards or guidelines contained in
30 the City of Salem Development Design Handbook. This section shall not apply to

1 wireless communications facilities or to relocatable structures not attached to a
2 permanent foundation.

3 (b) Lawful non-conforming buildings or structures may be structurally altered or
4 enlarged provided such new development reduces the degree of non-conformity, and
5 meets all other provisions of the Zoning Code and other laws, ordinances and
6 regulations.

7 **Section 129.** SRC 162.130 is amended to read as follows:

8 **162.130. Additional Standards.** Additional standards may apply to development in the
9 SWMU Zone. In the event there is any conflict between the standards of this Chapter and
10 those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
11 shall control. Chapters that provide additional standards include, but may not be limited to:

12	Sign Code	SRC Chapter 900
13	Home Occupations	SRC Chapter 124
14	General Development Standards	SRC Chapter 130
15	Accessory Structures	SRC Chapter 131
16	Landscaping	SRC Chapter 132
17	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
18	Floodplain Overlay Zones	SRC Chapter 140
19	Willamette Greenway	SRC Chapter 141
20	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

21 **Section 130.** SRC 215.055 is amended to read as follows:

22 **215.055. Additional Standards.** Additional standards may apply to development in the
23 NCMU zone as a result of regulations found in the following chapters. In the event of a
24 conflict between the standards contained in the NCMU zone and those contained within other
25 chapters of the SRC, the standards contained in the NCMU shall apply.

26	(a) Signs	SRC Chapter 900
27	(b) Preservation of Trees and Vegetation	SRC Chapter 68
28	(c) Landslide Hazards	SRC Chapter 69
29	(d) Trees and Shrubs	SRC Chapter 86
30	(e) Home Occupations	SRC Chapter 124

- 1 (f) Wetlands SRC Chapter 126
- 2 (g) General Development Standards SRC Chapter 130
- 3 (h) Accessory Structures SRC Chapter 131
- 4 (i) Landscaping SRC Chapter 132
- 5 (j) Off-Street Parking, Loading, and Driveways SRC Chapter 133
- 6 (k) Flood Plain Overlay Zones SRC Chapter 140
- 7 (l) Wireless Communications Facilities SRC Chapter 703

8 **Section 131.** SRC 220.005 is amended to read as follows:

9 **220.005. Site Plan Review.**

10 (a) **Applicability.**

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

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

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

19 (B) Sign installation.

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

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

24 (E) Interior construction or tenant improvements that involve no change
 25 of use.

26 (F) Wireless communications facilities.

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

28 (1) **Class 1 Site Plan Review.** Class 1 Site Plan Review is site plan review for
 29 any development that requires a building permit, that does not involve a land use
 30 decision or limited land use decision, as those terms are defined in ORS 197.015,

1 and that involves a change of use or change of occupancy where only construction
2 or improvements to the interior of the building or structure are required.

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

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

12 (A) Requires a Transportation Impact Analysis pursuant to the Salem
13 Transportation System Plan;

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

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

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

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

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

26 **(c) Procedure Type.**

27 (1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
28 Chapter 300.

29 (2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
30 Chapter 300.

1 (3) Class 3 Site Plan Review is processed as a Type II procedure under SRC
2 Chapter 300.

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

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

10 (1) The names and addresses of the applicant(s), the owner(s) of the subject
11 property, and any authorized representative(s) thereof;

12 (2) The address or location of the subject property and its assessor's map and tax
13 lot number;

14 (3) The size of the subject property;

15 (4) The comprehensive plan designation and zoning of the subject property;

16 (5) The type of application(s);

17 (6) A brief description of the proposal; and

18 (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the
19 duly authorized representative(s) thereof authorizing the filing of the
20 application(s).

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

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

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

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

29 (ii) The location of all proposed primary and accessory structures and
30 other improvements, including fences, walls, and driveways, indicating

1 forms provided by the City.

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

5 (A) All submittal requirements for a Class 2 Site Plan Review under
6 subsection (e)(1) of this section;

7 (B) The zoning district, comprehensive plan designation, and land uses for all
8 properties abutting the site;

9 (C) Driveway locations, public and private streets, bike paths, transit stops,
10 sidewalks, and other bike and pedestrian pathways, curbs, and easements;

11 (D) The elevation of the site at two-foot contour intervals, with specific
12 identification of slopes in excess of fifteen percent;

13 (E) The location of drainage patterns and drainage courses, if applicable;

14 (F) A preliminary utility plan showing capacity needs for municipal water,
15 stormwater management, and sewer service and schematic location of
16 connection points to existing municipal water and sewer services;

17 (G) Summary table which includes site zoning designation; total site area;
18 gross floor area by use (e.g. manufacturing, office, retail, storage); building
19 height; itemized number of full size compact and handicapped parking stalls,
20 and the collective total number; total lot coverage proposed, including areas to
21 be paved for parking and sidewalks;

22 (H) A geological assessment or geotechnical report, if required by SRC
23 Chapter 69, or a certification from an engineering geologist or a geotechnical
24 engineer that landslide risk on the site is low, and that there is no need for
25 further landslide risk assessment; and

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

29 **(f) Criteria.**

30 **(1) Class 1 Site Plan Review.** An application for a Class 1 Site Plan Review

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

shall be granted if:

- (A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
- (B) Only construction or improvements to the interior of the building or structure will be made;
- (C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;
- (D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
- (E) The application meets all applicable standards of the UDC.

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

- (A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
- (B) The application meets all the applicable standards of the UDC.

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

- (A) The application meets all applicable standards of the UDC;
- (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

1 **Section 132.** SRC 300.100 is amended to read as follows:

2 **300.100. Procedure Types.**

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

6 **TABLE 300-1**

7 **LAND USE PROCEDURE TYPES**

8 **Table 300-1: Land Use Procedure Types**

9 Procedure	Decision	Decision	Process Description
10 Type	Process	Type	
11 Type I	12 Ministerial	13 Permit	14 Type I procedure is used when there are 15 clear and objective standards and criteria 16 that do not require interpretation or the 17 exercise of policy or legal judgment in 18 their application. Decisions on Type I 19 applications are made by staff. Public 20 notice and hearing are not required.
21 Type II	22 Administrative	23 Limited 24 Land Use	25 Type II procedure is used when the 26 standards and criteria require limited 27 discretion or legal judgment in their 28 application. Decisions on Type II 29 applications are made by staff. Public 30 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	The 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	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	-	-	SRC 64

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
				;		
			CC – Decision			
CONDITIONAL USE	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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority		City Council Review	Applicable Code Chapter(s)
Application	Procedure Type	Pre-App. Required	Decision	Appeal		
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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	III	Y	HO	PC	Y	SRC 63
VARIANCE	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
- Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	Y	SRC 141

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	Y	SRC 141
<u>WIRELESS COMMUNICATIONS FACILITIES SITING</u>						
- <u>Temporary Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
- <u>Class 1 Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
- <u>Class 2 Wireless Communications Facilities Siting</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Class 3 Wireless Communications Facilities Siting</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Wireless Communications Facilities Adjustment</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
ZONE CHANGE						
- Zone Change	III	Y	HO	CC	Y	SRC 265

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		

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 133. 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, Class 2 Wireless Communications Facilities Siting, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- 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 a 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;

1 **(c) Application Review.** The Review Authority shall review the application, all
2 written comments submitted during the public comment period, and the applicant's
3 response to the comments, if any. Written comments received after the expiration of
4 the public comment period shall not be considered by the Review Authority.

5 **(d) Decision.** The Review Authority shall approve, conditionally approve, or deny the
6 application based upon the facts contained within the record and according to the
7 applicable standards and criteria. The decision of the Review Authority shall be a
8 written order containing findings that explain the criteria and standards applicable to
9 the decision, stating the facts relied upon in rendering the decision, and explaining the
10 justification for the decision.

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

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

15 **(A)** The applicant(s) and/or authorized representative(s);

16 **(B)** The owner(s) or contract purchaser(s) of record of the subject 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 written comments during the
20 comment period;

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

23 **(F)** Any governmental agency which is entitled to notice by law or under an
24 intergovernmental agreement with the City, and any governmental agency
25 which submitted written comments during the comment period; and

26 **(G)** Any community organizations, agencies, or individuals who have
27 submitted written requests to the City for notice of the decision.

28 **(2)** Notice of the decision shall include:

29 **(A)** A brief description of the application;

30 **(B)** A description of the site sufficient to inform the reader of its location,

1 including site address, if available, map and tax lot number, and its
2 comprehensive plan designation and zoning;

3 (C) A brief summary of the decision, and conditions of approval, if any;

4 (D) A statement of the facts relied upon;

5 (E) The date the Review Authority's decision becomes effective, unless
6 appealed;

7 (F) The date and time by which an appeal must be filed, a brief statement
8 explaining how to file an appeal, and where further information may be
9 obtained concerning the appeal process;

10 (G) A statement that all persons entitled to notice of the decision may appeal
11 the decision; and

12 (H) A statement that the complete case file, including findings, conclusions,
13 and conditions of approval, if any, is available for review. The notice shall
14 state where the case file is available and the name and telephone number of
15 the staff case manager to contact about reviewing the case file.

16 **(f) Appeal and Review.**

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

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

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

27 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or
28 a Class 2 adjustment, notice of the appeal shall be provided to the City
29 Council at its next regular meeting. The Council may, pursuant to SRC
30 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the

1 City Council does not assume jurisdiction, then the decision of the Review
2 Authority is the final decision of the City.

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

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

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

9 **Section 134.** SRC 532.015 is amended to read as follows:

10 **532.015. Uses, Generally.**

11 (a) **Classification of Uses.**

12 (1) For the purposes of this Chapter, uses within the NCMU zone are classified
13 under use categories identified in subsection (b) of this section. Each use
14 category includes a description of the characteristics of the use and a list of
15 examples illustrating the scope of the use. The examples are not intended to be
16 exhaustive. A specific use not identified as an example in a category and is
17 considered included in the category if the specific use possesses the
18 characteristics of the category.

19 (2) Accessory uses are not considered separate uses for the purposes of this
20 Chapter, even though the accessory use might have characteristics that are
21 included in the scope of another use category.

22 (3) Specific uses, which the Planning Administrator determines cannot be readily
23 classified with reference to a particular use category, shall be referred to the
24 Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

25 (4) Upon classification pursuant to paragraph (3) of this subsection, a proposed
26 use may be added to a use category without a text amendment if the proposed use
27 would not result in materially greater impacts than the other uses included in the
28 category. Any inclusion of a proposed use within a category that does not require
29 a text amendment shall be entered in a registry of uses made available to the
30 public and setting forth:

1 (A) The street address or other easily understood geographic reference to the
2 property upon which the specific economic activity will occur;

3 (B) The date of the decision; and

4 (C) A description of the decision made.

5 **(b) Use Categories.**

6 **(1) Residential.**

7 (A) **Characteristics.** Residential consists of the residential occupancy of a
8 dwelling unit by a household. Tenancy may be on a month-to-month basis or
9 for a longer term. Tenancies with a term shorter than month-to-month are not
10 considered residential uses, but may be allowed under "Retail Sales and
11 Service" as temporary lodging. In addition, residential homes and residential
12 facilities, as defined in ORS 197.660, are included as types of residential use.

13 (B) **Examples.** Single family detached dwelling; single family attached
14 dwelling (townhouse); manufactured home; two family dwelling (duplex);
15 multiple family (apartments); residential home; and residential facility.

16 **(2) Senior Care Facility.**

17 (A) **Characteristics.** A Senior Care Facility consists of facilities that provide
18 multi-family housing meeting the Federal Fair Housing Act definition of
19 "housing for older persons," in conjunction with the provision of residential
20 care, where medical care is not a major element.

21 (B) **Examples.** Assisted living.

22 **(3) Retail Sales and Service.**

23 (A) **Characteristics.** Retail Sales and Service consists of the sale, lease, or
24 rental of new or used products to the general public or the provision of
25 personal services, entertainment, or the repair or service of consumer and
26 business goods.

27 (B) **Examples.** Retail Sales and Service permitted activities include the
28 following activities:

29 (i) **Retail Sales-Oriented.** Stores selling, leasing, or renting consumer
30 home and business goods including art, art supplies, bicycles, clothing,

1 dry goods, electronic equipment, fabric, furniture, garden supplies, gifts,
2 groceries, hardware and home improvements, household products,
3 jewelry, pets, pet food, pharmaceuticals, plants, printed material,
4 stationery, or video.

5 **(ii) Personal Service-Oriented.** Banks; urgent medical care;
6 laundromats; photographic studios; photocopy and blueprint services;
7 hair, tanning, and personal care services; business, martial arts, and other
8 trade schools; dance or music studios; and veterinarians and animal
9 grooming.

10 **(iii) Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns,
11 and bars; health clubs and gyms; membership clubs, lodges, and
12 temporary lodging establishments with five or fewer guest rooms.

13 **(iv) Product Repair or Service Oriented.** Repair of TVs, bicycles,
14 clocks, watches, shoes, guns, appliances and office equipment; quick
15 printing; tailors; locksmiths; and upholsterers.

16 **(4) Office.**

17 **(A) Characteristics.** Office consists of uses conducted in an office setting
18 and generally involves business, professional, medical, or financial services.

19 **(B) Examples.** Lawyers; accountants; engineers; architects; lenders;
20 brokerage houses; bank headquarters; real estate agents; data processing; sales
21 offices; medical and dental clinics; and medical and dental laboratories.

22 **(5) Institutional.**

23 **(A) Characteristics.** Institutional consists of activities of a public, nonprofit,
24 or charitable nature generally providing a local service to people of the
25 community. Generally, institutional provides the service on the site or has
26 employees at the site on a regular basis. The service is ongoing, and not just
27 for special events.

28 **(B) Examples.** Daycare, preschools, and nursery schools; adult daycare;
29 public and private schools and colleges; senior centers; community centers;
30 religious institutions; libraries; postal services; transit shelters; fire stations,

1 police stations and other structures providing necessary municipal services.

2 **(6) Parks and Open Space.**

3 **(A) Characteristics.** Parks and Open Space consists of natural areas, large
4 areas consisting mostly of vegetative landscaping or outdoor recreation
5 features or facilities, community gardens, or public squares, used for public
6 recreational activities or for the preservation or enhancement of areas having
7 scenic, biological or ecological significance.

8 **(B) Examples.** Playgrounds; parks; public squares; plazas; recreational
9 trails; botanical gardens; and nature preserves.

10 **(7) Public Utilities.**

11 **(A) Characteristics.** Public Utilities consist of water, gas, sanitary sewer,
12 storm sewer, electricity, telephone and wire communication service, and cable
13 television service lines, mains, pumping stations, reservoirs, poles,
14 underground transmission facilities, substations, and related physical facilities
15 which do not include buildings regularly occupied by employees, parking
16 areas, or vehicle, equipment or material storage areas.

17 **(B) Examples.** Water; gas; sanitary sewer; storm sewer; electricity;
18 telephone and wire communication service; cable television service lines;
19 service mains; service poles; and underground transmission facilities.

20 **(8) Wireless Communications Facilities.**

21 **(A) Characteristics.** Wireless Communications Facilities consist of
22 unstaffed facilities for the transmission or reception of radio frequency signals
23 for commercial wireless communications purposes, including, but not limited
24 to, auxiliary support equipment; support towers or support structures, or utility
25 structures used to achieve the necessary elevation for the antenna;
26 transmission and reception cabling and devices; and all antennas or arrays.

27 **(B) Examples.** Wireless communications facilities antennas attached to
28 support towers, buildings, and other structures; generators; cabinets; cables;
29 wiring.

30

Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

TABLE 532-1

NCMU ZONE USES WITH MASTER PLAN

Table 532-1: NCMU Zone Uses with Master Plan

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Residential Use			
Single Family Detached Dwelling	N	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	N	P	
Single Family Attached Dwelling (Townhouse)	N	P	
Manufactured Home	N	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	P	
Multiple Family	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
Residential Facility	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
All other Residential Uses	N	N	
Senior Care Facility Use			
Senior Care Facility	P	C	
Retail Sales and Service Use			
Retail Sales and Service	P	N	Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited. <ul style="list-style-type: none"> Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

			<ul style="list-style-type: none"> • Vehicle services such as motor vehicle repair, gas station, or car wash; • Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted; • Taxidermists; • Mortuaries; • Kennels; • Casinos; • Temporary lodging establishments with more than 5 guest rooms; • Recreational vehicle parks; • Indoor firing ranges; • Theaters greater than 5,000 square feet; • Pool halls; <p>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</p>
Office Use			
Office	P	N	
Institutional Use			
Institutional	P	C	
Parks and Open Space Use			
Parks and Open Space	P	P	<p>Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:</p> <ul style="list-style-type: none"> • Cemeteries; • Open areas used for grazing.
Public Utilities Use			
Public Utilities	P/C	P/C	<p>Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:</p> <ul style="list-style-type: none"> • Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
<u>Wireless Communications Facilities Use</u>			
<u>Wireless Communications Facilities</u>	<u>W</u>	<u>W</u>	

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

**TABLE 532-2
NCMU ZONE USES IN LIEU OF MASTER PLAN**

Table 532-2: NCMU Zone Uses In Lieu of Master Plan

Use	Status	Limitations & Qualifications
Residential Use		
Single Family Detached Dwelling	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	P	
Single Family Attached Dwelling (Townhouse)	N	
Manufactured Home	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	
Multiple Family	N	
Residential Facility	N	
All other Residential Uses	N	
Senior Care Facility Use		
Senior Care Facility	N	
Retail Sales and Service Use		
Retail Sales and Service	N	
Office Use		
Office	N	

1	Institutional Use		
2	Institutional	N	
3	Parks and Open Space Use		
4	Parks and Open Space	P	
5	Public Utilities Use		
6	Public Utilities	P/C	Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
7			
8			
9	<u>Wireless Communications</u>		
10	<u>Facilities Use</u>		
11	<u>Wireless Communications</u>	<u>W</u>	
12	<u>Facilities</u>		

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 137. SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

- | | |
|--|-----------------|
| (a) Signs | SRC Chapter 900 |
| (b) Preservation of Trees and Vegetation | SRC Chapter 68 |
| (c) Landslide Hazards | SRC Chapter 69 |
| (d) Trees and Shrubs | SRC Chapter 86 |
| (e) Home Occupations | SRC Chapter 124 |
| (f) Wetlands | SRC Chapter 126 |
| (g) General Development Standards | SRC Chapter 130 |
| (h) Accessory Structures | SRC Chapter 131 |

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

PASSED by the City Council this _____ day of _____, 2013.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: P Cole

g:\group\legal1\council\2013\111813 wireless communications facilities src ch 703 ord 24-13 engrossed.doc

January 13, 2014
4 (b)

WIRELESS COMMUNICATIONS
CODE AMENDMENT 10-04

DOCUMENT FILED

JUN 24 2013

CITY OF SALEM
CITY RECORDER

RE: PLACEMENT OF WIRELESS EQUIPMENT IN RESIDENTIAL OR SCHOOL
AREAS

The FCC Broadband needs map should have priority.

Please see the Internet story on DeKalb County Georgia
with wireless equipment overrun.

Thank you,

CJ Reutter

Carole Jean Reutter - retired property owner
503-856-9496

Carole Jean Reutter
"Jeannie"

Mon June 24, 2013



Ms. Carole J. Reutter
620 Plaza Del Rey NE
Salem, OR 97303-5025

January 13, 2014
4 (b)

January 6, 2014

via Electronic Mail

City of Salem
Attn: Pamela Cole - Community Development
555 Liberty Street SE
Salem, OR 97301

DOCUMENT FILED

JAN 06 2014

CITY OF SALEM
CITY RECORDER

RE: Proposed Code Amendment - 10-04-Wireless Communications Facilities

Dear Ms. Cole:

I am contacting you again on behalf of Newman Development Group of Candalaria, LLC ("NDG"), the owner of Candalaria Crossing Shopping Center located at 2755 Commercial Street SE, Salem, Oregon. We understand that the City of Salem is in the process of amending its Code with respect to the operation of wireless communication facilities for the benefit of wireless communication companies. I am providing this letter as written testimony for proposed Code Amendment 10-04.


As stated previously, we are concerned that the proposed Amendment has a negative impact on the rights of property owners and places the City at risk for allowing modifications without appropriate consent. Section 715.020 appears to state that only Class 3 Applications will involve a determination of whether or not additional wireless communication facilities are permitted on the subject property. We simply request that the consent of the property owner be obtained in all instances when filing an application with the City, regardless of whether it involves the modification of an existing facility or the construction of additional facilities. We believe this can easily be achieved by simply requiring the land owner to sign off on any application submitted by wireless tower applicant/operator. This is quite typical on other types of applications processed, such as alcohol sales, etc.

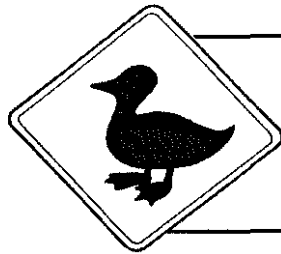
Wireless communication facilities are often located on leased lands. The underlying lease typically provides for whether or not the operator may modify an existing facility and/or construct additional facilities on the subject property. Simply identifying whether or not a lease exists is not sufficient, as often times the lease requires the consent of the property owner under these circumstances. If modifications to an existing facility or the construction of additional facilities are permitted without obtaining the consent of the property owner, it is anticipated that wireless communication facilities are going to be expanded on private property without proper authority to do so.

In most instances, the consent of the property owner is required in connection with the issuance of building permits and the approval of land use applications. Therefore, we do not see a basis for deviating from this standard under these circumstances. As stated, the City can easily remove itself from this potential contingent liability by requiring the property owners signature.

Any questions or concerns please contact me. Our mailing address is 2255 Van Ness Avenue - Suite #102 San Francisco, CA 94109. Thank you for your consideration.

Very truly yours,
NEWMAN DEVELOPMENT GROUP OF CANDALARIA, LLC

By: 
Name/Title: George Akel, Member



NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemnenn.org

NEN Comments on Proposed Ordinance Bill 24-13
Wireless Communication Facilities

DOCUMENT FILED

JAN 08 2014

CITY OF SALEM
CITY RECORDER

Passed by NEN on November 19, 2013

NEN believes that the proposed ordinance on wireless communications facilities needs some substantial changes to protect residential areas and the livability of our neighborhoods.

1. The minimum setback from a residential zone should be 100 feet, rather than the proposed 30-foot setback. In addition, the setback for auxiliary equipment should be at least 30 feet rather than 15 feet, as proposed.
2. The maximum height of cell towers in residential zones should remain at 35 feet.
3. The section on third party review is an important addition to existing code but needs strengthening to be effective. Third party reviewed should be *required* in certain circumstances, for example, whenever a new tower is proposed in a residential area or within 300 feet of one. It is also important to ensure that the third party reviewer is free of any conflict of interest.
4. No adjustments to the tower height or setbacks should be allowed within or abutting residential areas. Adjustments essentially make setback requirements meaningless.



NESCA

North East Salem Community Association

January 7, 2014

DOCUMENT FILED

Mayor Anna Peterson
City of Salem, City Hall
555 Liberty Street SE, Room 220
Salem, OR 97301

JAN 08 2014
CITY OF SALEM
CITY RECORDER

RE: Proposed Ordinance Bill 24-13 -- Wireless Communication Facilities

Mayor Peterson and Members of the Salem City Council:

The Northeast Neighbors (NEN) Neighborhood Association recently provided our organization their analysis of the proposed Wireless Communication Facilities ordinance, Bill 24-13. Of concern to the membership of the North East Salem Community Association (NESCA) was NEN's assertion that the new code would significantly reduce the setback and increase the height for installations located in residential areas. NESCA asks that the Mayor and Council fully address each concern raised by NEN to determine how these changes may impact neighborhood livability and take steps to preserve our communities.

The neighbors of NESCA sincerely appreciate the Mayor and Council's consideration of this important issue.

Sincerely,

Ian P. Johnson, Chair

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

January 27, 2014
4 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH *Linda Norris* LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, INTERIM DIRECTOR *GWG*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment.

SUMMARY:

The purpose of this report is to provide additional information in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

BACKGROUND:

At the January 13, 2014 Council hearing, several persons testified in opposition to the proposed 30-foot support tower setback from property lines in residential zones and the proposed 50-foot and 70-foot support tower heights in residential zones and testified that auxiliary support equipment should be installed underground in residential zones. The Facts and Findings in this report provide additional information addressing these

concerns. Subsequent to the January 13, 2014 Council public hearing, staff conducted additional research to determine how other jurisdictions apply height limits and setbacks to cell towers in residential zones. Staff found that these provisions vary considerably among jurisdictions and there is no consensus on how best to regulate these facilities to provide service to residential areas as wireless technology and the regulatory landscape continue to evolve.

FACTS AND FINDINGS:

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing, and is incorporated herein by reference.

The following additional information is provided in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

1. At the Public Hearing, a representative of the South Central Association of Neighbors (SCAN) testified in support of expanding the proposed undergrounding requirement to require all auxiliary support equipment in residential areas to be located underground, and Councilors asked staff about similar requirements in other jurisdictions. Staff responded at the hearing that requirements varied by jurisdiction and that wireless industry representatives had objected to these types of requirements based on cost as well as safety concerns. Staff based this response on information received prior to the February 26, 2013 Planning Commission hearing. In January, 2013, staff prepared a comparison of undergrounding requirements in Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado (Exhibit 1). On September 6, 2011, Molly A. Lawrence of Gordon Derr Attorneys at Law submitted comments from T-Mobile's technical staff stating their concerns regarding underground vaults (Exhibit 2).
2. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if Marion or Polk Counties had been engaged in the input process during development of the new ordinance recommendations and requested information on County regulations on wireless communications facilities. She noted that there is a large amount of unincorporated area within the Salem-Keizer UGB, and knowing what the counties allow would be helpful, particularly with regard to tower heights and setbacks. Staff responded to Councilor Dickey by email on January 22, 2014 with the following information.

Staff did not request comments from Marion or Polk Counties while drafting the proposed amendments. In January, 2013, staff mailed notice of the February 26, 2013 Planning Commission public hearing to all owners of property within the City, including Polk County and Marion County. Staff also mailed required notice to the Marion and Polk County Boards of Commissioners prior to the February 26, 2013 Planning Commission public hearing, when the Planning Commission

made its recommendation to Council on April 3, 2013, and prior to the January 13, 2014 Council public hearing.

Staff contacted Marion and Polk Counties after the January 13, 2014 Council public hearing and obtained information on their current cell tower setbacks and cell tower heights for zones inside the UGB (Urban Growth Boundary).

In Marion County:

- New cell towers are not allowed in any residential zones, the CO (Commercial Office) zone, the IP (Industrial Park) zone, or the UD (Urban Development) zone.
- In zones where new cell towers are allowed, they are exempt from the height limitations of the zone, and the setbacks are the same as for other structures in the zone.
- New towers are permitted by right in the CG (Commercial General), HC (Highway Commercial), IC (Industrial Commercial), IG (General Industrial), and IH (Heavy Industrial) zones. Side and rear setbacks in these zones are 3 or 5 feet, and a site-obscuring fence is required.
- New towers are allowed through Conditional Use approval in the CR (Commercial Retail), UT (Urban Transition), and P (Public) zones. Unless conditions of approval require greater setbacks, the side and rear setbacks are 3 feet in the CR zone, 5 feet (side) and 30 feet (rear) in the UT zone, and 5 feet plus one foot for every foot the structure exceeds 35 feet in the P zone.

In Polk County:

- New cell towers are allowed through Conditional Use approval in the SR (Suburban Residential) zone. The maximum height is 40 feet, but may be up to 100 feet with an approved modification. The side and rear setbacks are the same as the setbacks for a 2-1/2 story building in the zone -- 6 feet (side) and 36 feet (rear), and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers are permitted by right in the IP (Industrial Park) zone. The maximum height is 40 feet, but may be over 40 feet with an approved modification. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 10 feet plus 1 foot for each additional foot of height above 10 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers 200 feet or less in height are allowed through Administrative Review in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers over 200 feet in height are allowed through Conditional Use approval in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a

new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.

3. Following the January 13, 2014 Public Hearing, Councilor Tesler requested information on cell tower setbacks and cell tower heights in residential zones in Oregon cities comparable to Salem (Portland, Eugene, Beaverton, Hillsboro, Gresham, and Corvallis) and asked whether the proposed ordinance would result in the least restrictive setback and height regulations of any other comparable Oregon city. Staff responded to Councilor Tesler by email on January 23, 2014 with the following information.

In residential zones where new cell towers are allowed, the following maximum heights and minimum setbacks apply:

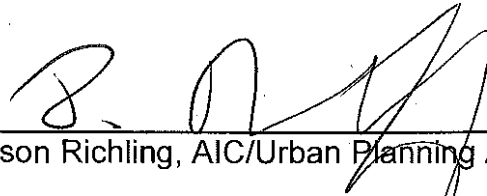
City	Maximum Height	Minimum Setbacks
Portland	Negotiated with carrier; minimum necessary to provide service for carrier and one future collocation	Greater of 20% of height of tower or 15 feet
Beaverton	80 feet	Equal to setbacks of underlying zone; towers not designed to collapse within themselves must be set back from property lines a distance equal to height of tower plus 5 feet
Hillsboro	Determined through conditional use process	Determined through conditional use process
Corvallis	150 feet	Two times height of facility from property line of any property that contains an existing residential use or is located in residential zone
Eugene	75 feet; up to 100 feet with variance	Height of tower
Gresham	No height restrictions	200 feet from nearest residence

Engrossed Ordinance 24-13 would allow a maximum height of 50 feet in the RA (Residential Agriculture), RS (Single Family Residential), and RD (Duplex Residential) zones and 70 feet in the RM1 (Multiple Family Residential 1), RM2 (Multiple Family Residential 2), and RH (Multiple Family High-Rise Residential) zone and require a minimum setback of 30 feet in all Residential zones. The proposed setback and height regulations would not be the least restrictive in comparison with similar regulations in these cities.

4. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if notice of the hearing mailed on January 2, 2014 was a citywide mailing or if it was mailed only to specific entities, such as neighborhood associations. Staff

responded to Councilor Dickey by email on January 15, 2014 with the following information.

The mailed notice for the January 13 City Council hearing was mailed on January 2 consistent with the provisions of our procedural ordinance. This notice was sent to everyone who had submitted written or oral testimony for the Planning Commission hearing, the neighborhood associations, the County Boards of Commissioners, and other entities entitled to notice. We did send a city-wide notice to all property owners of record one year ago to notify them of the first Planning Commission hearing.



Jason Richling, AIC/Urban Planning Administrator

- Exhibits:
1. Comparison of Wireless Equipment Undergrounding Requirements
 2. T-Mobile Technical Staff Underground Vault Concerns

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\COUNCIL SUPPLEMENTAL REPORT\CA 10-04 (CC Supplemental Report 01-27-13).docx

Comparison of Wireless Equipment Undergrounding Requirements

SALEM – Proposed Wireless Code Amendment

Right-of-way

The proposed code amendment would require auxiliary support equipment installed in right-of-way in a historic district or installed in right-of-way adjacent to a historic district or historic resource to be placed underground (SRC 715.050(g)).

Outside right-of-way

The proposed code amendment would not require auxiliary support equipment to be installed underground.

PORTLAND

Right-of-way

There are no circumstances where undergrounding of equipment in the right of way would be required. Carriers may not place equipment at grade within the streets. Portland does not require that equipment be placed underground in the right of way, although the Bureau of Transportation would prefer that when feasible. Equipment may be located underground in the right of way, attached to the utility poles, or on adjacent private property.

Portland administers wireless right of way through agreements with carriers because right of way is not covered by the zoning code. Equipment is not allowed at grade in the right of way because the site is usually on or next to the sidewalk and there is no room on the sidewalk for equipment. There are a few very limited circumstances where Bureau of Transportation may allow equipment at grade, but those are considered on a case by case basis and not common.

Source: Website; Jennifer Li, Utility Program Manager, Office for Community Technology

Outside of right-of-way

There are no specific requirements in the Portland Zoning Code for wireless equipment to be placed underground on private property. Where feasible, an applicant may suggest doing this as part of the historic review process.

Source: Website; Susan van Staveren, AICP, City Planner II - Wireless Lead Planner, City of Portland Bureau of Development Services

EUGENE

Right-of-way

Each request is handled on a case by case basis and there is not a blanket prohibition against above ground ancillary equipment. If they did not allow above ground equipment, it would be for a right-of-way management reason.

Source: Website; Pam Berrian, Telecommunications & Cable Program Manager (expecting additional information from Ginger Perales, Right-of-Way Utility Permitting Supervisor)

Outside right-of-way

Undergrounding is required in the R-1 (Low-Density Residential), PL (Public Land), C-1 (Neighborhood Commercial), GO (General Office), and PRO (Park, Recreation, and Open Space) zones unless the applicant receives a variance. A variance may be granted if stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance. In these zones, applicants may not place the equipment in a building above ground unless they receive a variance. Outside of these zones, undergrounding may be required as a condition for land use approval. The requirement for undergrounding, which is more difficult for the providers, encourages providers to look at other sites.

Source: Website; Kent Kullby, Land Use Analyst

FORT COLLINS

Right-of-way

Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

Outside right-of-way

Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

BEND

Right-of-way

Bend does not require that equipment be placed underground. They use a Type I Process when facilities proposed within the public right-of-way on an existing utility or light pole meet several standards, including an equipment cabinet no larger than 6 cubic feet that is concealed from public view by burying or screening by means other than walls or fences.

Source: Website

Outside right-of-way

Bend does not require that equipment be placed underground.

Source: Website

BEAVERTON

Right-of-way

Equipment cabinets associated with WCF on street lights in public road rights-of-ways are required to be placed underground unless it can be demonstrated that there is a physical obstruction to such placement. No at-grade equipment cabinet or equipment in the public road right-of-way or on private property abutting the structure is permitted.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Outside right-of-way

There are no circumstances that require equipment to be placed underground.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Prepared by Pamela Cole, Associate Planner

UNDERGROUND EQUIPMENT VAULT CONCERNS

1. All vault systems such as lighting, ventilation and Sierra monitoring devices must be working properly before an employee can enter. Entry into a vault is ALWAYS a 2 technician operation. Entrant and a monitor outside at the hatch. This requires TMO to hire 2 techs for site maintenance.
2. Safety training is required annually for all FOPS.
3. Technicians must use a 4 gas meter to check the vault prior to entry.
4. Technicians must have proper oxygen meters to prevent lack of oxygen and having a technician pass out.
5. Depending upon the vault location, there may be security required to keep the general public away from our technicians while work is progress.
6. Each market should communicate vault locations to local EMS or fire rescue districts to insure they are trained and qualified for confined space rescue.
7. Vaults are NON PERMIT Confined spaces. They must be equipped with ventilation, lighting, environmental meters, sump pumps and other safety equipment. This should be a factor to cost of construction and maintenance as I said before.
8. Vaults cost \$70K to purchase and another \$50K to install. That is \$120K on top of antenna installation.
9. They flood and ruin equipment.

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

February 24, 2014
4 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH: 
LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13 and with the following additional revisions, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments as recommended by the Planning Commission.
2. Modify the criteria for review of Class 3 applications to include considerations of capacity and in-building coverage.
3. Restore references to capacity that were recommended by the Planning Commission.
4. Define "capacity" as "The network's ability to process existing wireless service demands, either voice or data."

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13 and with the following additional revisions, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment:

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments as recommended by the Planning Commission.

2. Modify the criteria for review of Class 3 applications to include considerations of capacity and in-building coverage.
3. Restore references to capacity that were recommended by the Planning Commission.
4. Define "capacity" as "The network's ability to process existing wireless service demands, either voice or data."

SUMMARY:

The purpose of this report is to summarize written testimony received from the City's consultant in response to public testimony the City has received.

BACKGROUND:

At the January 13, 2014 meeting, Council received a staff report and testimony, closed the public hearing, and left the written record open until January 27, 2014. At the January 27, 2014 Council meeting, Council received a supplemental report from staff as well as written testimony. Council continued deliberations to February 24, 2014 and re-opened the record for written testimony until 5:00 pm February 14, 2014.

The City's consultant, Pam Beery, prepared a memorandum in response to testimony that wireless industry representatives submitted to Council at and following the January 13, 2014 public hearing. The memorandum is included as Exhibit A.

The Facts and Findings in this report summarize the key legal and policy issues addressed in Section 1 of the memorandum: determining what constitutes a significant gap in coverage and whether in-building coverage and adequate capacity should be considered in that determination.

Section 2 of the memorandum provides analysis with respect to potential amendments to the draft Ordinance based on testimony received through January 27, 2014. Facts and Findings relevant to this testimony are included in the January 13, 2014 and January 27, 2014 staff reports.

FACTS AND FINDINGS:

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing and is incorporated herein by reference. A Supplemental Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 27, 2014 Council deliberations and is incorporated herein by reference.

1. "Significant gap"

The siting standards of the Engrossed Ordinance provide that a support tower may not be sited in a residential zone, public zone, mixed-use zone, or overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and prohibiting the siting would effectively prohibit the

provision of wireless communications services. The Grant Neighborhood Association requested that Council ask City staff for a definition of the phrase "significant wireless communications service gap."

The City's consultant explains that the Telecommunications Act of 1996 provides that local governments may not take actions that "prohibit or have the effect of prohibiting" the provision of personal wireless services. The Ninth Circuit has determined that local regulations or the denial of an application result in prohibition of wireless services if a provider demonstrates that it has been "prevented from filling a significant gap in its own service coverage." The courts have not provided a definition of "significant gap" but make that determination based on the facts of a particular case.

Staff does not recommend adding a definition for "significant wireless communications service gap" because a requirement to comply with a local definition could have the effect of prohibiting service in violation of federal law.

2. In-building coverage

AT&T requested that Council restore the inability "to achieve reliable coverage within a building" as one of the factors that can be considered in demonstrating that an adjustment is needed to fill a gap in service, both to be consistent with federal law and to fulfill a basic expectation of wireless customers. The phrase had been included in the draft of SRC Chapter 703 recommended by the Planning Commission but deleted in the Engrossed Ordinance based on advice from the City's consultant.

The City's consultant states that no case or regulation specifically addresses the question of whether in-building coverage is to be considered in determination of a significant gap in service, and the decision as to whether to consider in-building coverage is a policy choice. Consumers' ability to get service when and where they wish is an appropriate consideration if balanced against valid public goals, including aesthetics.

Staff recommends considering in-building coverage as a factor in evaluating service because the wireless industry has testified that consumers expect reliable in-building coverage and the City's consultant has stated that there is precedent in other jurisdictions.

3. Capacity

AT&T and T-Mobile requested that Council restore references to "capacity" that had been included in the draft of SRC Chapter 703 recommended by the Planning Commission but deleted in the Engrossed Ordinance based on advice from the City's consultant. The carriers state that the Ordinance should allow consideration of capacity issues as well as coverage issues because wireless communications (voice, data, and broadband) can be dropped or blocked in areas where an antenna site is overloaded with traffic, meaning it is beyond the antennas' capacity to accept and process customers' demands on the system.

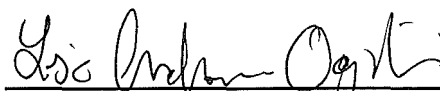
The City's consultant informed the Council at the public hearing that provisions regarding capacity that were included in the Planning Commission's recommendation would be difficult to administer because "capacity" was not defined. In the memorandum, she states that although applicable law has not established whether capacity should be considered in the determination of a significant coverage gap, the decision is a policy choice, and Council has the legal authority to balance competing interests for wireless service against valid public interests. She also states that the Ordinance should include a definition of capacity if Council chooses to consider capacity.

Staff recommends restoring the provisions referring to capacity based on testimony from the industry that inadequate capacity results in unreliable service and significant gaps in service and including a definition of capacity to address the consultant's concerns regarding administration of these provisions.

CONCLUSION:

As Salem continues to grow, consumers will demand more and better wireless services including voice, data, and broadband and will expect reliable coverage within their businesses and their residences. Therefore, based on testimony from the wireless industry and the most recent advice from the City's consultant, staff recommends the following revisions to Engrossed Ordinance 24-13:

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments in section 703.090(d)(3)(A)(i).
2. Modify the criteria for review of Class 3 applications at 703.020(e)(3)(C)(iii) to read "Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage."
3. Restore the references to capacity in sections 703.010(b), 703.020(d)(3)(D), 703.020(d)(4)(G), 703.020(e)(3)(C)(ii), 703.030(c)(1) and 703.090(d)(3)(A)(i).
4. Define "capacity" in section 703.005 as "The ability of the wireless communications network to process existing wireless service demands."



Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator


Exhibits: A. Memorandum from Pamela J. Beery, Special Legal Counsel



Beery Elsner
& Hammond LLP

MEMORANDUM

TO: Pamela Cole, Associate Planner
City of Salem

FROM: 
Pamela J. Beery, Special Legal Counsel

SUBJECT: Engrossed Wireless Facilities Siting Ordinance: Legal Analysis of Issues
Presented – City Council Public Hearing

DATE: February 14, 2014

This memorandum responds to testimony submitted to the Council at and following the January 13, 2014 public hearing. It also provides analysis with respect to potential amendments to the draft Ordinance based on testimony both from industry and from Salem residents.

The comments of industry, in addition to addressing siting standards, raise two legal issues:

1. To what extent should *“in-building” coverage* be considered in the determination of a significant service gap?; and
2. To what extent should *capacity of an existing facility* be considered a coverage issue for purposes of determining a significant service gap?.

In turn, the responses to those questions could dictate potential revisions to the current draft of the ordinance.¹

The comments of area residents have included some proposed modifications to the current draft Ordinance with respect to the standards for siting communications facilities. Some of those modifications present their own legal concerns and as such they are also addressed below.

Summary of analysis

1. There is little guidance from the courts or the FCC with respect to the relevance of a service provider’s quality of coverage in buildings as it relates to the determination of whether

¹ To the extent the industry letters address siting standards such as setbacks, undergrounding, or height of a proposed tower, those matters are not included in this section of the memorandum, but may be relevant in the below discussion of proposed revisions derived from concerns expressed by area residents.

February 14, 2014

Page 2

the proposed wireless facility is intended to address a significant gap in coverage. The inquiry in this regard calls for a balancing of the interests of broad deployment of robust wireless communications services against those legitimate public goals related to the proliferation of new facilities. If Council wishes to allow this kind of service to be part of the analysis, the deleted language in 703.090(d)(A) (page 30 of the enrolled draft) could be restored; the relevant section is set out below.

As presented to Council, the "Gap in Service" criterion for review of a requested adjustment reads as follows:

703.090 Wireless Communications Facilities Adjustment

....(d) Criteria.

(A) Gap in Service

(i) A gap in the coverage ~~or capacity~~ of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, ~~or are unable to achieve reliable wireless coverage within a building.~~

In order to allow consideration of in-building coverage, Council could restore the language shown above as deleted.

Additionally, the criteria for review of Class 3 applications at 703.020(e)(3) (page 14 of the enrolled draft) could be modified to include the same language – at present the reference to "in-building" coverage only applies to the review of *adjustment applications*. Potential language for this modification could be considered as follows:

703.020 Wireless Communications Facility Siting Permits.

....(e)(3) For Class 3 Applications:

(C) If the proposal is to construct a new support tower:

....(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage ~~and/or capacity~~, **including in-building coverage**;

This second option has not been previously reviewed or considered during the process and is offered only as an option for Council consideration. Inclusion of either or both of these revisions is a policy choice for Council; as discussed below there is some precedent in other jurisdictions for inclusion of in-building coverage as a factor in evaluating service, but only in urban areas.

2. The question of whether the capacity of facilities should be considered in the determination of a significant coverage gap is similarly as yet undefined by applicable law, and

February 14, 2014

Page 3

requires a similar policy judgment. If Council wishes to include this aspect of wireless service in the ordinance, at a minimum a new definition should be added. A definition is suggested below based on a modification to the definition proposed by industry representatives. Additionally, several sections of the draft ordinance would need to be modified to restore capacity to the language. These are enumerated in the letter from T-Mobile dated January 27, 2014. Two examples are included above in the discussion of in-building coverage.

3. Some of the proposed revisions to the ordinance suggested by area residents present legal concerns that Council should consider as it evaluates them.

Discussion

As we have been discussing throughout the implementation of the proposed ordinance, key provisions of federal law apply and – in some cases – require a specific response in the regulations. Staff and the Planning Commission have identified and included those that are clearly mandated, specifically with respect to collocation and the consideration of radio frequency emissions in the analysis of a request to place or modify a wireless facility.

The current two questions derive from the legal precedent that has developed as courts and the FCC have interpreted §332 of the Telecommunications Act of 1996 (47 USC § 332). A brief overview is presented here as a backdrop for the analysis of the comments.

The genesis of the term “significant coverage gap.”

In adopting the TCA, Congress made significant revisions to the Communications Act of 1934. The purpose of the TCA as stated in its title is “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.”² In the land use context, the TCA placed new substantive and procedural limits on state and local government regulation and permitting of telecommunications facilities. The TCA has generated a great deal of litigation as telecommunications service providers seek to place additional towers and antennas to meet growing demands and local governments attempt to regulate the location and impacts of such facilities on their communities.

The portion of the TCA that has generated the most land use litigation is 47 USC 332(c)(7) (often referred to as “Section 704” of the TCA, but referred to in this memorandum as Section 332(c)(7)). Section 332(c)(7) attempts to balance Congress’ desire to ensure rapid and adequate

² 110 Stat at 56 (1996).

February 14, 2014

Page 4

deployment of telecommunications facilities to meet consumer demand and the ability of local communities to exercise control over land uses. Section 332(c)(7) “prevents [Federal Communications] Commission preemption of local and State land use decisions and preserves the authority of State and local governments over zoning and land use matters except in the limited circumstances set forth in the conference agreement.”³

Section 332(c)(7) provides a cause of action for a telecommunications provider to challenge a government decision or regulation that denies a land use application or is otherwise inconsistent with Section 332(c)(7)(B).⁴ As relevant here, the proposed new regulations are subject to a specific limitation of federal law, both as enacted and as we apply them to future siting decisions.⁵ While not defining the terms, the law provides that state and local governments may not take actions that “prohibit or have the effect of prohibiting” the provision of personal wireless services. 47 USC 332(c)(7)(B)(i)(II).

The Ninth Circuit has adopted a two-part test for determining whether regulations or the denial of an application result in prohibition of wireless services. First, a provider must demonstrate it has been “prevented from filling a *significant gap* in its own service coverage.” Second, if the provider can demonstrate a significant gap, the provider must then show that the manner in which it proposes to fill the gap “is the least intrusive on the values that the denial sought to serve.”⁶ The latter standard, obviously, applies in the context of a denial of a specific application; but a provider could challenge the regulation as applied to its specific application, so it has been considered as we have drafted the regulations.

1. Determining what constitutes a “significant gap”

The question of what constitutes a “significant gap” is a fact-specific inquiry; for this reason, clear evidence and findings on the nature of the service that would be provided or improved by the proposed facility is critical. Courts have considered a wide range of factors in answering the

³ S Conf Rep No 230, 104th Cong, 2nd Sess at 104-230 (1996), at 207-08 (1996); H R Conf Rep No 458, 104th Cong, 2nd Sess at 207-08 (1996), reprinted in 1996 USCCAN 10.

⁴ 47 USC 332(c)(7)(B)(v).

⁵ As noted in earlier communications, there are other limitations within Section 332 (no unreasonable discrimination, no regulation based on RF emissions), but the comments have been directed only at the limitation addressed here. It appears staff has incorporated revisions in response to industry comments regarding collocation by adopting modifications consistent with the FCC’s 2009 declaratory ruling and the more recent Congressional enactment on this topic.

⁶ *MetroPCS v. City and County of San Francisco*, 400 F.3d 715, 731-33 (9th Cir., 2005); *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir., 2009); *T-Mobile USA, Inc. v. City of Anacortes*, 572 F. 3d 987 (9th Cir., 2009).

“significant service gap” inquiry: examples include proximity of a busy commuter highway or railway; physical character of the area and number of users who may be affected by the lack of service; whether the service is needed to fill a complete void in coverage, or to improve weak signals; and whether the gap poses a public safety risk.⁷

The two arguments the industry commenters have asserted – that in-building coverage and adequate capacity should be relevant to the “significant gap” inquiry – both present legal and policy considerations. The answers are not clear; below is the best information available on these two topics.

a. In-building coverage

As noted earlier, the draft ordinance has been amended to delete the reference to in-building coverage as relevant to the inquiry of whether an adjustment should be allowed, as part of the demonstration that the provider would be required to make. At present, no case or regulation specifically addresses the question of whether this kind of coverage is to be considered. What has been established is that the determination of a “gap” does not mean that no provider can serve the area; each provider is entitled to provide service.⁸

The courts have clarified that the question of what constitutes a “significant gap” in service is an extremely fact-specific inquiry that “def[ies] any bright-line legal rule.”⁹ It seems clear that a gap can be something different than a completely *dead* spot. It is not clear, though, to what extent service not being available or not being of a certain quality can qualify, and the evidence presented in any given case could produce a different outcome. The Council’s decision as to whether to specifically mention in-building coverage is a policy choice and certainly nothing prohibits this from being a consideration. While an individual service provider’s particular marketing strategy or approach to providing service is probably not an appropriate consideration¹⁰, the consumer’s ability to get service when and where they wish is to be balanced against the interest in assuring that valid public goals are still achieved – including aesthetics.

The cases do not address in-building coverage, with the exception of the Kansas case cited to the Council by legal counsel for AT&T.¹¹ That case, in turn, cites to a Northern District of

⁷ *Sprint PCS*, 583 F.3d at 727, citing extensive authorities including *Voice Stream PCS, LLC v. City of Hillsboro*, 301 F.Supp.2d 1251, 1261 (D.Or., 2004).

⁸ *MetroPCS, supra*, at 733.

⁹ *Id.*

¹⁰ *T-Mobile USA, Inc. v. City of Anacortes, supra*, at 996.

¹¹ *T-Mobile Central, LLC, v. Unified Government of Wyandotte County/Kansas City*, 528 F.Supp.2d 1128 (D. Kan. 2007), *affirmed in part*, 546 F3d 1299 (10th Cir. 2008).

February 14, 2014

Page 6

California District Court decision in another of the *MetroPCS v. San Francisco* cases.¹² Both courts reasoned that the question of whether in-building coverage might be a relevant inquiry should turn on how urban the area is, and as such how critical that type of coverage is to consumers in the area. These legal precedents are not binding here but certainly could form the basis of a Council determination to allow for consideration of in-building coverage, at least in the adjustment context where it previously appeared.

b. Capacity issues

The question of the capacity of a site or a system to handle the volume of calls being placed is not addressed in any case that we could locate, nor are any such cases cited to the Council by others. As with in-building coverage, the Council has the legal authority to balance the competing interests for wireless service as against valid public interests. If Council does choose to consider capacity issues, the definition proffered by counsel for AT&T should be modified to delete the reference to future capacity, since by definition a coverage gap exists if current demands cannot be met. If those demands are not even being met it is clear that future demands will not be met either.

The definition would read as follows and would be added to **703.005 Definitions**:

“Capacity: The ability of the wireless communications network to process existing wireless service demands.

Allowing the consideration of future demand in addition to present demand alone, as proposed by counsel for AT&T, could result in significantly more facilities that are not at present demonstrably needed. However, again, if Council wishes to allow more broadly for the consideration of network capacity, the definition could be modified to include the reference to future capacity needs.

If Council wishes to add this definition, the language of the corresponding sections should be adjusted accordingly.

2. Other suggested amendments to the draft ordinance

Several commenters proposed revisions to the standards applicable to the siting of new wireless tower facilities. The suggested revisions have been considered earlier in this process and in some cases present legal concerns. They are discussed below.

¹² 2006 WL 1699580, *10-11 (N.D.Cal. June 16, 2006).

a. Proposed 100-foot setback with no adjustments.

Throughout the process, the setback question has been a focus of public comment, particularly in and adjacent to residential zones. Providers have suggested no change to the current draft in their comments, objected strenuously to a potential 300-foot setback and similarly objected to a 100-foot setback. Such a change could subject the City to a claim that the ordinance on its face (and later, as applied) constitutes an effective prohibition of service, since the impact of such a setback needs to be analyzed throughout the city and a determination made as to how it would impact the siting of facilities. Although many communities do have 75 or 100-foot setback requirements, they are tailored to the topography and zoning of the community and not applied as a uniform standard without consideration of the impact on service. If Council wishes to consider a 100-foot setback, additional evaluation should be undertaken.

Adjustments are an accepted and effective way to maintain regulations while providing some flexibility through an additional process if the identified standards are met. In this regard, they serve an important purpose not only in terms of deployment of wireless facilities, but also of protecting the City's interests and limiting any potential liability. We strongly recommend against eliminating the adjustment option.

b. Additional requirements for third-party review near residential zones.

There is no difference in the technical knowledge of the kind of coverage and service in any case based on whether it is near or within a residential zone and the consultant on the technical side should be authorized uniformly. In most cases, staff will not need third party technical review because the technical data will be clear; in other cases, staff should have the discretion to determine whether there is a need since they will be the ones charged with evaluating the application. Similarly, the vast majority of cases can be managed without outside legal counsel.

It would also be difficult to establish an arbitrary cap on costs; rather the actual cost should be the limit of any recovery. This approach strikes a balance that hopefully results in the City getting the help it needs but only in those cases where there is in fact such a need. If a provider challenges the application of this requirement in any given case, there is opportunity to make that challenge.

c. Mandatory sound-proofing or undergrounding in areas near residential zones.

These changes are also not recommended. The SRC and indeed this new proposed regulation already require that application submittals demonstrate their compliance with the City's noise

February 14, 2014

Page 8

standards. As to undergrounding requirements, these are already included in historic areas and where other utilities are underground, a very typical requirement. There are many cases where undergrounding is not feasible due to the nature of the equipment being housed; and a blanket requirement could be unworkable for that reason, resulting in more adjustment requests.

- d. Revoke any permits for towers that are no longer needed.

This is administratively unworkable as well. A better alternative is to require removal of abandoned equipment as part of every city land use decision approving a new tower, which is the most common way of handling this concern. Permit revocation is problematic as it includes process requirements that are burdensome, and moreover places the burden on staff to regularly inspect approved facilities in an attempt to determine whether they are in use. Residents and property owners near existing approved facilities could report apparently inactive towers, and since the City's land use approval (accepted by the provider) already addresses the issue, the City's legal position is improved. In our experience, few towers are abandoned in practice due to the significant cost to construct them.

I hope this memorandum addresses the concerns presented by public testimony received to date and am happy to answer any questions you may have.

cc: Dan Atchison, Esq., City Attorney

DEI
DEI

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

January 27, 2014
4 (a)

February 24, 2014
4 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH *Linda Norris* LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, INTERIM DIRECTOR *GWG*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment.

SUMMARY:

The purpose of this report is to provide additional information in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

BACKGROUND:

At the January 13, 2014 Council hearing, several persons testified in opposition to the proposed 30-foot support tower setback from property lines in residential zones and the proposed 50-foot and 70-foot support tower heights in residential zones and testified that auxiliary support equipment should be installed underground in residential zones. The Facts and Findings in this report provide additional information addressing these

concerns. Subsequent to the January 13, 2014 Council public hearing, staff conducted additional research to determine how other jurisdictions apply height limits and setbacks to cell towers in residential zones. Staff found that these provisions vary considerably among jurisdictions and there is no consensus on how best to regulate these facilities to provide service to residential areas as wireless technology and the regulatory landscape continue to evolve.

FACTS AND FINDINGS:

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing, and is incorporated herein by reference.

The following additional information is provided in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

1. At the Public Hearing, a representative of the South Central Association of Neighbors (SCAN) testified in support of expanding the proposed undergrounding requirement to require all auxiliary support equipment in residential areas to be located underground, and Councilors asked staff about similar requirements in other jurisdictions. Staff responded at the hearing that requirements varied by jurisdiction and that wireless industry representatives had objected to these types of requirements based on cost as well as safety concerns. Staff based this response on information received prior to the February 26, 2013 Planning Commission hearing. In January, 2013, staff prepared a comparison of undergrounding requirements in Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado (Exhibit 1). On September 6, 2011, Molly A. Lawrence of Gordon Derr Attorneys at Law submitted comments from T-Mobile's technical staff stating their concerns regarding underground vaults (Exhibit 2).
2. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if Marion or Polk Counties had been engaged in the input process during development of the new ordinance recommendations and requested information on County regulations on wireless communications facilities. She noted that there is a large amount of unincorporated area within the Salem-Keizer UGB, and knowing what the counties allow would be helpful, particularly with regard to tower heights and setbacks. Staff responded to Councilor Dickey by email on January 22, 2014 with the following information.

Staff did not request comments from Marion or Polk Counties while drafting the proposed amendments. In January, 2013, staff mailed notice of the February 26, 2013 Planning Commission public hearing to all owners of property within the City, including Polk County and Marion County. Staff also mailed required notice to the Marion and Polk County Boards of Commissioners prior to the February 26, 2013 Planning Commission public hearing, when the Planning Commission

made its recommendation to Council on April 3, 2013, and prior to the January 13, 2014 Council public hearing.

Staff contacted Marion and Polk Counties after the January 13, 2014 Council public hearing and obtained information on their current cell tower setbacks and cell tower heights for zones inside the UGB (Urban Growth Boundary).

In Marion County:

- New cell towers are not allowed in any residential zones, the CO (Commercial Office) zone, the IP (Industrial Park) zone, or the UD (Urban Development) zone.
- In zones where new cell towers are allowed, they are exempt from the height limitations of the zone, and the setbacks are the same as for other structures in the zone.
- New towers are permitted by right in the CG (Commercial General), HC (Highway Commercial), IC (Industrial Commercial), IG (General Industrial), and IH (Heavy Industrial) zones. Side and rear setbacks in these zones are 3 or 5 feet, and a site-obscuring fence is required.
- New towers are allowed through Conditional Use approval in the CR (Commercial Retail), UT (Urban Transition), and P (Public) zones. Unless conditions of approval require greater setbacks, the side and rear setbacks are 3 feet in the CR zone, 5 feet (side) and 30 feet (rear) in the UT zone, and 5 feet plus one foot for every foot the structure exceeds 35 feet in the P zone.

In Polk County:

- New cell towers are allowed through Conditional Use approval in the SR (Suburban Residential) zone. The maximum height is 40 feet, but may be up to 100 feet with an approved modification. The side and rear setbacks are the same as the setbacks for a 2-1/2 story building in the zone -- 6 feet (side) and 36 feet (rear), and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers are permitted by right in the IP (Industrial Park) zone. The maximum height is 40 feet, but may be over 40 feet with an approved modification. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 10 feet plus 1 foot for each additional foot of height above 10 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers 200 feet or less in height are allowed through Administrative Review in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers over 200 feet in height are allowed through Conditional Use approval in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a

new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.

3. Following the January 13, 2014 Public Hearing, Councilor Tesler requested information on cell tower setbacks and cell tower heights in residential zones in Oregon cities comparable to Salem (Portland, Eugene, Beaverton, Hillsboro, Gresham, and Corvallis) and asked whether the proposed ordinance would result in the least restrictive setback and height regulations of any other comparable Oregon city. Staff responded to Councilor Tesler by email on January 23, 2014 with the following information.

In residential zones where new cell towers are allowed, the following maximum heights and minimum setbacks apply:

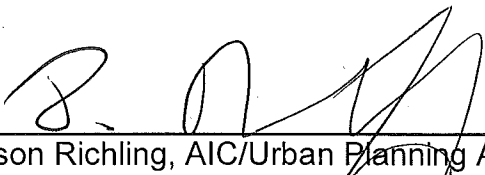
City	Maximum Height	Minimum Setbacks
Portland	Negotiated with carrier; minimum necessary to provide service for carrier and one future collocation	Greater of 20% of height of tower or 15 feet
Beaverton	80 feet	Equal to setbacks of underlying zone; towers not designed to collapse within themselves must be set back from property lines a distance equal to height of tower plus 5 feet
Hillsboro	Determined through conditional use process	Determined through conditional use process
Corvallis	150 feet	Two times height of facility from property line of any property that contains an existing residential use or is located in residential zone
Eugene	75 feet; up to 100 feet with variance	Height of tower
Gresham	No height restrictions	200 feet from nearest residence

Engrossed Ordinance 24-13 would allow a maximum height of 50 feet in the RA (Residential Agriculture), RS (Single Family Residential), and RD (Duplex Residential) zones and 70 feet in the RM1 (Multiple Family Residential 1), RM2 (Multiple Family Residential 2), and RH (Multiple Family High-Rise Residential) zone and require a minimum setback of 30 feet in all Residential zones. The proposed setback and height regulations would not be the least restrictive in comparison with similar regulations in these cities.

4. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if notice of the hearing mailed on January 2, 2014 was a citywide mailing or if it was mailed only to specific entities, such as neighborhood associations. Staff

responded to Councilor Dickey by email on January 15, 2014 with the following information.

The mailed notice for the January 13 City Council hearing was mailed on January 2 consistent with the provisions of our procedural ordinance. This notice was sent to everyone who had submitted written or oral testimony for the Planning Commission hearing, the neighborhood associations, the County Boards of Commissioners, and other entities entitled to notice. We did send a city-wide notice to all property owners of record one year ago to notify them of the first Planning Commission hearing.



Jason Richling, AIC/Urban Planning Administrator

- Exhibits:
1. Comparison of Wireless Equipment Undergrounding Requirements
 2. T-Mobile Technical Staff Underground Vault Concerns

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\COUNCIL SUPPLEMENTAL REPORT\CA 10-04 (CC Supplemental Report 01-27-13).docx

Comparison of Wireless Equipment Undergrounding Requirements

SALEM – Proposed Wireless Code Amendment

Right-of-way

The proposed code amendment would require auxiliary support equipment installed in right-of-way in a historic district or installed in right-of-way adjacent to a historic district or historic resource to be placed underground (SRC 715.050(g)).

Outside right-of-way

The proposed code amendment would not require auxiliary support equipment to be installed underground.

PORTLAND

Right-of-way

There are no circumstances where undergrounding of equipment in the right of way would be required. Carriers may not place equipment at grade within the streets. Portland does not require that equipment be placed underground in the right of way, although the Bureau of Transportation would prefer that when feasible. Equipment may be located underground in the right of way, attached to the utility poles, or on adjacent private property.

Portland administers wireless right of way through agreements with carriers because right of way is not covered by the zoning code. Equipment is not allowed at grade in the right of way because the site is usually on or next to the sidewalk and there is no room on the sidewalk for equipment. There are a few very limited circumstances where Bureau of Transportation may allow equipment at grade, but those are considered on a case by case basis and not common.

Source: Website; Jennifer Li, Utility Program Manager, Office for Community Technology

Outside of right-of-way

There are no specific requirements in the Portland Zoning Code for wireless equipment to be placed underground on private property. Where feasible, an applicant may suggest doing this as part of the historic review process.

Source: Website; Susan van Staveren, AICP, City Planner II - Wireless Lead Planner, City of Portland Bureau of Development Services

EUGENE

Right-of-way

Each request is handled on a case by case basis and there is not a blanket prohibition against above ground ancillary equipment. If they did not allow above ground equipment, it would be for a right-of-way management reason.

Source: Website; Pam Berrian, Telecommunications & Cable Program Manager (expecting additional information from Ginger Perales, Right-of-Way Utility Permitting Supervisor)

Outside right-of-way

Undergrounding is required in the R-1 (Low-Density Residential), PL (Public Land), C-1 (Neighborhood Commercial), GO (General Office), and PRO (Park, Recreation, and Open Space) zones unless the applicant receives a variance. A variance may be granted if stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance. In these zones, applicants may not place the equipment in a building above ground unless they receive a variance. Outside of these zones, undergrounding may be required as a condition for land use approval. The requirement for undergrounding, which is more difficult for the providers, encourages providers to look at other sites.

Source: Website; Kent Kullby, Land Use Analyst

FORT COLLINS

Right-of-way

Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

Outside right-of-way

Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

BEND

Right-of-way

Bend does not require that equipment be placed underground. They use a Type I Process when facilities proposed within the public right-of-way on an existing utility or light pole meet several standards, including an equipment cabinet no larger than 6 cubic feet that is concealed from public view by burying or screening by means other than walls or fences.

Source: Website

Outside right-of-way

Bend does not require that equipment be placed underground.

Source: Website

BEAVERTON

Right-of-way

Equipment cabinets associated with WCF on street lights in public road rights-of-ways are required to be placed underground unless it can be demonstrated that there is a physical obstruction to such placement. No at-grade equipment cabinet or equipment in the public road right-of-way or on private property abutting the structure is permitted.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Outside right-of-way

There are no circumstances that require equipment to be placed underground.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Prepared by Pamela Cole, Associate Planner

UNDERGROUND EQUIPMENT VAULT CONCERNS

1. All vault systems such as lighting, ventilation and Sierra monitoring devices must be working properly before an employee can enter. Entry into a vault is ALWAYS a 2 technician operation. Entrant and a monitor outside at the hatch. This requires TMO to hire 2 techs for site maintenance.
2. Safety training is required annually for all FOPS.
3. Technicians must use a 4 gas meter to check the vault prior to entry.
4. Technicians must have proper oxygen meters to prevent lack of oxygen and having a technician pass out.
5. Depending upon the vault location, there may be security required to keep the general public away from our technicians while work is progress.
6. Each market should communicate vault locations to local EMS or fire rescue districts to insure they are trained and qualified for confined space rescue.
7. Vaults are NON PERMIT Confined spaces. They must be equipped with ventilation, lighting, environmental meters, sump pumps and other safety equipment. This should be a factor to cost of construction and maintenance as I said before.
8. Vaults cost \$70K to purchase and another \$50K to install. That is \$120K on top of antenna installation.
9. They flood and ruin equipment.

1 **ENGROSSED**

ORDINANCE BILL NO. 24-13

2 AN ORDINANCE RELATING TO ESTABLISHING NEW SALEM REVISED CODE
3 CHAPTER 703, WIRELESS COMMUNICATIONS FACILITIES; ADDING SRC 143A.075,
4 143B.065, 143E.055, 144.045, 145.045, 146.045, 147.045, 148.195, 148.345, 149.045, 150.045,
5 151.045, 152.045, 153.045, 154.045, 155.045, 156.045, 157.045, 158.045, 159.045, 160.125,
6 161.045, AND 162.065; AMENDING SRC 111.020, 111.040, 111.060, 111.070, 111.130,
7 111.140, 111.240, 130.210, 132.220, 133.100, 133.110, 135.020, 136.020, 137.020, 138.020,
8 139.040, 142.020, 143.020, 143A.020, 143A.060, 143A.080, 143A.200, 143B.030, 143B.070,
9 143B.090, 143B.120, 143B.150, 143C.060, 143D.020, 143D.070, 143D.100, 143D.120,
10 143D.180, 143D.190, 143D.230, 143D.250, 143E.060, 144.050, 145.030, 145.050, 145.900,
11 146.030, 146.050, 146.900, 147.030, 147.050, 147.900, 148.170, 148.200, 148.210, 148.300,
12 148.350, 148.360, 148.450, 149.030, 149.050, 149.900, 150.030, 150.050, 150.900, 151.030,
13 151.040, 151.050, 151.900, 152.030, 152.040, 152.050, 152.900, 153.030, 153.040, 153.050,
14 153.900, 154.030, 154.040, 154.050, 154.090, 154.900, 155.030, 155.040, 155.050, 155.900,
15 156.030, 156.035, 156.050, 156.900, 157.030, 157.040, 157.050, 157.900, 158.030, 158.040,
16 158.050, 158.900, 159.030, 159.040, 159.050, 159.900, 160.020, 160.100, 160.900, 161.060,
17 161.170, 162.050, 162.120, 162.130, 215.055, 220.005, 300.100, 300.520, 532.015, 532.020,
18 532.025, AND 532.040; AND REPEALING SRC 116.130, 118.340, 119.460, 143B.050,
19 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035,
20 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040,
21 AND 162.060

22 *The City of Salem ordains as follows:*

23 **Section 1.** SRC Chapter 703 is added to the Salem Revised Code as follows:

24 **703.001. Purpose.** The purpose of this Chapter is to provide a means whereby wireless
25 communications facilities are located, designed, installed, maintained, and removed in a
26 manner that provides for the effective provision of wireless communications within the City,
27 while protecting and promoting the health, safety, and welfare of the City and its residents by
28 requiring:

- 29 (a) The collocation, to the greatest extent possible, of new wireless
30 communications facilities on existing facilities in order to minimize the number of

1 support towers and related equipment;

2 (b) The careful consideration of the topography, natural features, and historical
3 significance in potential wireless communications facility sites;

4 (c) The encouragement of the use of existing structures, including, but not limited
5 to, freestanding structures such as light or utility poles and water towers, instead of
6 constructing new support towers;

7 (d) The encouragement of the location of new support towers and related
8 equipment in non-residential zones;

9 (e) The limiting of new structures and the regulation of enlargement or expansion
10 of existing structures in rights-of-way for the purpose of providing wireless
11 communications facilities;

12 (f) The provision of wireless communication services through facilities with
13 minimal visual impact.

14 **703.005. Definitions.** Unless the context specifically requires, as used in this Chapter, the
15 following mean:

16 (a) Amateur radio: The licensed and private use of designated radio bands, for
17 purposes of private recreation, non-commercial exchange of messages,
18 experimentation, self-training, and emergency communication pursuant to an
19 amateur operator license granted from the Federal Communications Commission.
20 Amateur radio is also commonly referred to as “ham radio.”

21 (b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
22 transmission or reception of radio frequency signals, including, but not limited to
23 omni-directional antenna (whip), directional antenna (panel), micro cell, and
24 parabolic antenna (dish). Antenna does not include support structures, utility
25 structures, or support towers.

26 (c) Array: A grouping of two or more antennas on a single support structure,
27 support tower, or utility structure.

28 (d) Auxiliary support equipment: All equipment necessary to provide wireless
29 communications signals and data, including, but not limited to, electronic
30 processing devices, air conditioning units, and emergency generators. Auxiliary

1 support equipment also includes the shelter, cabinets, and other structural facilities
2 used to house and shelter necessary equipment. Auxiliary support equipment does
3 not include antennas, support towers, utility structures, support structures, or
4 external cables and wires.

5 (e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup
6 power supply, and other associated electronics. A base station includes a structure
7 that currently supports or houses an antenna, transceiver, or other associated
8 equipment that constitutes part of a base station and encompasses such equipment
9 in any technological configuration, including distributed antennas systems and
10 small cells.

11 (f) Collocation: The mounting or installation of an antenna on ~~a~~ an existing
12 support structure, utility structure, or support tower for the purpose of transmitting
13 and/or receiving radio frequency signals for communications purposes.

14 (g) Existing facility: A wireless communication facility that was lawfully in place
15 ~~on the effective date of Ordinance Bill No. 24-13~~ at the time an application is
16 submitted.

17 (h) Guy pole: A pole that is used primarily to structurally support a utility pole,
18 and has no energized conductors or telephone wires or wireless communications
19 facilities attached.

20 (i) High voltage transmission lines: Either power lines with capacity for
21 transmitting electricity of 57,000 volts or greater, or a skipped pole between high
22 voltage transmission power lines.

23 (j) Lattice tower: A support tower which consists of a network of crossed metal
24 braces, forming a tower which is usually triangular or square in cross-section.

25 (k) Monopole: A support tower which consists of a single pole sunk into the
26 ground and/or attached to a foundation.

27 (l) Original structure: A lawfully placed utility structure located in the right-of-
28 way as of the effective date of the right-of-way use agreement between the owner
29 and the City.
30

1 (m) Owner: The person or entity that owns, operates, or manages an existing
2 wireless communications facility or proposed wireless communications facility, or
3 that person's or entity's agent.

4 (n) Replacement structure: A utility structure that replaces a lawfully existing
5 utility structure or original structure to accommodate wireless communications
6 facilities and does not result in an increase in the total number of utility, guy, or
7 support poles in the rights-of-way or on private property.

8 (o) Residential building: A building used for household living or group living,
9 regardless of zone. For the purposes of this definition:

10 (1) Residential building does not include a mixed use building;

11 (2) Household living means the residential occupancy of an owner-occupied or
12 rented dwelling unit on a wholly or primarily non-transient long-term basis,
13 typically more than twenty-eight days, by a family;

14 (3) Group living means the residential occupancy of a structure on a wholly or
15 primarily non-transient long-term basis, typically more than twenty-eight days,
16 by a group of people not meeting the characteristics of household living either
17 because the structure does not provide self-contained dwelling units or because
18 the dwelling is occupied by a group of people who do not meet the definition of
19 family, or both. Group Living facilities generally include common facilities that are
20 shared by residents, including, but not limited to, facilities for dining, social and
21 recreational activities, and laundry.

22 (p) Right-of-way: The space upon, above, below, in, along, across, over, or under
23 public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges,
24 trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including
25 the subsurface under and air space over these areas, but does not include parks,
26 parkland, or City property not generally open to the public for travel. This
27 definition applies only to the extent of the City's right, title, and interest in the
28 property and its authority to grant a license, permit, or other permission to use and
29 occupy the property.

30 (q) Screening: To obscure effectively the view of the base of a wireless

1 communications facility and its auxiliary support equipment.

2 (r) Siting: The location, construction, collocation, modification, or installation of a
3 wireless communications facility.

4 (s) Skipped pole:

5 (1) A utility structure that lies between and is shorter than the two immediately
6 adjacent utility structures; or

7 (2) Where runs of taller poles (typically high voltage transmission) and shorter
8 poles (typically low voltage distribution or communication) are located on the
9 same side of the street, a shorter pole situated adjacent to and between two taller
10 poles in the same run.

11 (t) Substantially change the physical dimensions:

12 (1) The mounting of a proposed antenna on a support tower would increase the
13 existing height of the support tower by more than 10%, or by the height of one
14 additional antenna array with separation from the nearest existing antenna not to
15 exceed twenty feet, whichever is greater, except that the mounting of the
16 proposed antenna may exceed the size limits set forth in this paragraph if
17 necessary to avoid interference with existing antennas; or

18 (2) The mounting of a proposed antenna involving the installation of more than
19 the standard number of new equipment cabinets for the technology involved,
20 not to exceed four, or more than one new equipment shelter; or

21 (3) The mounting of a proposed antenna involving the addition of an
22 appurtenance to the body of the support tower that would protrude from the
23 edge of the support tower more than twenty feet, or more than the width of the
24 support tower structure at the level of the appurtenance, whichever is greater,
25 except that the mounting of the proposed antenna may exceed the size limits set
26 forth in this paragraph if necessary to shelter the antenna from inclement
27 weather or to connect the antenna to the tower via cable; or

28 (4) The mounting of the proposed antenna involving excavation outside the
29 current support tower site, defined as the current boundaries of the leased or
30 owned property surrounding the support tower and any access or utility

1 easements currently related to the site.

2 (u) Support structure: An existing building or structure, other than single family
3 dwellings and duplexes and support towers, to which an antenna is or will be
4 attached, including, but not limited to, buildings, steeples, water towers, and
5 outdoor advertising signs.

6 (v) Support tower: A freestanding structure designed and constructed exclusively
7 to support a wireless communications facility or an antenna or antenna array,
8 including, but not limited to, monopoles, lattice towers, guyed towers, and self-
9 supporting towers.

10 (w) Temporary wireless communications facility: Any wireless communications
11 facility that is to be in use for not more than ninety days and is not deployed in a
12 permanent manner.

13 (x) Utility structure: Any utility pole, guy or support pole, utility pole extension,
14 light standard, light pole or other similar pole that is suitable for the installation of
15 wireless communications facilities.

16 (y) Wireless communications: Any personal wireless services, as defined by the
17 Federal Telecommunications Act of 1996 as amended, that currently exist or that
18 may be developed in the future, including but not limited to cellular, personal
19 communications services, specialized mobile radio, enhanced specialized mobile
20 radio, paging, similar Federal Communications Commission-licensed commercial
21 wireless telecommunications services, but excluding wireless telecommunications
22 services used exclusively for public health or safety purposes and wireless
23 communications services used exclusively by gas and electric utilities and
24 cooperative utilities for internal communications of an operational nature.

25 (z) Wireless communications facility: Any un-staffed facility for the transmission
26 and/or reception of radio frequency signals for commercial wireless
27 communications purposes, including, but not limited to, auxiliary support
28 equipment; support towers or support structures, or utility structures used to achieve
29 the necessary elevation for the antenna; transmission and reception cabling and
30 devices; and all antennas or arrays; but excluding wireless telecommunications

1 services used exclusively for public health or safety purposes and wireless
2 communications services used exclusively by gas and electric utilities and
3 cooperative utilities for internal communications of an operational nature.

4 **703.010. General Rule; Collocation and Siting Priority.**

5 **(a) Siting Permit Required.**

6 (1) Except as provided in paragraph (2) of this subsection, no wireless
7 communications facility may be sited in the City without a siting permit having
8 first been obtained.

9 (2) **Exemptions.** A siting permit is not required for the following:

10 (A) Siting of dish antennas solely for the benefit of persons residing on a
11 property.

12 (B) Ham radios and associated equipment.

13 (C) Ordinary maintenance or repair of a wireless communications facility.

14 (D) Modification of an existing support tower or base station for the
15 collocation of or attachment of new transmission equipment or removal or
16 replacement of existing transmission equipment, pursuant to 47 U.S.C. §
17 1455, and notwithstanding any provision of this Chapter to the contrary,
18 provided that such modification does not substantially change the physical
19 dimensions of such support tower or base station from the dimensions
20 approved as part of the original decision or building permit for the support
21 tower or base station, that the applicant requesting a modification or
22 expansion of a support tower or base station establishes by substantial
23 evidence that the requested separation between antennas is the minimum
24 necessary to avoid interference, and, to the extent feasible, that the
25 additional equipment or modified equipment shall maintain the appearance
26 and design of the original facility, including, but not limited to, color,
27 screening, landscaping, stealth or camouflage design, mounting
28 configuration, and architectural treatment. However, any modification to a
29 support tower or base station which substantially changes the physical
30 dimensions of either the support tower or base station, and any other

1 modification to a wireless communications facility that does not qualify as a
2 support tower or base station, shall be subject to the siting permits and
3 authorizations as required by this Chapter.

4 (E) Siting of temporary wireless communications facilities that are used by
5 a public agency for emergency communications, emergency preparedness,
6 or other public health or safety purposes.

7 (F) Replacement of an existing support tower with a tower that does not
8 substantially change the physical dimensions of the existing support tower.

9 **(b) Collocation Required.** All wireless communications facilities located in right-
10 of-way shall be collocated or attached to replacement utility structures. All
11 wireless communications facilities located outside of right-of-way shall be
12 collocated, unless the collocation would interfere with other wireless
13 communications facilities located on the same ~~facility~~ structure or jeopardize the
14 physical integrity of the ~~facility~~ structure upon which collocation will be made,
15 consent cannot be obtained for the collocation on a ~~support~~ structure, or the
16 available structures do not provide sufficient height to obtain coverage ~~or capacity~~
17 ~~objectives~~.

18 **(c) Siting Priority.** Wireless communications facilities shall be sited according to
19 the following priority, by descending order of preference:

20 (1) First priority: collocation or attachment of an antenna or antenna array on
21 a support tower, support structure, or utility structure;

22 (2) Second priority: replacement of a utility structure for the purpose of
23 ~~collocation~~ attachment of an antenna or antenna array;

24 (3) Third priority: substantial change in the physical dimensions of a support
25 tower or replacement with a support tower that represents a substantial change
26 in the physical dimensions of the original support tower;

27 (4) Fourth priority: construction of a new support tower.

28 **703.020. Wireless Communications Facility Siting Permits.**

29 **(a) Applicability.** This section provides the exclusive means of review for
30 applications to site wireless communications facilities.

1 (b) **Classes.** There are three classes of wireless communications facilities siting
2 permits.

3 (1) A Class 1 Permit is a permit for a first priority siting.

4 (2) A Class 2 Permit is a permit for a second priority siting.

5 (3) A Class 3 Permit is a permit for a third priority siting or fourth priority
6 siting.

7 (c) **Procedure Type.**

8 (1) **Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I
9 procedure under SRC Chapter 300.

10 (2) **Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II
11 procedure under SRC Chapter 300.

12 (3) **Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III
13 procedure under SRC Chapter 300.

14 (d) **Submittal Requirements.**

15 (1) **All Applications.** In addition to the submittal requirements under SRC
16 Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall
17 include:

18 (A) The location of the siting, according to the siting priorities set forth in
19 703.010(c), and, if the priority is other than the first priority, documentation
20 establishing that placement at a higher-priority site is not feasible.

21 (B) A site plan that includes:

22 (i) Description of the proposed wireless communications facility's
23 design and dimensions.

24 (ii) Elevations showing all components of the wireless communications
25 facility, and its connections to utilities.

26 (C) Documentation demonstrating compliance with non-ionizing
27 electromagnetic radiation emissions standards established by the Federal
28 Communications Commission.

29 (D) Documentation showing that the auxiliary support equipment will not
30 produce sound levels in excess of standards contained in SRC Chapter 93, or

1 designs showing how the sound will be effectively muffled to meet those
2 standards by means of baffling, barriers, or other suitable means.

3 (E) Documentation that the proposed facility has been submitted to the
4 State Historic Preservation Office for review, if applicable, or a statement
5 explaining why the site is not subject to review by the State Historic
6 Preservation Office.

7 **(2) Class 1 Applications.** In addition to the submittal requirements under
8 paragraph (1) of this subsection, application for a Class 1 Permit shall include:

9 (A) An engineer's certification that the support structure, utility structure,
10 or support tower will safely handle the load created by the attachment or
11 collocation and comply with American National Standards Institute (ANSI)
12 and other industry safety, structural codes and standards.

13 (B) If the utility structure is on a local street, color radio frequency contour
14 maps clearly showing the calculated coverage using the proposed antennas
15 at the applicant's target signal level and the calculated coverage areas for all
16 existing adjacent wireless communications facility sites of the owner to
17 support the site selected for the proposed facility considering the siting
18 priority established by SRC 703.010(c). If collocation or attachment on
19 other utility structures was ruled out for non-radio frequency coverage
20 reasons, the owner shall provide a statement identifying and justifying those
21 reasons.

22 **(3) Class 2 Applications.** In addition to the submittal requirements under
23 paragraph (1) of this subsection, application for a Class 2 Permit shall include:

24 (A) An engineer's certification that the replacement utility structure will
25 safely handle the load created by the proposed antennas and comply with
26 ANSI and other industry safety, structural codes and standards.

27 (B) Documentation that the replacement utility structure is at least as wide
28 as that required by any applicable safety standards adopted by the Oregon
29 Public Utility Commission or the minimum necessary to accommodate
30 ~~collocation~~ attachment on the proposed replacement structure.

1 (C) If the replacement utility structure is on a local street, color radio
2 frequency contour maps clearly showing the calculated coverage using the
3 proposed antennas at the applicant's target signal level and the calculated
4 coverage areas for all existing adjacent wireless communications facility
5 sites of the owner to support the site selected for the proposed facility
6 considering the siting priority established by SRC 703.010(c). If collocation
7 or attachment on other utility structures was ruled out for non-radio
8 frequency coverage reasons, the owner shall provide a statement identifying
9 and justifying those reasons.

10 (D) Coverage maps ~~or capacity documentation~~ showing any gap in the
11 provider's service and minimum height or configuration of the facility
12 needed to fill the gap.

13 (E) Color simulations of the wireless communications facility after
14 construction.

15 **(4) Class 3 Applications.** In addition to the submittal requirements under
16 paragraph (1) of this subsection, application for a Class 3 Permit shall include:

17 (A) An engineer's certification that the support tower will safely handle the
18 load created by the proposed antennas and any future attached or collocated
19 communications facilities and will comply with ANSI and other industry
20 safety, structural codes and standards.

21 (B) For new support towers, documentation from a radio frequency (RF)
22 engineer or a licensed civil engineer that the necessary service cannot be
23 provided by collocation on, or modification to, an existing support tower or
24 support structure or utility structure, or by ~~collocation~~ attachment on a
25 replacement utility structure for one or more of the following reasons:

- 26 (i) No existing support towers or support structures or utility structures
27 are located within the geographic area where service will be provided;
- 28 (ii) Existing support towers or support structures or utility structures or
29 replacement utility structures would not be of sufficient height to
30 provide the identified necessary service within the geographic area;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 703.030(c).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 703.070(e), the graphic simulation shall include the proposed design.

1 **(3) For Class 3 Applications:**

2 **(A)** The support tower conforms to the standards in this Chapter, and the
3 reasonably likely adverse impacts of the use on the immediate neighborhood
4 can be minimized through the imposition of conditions relating to the
5 location, size, design, and operating characteristics of the wireless
6 communications facility.

7 **(B)** The support tower will not be located in the right-of-way.

8 **(C)** If the proposal is to construct a new support tower:

9 **(i)** Collocation on existing wireless communications facilities within
10 the cell service area of the proposed site is not feasible.

11 **(ii)** Proposed location for the tower is the least intrusive means of
12 filling a significant wireless communications service gap in coverage
13 ~~and/or capacity~~; and

14 **(iii)** Prohibiting a new tower would prohibit or have the effect of
15 prohibiting the provision of wireless communications services.

16 **703.030. Siting Standards.**

17 **(a) Class 1.** The attachment or collocation on support towers, utility structures and
18 support structures shall comply with the following siting standards:

19 **(1) Outside Right-of-Way.**

20 **(A)** The antenna will not be located in public right-of-way and will not
21 require the erection or placement of a new support tower, utility structure, or
22 support structure.

23 **(2) Inside Right-of-Way.**

24 **(A)** All wireless communications facilities located in right-of-way shall be
25 collocated or attached to a replacement utility structure.

26 **(B)** Wireless communications facilities proposed to be sited in right-of-way
27 shall be sited according to the following priorities, in descending order of
28 preference. If the priority is not followed, the owner must demonstrate why
29 a higher priority is not available for use. For purposes of this subparagraph,
30 streets shall have the classification set forth in the Salem Transportation

1 System Plan.

- 2 (i) First priority: parkway or freeway;
- 3 (ii) Second priority: major arterials;
- 4 (iii) Third priority: minor arterials;
- 5 (iv) Fourth priority: collectors;
- 6 (v) Fifth priority: local streets.

7 (b) **Class 2.** The replacement of a utility structure shall comply with the following
8 siting standards:

9 (1) **Inside Right-of-Way.**

10 (A) All wireless communications facilities located in right-of-way shall be
11 collocated or attached to a replacement utility structure.

12 (B) Wireless communications facilities proposed to be sited in right-of-way
13 shall be sited according to the following priorities, in descending order of
14 preference. If the priority is not followed, the owner must demonstrate why
15 a higher priority is not available for use. For purposes of this subparagraph,
16 streets shall have the classification set forth in the Salem Transportation
17 System Plan.

- 18 (i) First priority: parkway or freeway;
- 19 (ii) Second priority: major arterials;
- 20 (iii) Third priority: minor arterials;
- 21 (iv) Fourth priority: collectors;
- 22 (v) Fifth priority: local streets.

23 (c) **Class 3.** The construction of a new support tower, replacement of an existing
24 support tower, or substantial increase in the size of an existing support tower shall
25 comply with the following siting standards:

26 (1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support
27 towers may not be sited in residential zones, public zones, mixed-use zones, or
28 in an overlay zone unless the siting is the least intrusive means of filling a
29 significant wireless communications service gap in coverage ~~and/or capacity~~
30 and prohibiting the siting would effectively prohibit the provision of wireless

1 communications services. If the siting meets these criteria, the minimum height
2 and/or configuration required to provide service to fill the significant wireless
3 communications service gap in coverage ~~and/or capacity~~ shall be the maximum
4 height permitted for the new or substantially changed support tower and future
5 attached or collocated facilities on the proposed tower.

6 (2) New support towers may not be sited within the CB zone; in a historic
7 district, or on property that has been designated as a historic resource under
8 federal, state, or local law; within three hundred feet of public right-of-way in
9 the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
10 Commercial Street SE right-of-way in the South Gateway Overlay Zone.

11 (3) The location of the support tower minimizes visual impacts to residential
12 zones to the maximum extent feasible, through the effective use of setbacks,
13 height, bulk, and landscaping or other screening techniques.

14 (4) The support tower is sited in a way that minimizes the visual impact by
15 taking advantage of existing buildings, topography, or other existing features.

16 (5) No new support tower shall be constructed, unless the owner submits the
17 required statement and documentation from a radio frequency (RF) engineer or
18 licensed civil engineer to demonstrate that the necessary service cannot be
19 provided by collocation on, or modification to, an existing support tower or
20 support structure or utility structure or by ~~collocation~~ attachment on a
21 replacement utility structure.

22 **703.040. Antenna Development Standards.**

23 (a) **Antennas on Support Towers.** Antennas attached to a support tower shall
24 comply with the following development standards:

25 (1) **Height.** Antennas attached to a support tower shall be no higher than
26 fifteen feet above the top of the support tower.

27 (2) **Surface and Coloration.** Antennas attached to a support tower shall be
28 made of non-reflective material and painted to match the support tower or
29 existing antennas, whichever results in the new antennas being less visible.
30

1 **(3) Mounting.** Antennas attached to a support tower shall be flush-mounted or
2 mounted using similar techniques that minimize visual impact to the greatest
3 extent practicable.

4 **(b) Antennas on Existing Buildings.**

5 **(1)** Antennas, other than whip antennas, located on the roof of an existing
6 building shall comply with the following development standards:

7 **(A) Height:**

8 **(i)** If the building is located in a residential zone or mixed-use zone, the
9 antenna shall extend no higher than ten feet above the point of
10 attachment to the building; or

11 **(ii)** If the antenna is located in any zone other than a residential zone or
12 mixed-use zone, the antenna shall extend no higher than thirty feet
13 above the point of attachment to the building.

14 **(B) Screening:** Antennas shall be screened from the right-of-way and
15 adjacent properties by placement behind a parapet or other architectural
16 feature, including, but not limited to, dormers, chimneys, clocks, or bell
17 towers, or shall be made of non-reflective material and painted to match
18 the building or existing antennas, whichever results in the new antennas
19 being less visible.

20 **(2)** Whip antennas located on the roof of a building shall comply with the
21 following development standards:

22 **(A) Height.** Whip antennas shall extend no higher than fifteen feet above
23 the building.

24 **(B) Surface and Coloration.** Whip antennas shall be made of non-
25 reflective material and designed to match any existing whip antennas on
26 the building.

27 **(3)** Antennas attached to the side of a building or the edge of the roof of a
28 building shall comply with the following development standards:

29 **(A) Height.** Antennas shall extend no higher than ten feet above the
30 point of attachment to the building.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building; or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure's physical integrity.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) **Utility structures outside right-of-way.** Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) **Utility structures in right-of-way.**

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

(5) **Surface and Coloration.** Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility

1 structure so as to minimize visual impact as much as reasonably possible.

2 **(6) Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
3 antennas shall not be lighted.

4 **703.050. Auxiliary Support Equipment Development Standards.**

5 **(a) Screening.**

6 **(1) Equipment Associated with Support Towers.** Above-ground auxiliary
7 support equipment associated with a support tower shall be located inside the 6-
8 foot-high sight-obscuring fence or wall that complies with 703.070(c).

9 **(2) Equipment Associated with Antennas on Existing Buildings.** Auxiliary
10 support equipment shall be located within or on top of the building or screened
11 from the right-of-way and adjacent properties to the greatest extent practicable.
12 Examples: within an underground vault, behind landscaping or a sight-
13 obscuring fence, within an architectural element, or concealed to resemble a
14 natural object such as a boulder.

15 **(3) Equipment Associated with Antennas on Support Structures Other**
16 **than Existing Buildings.** Any auxiliary support equipment on support
17 structures other than existing buildings must be screened from the right-of-way
18 and adjacent properties and located within the support structure's footprint to
19 the greatest extent practicable. Examples: placing the equipment within the
20 interior of an adjacent building or structure, within an underground vault,
21 behind landscaping or a sight-obscuring fence, or within an architectural
22 element, or concealed to resemble a natural object such as a boulder.

23 **(4) Equipment Associated with Antennas on Utility Structures.**

24 **(A) Equipment installed in right-of-way.** Any auxiliary support
25 equipment associated with one or more antennas on a utility structure and
26 not installed on the utility structure shall be installed within an underground
27 vault or in not more than one above-ground cabinet with a combined height
28 plus width plus depth no greater than 120 lineal inches.

29 **(B) Equipment installed outside right-of-way.** Any auxiliary support
30 equipment installed outside right of way shall be screened from the right-of-

1 way and adjacent properties. Examples: placing the equipment within the
2 interior of an adjacent building or structure, within an underground vault,
3 behind landscaping or a sight-obscuring fence, or within an architectural
4 element, or concealed to resemble a natural object such as a boulder.

5 **(C) Equipment attached to a utility structure.** Equipment, other than
6 optical fibers, wires or cables, attached to a utility structure shall:

7 (i) Project no more than eighteen inches from the surface of the utility
8 structure;

9 (ii) Be less than or equal to twenty-four inches in height;

10 (iii) Be mounted a minimum of fifteen feet above ground level on a
11 utility structure located in right-of-way between the sidewalk and the
12 street improvement or a minimum of ten feet above ground level on a
13 utility structure located in right-of-way between the sidewalk and the
14 property line abutting the right-of-way or a minimum of ten feet above
15 ground level on a utility structure located outside right-of-way.

16 **(b) Setbacks.** Auxiliary support equipment installed above ground and outside
17 right-of-way shall be set back from all property lines according to the applicable
18 standards in the underlying zone.

19 **(c) Vision Clearance.** Auxiliary support equipment installed above ground shall
20 meet the vision clearance area requirements of SRC 76.170.

21 **(d) External cables and wires.** All external cables and wires for auxiliary support
22 equipment shall be placed in conduit or painted to match the tower, building,
23 support structure, or utility structure, as applicable.

24 **(e) Coloration.**

25 **(1) Equipment Associated with Support Towers and Support Structures.**

26 All auxiliary support equipment shall be non-reflective and shall be painted
27 natural earth or leaf tones or otherwise colored or surfaced so as to blend with
28 the surrounding environment.

29 **(2) Equipment Associated with Utility Structures.** Equipment installed on a
30 utility structure shall be non-reflective and painted, coated or given a surface

1 application that is identical to the color and surface texture of the utility
2 structure. Other equipment shall be non-reflective and painted natural earth or
3 leaf tones or otherwise colored or surfaced so as to blend with the surrounding
4 environment.

5 **(f) Lighting.** Motion detecting security lighting is allowed for auxiliary support
6 equipment, but shall be the minimum necessary to secure the auxiliary support
7 equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
8 measured directly beneath the security lighting, at ground level, and shall be
9 shielded to prevent direct light from falling on adjacent properties.

10 **(g) Undergrounding Required.** Auxiliary support equipment installed in right-of-
11 way in a historic district or in right-of-way adjacent to a historic district or historic
12 resource or in right-of-way where all other utilities are required to be placed
13 underground shall be placed underground.

14 **703.060. Replacement Utility Structure Development Standards.**

15 **(a) Height.**

16 **(1) Outside Right-of-Way.**

17 **(A)** Outside right-of-way, an existing utility structure may be replaced with
18 a replacement structure that is taller than the existing utility structure,
19 provided that the combined height of a replacement structure, antenna
20 mounting device, and antennae does not exceed the maximum height for a
21 structure in the zone.

22 **(B) Skipped poles.** Outside right-of-way, a skipped pole may be replaced
23 with a pole of the same height as the adjacent taller poles, provided that the
24 combined height of a replacement structure, antenna mounting device, and
25 antennae does not exceed the maximum height for a structure in the zone.

26 **(2) Inside Right-of-Way.**

27 **(A)** Inside right-of-way, an original utility structure may be replaced with a
28 replacement utility structure that is taller than the original structure,
29 provided that the combined height of a replacement structure, antenna
30 mounting device, and antennae is no greater than:

- (i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy-three feet for a replacement structure on a major arterial;
- (iii) Sixty-three feet for a replacement structure on a minor arterial; or
- (iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be ~~no greater in width than~~ at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
NCMU	35 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) **Setbacks.** The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

(c) **Screening.** Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the

1 outside perimeter except as required to access the facility. The landscaped area
2 shall be planted with one plant unit per twenty square feet of yard area. The
3 landscaping shall conform to the following requirements of SRC 132:

- 4 (1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
- 5 (2) SRC 132.150 (Standards for Landscaping Materials);
- 6 (3) SRC 132.160 (Installation);
- 7 (4) SRC 132.170 (Maintenance);
- 8 (5) SRC 132.180 (Compliance/Performance Assurance);
- 9 (6) SRC 132.190 (Irrigation);
- 10 (7) SRC 132.200 (Open Space);
- 11 (8) SRC 132.210 (Street Trees); and
- 12 (9) SRC Table 132-3 (Plant Unit Definition).

13 **(d) Surface and Coloration.** Support towers shall be non-reflective, and shall be
14 painted natural earth or leaf tones or otherwise colored or surfaced so as to blend
15 with the surrounding environment.

16 **(e) Design Standards.** The following additional design standards shall apply to
17 support towers in all residential zones, mixed-use zones, CO zones, or PC zones;
18 and to support towers located within three hundred feet of all residential zones,
19 mixed-use zones, CO zones or PC zones:

- 20 (1) The support tower shall be designed to resemble an object that would
21 commonly be found in the area and that would be permitted in the zone,
22 including, but not limited to a tree that is a native conifer species, a flag or light
23 pole, a clock or bell tower, or a silo.
- 24 (2) The object chosen shall be appropriate to the context of surrounding
25 environment, both natural and man-made.
- 26 (3) The physical dimensions of the support tower shall have proportions that
27 are similar in scale to the natural or manmade object.
- 28 (4) To the greatest extent possible, the antennas shall not be easily recognized.

29 **(f) External cables and wires.** All external cables and wires shall be placed in
30 conduit or painted to match the support tower.

1 (g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
2 support towers shall not be lighted.

3 (h) **Collocation.**

4 (1) Support towers one hundred feet in height or higher shall be designed to
5 provide for attachment or collocation of at least two future antenna systems, in
6 a manner that will accommodate the additional antenna systems without a need
7 to increase the height or base diameter of the support tower.

8 (2) Support towers between fifty feet and one hundred feet in height shall be
9 designed to provide for attachment or collocation of at least one future antenna
10 system, in a manner that will accommodate the additional antenna system
11 without a need to increase the height or base diameter of the support tower.

12 (i) **Access.**

13 (1) Where a support tower is adjacent to a local street and a collector or arterial
14 street, access to the support tower shall be from the local street, subject to all
15 applicable access standards.

16 (2) Access to the support tower shall be oriented away from existing dwellings,
17 and any property zoned residential or mixed use.

18 **703.080. Conditions.** Every wireless communications facility siting permit shall be subject
19 to the following conditions:

20 (a) An obsolete wireless communications facility shall be removed by the owner
21 within six months of the date the facility ceases to be operational.

22 (b) All wireless communications facilities shall be operated and maintained in
23 compliance with all radio frequency emission standards specified by the Federal
24 Communications Commission.

25 (c) All wireless communications facilities shall be installed and maintained in
26 accordance with applicable federal, state, and local laws.

27 (d) All wireless communications facilities shall allow for the attachment or
28 collocation of additional facilities to the greatest extent possible, unless such
29 attachment or collocation interferes with the owner's wireless communications
30 facilities, jeopardizes the physical integrity of a structure with which a wireless

1 communications facility is associated, or the owner refuses to consent to the
2 attachment or collocation of additional wireless communications facilities.

3 (e) Vegetation that is either removed or destroyed as a result of construction shall
4 be replanted with appropriate plant materials as prescribed in SRC 132.200.

5 (f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
6 approval from the City Engineer.

7 (g) After construction, maintenance or repair of any wireless communications
8 facility, an owner shall leave any right-of-way disturbed by such activity in as good
9 or better condition than it was before the commencement of such work. The owner
10 shall promptly complete restoration work and promptly repair any damage caused
11 by such work at its sole cost and expense. When any opening or cut is made by the
12 owner in the pavement of right-of-way, the owner must promptly refill the opening
13 or cut, and restore the surface to a condition satisfactory to the City Engineer, in
14 accordance with public works construction standards.

15 (h) Prior to performing any excavation in right-of-way to underground any
16 auxiliary support equipment, all necessary city permits shall be obtained and all
17 appropriate notice given to any franchisees, licensees and grantees, other city
18 departments, and other governmental units that own or maintain facilities which
19 may be affected by the excavation.

20 (i) All undergrounding and excavation work must comply with the Oregon Utility
21 Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
22 promulgated thereunder.

23 (j) All excavations made by an owner in right-of-way shall be properly safeguarded
24 for the prevention of accidents and must be done in compliance with all applicable
25 federal, state, and local laws and regulations.

26 (k) Except for short or temporary durations during testing or during operation in
27 emergency situations, noise generating equipment associated with wireless
28 communications facilities shall not produce sound levels in excess of standards
29 established in SRC Chapter 93.
30

1 **703.090. Wireless Communications Facilities Adjustment.**

2 **(a) Applicability.** Except as otherwise provided in this Chapter, no wireless
3 communications facility shall be used or developed contrary to any applicable
4 development standard unless an adjustment has been granted pursuant to this
5 Chapter. These provisions apply exclusively to wireless communications facilities,
6 and are in lieu of the generally applicable adjustment provisions under SRC 250.

7 **(b) Procedure Type.** A wireless communications facility adjustment is a Type II
8 procedure under SRC Chapter 300.

9 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type
10 II application under SRC Chapter 300, an application for a wireless
11 communications facility adjustment shall include:

12 **(1)** A written statement demonstrating how the adjustment would meet the
13 criteria.

14 **(2)** A site plan that includes:

15 **(A)** Description of the proposed siting's design and dimensions, as it would
16 appear with and without the adjustment.

17 **(B)** Elevations showing all components of the wireless communications
18 facility, and its connection to utilities, as it would appear with and without
19 the adjustment.

20 **(C)** Color simulations of the wireless communications facility after
21 construction demonstrating compatibility with the vicinity, as it would
22 appear with and without the adjustment.

23 **(d) Criteria.** An application for a wireless communications facility adjustment
24 shall be granted if the following criteria are met:

25 **(1)** The adjustment is consistent with the purpose of the development standard
26 for which the adjustment is sought.

27 **(2)** Based on a visual analysis, the design minimizes the visual impacts to
28 residential zones through mitigating measures, including, but not limited to,
29 building heights, bulk, color, and landscaping.

30 **(3)** The owner demonstrates the existence of either of the following:

1 succeeding six months after the expiration of the initial permit.

2 **(b) Third-party review and associated fees.** Notwithstanding any other
3 provisions of the Salem Revised Code, the City Council may establish fees in
4 amounts sufficient to recover all of the City's costs ~~in~~ *including* retaining
5 consultants to review and evaluate evidence offered as part of an application
6 submitted under this Chapter for an adjustment or for a new support tower in a
7 residential zone, public zone, mixed-use zone, or overlay zone or for a new support
8 tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay
9 zone. The City may impose a third-party review fee to obtain the services of an
10 engineer to review the owner's findings.

11 **(c) Issuance of Building Permit.** No building permit shall be issued for the
12 construction of a wireless communications facility until the application for the
13 specific type of siting has been approved, including any local appeal.

14 **(d)** Nothing in this Chapter shall be deemed to prohibit a public utility from
15 installing or constructing a new utility structure, or enlarging, expanding, or
16 reconstructing an existing utility structure in public right-of-way, if the installation,
17 construction, enlargement, expansion, or reconstruction of the utility structure
18 would otherwise be permitted under law and the utility can demonstrate that the
19 need for the new utility structure is not related to or created by a wireless
20 communications facility.

21 **(e) Removal for discontinuance of service.** Any wireless communications
22 facility that has not provided service for six months is deemed a nuisance and is
23 subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or
24 attached wireless communications facility shall be removed by the facility owner
25 within six months of the date it ceases to be operational or if it falls into disrepair.

26 **(f) Relocation.**

- 27 (1) The City has the right to require changes in the location of wireless
28 communications facilities in rights-of-way when the public convenience
29 requires such change, and the expense thereof shall be paid solely by the owner.
30 (2) Prior to requiring relocation, the City will provide the owner with notice

1 substantially similar to that given to franchisees, licensees, or grantees.

2 (3) Should an owner fail to remove or relocate the wireless communications
3 facility by the date stated in the notice, the City may cause removal or relocation
4 of the wireless communications facility, and the expense thereof shall be paid
5 by the owner, including all expenses incurred by the City due to the owner's
6 failure to remove or relocate the wireless communications facility.

7 (4) If an owner must relocate its wireless communications facility in rights-of-
8 way as the result of a request by the City, the City will make a reasonable effort
9 to provide the owner with an alternate location for the relocated facility.

10 (g) **Measurements.** Unless otherwise specified in this Chapter, all references to
11 the existing or allowed height of a structure in this Chapter are measured from the
12 original grade at the base of the wireless communications facility to the highest
13 point on the wireless communications facility, including all antennas and excluding
14 any lightning rods.

15 **Section 2.** The following SRC 143A.075 is hereby added to SRC Chapter 143A:

16 **143A.075. Wireless Communications Facilities.** Wireless Communications Facilities are
17 allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

18 **Section 3.** The following SRC 143B.065 is hereby added to SRC Chapter 143B:

19 **143B.065. Wireless Communications Facilities.** Wireless Communications Facilities are
20 allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

21 **Section 4.** The following SRC 143E.055 is hereby added to SRC Chapter 143E:

22 **143E.055. Wireless Communications Facilities.** Wireless Communications Facilities are
23 allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

24 **Section 5.** The following SRC 144.045 is hereby added to SRC Chapter 144:

25 **144.045. Wireless Communications Facilities.** Wireless Communications Facilities are
26 allowed in the EFU district, subject to SRC Chapter 703.

27 **Section 6.** The following SRC 145.045 is hereby added to SRC Chapter 145:

28 **145.045. Wireless Communications Facilities.** Wireless Communications Facilities are
29 allowed in the RA district, subject to SRC Chapter 703.
30

1 **Section 7.** The following SRC 146.045 is hereby added to SRC Chapter 146:
2 **146.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the RS district, subject to SRC Chapter 703.

4 **Section 8.** The following SRC 147.045 is hereby added to SRC Chapter 147:
5 **147.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the RD district, subject to SRC Chapter 703.

7 **Section 9.** The following SRC 148.195 is hereby added to SRC Chapter 148:
8 **148.195. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the RM1 district, subject to SRC Chapter 703.

10 **Section 10.** The following SRC 148.345 is hereby added to SRC Chapter 148:
11 **148.345. RM2 Wireless Communications Facilities.** Wireless Communications Facilities
12 are allowed in the RM2 district, subject to SRC Chapter 703.

13 **Section 11.** The following SRC 149.045 is hereby added to SRC Chapter 149:
14 **149.045. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the RH district, subject to SRC Chapter 703.

16 **Section 12.** The following SRC 150.045 is hereby added to SRC Chapter 150:
17 **150.045. Wireless Communications Facilities.** Wireless Communications Facilities are
18 allowed in the CO district, subject to SRC Chapter 703.

19 **Section 13.** The following SRC 151.045 is hereby added to SRC Chapter 151:
20 **151.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the CN district, subject to SRC Chapter 703.

22 **Section 14.** The following SRC 152.045 is hereby added to SRC Chapter 152:
23 **152.045. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the CR district, subject to SRC Chapter 703.

25 **Section 15.** The following SRC 153.045 is hereby added to SRC Chapter 153:
26 **153.045. Wireless Communications Facilities.** Wireless Communications Facilities are
27 allowed in the CG district, subject to SRC Chapter 703.

28 **Section 16.** The following SRC 154.045 is hereby added to SRC Chapter 154:
29 **154.045. Wireless Communications Facilities.** Wireless Communications Facilities are
30 allowed in the CB district, subject to SRC Chapter 703.

1 **Section 17.** The following SRC 155.045 is hereby added to SRC Chapter 155:

2 **155.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the IC district, subject to SRC Chapter 703.

4 **Section 18.** The following SRC 156.045 is hereby added SRC Chapter 156:

5 **156.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the IBC district, subject to SRC Chapter 703.

7 **Section 19.** The following SRC 157.045 is hereby added to SRC Chapter 157:

8 **157.045. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the IP district, subject to SRC Chapter 703.

10 **Section 20.** The following SRC 158.045 is hereby added to SRC Chapter 158:

11 **158.045. Wireless Communications Facilities.** Wireless Communications Facilities are
12 allowed in the IG district, subject to SRC Chapter 703.

13 **Section 21.** The following SRC 159.045 is hereby added to SRC Chapter 159:

14 **159.045. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the II district, subject to SRC Chapter 703.

16 **Section 22.** The following SRC 160.125 is hereby added to SRC Chapter 160:

17 **160.125. Wireless Communications Facilities.** Wireless Communications Facilities are
18 allowed in the P district, subject to SRC Chapter 703.

19 **Section 23.** The following SRC 161.045 is hereby added to SRC Chapter 161:

20 **161.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the EC Zone, subject to SRC Chapter 703.

22 **Section 24.** The following SRC 162.065 is hereby added to SRC Chapter 162:

23 **162.065. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the SWMU Zone, subject to SRC Chapter 703.

25 **Section 25.** SRC 111.020 is amended to read as follows:

26 **111.020. "A" Definitions.**

27 (a) Abut means to be contiguous at some point.

28 (b) Accessory building, structure, or use means a building, structure, or use which
29 is incidental and subordinate to and dependent upon the main use on the same
30 premises.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (c) Adjacent means near or close, but not necessarily contiguous with.
- (d) Adjoin means to abut.
- (e) Administrative body means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.
- (f) Administrator or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.
- (g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.
- (h) Adult Day Care Home (ADCH) means the residence of an adult day care provider for 5 or fewer individuals meeting the definition of Adult Day Care.
- (i) Adult Day Care Center (ADCC) means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.
- (j) Alley means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.
- (k) Ambulance Service Facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.
- (l) Ambulance Station means a building or a specific portion of a building or development that is utilized for the housing of on-call emergency medical ambulance personnel.
- (m) Antenna means ~~the specific device the surface of which is used to capture an incoming and/or transmit an outgoing radio frequency signal from wireless communication facilities. Antennas include the following types:~~

1 ~~(1) Omni-Direction ("whip") Antenna~~ receives and transmits signals in a
2 360 degree pattern.

3 ~~(2) Directional or Parabolic ("panel" or "disk") Antenna~~ receives and
4 transmits signals in a directional pattern typically encompassing an arc of 120
5 degrees. The term "antenna" shall not include ~~Ancillary Antenna~~ which are
6 antennas less than 12 inches in its largest dimension and are not directly used
7 to provide personal wireless communications services. An example would be
8 a global positioning satellite (GPS) antenna

9 any pole, panel rod, reflection disc, or similar device used for the transmission or
10 reception of radio frequency signals, including, but not limited to omni-directional
11 antenna (whip), directional antenna (panel), micro cell, and parabolic antenna
12 (dish). Antenna does not include support structures, utility structures, or support
13 towers.

14 (n) Apartment means a court apartment, or a dwelling unit in an apartment house.

15 (o) Apartment house means any building, or portion thereof, which is designed,
16 built, rented, leased, let or hired out to be occupied, or which is occupied as the
17 home or residence of three or more families living independently of each other and
18 doing their own cooking in the said building; or a building in condominium
19 ownership containing three or more dwelling units.

20 (p) Approved means approved by the administrator or other administrative body or
21 official specifically given jurisdiction to grant such approval.

22 **Section 26.** SRC 111.040 is amended to read as follows:

23 **111.040. "C" Definitions.**

24 (a) Carport means a permanent structure which is not totally enclosed on two or
25 more sides, and which is used or intended for the parking of motor vehicles.

26 (b) Children or child means a human being under 13 years of age.

27 (c) City or City of Salem means the City of Salem, an Oregon municipal
28 corporation.

29 (d) City business day means a day other than a Saturday, Sunday, or holiday,
30 during which the City's administrative offices are open for the transaction of regular

1 and routine business. A City business day begins at 8:00 a.m. and closes, unless
2 otherwise 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~~ mounting or installation of an antenna on an
11 existing support structure, utility structure, or support tower for the purpose of
12 transmitting and/or receiving radio frequency signals for communications purposes.

13 (i) Commission means the Salem Planning Commission, created by SRC Chapter
14 6.

15 (j) Contiguity means the state of being contiguous.

16 (k) Contiguous means touching along a boundary or point. Two or more lots or
17 parcels that are under common ownership and are separated by a public right-of-
18 way shall not be considered contiguous.

19 (l) Complex means a building or group of buildings, and their accessory buildings
20 and structures, all under common ownership, condominium ownership, or common
21 management, and housing an integrated development of industrial uses, commercial
22 uses, public uses, residential uses, or combinations thereof.

23 (m) Compliance period means the period prescribed in this zoning code or by the
24 decision on a land use action within which all conditions precedent must be met.

25 (n) Comprehensive plan means the officially adopted Salem Area Comprehensive
26 Plan, including all components thereof adopted by reference or otherwise lawfully
27 incorporated as parts thereof.

28 (o) Conditional use means any use which is permitted in a particular zoning district
29 only after review and approval as provided in SRC Chapter 240 or 118, and
30 includes where not excepted, "nonconforming" conditional uses and development

1 requiring conditional use review pursuant to SRC Chapter 270. See specific
2 conditional use.

3 **(p)** Condition precedent means any condition upon the use or development of
4 property imposed by this zoning code or a decision on a land use action which must
5 be met prior to an unqualified right vesting in the development, use, or continued
6 use of a building, structure or premises. With respect to conditional zone changes it
7 means any condition imposed in a conditional zone change declaration which must
8 be met prior to issuance of a conditional zone change order.

9 **(q)** Corner lot means a lot having two or more adjacent front lot lines in which the
10 interior angle formed by the extensions of the front lot lines in the direction which
11 they take at their intersections with the side lot lines forms an angle of 135 degrees
12 or less. In the event a street front lot line is a curve at its point of intersection with a
13 side lot line, the tangent to the curve at that point shall be considered the direction
14 of the front lot line.

15 **(r)** Cottage Housing means a development consisting of at least two or more
16 attached and/or detached dwelling units on one lot as a legal nonconforming use as
17 of May 15, 1979.

18 **(s)** Council means the council of the City of Salem, Oregon.

19 **(t)** Court apartment is a dwelling unit which is one of three or more dwelling units
20 contained in two or more buildings on the same lot, and which is designed, built,
21 rented, leased, let, or hired out to be occupied, or which is occupied by a family
22 which does not include an owner of the apartment; or which is a condominium unit
23 in a complex containing three or more dwelling units in two or more buildings.

24 **(u)** CSDP (Central Salem Development Program) area means that area of the city
25 within the following boundaries: Beginning at the SE corner of 12th Street SE and
26 Mission Street SE in Section 27 Township 7 South Range 3 West in Marion
27 County, Oregon; Thence Northerly along the East line of 12th Street SE to its
28 intersection with the East Right-of-Way line of the Southern Pacific Railroad;
29 Thence continuing Northerly along said East line of Railroad to the North side of
30 "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West

1 Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
2 the North side of Market Street NE; Thence Easterly along the North side of Market
3 Street NE to an Alley running between Fifth Street NE and Church Street NE;
4 Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
5 Easterly along the North side of Gaines Street to the West side of Church Street NE;
6 Thence Northerly along the West Side of Church Street to the North line of an
7 Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
8 along the North side of Said Alley to the East bank of the Willamette River; Thence
9 Southerly along the East Bank of the Willamette River and Willamette Slough to
10 the Westerly projection of the South line of Mission Street SE; Thence running
11 Easterly along the South side of Mission Street SE to the Place of Beginning.

12 **Section 27.** SRC 111.060 is amended to read as follows:

13 **111.060. "E" Definitions.**

14 (a) Employees means all persons, including proprietors, performing work on a
15 premises during the largest shift at peak season.

16 ~~(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to~~
17 ~~house and protect the electronic equipment necessary for processing wireless~~
18 ~~communications signals. Associated equipment may include air conditioning and~~
19 ~~emergency generators.~~

20 ~~(eb)~~ Existing Wildlife Rehabilitation Facility means any building, structure, or land
21 which meets the standards set forth in SRC 119.080 and is occupied or being used
22 by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and
23 Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

24 **Section 28.** SRC 111.070 is amended to read as follows:

25 **111.070. "F" Definitions.**

26 (a) Family means an individual or two or more persons related by blood or
27 marriage, or a group of not more than five persons (excluding servants) who need
28 not be related by blood or marriage, living together in a dwelling unit. Family shall
29 include two or more handicapped persons as defined in the Fair Housing
30 Amendments Act of 1988 living as a single housekeeping unit.

1 (b) Farm use means the current employment of land for the purpose of obtaining a
2 profit in money by raising, harvesting and selling crops or the feeding, breeding,
3 management and sale of, or the produce of, livestock, or for dairying and the sale of
4 dairy products or any other agricultural or horticultural use or animal husbandry or
5 any combination thereof. "Farm use" includes the preparation and storage of the
6 products raised on such land for human use and animal use and disposal by
7 marketing or otherwise. "Farm use" also includes the propagation, cultivation,
8 maintenance and harvesting of aquatic species. It does not include the use of land
9 subject to the provisions of ORS Chapter 321, except land used exclusively for
10 growing cultured Christmas trees as defined in ORS 215.203(3). "Current
11 employment" shall be as defined in ORS 215.203(2)(b).

12 (c) Fence means an unroofed structure used as an enclosure, barrier, or restriction
13 to light, sight, air, or passage.

14 (d) Final decision means a decision by the council, or a decision by any other
15 administrative body after the applicable appeal and review periods have expired.

16 (e) Fish habitat enhancement means the addition or modification of aquatic habitat
17 components whose absence, scarcity, or condition has been determined by the city
18 to limit fish presence or abundance in the immediate project area, specific stream
19 corridor or watershed.

20 (f) Floor area means the area included within the surrounding exterior walls of a
21 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
22 structure or portion thereof not provided with surrounding exterior walls shall be
23 the usable area under the horizontal projection of the roof or floor above.

24 ~~(g) Freestanding Support Structure means the structure to which antenna and other~~
25 ~~necessary associated hardware is mounted. Freestanding support structures include,~~
26 ~~but are not limited to, lattice towers, and monopoles. For the purposes of this code,~~
27 ~~the terms "monopole" and "freestanding support structure" are used~~
28 ~~interchangeably.~~

29 (hg) Frontage means that portion of a parcel of real property which abuts a public
30 street, whether or not access to the property is accorded thereby, and whether or not

1 a building or structure faces the street frontage. In context, coupled with the term
2 "alley" "frontage" has the same meaning with respect to an abutting alley.

3 **(ih)** Front lot line. See "lot line, front."

4 **Section 29.** SRC 111.130 is amended to read as follows:

5 **111.130. "L" Definitions.**

6 **(a)** Land use action means a zone change, conditional zone change, variance,
7 adjustment, conditional use approval, specific conditional use approval, planned
8 unit development approval at any stage requiring commission or council action, or
9 any other action requiring discretionary review by an administrative body, including
10 appeals from any of the foregoing.

11 **(b)** Land use proceeding means a proceeding on a zone change, variance,
12 adjustment, conditional use, specific conditional use, or planned unit development
13 application; a council or commission initiated zone change proceeding; a
14 proceeding to designate zoning classifications for a newly annexed area; or any
15 other proceeding which will result in a land use action unless dismissed.

16 **(c)** Landscaped means primarily devoted to the planting and preservation of trees,
17 shrubs, lawn and other organic ground cover, together with other natural or artificial
18 supplements to that primary use such as watercourses, ponds, fountains, decorative
19 lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways,
20 sculpture, trellises, and screens.

21 **(d)** Lattice Tower means a wireless communications facility ~~freestanding-support~~
22 ~~structure-tower~~ which consists of a network of crossed metal braces, forming a
23 tower which is usually triangular or square in cross-section.

24 **(e)** Livestock means:

25 **(1)** One or more members of any species of cattle, swine, sheep, goat, horse or
26 other equine, llama, alpaca or related ruminant, or poultry, excluding chickens,
27 regardless of the purpose for which any of the foregoing may be kept; and

28 **(2)** Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for
29 sale of by-products, for livestock increase, or for value increase.
30

1 (f) Loading space means an off-street space or bay on the same lot or parcel with a
2 building or complex for the parking of a vehicle while loading or unloading
3 passengers or cargo.

4 (g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or
5 contiguous unit of lots or other parcels under common or condominium ownership,
6 common life estate, or subject to a common leasehold for a term of at least 99 years.

7 (h) Lot area means the area in square feet or acres (43,560 square feet equals one
8 acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

9 (i) Lot coverage means the percentage of lot area covered by structures other than
10 fences or by other structures no point of which is more than three feet above grade.

11 (j) Lot depth means the horizontal distance between the front and rear lot lines
12 measured at a point halfway between the side lot lines.

13 (k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

14 (l) Lot, interior means any lot other than a corner lot.

15 (m) Lot line means one of the property lines forming the exterior boundaries of a
16 lot; and includes a condominium unit ownership line where the underlying real
17 property is included in a unit.

18 (n) Lot line, front means:

19 (1) In the case of any lot having a front lot line designated pursuant to SRC
20 63.145(e), the line so designated;

21 (2) In the case of an interior lot having only one street frontage, the lot line
22 separating the lot from the street right-of-way; and

23 (3) In the case of any lot not covered by paragraphs (1) or (2) of this
24 subsection, the lot line which the architecturally designed front of the building
25 faces.

26 (o) Lot line, interior means a lot line which is not adjacent to a street.

27 (p) Lot line, rear means:

28 (1) In the case of any lot having a rear lot line designated or determinable under
29 SRC 63.145(g), the lot line so designated or determined; and

30 (2) In the case of any other lot, the lot line opposite and most distant from the

1 front lot line.

2 (q) Lot line, side means any lot line which is not a front or rear lot line.

3 (r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

4 (s) Lot width means the horizontal distance between the side lot lines measured at
5 right angles to the lot depth at a point halfway between the front and rear lot lines.

6 **Section 30.** SRC 111.140 is amended to read as follows:

7 **111.140. "M" Definitions.**

8 (a) Manufactured dwelling means:

9 (1) Residential trailer, a structure constructed for movement on the public
10 highways that has sleeping, cooking and plumbing facilities, that is intended for
11 human occupancy, that is being used for residential purposes and that was
12 constructed before January 1, 1962.

13 (2) Mobile home, a structure constructed for movement on the public highways
14 that has sleeping, cooking and plumbing facilities, that is intended for human
15 occupancy, that is being used for residential purposes and that was constructed
16 between January 1, 1962, and June 15, 1976, and met the construction
17 requirements of Oregon mobile home law in effect at the time of construction.

18 (3) Manufactured home, a structure constructed for movement on the public
19 highways that has sleeping, cooking and plumbing facilities, that is intended for
20 human occupancy, that is being used for residential purposes and that was
21 constructed after June 15, 1976 and in accordance with federal manufactured
22 housing construction and safety standards and regulations in effect at the time of
23 construction.

24 "Manufactured dwelling" does not mean any building or structure constructed
25 to conform to the State of Oregon Structural Specialty Code or the One and
26 Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and
27 455.610 to 455.630 or any unit identified as a recreational vehicle by the
28 manufacturer.

29 (b) Manufactured dwelling park means any place where four or more manufactured
30 dwellings are located within 500 feet of one another on a lot, tract or parcel of land

1 under the same ownership, the primary purpose of which is to rent or lease space or
2 keep space for rent or lease to any person for a charge or fee paid or to be paid for
3 the rental or lease or use of facilities or to offer space free in connection with
4 securing the trade or patronage of such person. "Manufactured dwelling park" does
5 not include a lot or lots located within a subdivision being rented or leased for
6 occupancy by no more than one manufactured dwelling per lot if the subdivision
7 was approved pursuant to SRC Chapter 63.

8 (c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon
9 which is used for the purpose of preparing, processing or converting food for
10 immediate consumption as a drive-in, drive-through, curb or walk-up service. It
11 does not include a street vendor's cart as described in SRC 31.1055 or a peddler's
12 vehicle or conveyance described in SRC 31.180.

13 (d) Monopole means a wireless communications facility freestanding-support
14 structure tower which consists of a single pole sunk into the ground and/or attached
15 to a foundation.

16 **Section 31.** SRC 111.240 is amended to read as follows:

17 **111.240. "W" Definitions.**

18 (a) Wetland means an area that is inundated or saturated by surface water or
19 groundwater at a frequency and duration sufficient to support, and that under
20 normal circumstances does support, a prevalence of vegetation typically adapted for
21 life in saturated soil conditions.

22 (ORS196.800).

23 (b) Wetland restoration means to restore former wetlands, create new wetlands, or
24 enhance existing wetlands for the purpose of improving ecological or habitat
25 functions. Restoration means to reestablish wetland hydrology to a former wetland.
26 Creation means to successfully convert an area that has never been a wetland to
27 wetland conditions. Enhancement means the alteration and/or active management
28 of degraded wetlands for the sustainable recovery or improvement of lost or
29 degraded wetland functions and values.

30 (c) Wildlife shall have the meaning as defined under ORS Chapter 496.

1 (d) Wildlife rehabilitation means the restoration of an injured, sick, or immature
2 wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition
3 where it is capable of being released into the wild or, if incapable of survival on its
4 own, retained for educational purposes or transferred to an organization,
5 educational institution, museum, publicly funded zoo or other facility as determined
6 by the Oregon Department of Fish and Wildlife.

7 (e) Wildlife rehabilitator means any individual who is licensed as a Wildlife
8 Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife
9 rehabilitation.

10 (f) Wildlife Rehabilitation Facility means any building, structure, or land being
11 used for the purpose of wildlife rehabilitation.

12 (g) ~~Wireless Communication Facilities (WCF)~~ means an unstaffed facility for the
13 transmission and reception of radio or microwave signals used for commercial
14 communications. WCFs are composed of two or more of the following components:

15 (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security
16 Barrier. Wireless communications means any personal wireless services as defined
17 by the Federal Telecommunications Act of 1996, as amended, that currently exist or
18 that may be developed in the future, including but not limited to cellular, personal
19 communications services, specialized mobile radio, enhanced specialized mobile
20 radio, paging, similar Federal Communications Commission-licensed commercial
21 wireless telecommunications services, but excluding wireless telecommunications
22 services used exclusively for public health or safety purposes and wireless
23 communications services used exclusively by gas and electric utilities and
24 cooperative utilities for internal communications of an operational nature.

25 (h) Wireless communications facility means any unstaffed facility for the
26 transmission and/or reception of radio frequency signals for commercial wireless
27 communications purposes, including, but not limited to, auxiliary support
28 equipment; support towers or support structures, or utility structures used to achieve
29 the necessary elevation for the antenna; transmission and reception cabling and
30 devices; and all antennas or arrays; but excluding wireless telecommunications

1 services used exclusively for public health or safety purposes and wireless
2 communications services used exclusively by gas and electric utilities and
3 cooperative utilities for internal communications of an operational nature.

4 **Section 32.** SRC 130.210 is amended to read as follows:

5 **130.210. Height Exceptions.**

6 (a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and
7 monuments, none of which exceeds 185 feet in height, are exempt from all other
8 height restrictions provided they do not contain any rooms, offices, or other
9 habitable space, that the horizontal section does not exceed 625 square feet at the
10 top of the main building; and that the sum of the horizontal section of all such
11 projections at the height limit applicable to the building, structure, or land on which
12 they are located does not exceed 20 percent of the horizontal area of the roof of any
13 building on which they are situated.

14 (b) Radio, television, and microwave antennas and structures exclusively for their
15 support are exempt from all height restrictions.

16 (c) Mechanical penthouses, equipment, and appurtenances necessary to the
17 operation or maintenance of the building or structure itself, including ventilators,
18 plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar
19 energy, and window washing equipment, together with enclosures for any such
20 features are exempt from all other height restrictions provided they do not contain
21 any offices, restrooms, storage rooms, or habitable space; provided further that the
22 sum of the horizontal section of all such projections at the height limit applicable to
23 the building or structure on which they are located does not exceed 60 percent of
24 the horizontal area of the roof of the building on which they are situated; and finally
25 provided that no such device or enclosure projects more than 15 feet above the roof,
26 measured vertically from any point on the device or enclosure.

27 (d) Wireless communications facilities are subject to the provisions of SRC
28 Chapter 703.

29 (e) Utility structures located in public rights-of-way and not supporting wireless
30 communications facilities are exempt from the height restrictions of the underlying

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

zone.

Section 33. SRC 132.220 is amended to read as follows:

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:

(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.

1 (3) Using the applicable Buffer Category (A, B, C, D, or E), consult the
2 Screening and Buffering Standards Table 132-2 to determine the buffering and
3 screening requirements.

4 (4) As required by the Bufferyard and Screening Standards Table 132-2, fences
5 shall be sight-obscuring fences and walls shall be constructed of masonry, rock,
6 concrete, concrete block or other similar material.

7 (5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant
8 materials and the minimum size of the plant materials at planting time in order
9 to provide seventy-five (75) percent coverage of the required landscaped yard
10 within five years. A minimum of 40% of the required number of plant units
11 shall be a combination of significant trees, shade trees, evergreen/conifer trees,
12 or ornamental trees.

13 (d) Where two or more uses of differing impact as specified in the Buffer Matrix
14 (Table 132-1) are combined in one building, the Buffer Category shall be
15 determined by the use in the heaviest impact category.

16 (e) In the event a proposed use is not specifically designated in the Buffer Matrix,
17 Table 132-1, the Planning Administrator shall designate to which group the
18 proposed use is most similar in intensity or environmental impact.

19 (f) If the abutting existing use is a "nonconforming use" in the same comprehensive
20 plan designation, then the proposed use shall provide a Category "A" Bufferyard
21 plus a 6 foot fence or wall.

22 **Section 34.** SRC 133.100 is amended to read as follows:

23 **133.100. Off-street Vehicle Parking Requirements.**

24 (a) Except as otherwise specifically provided in this zoning code, off-street parking
25 spaces shall be provided in amounts not less than those set forth in Table 133-1.

26 (b) Off-street parking spaces shall not exceed 2.5 times the amount required under
27 Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such
28 amount is more than 20.

29 (c) For any proposed use not shown on Table 133-1, the administrator shall
30 determine the parking space requirement for the most nearly similar use listed in

1 Table 133-1 with regard to traffic generation, and render such determination as an
2 adjustment pursuant to SRC Chapter 250.

3 (d) The provisions of this section shall apply only to residential uses within the
4 boundaries of the Downtown Parking District created by SRC 7.010.

5 (e) The provisions of this section shall not apply to wireless communications
6 facilities.

7 **Section 35.** SRC 133.110 is amended to read as follows:

8 **133.110. General Bicycle Parking Requirement.** Bicycle parking shall be provided for all
9 new multiple family residential developments (4 units or more), commercial, industrial and
10 institutional uses, in the following manner:

11 (a) The minimum number of required bicycle parking spaces is listed in Table 133-
12 1.

13 (b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide
14 and provide a minimum four foot access aisle unless spaces are provided to store
15 the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-
16 section (c) of this section.

17 (c) Bicycle racks must accommodate using the bicyclist's own locking device.

18 (d) Bicycle parking shall be provided within a convenient distance of, and clearly
19 visible from the primary building entrance as determined by the City. Such parking
20 shall not be further than 50 feet from the public entrance to the building.

21 (e) Direct access to the public right-of-way, with access ramps if necessary, and
22 pedestrian access from the bicycle parking to the building entrance must be
23 provided.

24 (f) The following uses are exempted from the bicycle parking requirements:

25 (1) Seasonal uses, such as fireworks stands and Christmas tree sales;

26 (2) Drive-in theaters;

27 (3) Self-storage facilities;

28 (4) Wireless communications facilities.

29 **Section 36.** SRC 135.020 is amended to read as follows:

30 **135.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

1 (a) Change of use means making a different or more intense use of any building,
2 structure, or land than that which existed on November 1, 1989, and for which
3 permission may be required pursuant to this code. Change of use does not include
4 collocation, replacement, installation, modification, or construction of wireless
5 communications facilities.

6 (b) Develop or Development means to divide a parcel of land into two or more
7 parcels; the construction, reconstruction, structural alteration, relocation, or
8 enlargement of any industrial buildings; and extension of any use of land or any
9 clearing, grading, landscaping, curb cutting, or other use of land for which
10 permission may be required pursuant to this code. To "develop" does not include:

11 (1) Completion of a structure or use of land for which a valid permit has been
12 issued as of November 1, 1989, and under which substantial construction has
13 been undertaken by May 1, 1990;

14 (2) Maintenance and repair, usual and necessary for the continuance of an
15 existing use;

16 (3) Reasonable emergency procedures necessary for the safety or operation of
17 property;

18 (4) Interior remodeling and such exterior remodeling that does not increase
19 square footage of building, increase building height, or substantially alter the
20 appearance of the structure;

21 (5) Collocation, replacement, installation, modification, or construction of
22 wireless communications facilities.

23 **Section 37.** SRC 136.020 is amended to read as follows:

24 **136.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

25 (a) Change of use means making a different or more intense use of any building,
26 structure, or land than that which existed on March 1, 1996 and for which permission
27 may be required pursuant to this code. Change of use does not include collocation,
28 replacement, installation, modification, or construction of wireless communications
29 facilities.

30 (b) Develop or Development means to divide a parcel of land into two or more

1 parcels; the construction, reconstruction, structural alteration, relocation, or
2 enlargement of any buildings; any extension of any use of land or any clearing,
3 grading, landscaping, curb cutting, or other use of land for which permission may be
4 required pursuant to this code. To “develop” does not include:

- 5 (1) Completion of a structure or use of land for which a valid building permit
6 has been issued as of March 1, 1996;
- 7 (2) Maintenance and repair, usual and necessary for the continuance of an
8 existing use;
- 9 (3) Reasonable emergency procedures necessary for the safety or operation of
10 the property;
- 11 (4) Interior remodeling and such exterior remodeling that does not increase
12 square footage of building, increase building height, or substantially alter the
13 appearance of the structure;
- 14 (5) Collocation, replacement, installation, modification, or construction of
15 wireless communications facilities.

16 **Section 38.** SRC 137.020 is amended to read as follows:

17 **137.020. Definitions.**

18 (a) Abandonment, as it applies to industrial uses and structures in this Chapter,
19 means the cessation of the use or structure for a continuous period of one year or a
20 change of use or structure to a non-industrial use. Vacant property within the overlay
21 zone west of Commercial Street and designated industrial on December 1, 1998 shall
22 not be deemed abandoned and may be converted to industrial use.

23 (b) Change of use means making a different use of any building, structure or land
24 than which existed on December 1, 1998 and for which permission may be required
25 pursuant to this code. Change of use does not include collocation, replacement,
26 installation, modification, or construction of wireless communications facilities.

27 (c) Develop or Development means to divide a parcel of land into two or more
28 parcels; the construction, reconstruction, structural alteration, relocation, or
29 enlargement of any buildings; any extension of any use of land or any clearing,
30 grading, landscaping, curb cutting, or other use of land for which permission may be

1 required pursuant to this code. Develop or Development does not include:

- 2 (1) Completion of a structure or use of land for which a valid permit has been
- 3 issued and substantial construction undertaken by December 1, 1998;
- 4 (2) Maintenance and repair, usual and necessary for the continuance of an
- 5 existing use;
- 6 (3) Reasonable emergency procedures necessary for the safety or operation of
- 7 property;
- 8 (4) Interior remodeling and such exterior remodeling that does not increase
- 9 square footage of a building, increase building height, or alter the appearance of
- 10 a structure;
- 11 (5) Collocation, replacement, installation, modification, or construction of
- 12 wireless communications facilities.

13 (d) Drive through use means a business activity involving the buying and selling of
14 goods or the provision of services to a motorist customer or the customer's motor
15 vehicle and typically involving queuing lanes, service windows, service islands, and
16 service bays.

17 (e) Front means the portion of a building that faces a public right-of-way.

18 (f) Parking structure means a private or public garage with at least two levels of
19 parking whose principal use is intended for the temporary storage of motor vehicles.

20 (g) Primary building entrance means the principal pedestrian passage from a public
21 right-of-way into a building. A building may have more than one primary entrance.
22 Primary building entrance shall not include service or employee only entrances.

23 (h) Project means a single development built in a single phase. A project may
24 involve single or multiple buildings.

25 (i) Public right-of-way means property dedicated to the public for ingress and egress.

26 (j) Public street right-of-way means a public right-of-way improved with a road or
27 street.

28 (k) Side street means any public street that intersects Front Street within the
29 Riverfront Overlay Zone.

30

1 **Section 39.** SRC 138.020 is amended to read as follows:

2 **138.020. Definitions.**

3 (a) Change of use means making a different use of any building, structure or land
4 than which existed on December 1, 1998 and for which permission may be required
5 pursuant to this code. Change of use does not include collocation, replacement,
6 installation, modification, or construction of wireless communications facilities.

7 (b) Develop or Development means to divide a parcel of land into two or more
8 parcels; the construction, reconstruction, structural alteration, relocation, or
9 enlargement of any buildings; any extension of any use of land or any clearing,
10 grading, landscaping, curb cutting, or other use of land for which permission may be
11 required pursuant to this code. Develop or Development does not include:

12 (1) Completion of a structure or use of land for which a valid permit has been
13 issued and substantial construction undertaken by December 1, 1998.

14 (2) Maintenance and repair, usual and necessary for the continuance of an
15 existing use;

16 (3) Reasonable emergency procedures necessary for the safety or operation of
17 property;

18 (4) Interior remodeling and such exterior remodeling that does not increase
19 square footage of a building, increase building height, or alter the appearance of
20 a structure;

21 (5) Collocation, replacement, installation, modification, or construction of
22 wireless communications facilities.

23 (c) Drive through use means a business activity involving the buying and selling of
24 goods or the provision of services to a motorist customer or the customer's vehicle
25 and typically involving queuing lanes, service windows, service islands, and service
26 bays for vehicular use.

27 (d) Parking structure means a private or public garage with at least two levels of
28 parking whose principal use is intended for the temporary storage of motor vehicles.

29 (e) Primary building entrance means the principal pedestrian passage from a public
30 right-of-way into a building. A building may have more than one primary entrance.

1 (f) Project means a single development built in a single phase. A project may involve
2 single or multiple buildings.

3 (g) Public right-of-way means a public right-of-way improved with a road or street.

4 (h) Side street means within the Broadway/High Street Overlay Zone, any public
5 street that intersects Broadway Street.

6 **Section 40.** SRC 139.040 is amended to read as follows:

7 **139.040. Permitted Uses.** The following uses are permitted in the compact development
8 overlay district:

9 (a) Any permitted, special, ~~administrative conditional use, or conditional, or allowed~~
10 wireless communications facilities uses allowed in the RS, (Single Family
11 Residential) district.

12 (b) Any combination of single family detached, duplex or triplex units, up to a
13 maximum of three (3) units on a lot subject to the per lot density requirements of SRC
14 139.060 and the development design guidelines or standards contained in the City of
15 Salem Development Design Handbook. Three or more units on a lot shall also
16 comply with SRC 139.150.

17 (c) Townhouses on individual lots subject to the per lot density requirements of SRC
18 139.060 and the development design guidelines or standards contained in the
19 Development Design Handbook.

20 **Section 41.** SRC 142.020 is amended to read as follows:

21 **142.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

22 (a) Change of use means making a different or more intense use of any building,
23 structure, or land than that which existed on August 26, 1987, and for which
24 permission may be required pursuant to this code. Change of use does not include
25 collocation, replacement, installation, modification, or construction of wireless
26 communications facilities.

27 (b) Develop or Development means to divide a parcel of land into two or more
28 parcels; the construction, reconstruction, structural alteration, relocation, or
29 enlargement of any commercial buildings; any extension of any use of land or any
30 clearing, grading, landscaping, curb cutting, or other use of land for which permission

1 may be required pursuant to this code. To "develop" does not include:

- 2 (1) Completion of a structure or use of land for which a valid permit has been
3 issued as of August 26, 1987, and under which substantial construction has been
4 undertaken by March 1, 1988;
- 5 (2) Maintenance and repair, usual and necessary for the continuance of an
6 existing use;
- 7 (3) Reasonable emergency procedures necessary for the safety or operation of
8 property;
- 9 (4) Interior remodeling and such exterior remodeling that does not increase
10 square footage of building, increase building height, or substantially alter the
11 appearance of the structure;
- 12 (5) Collocation, replacement, installation, modification, or construction of
13 wireless communications facilities.

14 **Section 42.** SRC 143.020 is amended to read as follows:

15 **143.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

16 (a) Change of use means making a different or more intense use of any building,
17 structure, or land than that which existed on and for which permission may be
18 required pursuant to this code. Change of use does not include collocation,
19 replacement, installation, modification, or construction of wireless communications
20 facilities.

21 (b) Develop or Development means to divide a parcel of land into two or more
22 parcels; the construction, reconstruction, structural alteration, relocation, or
23 enlargement of any commercial buildings; any extension of any use of land or any
24 clearing, grading, landscaping, curb cutting, or other use of land for which permission
25 may be required pursuant to this code. To "develop" does not include:

- 26 (1) Completion of a structure or use of land for which a valid permit has been
27 issued as of November 9, 1987, and under which substantial construction has
28 been undertaken by May 1, 1988.
- 29 (2) Maintenance and repair, usual and necessary for the continuance of an
30 existing use;

1 (3) Reasonable emergency procedures necessary for the safety or operation of
2 property;

3 (4) Interior remodeling and such exterior remodeling that does not increase
4 square footage of building, increase building height, or substantially alter the
5 appearance of the structure;

6 (5) Collocation, replacement, installation, modification, or construction of
7 wireless communications facilities.

8 **Section 43.** SRC 143A.020 is amended to read as follows:

9 **143A.020. Definitions.**

10 (a) Congregate Residence means any building or portion thereof that contains
11 facilities for living, sleeping, and sanitation, and may include facilities for eating and
12 cooking, for occupancy other than a family. A congregate residence may be a shelter,
13 convent, monastery, dormitory, fraternity or sorority house, but does not include jails,
14 hospitals, nursing homes, hotels or lodging houses.

15 (b) Change of Use means making a different use of any building, structure or land
16 than which existed on November 30, 1998 and for which permission may be required
17 pursuant to this code. Change of use does not include collocation, replacement,
18 installation, modification, or construction of wireless communications facilities.

19 (c) Drive through use means a business activity involving the buying and selling of
20 goods and services to a motorist customer or the customer's vehicle and typically
21 involving the queuing lanes, service windows, service islands, and service bays for
22 vehicular use.

23 (d) Floor Area means the area included within the surrounding exterior walls of a
24 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
25 structure or portion thereof not provided with surrounding exterior walls shall be the
26 useable area under the horizontal projection of the roof or floor above.

27 (e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
28 area.

29 (f) Mixed-use Development means a combination of retail, office or residential uses
30 in a single building or separate buildings on the same site.

1 (g) Redevelopment means the structural alteration, enlargement, or reuse of
2 buildings, or clearance of structures and buildings for subsequent development.
3 Redevelopment does not include maintenance and repair, usual and necessary for the
4 continuation of an existing use; reasonable emergency procedures necessary for the
5 safety and operation of the property; ~~and interior remodeling that does not increase~~
6 ~~the square footage or height of buildings;~~ and collocation, replacement, installation,
7 modification, or construction of wireless communications facilities.

8 (h) Residential Structure means dwellings, hotels, apartment houses, and congregate
9 residences.

10 **Section 44.** 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~~593) with all retail and storage of
20 merchandise and 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~~
27 individual lot;
- 28 ~~(13) Ambulance Station;~~
- 29 ~~(14) Ambulance Service Facility.~~

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 45.** SRC 143A.080 is amended to read as follows:

5 **143A.080. Prohibited Uses.** Within the CHR overlay zone, no building, structure or land
6 shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC
7 143A.050 to SRC ~~143A.070~~ 143A.075, except as provided in SRC ~~113.090(b)~~ 113.090(d).

8 Prohibited uses expressly include the following:

- 9 (a) Outdoor Advertising Signs (billboards).
- 10 ~~(b) Freestanding support structures less than 70 feet in height and equipment~~
11 ~~enclosures~~
- 12 (e**h**) Wildlife rehabilitation facilities.
- 13 (d**c**) Outdoor storage of materials and equipment.

14 **Section 46.** SRC 143A.200 is amended to read as follows:

15 **143A.200. Reference to Additional Standards.**

16	General Development Standards	SRC Chapter 130
17	Accessory Structures	SRC Chapter 131
18	Landscaping	SRC Chapter 132
19	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
20	Development Design Handbook (multiple family residential uses)	
21	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 47.** SRC 143B.030 is amended to read as follows:

23 **143B.030. Definitions.**

- 24 (a) Drive-through use means a business activity involving the buying and selling of
25 goods and services to a motorist customer or the customer's vehicle and typically
26 involving queuing lanes service windows, service islands, and service bays for
27 vehicular use.
- 28 (b) Floor Area means the area included within the surrounding exterior walls of a
29 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
30 structure or portion thereof not provided with surrounding exterior walls shall be the

1 useable area under the horizontal projection of the roof or floor above.

2 (c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
3 area.

4 (d) Mixed-Use Development means a combination of retail, office or residential uses
5 in a single building or separate buildings on the same lot or contiguous lots. For
6 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
7 as defined in SRC 119.700, but the terms are not synonymous.

8 (e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
9 land into two or more parcels; the construction, reconstruction, structural alteration,
10 relocation, or enlargement of any buildings; any extension of any use of land or any
11 clearing, grading, landscaping, curb cutting, or other use of land for which permission
12 may be required pursuant to this code. Develop, Development, Redevelop, or
13 Redevelopment does not include:

14 (1) Maintenance and repair, usual and necessary for the continuance of an
15 existing use;

16 (2) Reasonable emergency procedures necessary for the safety or operation of
17 property;

18 (3) Interior remodeling and such exterior remodeling that does not increase
19 square footage of a building, increase building height, or alter the appearance of
20 a structure;

21 (4) Collocation, replacement, installation, modification, or construction of
22 wireless communications facilities.

23 (4f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route
24 between two points that is intended and suitable for pedestrian use. Pedestrian Scale
25 means site and building design elements that are dimensionally less than those intended
26 to accommodate automobile traffic, flow and buffering.

27 (5g) Primary Building Entrance means the principal access point for persons visiting a
28 building.

29 (Ah) Townhouse means a single family dwelling unit constructed in a row of attached
30 units, with each unit separated by property lines with yard on at least two sides.

1 **Section 48.** SRC 143.070 is amended to read as follows:

2 **143B.070. Prohibited Uses Within Overlay Zone.**

3 (a) No building, structure or land shall be used, erected, structured, or structurally
4 altered or enlarged for any use not permitted under the underlying zone.

5 ~~(b) No freestanding support structure shall be erected, structurally altered, or enlarged~~
6 ~~in the area within 300 feet of public right-of-way.~~

7 **Section 49.** SRC 143B.090 is amended to read as follows:

8 **143B.090. Special Uses - Pine Street CG Mixed-Use Area.**

9 (a) The following uses, when restricted, developed and conducted as required in SRC
10 Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial
11 General underlying zone:

12 (1) Used merchandise stores (593);

13 (2) Entertainment establishments (58);

14 (3) Wildlife rehabilitation facility;

15 ~~(4) Antennas attached to existing or approved structures;~~

16 ~~(54) Public automobile parking areas;~~

17 ~~(65) Mobile food unit;~~

18 ~~(76) Ambulance Station;~~

19 ~~(87) Ambulance Service Facility.~~

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 50.** SRC 143B.120 is amended to read as follows:

24 **143B.120. Special Uses - Pine Street IC Mixed-Use Area.**

25 (a) The following uses, when restricted, developed and conducted as required in SRC
26 Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial
27 Commercial underlying zone:

28 (1) Entertainment establishments;

29 (2) Wildlife rehabilitation facility;

30 (3) Mobile food unit;

1 ~~(4)~~ Antennas attached to existing structures;

2 ~~(54)~~ Used Merchandise Stores;

3 ~~(65)~~ Ambulance Station;

4 ~~(76)~~ Ambulance Service Facility.

5 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
6 under SRC Chapter 119, the developer may elect to apply for conditional use approval
7 pursuant to SRC Chapter 240 or 118.

8 Section 51. SRC 143B.150 is amended to read as follows:

9 **143B.150. Special Uses - Northgate CR Mixed-Use Area.**

10 (a) The following uses, when restricted, developed and conducted as required in SRC
11 Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail
12 underlying zone:

13 (1) Used merchandise store (593);

14 (2) Entertainment establishments;

15 (3) Existing wildlife rehabilitation facility;

16 (4) Mobile food unit;

17 ~~(5)~~ Antennas attached to existing or approved structures;

18 ~~(65)~~ Ambulance Station;

19 ~~(76)~~ Ambulance Service Facility.

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 52. SRC 143C.060 is amended to read as follows:

24 **143C.060. Permitted Uses.** Only the uses identified in Table 143C-1 are permitted in the
25 FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with
26 the letter “P”. Certain uses are permitted only as a special use and have special conditions
27 attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable
28 section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a
29 Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 240.
30 ~~Uses requiring an Administrative Conditional Use are designated with an “A” and are~~

1 pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are
 2 designated with a "W" and are allowed, subject to SRC Chapter 703.

3 **Table 143C-1**

4 P = permitted use; S = special use; C = conditional use; A = administrative
 5 conditional use W = wireless communications facilities use

	LI	MI*	AU	VC
RESIDENTIAL				
One single family dwelling, townhouse, or duplex per lot	P	P	P	P
Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons		P	P	P
One manufactured home on a single lot [SRC 119.710]	S	S	S	S
AGRICULTURE and FORESTRY				
Agricultural production - crops (01)	P	P	P	P
Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated		P	P	
Veterinary services (0742)		P	P	P
Farm labor and management services (076)			P	
Farm labor and management services (076), offices only		P	P	P
Landscape and horticultural services (078)			P	
Landscape and horticultural services (078), offices only		P	P	P
Timber tracts (081)		P	P	
Forestry services (085), offices only			P	
CONSTRUCTION				
Building construction - general contractors and operative builders (15), offices only		P	P	P

1	Heavy Construction other than building construction – contractors (16), offices only		P	P	P
2	Construction - special trade contractors (17), offices only		P	P	P
3	MANUFACTURING				
4	Dairy products (202)		C	P	
5	Canned, frozen and preserved fruits, vegetables and food specialties (203)			P	
6	Grain mill products (204)		C	P	
7	Bakery products (205)		C	P	
8	Candy and other confectionery products (2064 and 2068)		C	P	
9	Chocolate and cocoa products (2066)		C	P	
10	Beverages (208)		C	P	
11	Miscellaneous food preparations and kindred products (209)		C	P	
12	Textile mill products (22)		C	P	
13	Apparel and other finished products made from fabrics and similar materials (23)		C	P	
14	Wood kitchen cabinets (2434)		C	P	
15	Paperboard containers and boxes (265)		C	P	
16	Printing, publishing, and allied industries (27)		C	P	
17	Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)		C	P	
18	Metal cans and shipping containers (341)		C	P	
19	Cutlery, hand tools and general hardware (342)		C	P	
20	Heating equipment, except electric and warm air; and plumbing fixtures (343)			P	
21	Metal forgings and stampings (346)			P	
22	Computer and office equipment (357)		C	P	
23	Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)		C	P	
24	Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)		C	P	
25					
26					
27					
28					
29					
30					

1	Signs and advertising specialties (3993)		C	P	
2	TRANSPORTATION, COMMUNICATION,				
3	ELECTRIC, GAS, and SANITARY SERVICES				
4	Local and suburban transit and interurban highway passenger transportation (41)			P	P
5	Motor freight transportation and warehousing (42)			P	P
6	U.S. Postal Service (43)		P	P	P
7	Transportation services (47)		P	P	P
8	Communication (48)		P	P	P
9	Wireless Communications Facilities [SRC 119.460]	A	A <u>W</u>	A	A
10		<u>W</u>		<u>W</u>	<u>W</u>
11	Antennas attached to existing or approved structures [SRC 119.460]	S	S	S	S
12					
13	WHOLESALE TRADE				
14	Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)			P	
15	Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516)			P	
16	RETAIL TRADE				
17	Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271)			P	P
18	General merchandise stores (53)		P	P	P
19	Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542)		P	P	P
20	Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554)		C	C	C
21	Auto and home supply stores (553)		P	P	P
22	Gasoline service stations (554) [SRC 119.150]			S	S
23	Apparel and accessories stores (56)		P	P	P
24	Furniture, home furnishings, and equipment stores (57)		P	P	P
25	Eating and drinking places (58) EXCEPT Drive-throughs		P	P	P
26					
27					
28					
29					
30					

1	Miscellaneous retail (59) including, in addition to uses specifically listed in SIC group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop		P	P	P
2					
3					
4	FINANCE, INSURANCE, and REAL ESTATE				
5	Depository Institutions (60)		P	P	P
6	Non-depository Credit Institutions (61)		P	P	P
7	Security and commodity brokers, dealers, exchanges and services (62)		P	P	P
8	Insurance carriers (63)		P	P	P
9	Insurance agents, brokers, and service (64)		P	P	P
10	Real estate (65)		P	P	P
11	Holding, and other investment offices (67)		P	P	P
12	SERVICES				
13	Hotels and motels (701) BUT EXCLUDING casino hotels			P	P
14	Bed and breakfast establishments		P	P	P
15	Personal services (72)		P	P	P
16	Business services (73)		P	P	P
17	Automotive repair services, and parking (75)			P	P
18	Miscellaneous repair services (76)			P	P
19	Motion pictures (78)		P	P	P
20	Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)		P	P	P
21					
22					
23	Health services (80) BUT EXCLUDING hospitals (806)		P	P	P
24	Legal services (81)		P	P	P
25	Educational services (82)		P	P	P
26	Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons			P	P
27	Child day care home		P	P	P
28	Adult day care home		P	P	P
29	Membership organizations (86), BUT EXCLUDING religious organizations (8661)		P	P	P
30					

1	Religious organizations (8661)	P	P	P	P
2	Engineering, Accounting, Research, Management, and		P	P	P
3	Related Services (87)				
4	Accounting, auditing, and bookkeeping (893)		P	P	P
5	Services, not elsewhere classified (899)		P	P	P
6	PUBLIC ADMINISTRATION				
7	Executive offices (911)		P	P	P
8	Executive and legislative combined (913)		P	P	P
9	General government, not elsewhere classified (919)		P	P	P
10	Fire protection (9224)		P	P	P
11	Public order and safety, not elsewhere classified (9229)		P	P	P
12	Finance, taxation, and monetary policy (93)		P	P	P
13	Administration of human resources programs (94)		P	P	P
14	Administration of environmental quality and housing		P	P	P
15	programs (95)				
16	Administration of economic programs (96)		P	P	P
17	National security and international affairs (97)		P	P	P
18	OTHER USES				
19	Community or neighborhood clubs		P	P	P
20	Swimming pools, whether or not open to the public for a		P	P	P
21	fee				
22	Playgrounds, parks	P	P	P	P
23	Public buildings and structures, such as libraries, fire		P	P	P
24	stations				
25	Right-of-way for electric service lines, gas mains,	P	P	P	P
26	communications and CATV lines, water lines, sewer lines				
27	Public utility structures and buildings such as pump	P	P	P	P
28	stations, reservoirs, radiomicrowave relay stations,				
29	telephone substations, and electric substations				
30	Dwelling unit or guest room for a caretaker or watchman		P	P	P
	on the premises being cared for or guarded				
	Recycling depots		P	P	P
	Transit stop shelters	P	P	P	P
	Ambulance Station [SRC 119.030]			S	S

1	Ambulance Service Facility [SRC 119.040]			S	S
2	ACCESSORY USES and STRUCTURES				
3	Customary residential accessory buildings and structures for private use of the property and its occupants	P	P	P	P
4	A garage or parking area serving the main building or use	P	P	P	P
5	Sleeping quarters for domestic employees of the resident of the main building	P	P	P	P
6	Home occupations	P	P	P	P
7	The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit	P	P	P	P
8	*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.				
9					
10					
11					

12 **Section 53.** SRC 143D.020 is amended to read as follows:

13 **143D.020. Definitions.**

14 (a) Mixed-Use Development means a combination of retail, office or residential uses
 15 in a single building or separate buildings on the same lot or contiguous lots. For
 16 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
 17 as defined in SRC 119.700.

18 (b) Change of Use means changing an activity from one Standard Industrial
 19 Classification (SIC) Division to another. Change of use does not include collocation,
 20 replacement, installation, modification, or construction of wireless communications
 21 facilities.

22 (c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
 23 land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or
 24 enlarge any building; to extend any use of land or to engage in any clearing, grading,
 25 landscaping, curb cutting, or to engage in any other use of land for which a permit may
 26 be required pursuant to this code. Develop, Development, Redevelop, or
 27 Redevelopment does not include:

- 28 (1) Maintenance and repair, usual and necessary for the continuance of an existing
 29 use;
- 30 (2) Reasonable emergency procedures necessary for the safety or operation of

1 property; or

2 (3) Interior remodeling and such exterior remodeling that does not increase square
3 footage of a building, increase building height, or alter the appearance of a
4 structure; or

5 (4) Collocation, replacement, installation, modification, or construction of wireless
6 communications facilities.

7 (d) Owner means the person holding fee title or a beneficial interest under a trust deed
8 or mortgage, or the purchaser under a contract for sale of real estate.

9 (e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route
10 between two points that is intended and suitable for pedestrian use.

11 (f) Tuck-Under Parking means parking placed at grade with a building constructed
12 above.

13 (g) User means the user of property in the overlay zone as of December 1, 2002.

14 **Section 54.** SRC 143D.070 is amended to read as follows:

15 **143D.070. Uses.** No building or structure shall be used, erected, structurally altered or
16 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
17 ~~conditional, or conditional,~~ or wireless communications facilities use in the underlying zone.

18 **Section 55.** SRC 143D.100 is amended to read as follows:

19 **143D.100. Uses.** No building or structure shall be used, erected, structurally altered or
20 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
21 ~~conditional, or conditional,~~ or wireless communications facilities use in the underlying zone.

22 **Section 56.** SRC 143D.120 is amended to read as follows:

23 **143D.120. Uses.**

24 (a) Except as provided in subsection (b) of this section, no building or structure shall
25 be used, erected, structurally altered or enlarged, or any land used, for any use not
26 allowed as a permitted, special, ~~administrative conditional, or conditional,~~ or wireless
27 communications facilities use in the underlying zone.

28 (b) The following uses are permitted uses in Area 3:

29 (1) Eating and drinking places and entertainment establishments;

30 (2) Beauty Shops (723);

- 1 (3) Barber Shops (724);
- 2 (4) Business Services (73);
- 3 (5) Membership sports and recreation clubs (7997);
- 4 (6) Medical and dental laboratories (807);
- 5 (7) Outpatient facilities (8093);
- 6 (8) Engineering, accounting, research, management and related services (87);
- 7 (9) Executive offices (911);
- 8 (10) Executive and legislative combined (913);
- 9 (11) Police protection (9221), BUT EXCLUDING jail facilities;
- 10 (12) Public finance, taxation and monetary policy (93);
- 11 (13) Administration of human resources programs (94);
- 12 (14) Administration of environmental quality and housing programs (95);
- 13 (15) Administration of economic programs (96);
- 14 (16) National security and international affairs (97);
- 15 (17) Used merchandise stores (593);
- 16 (18) General merchandise stores (53);
- 17 (19) Food stores (54);
- 18 (20) Apparel and accessory stores (56);
- 19 (21) Furniture, home furnishings and equipment stores (57);
- 20 (22) Miscellaneous retail (59);
- 21 (23) Miscellaneous repair services (76);
- 22 (24) Building materials, hardware, garden supply, but excluding mobile home
- 23 dealers (52); and
- 24 (25) Services not elsewhere classified (899).

25 (c) In addition to the prohibited uses in the underlying zone, the following uses are
26 prohibited in Area 3:

- 27 (1) Agricultural production crops (071);
- 28 (2) Crop services (072);
- 29 (3) Timber tracts (081);
- 30 (4) Forest nurseries and gathering of forest products;

- 1 (5) Chemicals and allied products (28);
- 2 (6) Motorcycle dealers (557);
- 3 (7) Automotive dealers, not elsewhere classified (559);
- 4 (8) Fuel Dealers (598);
- 5 (9) Outdoor advertising services (7312);
- 6 (10) Disinfecting and pest control services (7342);
- 7 (11) Building cleaning and maintenance services not elsewhere classified (7349);
- 8 (12) Recycling Depots;
- 9 (13) Scrap and waste material establishments (5093);
- 10 (14) Livestock, except dairy, poultry, and animal specialties (021);
- 11 (15) Air transportation, Non-scheduled (452);
- 12 (16) Crude petroleum and natural gas extraction (131);
- 13 (17) Surface mining operations;
- 14 (18) Meat products (201);
- 15 (19) Animal and marine fats and oils (2077);
- 16 (20) Logging camps and logging contractors (241);
- 17 (21) Sawmills and planing mills (242);
- 18 (22) Paper and allied products (26);
- 19 (23) Agricultural chemicals (287);
- 20 (24) Miscellaneous chemical products (289);
- 21 (25) Petroleum and coal products (29);
- 22 (26) Cement hydraulic (324);
- 23 (27) Iron and steel foundries (332);
- 24 (28) Primary smelting and refining nonferrous metals (333);
- 25 (29) Secondary smelting and refining nonferrous metals (334);
- 26 (30) Rolling, drawing, and extruding of nonferrous metals (335);
- 27 (31) Ordinance and accessories, except vehicles and guided missiles (348);
- 28 (32) Storage batteries (3691);
- 29 (33) Primary batteries, dry and wet (3692);
- 30 (34) Livestock (5154);

- 1 (35) Chemicals and allied products (516);
- 2 (36) Racing, including track operation (7948); and
- 3 (37) Solid waste transfer stations.

4 **Section 57.** SRC 143D.180 is amended to read as follows:

5 **143D.180. Uses.** No building or structure shall be used, erected, structurally altered or
6 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
7 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

8 **Section 58.** SRC 143D.190 is amended to read as follows:

9 **143D.190. Uses.**

10 (a) Except as provided in subsection (b) and (c) of this section, no building or structure
11 shall be used, erected, structurally altered or enlarged, or any land used, for any use not
12 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
13 ~~communications facilities~~ use in the underlying zone. Otherwise permitted uses in Area
14 5 may not be conducted as drive-through uses, defined as business activities typically
15 involving queuing lanes, service windows, service islands, and service bays. The
16 additional prohibited uses, identified under subsection (c) of this section that existed
17 within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
18 lot or parcel where they are located on such date. Such uses may be intensified,
19 enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
20 that were not previously utilized for such use.

21 (b) The following uses are permitted uses in Area 5:

- 22 (1) Mixed use developments as defined in this Chapter; and
- 23 (2) Dwellings meeting the density standards of Section 143D.210.

24 (c) In addition to the prohibited uses in the underlying zone, the following uses that are
25 allowed in the underlying zone are prohibited in Area 5:

- 26 (1) Agricultural production - crops (01);
- 27 (2) Landscape and horticultural services (078), but excluding landscape counseling
28 and planning (0781);
- 29 (3) Timber tracts (081);
- 30 (4) Forest nurseries and gathering of forest products (0831);

- 1 (5) Crude petroleum and natural gas extraction (131);
- 2 (6) Gas production and distribution (492);
- 3 (7) Lumber and other building materials dealers (521);
- 4 (8) Automotive dealers and gasoline service stations (55), but excluding auto and
- 5 home supply stores (retail sales only, no service or installation) (5531);
- 6 (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- 7 (10) Camps and recreational vehicle parks (703);
- 8 (11) Carpet and upholstery cleaning (7217);
- 9 (12) Equipment Rental and Leasing (7359);
- 10 (13) Automotive rental and leasing, without drivers (751);
- 11 (14) Automotive repair shops (753);
- 12 (15) Automotive services, except repair (754);
- 13 (16) Motorcycle repair service;
- 14 (17) Professional sports clubs and promoters (7941);
- 15 (18) Temporary motor vehicle and recreational vehicle sales;
- 16 (19) Utilities - secondary truck parking and material storage yard;
- 17 (20) Recycling depots;
- 18 (21) Solid waste transfer stations.

19 **Section 59.** SRC 143D.230 is amended to read as follows:

20 **143D.230. Uses.**

21 (a) Except as provided in subsection (b) of this section, No building or structure shall
22 be used, erected, structurally altered or enlarged, or any land used, for any use not
23 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
24 communications facilities use in the underlying zone.

25 (b) The following uses are permitted uses in Area 6:

- 26 (1) Home occupations pursuant with 143D.240.

27 **Section 60.** SRC 143D.250 is amended to read as follows:

28 **143D.250. Uses.** No building or structure shall be used, erected, structurally altered or
29 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
30 conditional, or conditional, or wireless communications facilities use in the underlying zone.

1 **Section 61.** SRC 143E.060 is amended to read as follows:

2 **143E.060. Prohibited Uses within Overlay Zone.**

3 (a) No building, structure or land shall be used, erected, structured, or structurally
4 altered or enlarged for any use not permitted under the underlying zone, including:

5 (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores
6 (553) and gasoline service stations (554); and

7 (2) Outdoor display and storage of merchandise within 50 feet of Commercial
8 Street SE right-of-way; and

9 ~~(3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-~~
10 ~~way.~~

11 **Section 62.** SRC 144.050 is amended to read as follows:

12 **144.050. Prohibited Uses.** Within an EFU district, no building, structure, or land shall be
13 used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020
14 to ~~144.040-144.045.~~

15 **Section 63.** SRC 145.030 is amended to read as follows:

16 **145.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the RA district:

19 (1) Veterinary services for animal specialties (0742).

20 (2) Funeral service (726) except crematories.

21 (3) Public golf courses (7992)

22 (4) Membership sports and recreation clubs (7997) having golf courses.

23 (5) Elementary and secondary schools (821).

24 (6) Religious organizations (866).

25 (7) Boat and recreational vehicle storage area.

26 (8) Zero side yard dwellings.

27 (9) Two family shared housing.

28 (10) Public automobile parking areas.

29 (11) Manufactured homes on individual lots.

30 (12) Bed and breakfast establishments.

- 1 (13) Adult day care center.
- 2 (14) Keeping of a miniature swine.
- 3 (15) Residential Sales/Development Office.
- 4 (16) Wildlife Rehabilitation facility.
- 5 (17) Construction of a replacement single family dwelling unit on an individual lot.
- 6 (18) Individual and Family Social Service (832).
- 7 ~~(19) Antennas attached to existing or approved structures.~~
- 8 ~~(2019)~~ Parking for Special Activities at High Schools with Community Parks.
- 9 ~~(2120)~~ Cottage Housing.

10 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 11 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 12 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

13 **Section 64.** SRC 145.050 is amended to read as follows:

14 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be
 15 used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020
 16 to ~~145.040-145.045~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 17 or allowed as a nonconforming use pursuant to SRC Chapter 270.

18 **Section 65.** SRC 145.900 is amended to read as follows:

19 **145.900. Reference to Additional Standards.** Additional or alternative use and
 20 development standards may be found in the following Chapters:

21	Preservation of Trees and Vegetation	SRC Chapter 68
22	Landslide Hazards	SRC Chapter 69
23	Street Trees	SRC Chapter 86
24	Planned Unit Developments	SRC Chapter 121
25	Increased Residential Density	SRC Chapter 122
26	Mobile Home Parks	SRC Chapter 123
27	Home Occupations	SRC Chapter 124
28	Lot Development Standards	SRC Chapter 130
29	Accessory Structures	SRC Chapter 131
30	Landscaping	SRC Chapter 132

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

5 **Section 66.** SRC 146.030 is amended to read as follows:

6 **146.030. Special Uses.**

7 (a) The following uses, when restricted, developed and conducted as required in SRC
8 Chapter 119, are permitted in the RS district:

- 9 (1) Funeral service (726) except crematories.
- 10 (2) Public golf courses (7992).
- 11 (3) Membership sports and recreation clubs (7997) having golf courses.
- 12 (4) Elementary and secondary schools (821).
- 13 (5) Religious organizations (866).
- 14 (6) Boat and recreational vehicle storage area.
- 15 (7) Zero side yard dwellings.
- 16 (8) Two family shared housing.
- 17 (9) Public automobile parking areas.
- 18 (10) Manufactured homes on individual lots.
- 19 (11) Bed and breakfast establishments.
- 20 (12) Adult day care center.
- 21 (13) Keeping of a miniature swine.
- 22 (14) Residential Sales/Development Office.
- 23 (15) Existing wildlife rehabilitation facility.
- 24 (16) Construction of a replacement single family dwelling unit on an individual lot.
- 25 ~~(17) Antennas attached to existing or approved structures.~~
- 26 ~~(1817)~~ Parking for Special Activities at High Schools with Community Parks.
- 27 ~~(1918)~~ Cottage Housing

28 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
29 under SRC Chapter 119, the developer may elect to apply for conditional use approval
30 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

1 **Section 67.** SRC 146.050 is amended to read as follows:

2 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be
3 used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020
4 to ~~146.040~~ 146.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
5 or allowed as a nonconforming use pursuant to SRC Chapter 270.

6 **Section 68.** SRC 146.900 is amended to read as follows:

7 **146.900. Reference to Additional Standards.** Additional or alternative use and
8 development standards may be found in the following Chapters:

9	Landslide Hazards	SRC Chapter 69
10	Street Trees	SRC Chapter 86
11	Planned Unit Developments	SRC Chapter 121
12	Increased Residential Density	SRC Chapter 122
13	Mobile Home Parks	SRC Chapter 123
14	Home Occupations	SRC Chapter 124
15	Lot Development Standards	SRC Chapter 130
16	Accessory Structures	SRC Chapter 131
17	Landscaping	SRC Chapter 132
18	Off-street Parking, Loading and Driveways	SRC Chapter 133
19	Flood Plain Overlay Zones	SRC Chapter 140
20	Willamette Greenway Overlay Zones	SRC Chapter 141
21	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 69.** SRC is amended to read as follows:

23 **147.030. Special Uses.**

24 (a) The following uses, when restricted, developed and conducted as required in SRC
25 Chapter 119, are permitted in the RD district:

- 26 (1) Nursing and personal care facilities (805).
27 (2) Residential care facilities, including homeless shelters serving five or fewer
28 persons (836), except residential home and other structures housing families of
29 handicapped persons.
30 (3) Zero side yard dwellings.

- 1 (4) Keeping of a miniature swine.
- 2 (5) Manufactured homes on individual lots.
- 3 ~~(6) Antennas attached to existing or approved structures.~~
- 4 ~~(7) Religious organizations (866).~~
- 5 (b) In lieu of establishing any use listed in subsection ~~(2)~~ (a) of this section as a special
- 6 use under SRC Chapter 119, the developer may elect to apply for conditional use
- 7 approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

8 **Section 70.** SRC 147.050 is amended to read as follows:

9 **147.050. Prohibited Uses.** Within any RD district, no building, structure, or land shall be
 10 used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020
 11 to ~~147.040-147.045~~, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 12 or allowed as a nonconforming use pursuant to SRC Chapter 270.

13 **Section 71.** SRC 147.900 is amended to read as follows:

14 **147.900. Reference to Additional Standards.** Additional or alternative use and
 15 development standards may be found in the following Chapters:

16	Landslide Hazards	SRC Chapter 69
17	Street Trees	SRC Chapter 86
18	Planned Unit Developments	SRC Chapter 121
19	Increased Residential Density	SRC Chapter 122
20	Mobile Home Parks	SRC Chapter 123
21	Home Occupations	SRC Chapter 124
22	Lot Development Standards	SRC Chapter 130
23	Accessory Structures	SRC Chapter 131
24	Landscaping	SRC Chapter 132
25	Off-street Parking, Loading and Driveways	SRC Chapter 133
26	Flood Plain Overlay Zones	SRC Chapter 140
27	Willamette Greenway Overlay Zones	SRC Chapter 141
28	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

29 **Section 72.** SRC 148.170 is amended to read as follows:

30 **148.170. RM1 Special Uses.**

1 (a) The following uses, when restricted, developed and conducted as required in SRC
2 Chapter 119, are permitted in the RM1 district:

- 3 (1) Nursing and personal care facilities.
- 4 (2) Elementary and secondary schools.
- 5 (3) Religious organizations.
- 6 (4) Zero side yard dwellings.
- 7 (5) Manufactured homes on individual lots, provided the minimum density
8 requirements of SRC 148.220 are met.
- 9 (6) Adult day care center.
- 10 (7) Keeping of miniature swine.
- 11 (8) Residential Sales/Development Office.
- 12 ~~(9) Antennas attached to existing or approved structures~~

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 73.** SRC 148.200 is amended to read as follows:

17 **148.200. RM1 Prohibited Uses.** Within any ~~RD~~ RM1 district, no building, structure, or
18 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
19 SRC ~~147.020~~ 148.160 to ~~147.040~~ 148.195, unless the use is deemed an equivalent use
20 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
21 270.

22 **Section 74.** SRC 148.210 is amended to read as follows:

23 **148.210. RM1 Design Approval.** Developments subject to SRC 148.160-148.190 and SRC
24 148.200-148.300 shall meet either the development design standards contained in the City of
25 Salem Development Design Handbook or shall be reviewed and approved by the Planning
26 Commission pursuant to the guidelines contained in the adopted Development Design
27 Handbook. Development design guidelines and standards are in addition to all development
28 standards contained in this Chapter.

29 **Section 75.** SRC 148.300 is amended to read as follows:

30 **148.300. RM1 Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

2	Landslide Hazards	SRC Chapter 69
3	Planned Unit Development	SRC Chapter 121
4	Mobile Homes Parks	SRC Chapter 123
5	Home Occupations	SRC Chapter 124
6	Lot Development Standards	SRC Chapter 130
7	Accessory Structures	SRC Chapter 131
8	Landscaping	SRC Chapter 132
9	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
10	Flood Plain Overlay Zones	SRC Chapter 141
11	City of Salem Development Design Handbook	
12	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

13 **Section 76.** SRC 148.350 is amended to read as follows:

14 **148.350. RM2 Prohibited Uses.** Within any ~~RD~~ RM2 district, no building, structure, or
15 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
16 SRC ~~147.020~~ 148.310 to ~~147.040~~ 148.345, unless the use is deemed an equivalent use
17 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
18 270.

19 **Section 77.** SRC 148.360 is amended to read as follows:

20 **148.360. RM2 Design Approval.** Developments subject to SRC 148.310-~~148.340~~ and SRC
21 148.350-148.450 shall meet either the development design standards contained in the City of
22 Salem Development Design Handbook or shall be reviewed and approved by the Planning
23 Commission pursuant to the guidelines contained in the Development Design Handbook.
24 Development design guidelines and standards are in addition to all development standards
25 contained in this Chapter.

26 **Section 78.** 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	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

11 **Section 79.** SRC 149.030 is amended to read as follows:

12 **149.030. Special Uses.**

13 (a) The following uses, when restricted, developed and conducted as required in SRC
 14 Chapter 119, are permitted in the RH district:

- 15 (1) Nursing and personal care facilities (805).
- 16 (2) Elementary and secondary schools (821).
- 17 (3) Religious organizations (866).
- 18 (4) Mixed use buildings.
- 19 (5) Adult day care center.
- 20 (6) Keeping of a miniature swine.
- 21 (7) Residential Sales/Development Office.
- 22 ~~(8) Antennas attached to existing or approved structures.~~
- 23 ~~(98) Ambulance Station.~~

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 26 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

27 **Section 80.** SRC 149.050 is amended to read as follows:

28 **149.050. Uses.** Within any RH district, no building, structure or land shall be used, erected,
 29 structurally altered, or enlarged for any use not permitted under SRC 149.020 to ~~149.040~~
 30 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed

1 as a nonconforming use pursuant to SRC Chapter 270.

2 **Section 81.** SRC 149.900 is amended to read as follows:

3 **149.900. Reference to Additional Standards.** Additional or alternative use and
4 development standards may be found in the following Chapters:

5	Preservation of Trees and Vegetation	SRC Chapter 68
6	Landslide Hazards	SRC Chapter 69
7	Planned Unit Developments	SRC Chapter 121
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	Development Design Handbooks for projects including three or more multiple family	
15	units	
16	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

17 **Section 82.** SRC 150.030 is amended to read as follows:

18 **150.030. Special Uses.**

19 (a) The following uses, when restricted, developed and conducted as required in SRC
20 Chapter 119, are permitted in the CO district:

- 21 (1) Veterinary services for animal specialties (0742).
- 22 (2) Public golf courses (7992); and Membership sports and recreation clubs (7997)
23 having golf courses.
- 24 (3) Nursing and personal care facilities (805).
- 25 (4) Religious organizations (866).
- 26 (5) Boat and recreational vehicle storage area.
- 27 (6) Zero side yard dwellings.
- 28 (7) Orthopedic and artificial limb offices - retail (5999).
- 29 (8) Keeping of miniature swine.
- 30 ~~(9) Antennas attached to existing or approved structures.~~

1 **(109)** Ambulance Station.

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 83.** SRC 150.050 is amended to read as follows:

6 **150.050. Prohibited Uses.** Within any CO district, no building, structure, or land shall be
7 used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020
8 to ~~150.040~~ 150.045, unless the use is deemed an equivalent use pursuant to except as
9 provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
10 270.

11 **Section 84.** SRC 150.900 is amended to read as follows:

12 **150.900. Reference to Additional Standards.** Additional or alternative use and
13 development standards may be found in the following Chapters:

14 Preservation of Trees and Vegetation	SRC Chapter 68
15 Landslide Hazards	SRC Chapter 69
16 Home Occupations	SRC Chapter 124
17 Lot Development Standards	SRC Chapter 130
18 Accessory Structures	SRC Chapter 131
19 Landscaping	SRC Chapter 132
20 Off-street Parking, Loading and Driveways	SRC Chapter 133
21 Flood Plain Overlay Zones	SRC Chapter 140
22 Willamette Greenway Overlay Zones	SRC Chapter 141
23 Development Design Handbooks for projects including three or more multiple family 24 units	
25 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

26 **Section 85.** SRC 151.030 is amended to read as follows:

27 **151.030. Special Uses.**

28 **(a)** The following uses, when restricted, developed and conducted as required in SRC
29 Chapter 119, are permitted in the ~~CR~~ CN district:

30 **(1)** Keeping of a miniature swine.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

~~(2) Antennas attached to existing or approved structures.~~

~~(3) Freestanding support structures 35 feet or less in height and equipment enclosures.~~

(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 86. SRC 151.040 is amended to read as follows:

151.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CN district:

- (a) Crude petroleum and natural gas extraction (131).
- (b) Electric services (491).
- (c) Gas production and distribution (492).
- (d) Water supply (494).
- (e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
- ~~(f) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~

Section 87. SRC 151.050 is amended to read as follows:

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to ~~151.040~~ 151.045, 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 88. SRC 151.900 is amended to read as follows:

151.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

5 **Section 89.** SRC 152.030 is amended to read as follows:

6 **152.030. Special Uses.**

7 (a) The following uses, when restricted, developed and conducted as required in SRC
8 Chapter 119, are permitted in the CR district:

- 9 (1) Gasoline service stations (554).
- 10 (2) Used merchandise store (593).
- 11 (3) Secondary dwellings and guest rooms.
- 12 (4) Entertainment establishments.
- 13 (5) Keeping of a miniature swine.
- 14 (6) Existing wildlife rehabilitation facility.
- 15 (7) Mobile food unit.
- 16 ~~(8) Antennas attached to existing or approved structures;~~
- 17 ~~(9) Freestanding support structures 35 feet or less in height and equipment~~
18 ~~enclosures.~~
- 19 ~~(108)~~ Temporary motor vehicle sales (551).
- 20 ~~(119)~~ Temporary recreational vehicle sales (556).
- 21 ~~(1210)~~ One single family dwelling, other than a manufactured home, per lot.
- 22 ~~(1311)~~ Ambulance Station.
- 23 ~~(1412)~~ Ambulance Service Facility.

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
26 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

27 **Section 90.** SRC 152.040 is amended to read as follows:

28 **152.040. Conditional Uses.** The following uses, with conditional use approval as provided
29 in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

- 30 (a) Those uses listed in SRC 152.030, at the developer's option, as provided in

1 subsection (b) of that section.

2 (b) Crude petroleum and natural gas extraction (131).

3 (c) **Manufacturing:**

4 (1) Jewelry, silverware, and plated ware (391).

5 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
6 except precious metal (396).

7 (3) Signs and advertising specialties (3993).

8 (d) **Transportation, communications, electric, gas, and sanitary services:**

9 (1) Local and suburban passenger transportation (411).

10 (2) InterCity and rural highway passenger transportation within 2,000 feet from the
11 center point of an I-5 interchange and having direct access on to a major arterial
12 (413).

13 (3) Communication services, not elsewhere classified (489).

14 (4) Electric services (491).

15 (5) Gas production and distribution (492).

16 (6) Water supply (494).

17 ~~(7) Free standing support structures greater than 70 feet in height and equipment~~
18 ~~enclosures.~~

19 (e) **Retail:**

20 (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
21 and auto and home supply stores as permitted under SRC 152.020(e)(14).

22 (2) Nonstore retailers (596).

23 (f) **Services:**

24 (1) Camps and recreational vehicle parks (703).

25 (2) Carpet and upholstery cleaning (7217).

26 (3) Automotive rental and leasing, without drivers (751).

27 (4) Automotive repair shops (753).

28 (5) Automotive services, except repair (754).

29 (6) Electrical repair shops (762).

30 (7) Reupholstery and furniture repair (764).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (8) Motorcycle repair service.
- (9) Professional sports clubs and promoters (7941).
- (10) Homeless shelters and room and board facilities serving 6 to 75 persons.
- (g) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, condominiums, and residential hotels.
- (h) **Other uses:**
 - (1) Utilities - secondary truck parking and material storage yard.
 - (2) Recycling depots.
 - (3) Solid waste transfer stations.
 - (4) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

Section 91. 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~~ 152.045, 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 92. SRC 152.900 is amended to read as follows:

152.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards	SRC Chapter 69
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141
<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

Section 93. 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 94. 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 subsection (b) of that section.
- (b) Animal specialty services, except veterinary (0752).
- (c) Farm labor and management services (076).
- (d) Crude petroleum and natural gas extraction (131).
- (e) Jewelry, silverware, and plated ware (391).
- (f) Costume jewelry and notions (396).
- (g) Signs and advertising specialties (3993).
- (h) Electric services (491).
- (i) Gas production and distribution (492).

- 1 (j) Water supply (494).
- 2 (k) Durable goods, not elsewhere classified (5099).
- 3 (l) Fish and seafoods (5146).
- 4 (m) Drive-in motion picture theaters (7833).
- 5 (n) Racing, including track operations (7948).
- 6 (o) Residential care (836), including homeless shelters serving 6 to 75 persons, except
- 7 residential home.
- 8 (p) Unlimited number of dwelling units and guest rooms in apartment houses, court
- 9 apartments, duplexes, and condominiums, room and board facilities serving 6 to 75
- 10 persons.
- 11 (q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
- 12 (r) Solid waste transfer stations.
- 13 (s) Off-site response actions in accordance with applicable law to discharges of oil and
- 14 releases of hazardous substances, pollutants, and contaminants.
- 15 ~~(t) Freestanding support structures greater than 70 feet in height and equipment~~
- 16 ~~enclosures.~~

17 **Section 95.** SRC 153.050 is amended to read as follows:

18 **153.050. Prohibited Uses.** Within any CG district, no building, structure, or land shall be
 19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020
 20 to ~~153.040~~ 153.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 96.** SRC 153.900 is amended to read as follows:

23 **153.900. Reference to Additional Standards.** Additional or alternative use and
 24 development standards may be found in the following Chapters:

25	Landslide Hazards	SRC Chapter 69
26	Lot Development Standards	SRC Chapter 130
27	Accessory Structures	SRC Chapter 131
28	Landscaping	SRC Chapter 132
29	Off-street Parking, Loading, and Driveways	SRC Chapter 133
30	Flood Plain Overlay Zones	SRC Chapter 140

1 Willamette Greenway Overlay Zones SRC Chapter 141

2 Wireless Communications Facilities SRC Chapter 703

3 **Section 97.** SRC 154.030 is amended to read as follows:

4 **154.030. Special Uses.**

5 (a) The following uses, when restricted, developed and conducted as required in SRC
6 Chapter 119, are permitted in the CB district:

7 (1) Keeping of a miniature swine.

8 ~~(2) Antennas attached to existing or approved structures.~~

9 ~~(3) Freestanding support structures thirty-five feet or less in height and
10 equipment enclosures.~~

11 ~~(42) Mobile food unit.~~

12 ~~(53) Ambulance station.~~

13 ~~(64) 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 SRC Chapter 118. See SRC 119.010.

17 **Section 98.** SRC 154.040 is amended to read as follows:

18 **154.040. Conditional Uses.**

19 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
20 applicable, are permitted in the CB district:

21 (a) Helicopter landing area, with or without passenger and freight terminal facilities.

22 (b) Farm labor and management services (076).

23 (c) Crude petroleum and natural gas extraction (131).

24 (d) Jewelry, silverware, and plated ware (391).

25 (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except
26 precious metal (396).

27 (f) Electric services (491).

28 (g) Gas production and distribution (492).

29 (h) Water supply (494).

30 (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement

1 of SRC 154.020(e).

2 (j) Durable goods, not elsewhere classified (5099) subject to the retail sales
3 requirement of SRC 154.020(e).

4 (k) Recycling depots.

5 (l) Solid waste transfer stations.

6 (m) Homeless shelters and room and board facilities serving six to seventy-five
7 persons; and relocation of larger than seventy-five-person facilities in existence as of
8 September 1, 1993, from one CB zone site to another site within the CB zone,
9 providing there is no increase in bed capacity.

10 (n) Off-site response actions in accordance with applicable law to discharges of oil and
11 releases of hazardous substances, pollutants, and contaminants.

12 ~~(o) Freestanding support structures greater than 70 feet in height and equipment~~
13 ~~enclosures.~~

14 (po) Drive-through for a bank or credit union in the downtown Historic Core District,
15 where construction of the bank or credit union is commenced on or after October 1,
16 2011 and adequate measures are taken to ensure pedestrian safety.

17 **Section 99.** SRC 154.050 is amended to read as follows:

18 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be
19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020
20 to ~~154.040~~ 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 Otherwise permitted uses in the downtown Historic Core District, other than banks and
23 credit unions where construction of the bank or credit union is commenced on or after
24 October 1, 2011, may not be conducted as drive-through uses, defined as business activities
25 involving the buying and selling of goods or the provision of services to a motorist customer
26 or the customer's motor vehicle and typically involving queuing lanes, service windows,
27 service islands, and service bays.

28 **Section 100.** SRC 154.090 is amended to read as follows:

29 **154.090. Design Approval.** In all districts defined in SRC 154.055, the construction or
30 alteration of the exterior facade of any building or structure shall be consistent with the

1 standards or guidelines contained in the City of Salem Development Design Handbook.
2 This section shall not apply to wireless communications facilities or to relocatable structures
3 not attached to a permanent foundation.

4 **Section 101.** SRC 154.900 is amended to read as follows:

5 **154.900. Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Home Occupations	SRC Chapter 124
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

15 **Section 102.** SRC 155.030 is amended to read as follows:

16 **155.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in an IC district:

- 19 (1) Mobile home as a dwelling for a caretaker.
- 20 (2) Entertainment establishments.
- 21 (3) Keeping of a miniature swine.
- 22 (4) Wildlife rehabilitation facility.
- 23 (5) Mobile food unit.
- 24 ~~(6) Antennas attached to existing structures.~~
- 25 ~~(7) Freestanding support structures 35 feet or less in height and equipment~~
26 ~~enclosures.~~
- 27 ~~(86)~~ One single family dwelling, other than a manufactured home, per lot.
- 28 ~~(97)~~ Ambulance Station.
- 29 ~~(108)~~ Ambulance Service Facility.

30

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 103.** SRC 155.040 is amended to read as follows:

5 **155.040. Conditional Uses.**

6 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
7 applicable, are permitted in the IC district:

8 (a) **Agriculture:**

9 (1) Animal specialty services (0752).

10 (b) **Mining:**

11 (1) Crude petroleum and gas extraction (131).

12 (c) **Manufacturing:**

13 (1) Millwork (2431).

14 (2) Structural wood members, not elsewhere classified (2439).

15 (3) Wooden containers (244).

16 (4) Miscellaneous wood products (249).

17 (5) Furniture and fixtures (25).

18 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous
19 chemical products (289).

20 (7) Rubber and plastics footwear (302).

21 (8) Fabricated rubber products, not elsewhere classified (306).

22 (9) Miscellaneous plastics products (307).

23 (10) Leather tanning and finishing (311).

24 (11) Fabricated structural metal products (344).

25 (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).

26 (13) Coating, engraving, and allied services (347).

27 (14) Miscellaneous fabricated metal products (349).

28 (15) Metalworking machinery and equipment (354).

29 (16) Woodworking machinery (3553).

30 (17) Refrigeration and service industry machinery (358).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(18) Ship and boat building and repairing (373).

(19) Jewelry, silverware, and patch ware (391).

(20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

~~(1) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~

(e) Utilities:

(1) Electrical service (491).

(2) Gas production and distribution (492).

(3) Water supply (494).

(f) Wholesale trade:

(1) Durable goods, not elsewhere classified (5099).

(g) Services:

(1) Residential care (836).

(h) Residential:

(1) Single family dwellings, other than mobile homes.

(2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.

(3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.

(4) Homeless shelters and room and board facilities serving between 6 and 75 persons; ~~and.~~

(i) Other uses:

(1) Solid waste transfer stations.

(2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.

1 **Section 104.** SRC 155.050 is amended to read as follows:

2 **155.050. Prohibited Uses.** Within any IC district, no building, structure, or land shall be
3 used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020
4 to ~~155.040~~ 155.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
5 or allowed as a nonconforming use pursuant to SRC Chapter 270.

6 **Section 105.** SRC 155.900 is amended to read as follows:

7 **155.900. Reference to Additional Standards.** Additional or alternative use and
8 development standards may be found in the following Chapters:

9	Landslide Hazards	SRC Chapter 69
10	Lot Development Standards	SRC Chapter 130
11	Accessory Structures	SRC Chapter 131
12	Landscaping	SRC Chapter 132
13	Off-street Parking, Loading and Driveways	SRC Chapter 133
14	Flood Plain Overlay Zones	SRC Chapter 140
15	Willamette Greenway Overlay Zones	SRC Chapter 141
16	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

17 **Section 106.** SRC 156.030 is amended to read as follows:

18 **156.030. Special Uses.**

19 (a) The following uses, when restricted, developed and conducted as required in SRC
20 Chapter 119, are permitted in the IBC district:

- 21 (1) Gasoline service stations (554);
- 22 ~~(2) Antennas attached to existing or approved structures;~~
- 23 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
24 ~~enclosures;~~
- 25 ~~(4)~~ (42) Colleges, universities, professional schools, and junior colleges (8221);
- 26 ~~(5)~~ (53) One single family dwelling, other than a manufactured home, per lot;
- 27 ~~(6)~~ (64) Ambulance Station;
- 28 ~~(7)~~ (75) Ambulance Service Facility.

29 (b) The special uses permitted under Subsection (a) of this Section together with the
30 permitted uses listed under SRC 156.020(h) through (j) shall:

1 (1) In the aggregate be limited in area to not more than ten percent of the gross
2 area of the IBC district; and

3 (2) Not be developed until not less than 25 percent of the gross area of the IBC
4 district has received an occupancy permit issued by the City of Salem for one or
5 more permitted uses listed under SRC 156.020(b) through (f).

6 **Section 107.** SRC 156.035 is amended to read as follows:

7 **156.035. Conditional Uses.** The following uses, with conditional use approval as provided
8 in SRC Chapter ~~117~~ 240 or 118, as applicable, are permitted in the IBC district:

9 (a) **Transportation, communication, electric, gas, and sanitary services:**

10 (1) Air transportation, Nonscheduled (452).

11 ~~(2) Freestanding support structures greater than 70 feet in height and equipment~~
12 ~~enclosures.~~

13 (b) **Utilities:**

14 (1) Electrical service (491);

15 (2) Gas production and distribution (492);

16 (3) Water supply (494).

17 **Section 108.** SRC 156.050 is amended to read as follows:

18 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be
19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020
20 to SRC ~~156.030~~ 156.045, unless the use is deemed an equivalent use pursuant to SRC
21 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 109.** SRC 156.900 is amended to read as follows:

23 **156.900. Reference to Additional Standards.** Additional or alternative use and
24 development standards may be found in the following Chapters:

25 Landslide Hazards SRC Chapter 69

26 Wireless Communications Facilities SRC Chapter 703

27 **Section 110.** SRC 157.030 is amended to read as follows:

28 **157.030. Special Uses.**

29 (a) The following uses, when restricted, developed, and conducted as required in SRC
30 Chapter 119, are permitted in the IP district:

- 1 (1) Gasoline service stations (554).
- 2 (2) Mobile home as a dwelling for a caretaker.
- 3 ~~(3) Antennas attached to existing or approved structures.~~
- 4 ~~(4) Freestanding support structures 35 feet or less in height and equipment~~
- 5 ~~enclosures.~~
- 6 (53) One single family dwelling, other than a manufactured home, per lot.
- 7 (64) Ambulance Station.
- 8 (75) 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 111.** SRC 157.040 is amended to read as follows:

13 **157.040. Conditional Uses. ~~157.040.~~** The following uses, with conditional use approval as
 14 provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

15 (a) **Transportation, communication, electric, gas, and sanitary services:**

- 16 (1) Air transportation, Nonscheduled (452).
- 17 ~~(2) Freestanding support structure greater than 70 feet in height and equipment~~
- 18 ~~enclosures.~~

19 (b) Crude petroleum and natural gas extraction (131).

20 (c) Carpentering and flooring (175).

21 (d) **Manufacturing:**

- 22 (1) Food and kindred products (20) BUT EXCLUDING beverages (208).
- 23 (2) Miscellaneous textile goods (229).
- 24 (3) Lumber and wood products, except furniture (24).
- 25 (4) Furniture and fixtures (25).
- 26 (5) Paper and allied products (26).
- 27 (6) Chemicals and allied products (28).
- 28 (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires
- 29 and inner tubes (301) and reclaimed rubber (303).
- 30 (8) Leather tanning and finishing (311).

- 1 (9) Flat glass (321).
- 2 (10) Glass and glassware, pressed or blown (322).
- 3 (11) Pottery and related products (326).
- 4 (12) Cut stone and stone products (328).
- 5 (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
- 6 (14) Coating, engraving, and allied services (347).
- 7 (15) Ordnance and accessories, except vehicles and guided missiles (348).
- 8 (16) Industrial and commercial machinery and computer equipment (35) BUT
- 9 EXCLUDING industries permitted under SRC 157.020.
- 10 (17) Storage batteries (3691).
- 11 (18) Primary batteries, dry and wet (3692).
- 12 (19) Transportation equipment (37) BUT EXCLUDING industries permitted
- 13 under SRC 157.020.
- 14 (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and
- 15 advertising displays (3993).
- 16 **(e) Public utilities:**
- 17 (1) Electric services (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 (2) Chemicals and allied products (516).
- 23 (3) Petroleum and petroleum products (517).
- 24 **(g) Animal specialty services, excluding veterinary (0752).**
- 25 **(h) Other uses:**
- 26 (1) Solid waste transfer stations.
- 27 **(i) Those uses listed in SRC 157.030, at the developer's option, as provided in**
- 28 **subsection (b) of that section.**

29 **Section 112.** SRC 157.050 is amended to read as follows:

30 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be

1 used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020
2 to ~~157.040~~ 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
3 or allowed as a nonconforming use pursuant to SRC Chapter 270.

4 **Section 113.** SRC 157.900 is amended to read as follows:

5 **157.900. Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Landslide Hazards	SRC Chapter 69
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-street Parking, Loading, and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

15 **Section 114.** SRC 158.030 is amended to read as follows:

16 **158.030. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the IG district;

- 19 (1) Scrap and waste materials establishments (5093).
- 20 (2) Mobile home as a dwelling for a caretaker.
- 21 (3) Wildlife rehabilitation facility.
- 22 (4) Mobile food unit.
- 23 (5) Lumber and other building materials.
- 24 (6) Retail nurseries, lawn and garden supply stores.
- 25 ~~(7) Antennas attached to existing or approved structures.~~
- 26 ~~(8) Freestanding support structures 70 feet or less in height whose base is greater~~
27 ~~than 300 feet from an R or CO zone and equipment enclosures.~~
- 28 ~~(97)~~ Recreational vehicle sales (5561).
- 29 ~~(108)~~ One single family dwelling, other than a manufactured home, per lot.
- 30 ~~(119)~~ Ambulance Station.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

~~(1210)~~ 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 158.040 is amended to read as follows:

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.

(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).

- 1 (10) Miscellaneous chemical products (289).
- 2 (11) Petroleum and coal products (29).
- 3 (12) Cement hydraulic (324).
- 4 (13) Structural clay products (325).
- 5 (14) Concrete, gypsum, and plaster products (327), except concrete block and
- 6 brick (3271).
- 7 (15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
- 8 (16) Iron and steel foundries (332).
- 9 (17) Primary smelting and refining of nonferrous metals (333).
- 10 (18) Secondary smelting and refining of nonferrous metals (334).
- 11 (19) Rolling, drawing, and extruding of nonferrous metals (335).
- 12 (20) Nonferrous foundries (castings) (336).
- 13 (21) Miscellaneous primary metal products (339).
- 14 (22) Ordinance and accessories, except vehicles and guided missiles (348).
- 15 (23) Storage batteries (3691).
- 16 (24) Primary batteries, dry and wet (3692).

17 (f) **Wholesale trade:**

- 18 (1) Livestock (5154).
- 19 (2) Chemicals and allied products (516).

20 (g) **Services:**

- 21 (1) Racing, including track operation (7948).

22 (h) **Other uses:**

- 23 (1) Solid waste transfer stations.

24 **Section 116.** SRC 158.050 is amended to read as follows:

25 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be
26 used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020
27 to ~~158.040~~ 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
28 or allowed as a nonconforming use pursuant to SRC Chapter 270.

29 **Section 117.** SRC 158.900 is amended to read as follows:

30 **158.900. Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

2	Landslide Hazards	SRC Chapter 69
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	Lot Development Standards	SRC Chapter 130
10	Accessory Structures	SRC Chapter 131
11	Landscaping	SRC Chapter 132
12	Off-street Parking, Loading, and Driveways	SRC Chapter 133
13	Flood Plain Overlay Zones	SRC Chapter 140
14	Willamette Greenway Overlay Zones	SRC Chapter 141
15	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

16 **Section 118.** SRC 159.030 is amended to read as follows:

17 **159.030. Special Uses.**

18 (a) The following uses, when restricted, developed and conducted as required in SRC
19 Chapter 119, are permitted in an II district:

- 20 ~~(1) Antennas attached to an existing and approved structure;~~
21 ~~(2) Freestanding support structures 35 feet or less in height and equipment~~
22 ~~enclosures;~~
23 ~~(31) Ambulance Station;~~
24 ~~(42) Ambulance Service Facility.~~

25 **Section 119.** SRC 159.040 is amended to read as follows:

26 **159.040. Conditional Uses.**

27 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
28 applicable, are permitted in the II district:

- 29 (a) Transportation, communication, electric, gas, and sanitary services:
30 (1) Air transportation, Nonscheduled (452).

- 1 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~
- 2 ~~within 300 feet of an R or CO zone and equipment enclosures.~~
- 3 (b) Crude petroleum and natural gas extraction (131).
- 4 (c) Animal and marine fats and oils (2077).
- 5 (d) Ordinance and Accessories except vehicles and guided missiles (348).
- 6 (e) Eating and drinking places (58).
- 7 (f) Dwelling unit for a caretaker or watchman on the premises being cared for or
- 8 guarded.
- 9 (g) Surface mining, including washing, screening, processing, asphalt concrete, and
- 10 cement concrete making, as a specific conditional use under SRC Chapter 118.
- 11 (h) Solid waste transfer stations.

12 **Section 120.** SRC 159.050 is amended to read as follows:

13 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be
 14 used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020
 15 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or
 16 allowed as a nonconforming use pursuant to SRC Chapter 270.

17 **Section 121.** SRC 159.900 is amended to read as follows:

18 **159.900. Reference to Additional Standards.** Additional or alternative use and
 19 development standards may be found in the following Chapters:

20 Landslide Hazards	SRC Chapter 69
21 Lot Development Standards	SRC Chapter 130
22 Accessory Structures	SRC Chapter 131
23 Landscaping	SRC Chapter 132
24 Off-Street Parking, Loading and Driveways	SRC Chapter 133
25 Flood Plain Overlay Zones	SRC Chapter 140
26 Willamette Greenway Overlay Zones	SRC Chapter 141
27 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

28 **Section 122.** SRC 160.020 is amended to read as follows:

29 **160.020. Prohibited Uses.** Within any P district, no building, structure, or land shall be
 30 used, erected, structurally altered, or enlarged for any use not permitted in the particular

1 district under SRC 160.030 to ~~160.120~~ 160.125 unless the use is deemed an equivalent use
2 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
3 270.

4 **Section 123.** SRC 160.100 is amended to read as follows:

5 **160.100. Special Uses in P Zones.**

6 (a) The following uses, when restricted, developed, and conducted as required in SRC
7 Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

8 (1) Mobile home as a dwelling for a caretaker.

9 (2) Existing wildlife rehabilitation facility.

10 (3) Wildlife rehabilitation facility.

11 (4) Mobile food unit.

12 (5) Compost facility for yard debris franchise haulers and government entities
13 only, when located on the site of and in compliance with the Oregon State
14 Corrections Area Plan as adopted by the Capital Planning Commission.

15 ~~(6) Antennas attached to existing or approved structures.~~

16 ~~(7) Freestanding support structures 70 feet or less in height whose base is greater
17 than 300 feet from a R or CO zone and equipment enclosures.~~

18 ~~(8) Ambulance Station.~~

19 ~~(9) Ambulance Service Facility.~~

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. See SRC 119.010.

23 **Section 124.** SRC 160.900 is amended to read as follows:

24 **160.900. Reference to Additional Standards.** Additional or alternative use and
25 development standards may be found in the following Chapters:

26	Preservation of Trees and Vegetation	SRC Chapter 68
27	Landslide Hazards	SRC Chapter 69
28	Lot Development Standards	SRC Chapter 130
29	Accessory Structures	SRC Chapter 131
30	Landscaping	SRC Chapter 132

1	Off-street Parking, Loading, and Driveways	SRC Chapter 133
2	Flood Plain Overlay Zones	SRC Chapter 140
3	Willamette Greenway Overlay Zones	SRC Chapter 141
4	Development Design Handbooks for projects including three or more multiple family	
5	units	
6	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

7 **Section 125.** SRC 161.060 is amended to read as follows:

8 **161.060. Height.** No building, ~~or structure or freestanding support structure~~ in the EC Zone
9 located ninety feet or more from a lot or parcel line that abuts a residential district shall
10 exceed eighty feet in height, and no portion of any building, ~~or structure or freestanding~~
11 ~~support structure~~ that is located within ninety feet of a lot or parcel line that abuts a
12 residential district shall exceed twenty-eight feet in height.

13 **Section 126.** SRC 161.170 is amended to read as follows:

14 **161.170. Additional Standards.** Additional standards may apply to development in the EC
15 Zone as a result of regulations found in the following Chapters:

16	SRC Chapter 69	Landslide Hazards
17	SRC Chapter 140	Flood Plain Overlay Zone
18	SRC Chapter 125	Airport Overlay Zone
19	<u>SRC Chapter 703</u>	<u>Wireless Communications Facilities</u>

20 **Section 127.** SRC 162.050 is amended to read as follows:

21 **162.050. Special Uses.**

22 The following uses, when restricted, developed and conducted as required in SRC Chapter
23 119, are permitted in the SWMU Zone:

- 24 ~~(a) Antennas attached to existing or approved structures.~~
- 25 **(ba)** Mobile food unit.

26 **Section 128.** SRC 162.120 is amended to read as follows:

27 **162.120. Design Approval.**

28 **(a)** Within the SWMU Zone, the construction or alteration of the exterior facade of any
29 building or structure shall be consistent with the standards or guidelines contained in
30 the City of Salem Development Design Handbook. This section shall not apply to

1 wireless communications facilities or to relocatable structures not attached to a
2 permanent foundation.

3 (b) Lawful non-conforming buildings or structures may be structurally altered or
4 enlarged provided such new development reduces the degree of non-conformity, and
5 meets all other provisions of the Zoning Code and other laws, ordinances and
6 regulations.

7 **Section 129.** SRC 162.130 is amended to read as follows:

8 **162.130. Additional Standards.** Additional standards may apply to development in the
9 SWMU Zone. In the event there is any conflict between the standards of this Chapter and
10 those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
11 shall control. Chapters that provide additional standards include, but may not be limited to:

12	Sign Code	SRC Chapter 900
13	Home Occupations	SRC Chapter 124
14	General Development Standards	SRC Chapter 130
15	Accessory Structures	SRC Chapter 131
16	Landscaping	SRC Chapter 132
17	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
18	Floodplain Overlay Zones	SRC Chapter 140
19	Willamette Greenway	SRC Chapter 141
20	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

21 **Section 130.** SRC 215.055 is amended to read as follows:

22 **215.055. Additional Standards.** Additional standards may apply to development in the
23 NCMU zone as a result of regulations found in the following chapters. In the event of a
24 conflict between the standards contained in the NCMU zone and those contained within other
25 chapters of the SRC, the standards contained in the NCMU shall apply.

26	(a) Signs	SRC Chapter 900
27	(b) Preservation of Trees and Vegetation	SRC Chapter 68
28	(c) Landslide Hazards	SRC Chapter 69
29	(d) Trees and Shrubs	SRC Chapter 86
30	(e) Home Occupations	SRC Chapter 124

- 1 (f) Wetlands SRC Chapter 126
- 2 (g) General Development Standards SRC Chapter 130
- 3 (h) Accessory Structures SRC Chapter 131
- 4 (i) Landscaping SRC Chapter 132
- 5 (j) Off-Street Parking, Loading, and Driveways SRC Chapter 133
- 6 (k) Flood Plain Overlay Zones SRC Chapter 140
- 7 (l) Wireless Communications Facilities SRC Chapter 703

8 **Section 131.** SRC 220.005 is amended to read as follows:

9 **220.005. Site Plan Review.**

10 (a) **Applicability.**

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

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

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

19 (B) Sign installation.

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

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

24 (E) Interior construction or tenant improvements that involve no change
 25 of use.

26 (F) Wireless communications facilities.

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

28 (1) **Class 1 Site Plan Review.** Class 1 Site Plan Review is site plan review for
 29 any development that requires a building permit, that does not involve a land use
 30 decision or limited land use decision, as those terms are defined in ORS 197.015,

1 and that involves a change of use or change of occupancy where only construction
2 or improvements to the interior of the building or structure are required.

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

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

12 (A) Requires a Transportation Impact Analysis pursuant to the Salem
13 Transportation System Plan;

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

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

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

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

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

26 **(c) Procedure Type.**

27 (1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
28 Chapter 300.

29 (2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
30 Chapter 300.

1 (3) Class 3 Site Plan Review is processed as a Type II procedure under SRC
2 Chapter 300.

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

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

10 (1) The names and addresses of the applicant(s), the owner(s) of the subject
11 property, and any authorized representative(s) thereof;

12 (2) The address or location of the subject property and its assessor's map and tax
13 lot number;

14 (3) The size of the subject property;

15 (4) The comprehensive plan designation and zoning of the subject property;

16 (5) The type of application(s);

17 (6) A brief description of the proposal; and

18 (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the
19 duly authorized representative(s) thereof authorizing the filing of the
20 application(s).

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

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

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

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

29 (ii) The location of all proposed primary and accessory structures and
30 other improvements, including fences, walls, and driveways, indicating

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

distance from the structures and improvements to all property lines and adjacent on-site structures;

(iii) Loading areas, if included in the proposed development;

(iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;

(v) An indication of future phases of development on the site, if applicable;

(vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;

(vii) 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;

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

(ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC Chapter 86; and

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

(B) 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:

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

(ii) 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

(iii) The location of the one-hundred-year flood plain, if applicable.

(C) A completed trip generation estimate for the proposed development, on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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

(f) Criteria.

(1) Class 1 Site Plan Review. An application for a Class 1 Site Plan Review

1 shall be granted if:

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

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

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

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

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

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

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

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

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

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

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

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

27 (D) The proposed development will be adequately served with City water,
28 sewer, storm drainage, and other utilities appropriate to the nature of the
29 development.
30

1 **Section 132.** SRC 300.100 is amended to read as follows:

2 **300.100. Procedure Types.**

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

6 **TABLE 300-1**

7 **LAND USE PROCEDURE TYPES**

8 **Table 300-1: 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	The 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	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	-	-	SRC 64

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
			;			
			CC – Decision			
CONDITIONAL USE	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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority			
Application	Procedure Type	Pre-App. Required	Decision	Appeal	City Council Review	Applicable Code Chapter(s)
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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	III	Y	HO	PC	Y	SRC 63
VARIANCE	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
- Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	Y	SRC 141

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	Y	SRC 141
<u>WIRELESS COMMUNICATIONS FACILITIES SITING</u>						
- <u>Temporary Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
- <u>Class 1 Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
- <u>Class 2 Wireless Communications Facilities Siting</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Class 3 Wireless Communications Facilities Siting</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Wireless Communications Facilities Adjustment</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
ZONE CHANGE						
- Zone Change	III	Y	HO	CC	Y	SRC 265

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority			
Application	Procedure Type	Pre-App. Required	Decision	Appeal	City Council Review	Applicable Code Chapter(s)

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 133. 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~~, Class 2 Wireless Communications Facilities Siting, 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- 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 a 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;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(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.

1 (c) **Application Review.** The Review Authority shall review the application, all
2 written comments submitted during the public comment period, and the applicant's
3 response to the comments, if any. Written comments received after the expiration of
4 the public comment period shall not be considered by the Review Authority.

5 (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
6 application based upon the facts contained within the record and according to the
7 applicable standards and criteria. The decision of the Review Authority shall be a
8 written order containing findings that explain the criteria and standards applicable to
9 the decision, stating the facts relied upon in rendering the decision, and explaining the
10 justification for the decision.

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

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

15 (A) The applicant(s) and/or authorized representative(s);

16 (B) The owner(s) or contract purchaser(s) of record of the subject 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 written comments during the
20 comment period;

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

23 (F) Any governmental agency which is entitled to notice by law or under an
24 intergovernmental agreement with the City, and any governmental agency
25 which submitted written comments during the comment period; and

26 (G) Any community organizations, agencies, or individuals who have
27 submitted written requests to the City for notice of the decision.

28 (2) Notice of the decision shall include:

29 (A) A brief description of the application;

30 (B) A description of the site sufficient to inform the reader of its location,

1 including site address, if available, map and tax lot number, and its
2 comprehensive plan designation and zoning;

3 (C) A brief summary of the decision, and conditions of approval, if any;

4 (D) A statement of the facts relied upon;

5 (E) The date the Review Authority's decision becomes effective, unless
6 appealed;

7 (F) The date and time by which an appeal must be filed, a brief statement
8 explaining how to file an appeal, and where further information may be
9 obtained concerning the appeal process;

10 (G) A statement that all persons entitled to notice of the decision may appeal
11 the decision; and

12 (H) A statement that the complete case file, including findings, conclusions,
13 and conditions of approval, if any, is available for review. The notice shall
14 state where the case file is available and the name and telephone number of
15 the staff case manager to contact about reviewing the case file.

16 **(f) Appeal and Review.**

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

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

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

27 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or
28 a Class 2 adjustment, notice of the appeal shall be provided to the City
29 Council at its next regular meeting. The Council may, pursuant to SRC
30 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 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 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

- (A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
- (B) The date of the decision; and
- (C) A description of the decision made.

(b) Use Categories.

(1) Residential.

- (A) **Characteristics.** Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
- (B) **Examples.** Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

- (A) **Characteristics.** A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
- (B) **Examples.** Assisted living.

(3) Retail Sales and Service.

- (A) **Characteristics.** Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
- (B) **Examples.** Retail Sales and Service permitted activities include the following activities:
 - (i) **Retail Sales-Oriented.** Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing,

1 dry goods, electronic equipment, fabric, furniture, garden supplies, gifts,
2 groceries, hardware and home improvements, household products,
3 jewelry, pets, pet food, pharmaceuticals, plants, printed material,
4 stationery, or video.

5 **(ii) Personal Service-Oriented.** Banks; urgent medical care;
6 laundromats; photographic studios; photocopy and blueprint services;
7 hair, tanning, and personal care services; business, martial arts, and other
8 trade schools; dance or music studios; and veterinarians and animal
9 grooming.

10 **(iii) Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns,
11 and bars; health clubs and gyms; membership clubs, lodges, and
12 temporary lodging establishments with five or fewer guest rooms.

13 **(iv) Product Repair or Service Oriented.** Repair of TVs, bicycles,
14 clocks, watches, shoes, guns, appliances and office equipment; quick
15 printing; tailors; locksmiths; and upholsterers.

16 **(4) Office.**

17 **(A) Characteristics.** Office consists of uses conducted in an office setting
18 and generally involves business, professional, medical, or financial services.

19 **(B) Examples.** Lawyers; accountants; engineers; architects; lenders;
20 brokerage houses; bank headquarters; real estate agents; data processing; sales
21 offices; medical and dental clinics; and medical and dental laboratories.

22 **(5) Institutional.**

23 **(A) Characteristics.** Institutional consists of activities of a public, nonprofit,
24 or charitable nature generally providing a local service to people of the
25 community. Generally, institutional provides the service on the site or has
26 employees at the site on a regular basis. The service is ongoing, and not just
27 for special events.

28 **(B) Examples.** Daycare, preschools, and nursery schools; adult daycare;
29 public and private schools and colleges; senior centers; community centers;
30 religious institutions; libraries; postal services; transit shelters; fire stations,

1 police stations and other structures providing necessary municipal services.

2 **(6) Parks and Open Space.**

3 **(A) Characteristics.** Parks and Open Space consists of natural areas, large
4 areas consisting mostly of vegetative landscaping or outdoor recreation
5 features or facilities, community gardens, or public squares, used for public
6 recreational activities or for the preservation or enhancement of areas having
7 scenic, biological or ecological significance.

8 **(B) Examples.** Playgrounds; parks; public squares; plazas; recreational
9 trails; botanical gardens; and nature preserves.

10 **(7) Public Utilities.**

11 **(A) Characteristics.** Public Utilities consist of water, gas, sanitary sewer,
12 storm sewer, electricity, telephone and wire communication service, and cable
13 television service lines, mains, pumping stations, reservoirs, poles,
14 underground transmission facilities, substations, and related physical facilities
15 which do not include buildings regularly occupied by employees, parking
16 areas, or vehicle, equipment or material storage areas.

17 **(B) Examples.** Water; gas; sanitary sewer; storm sewer; electricity;
18 telephone and wire communication service; cable television service lines;
19 service mains; service poles; and underground transmission facilities.

20 **(8) Wireless Communications Facilities.**

21 **(A) Characteristics.** Wireless Communications Facilities consist of
22 unstaffed facilities for the transmission or reception of radio frequency signals
23 for commercial wireless communications purposes, including, but not limited
24 to, auxiliary support equipment; support towers or support structures, or utility
25 structures used to achieve the necessary elevation for the antenna;
26 transmission and reception cabling and devices; and all antennas or arrays.

27 **(B) Examples.** Wireless communications facilities antennas attached to
28 support towers, buildings, and other structures; generators; cabinets; cables;
29 wiring.
30

1 **Section 135.** SRC 532.020 is amended to read as follows:

2 **532.020. Uses Allowed with Neighborhood Center Master Plan.** The uses set forth in
 3 Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master
 4 Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the
 5 location of the building or structure housing the use is located inside or outside of the Core
 6 Area designated in the Master Plan.

7 **TABLE 532-1**

8 **NCMU ZONE USES WITH MASTER PLAN**

9 **Table 532-1: NCMU Zone Uses with Master Plan**

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Residential Use			
Single Family Detached Dwelling	N	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	N	P	
Single Family Attached Dwelling (Townhouse)	N	P	
Manufactured Home	N	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	P	
Multiple Family	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
Residential Facility	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
All other Residential Uses	N	N	
Senior Care Facility Use			
Senior Care Facility	P	C	
Retail Sales and Service Use			
Retail Sales and Service	P	N	Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited. <ul style="list-style-type: none"> Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

			<ul style="list-style-type: none"> • Vehicle services such as motor vehicle repair, gas station, or car wash; • Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted; • Taxidermists; • Mortuaries; • Kennels; • Casinos; • Temporary lodging establishments with more than 5 guest rooms; • Recreational vehicle parks; • Indoor firing ranges; • Theaters greater than 5,000 square feet; • Pool halls; <p>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</p>
Office Use			
Office	P	N	
Institutional Use			
Institutional	P	C	
Parks and Open Space Use			
Parks and Open Space	P	P	<p>Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:</p> <ul style="list-style-type: none"> • Cemeteries; • Open areas used for grazing.
Public Utilities Use			
Public Utilities	P/C	P/C	<p>Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:</p> <ul style="list-style-type: none"> • Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
<u>Wireless Communications Facilities Use</u>			
<u>Wireless Communications Facilities</u>	<u>W</u>	<u>W</u>	

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

TABLE 532-2

NCMU ZONE USES IN LIEU OF MASTER PLAN

Table 532-2: NCMU Zone Uses In Lieu of Master Plan

Use	Status	Limitations & Qualifications
Residential Use		
Single Family Detached Dwelling	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	P	
Single Family Attached Dwelling (Townhouse)	N	
Manufactured Home	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	
Multiple Family	N	
Residential Facility	N	
All other Residential Uses	N	
Senior Care Facility Use		
Senior Care Facility	N	
Retail Sales and Service Use		
Retail Sales and Service	N	
Office Use		
Office	N	

1	Institutional Use		
2	Institutional	N	
3	Parks and Open Space Use		
4	Parks and Open Space	P	
5	Public Utilities Use		
6	Public Utilities	P/C	Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
7			
8			
9	<u>Wireless Communications</u>		
10	<u>Facilities Use</u>		
11	<u>Wireless Communications</u>	<u>W</u>	
12	<u>Facilities</u>		

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 137. SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

(a) Signs	SRC Chapter 900
(b) Preservation of Trees and Vegetation	SRC Chapter 68
(c) Landslide Hazards	SRC Chapter 69
(d) Trees and Shrubs	SRC Chapter 86
(e) Home Occupations	SRC Chapter 124
(f) Wetlands	SRC Chapter 126
(g) General Development Standards	SRC Chapter 130
(h) Accessory Structures	SRC Chapter 131

- 1 (i) Landscaping SRC Chapter 132
- 2 (j) Off-Street Parking, Loading, and Driveways SRC Chapter 133
- 3 (k) Flood Plain Overlay Zones SRC Chapter 140
- 4 (l) Wireless Communications Facilities SRC Chapter 703

5 **Section 138. Repeal.** SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035,
 6 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035,
 7 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

8 **Section 139. Savings Clause.** A prosecution or code enforcement action which is pending on
 9 the effective date of this Ordinance and which arose from a violation of a section of the Salem
 10 Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is
 11 started within one year after the effective date of this Ordinance arising from a violation of a
 12 section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined
 13 exactly as if the section or sections had not been repealed.

14 **Section 140. Codification.** In preparing this ordinance for publication and distribution, the City
 15 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
 16 limitations, may:

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

25 **Section 141. Severability.** Each section of this ordinance, and any part thereof, is severable,
 26 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
 27 remainder of the ordinance shall remain in full force and effect.

28 **Section 142. Effective Date.** This ordinance shall become effective thirty days after enactment,
 29 unless a notice of appeal is timely filed, in which case the ordinance shall become effective on
 30 the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

PASSED by the City Council this _____ day of _____, 2013.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: P Cole

g:\group\legal\council\2013\111813 wireless communications facilities src ch 703 ord 24-13 engrossed.doc



BUSCHLAWFIRMPLLC
WWW.WIRELESSCOUNSEL.COM

DOCUMENT FILED

FEB 14 2014

CITY OF SALEM
CITY RECORDER

February 14, 2014

The Honorable Anna Peterson, Mayor of Salem
and Members of the Salem City Council
City of Salem
c/o Kathy Hall, City Recorder
555 Liberty Street SE, Room 205
Salem, OR 97301

VIA EMAIL TRANSMISSION- khall@cityofsalem.net

**RE: Final Comments on Proposed Ordinance
SRC Chapter 703 – Wireless Communications Facilities
City Case File No. Ordinance No. 24-13/Code Amendment Case No. CA 10-04**

Dear Mayor Peterson and City Councilors:

This letter presents final comments on proposed SRC Chapter 703 (Wireless Communications Facilities), provided on behalf of AT&T in response to the supplemental staff report and Council's discussion at its January 27, 2014, hearing.

At the request of Council, staff has provided information about the setback and height standards adopted by other jurisdictions, including Portland, Beaverton, Hillsboro, Corvallis, Eugene, and Gresham. See Supplemental Staff Report, p. 4. As explained by staff, Salem's proposed standards are not the least restrictive when compared with these other jurisdictions. Id.

Setbacks

Each jurisdiction's wireless code is a balance between the interests of the carriers that need to build infrastructure and the residents who are concerned about potential adverse impacts (but also want fast broadband service). One dimensional standard in isolation, such as a setback requirement, does not complete the picture of how potential impacts are mitigated by the code.

Relevant to striking the appropriate balance are the jurisdiction's unique zoning patterns, terrain, natural features, and built environment. As explained by Ms. Cole in

SEATTLE

LOS ANGELES

DENVER

PORTLAND

BEND

February 14, 2014

Page 2

Council's January 13, 2014, hearing, Salem's zoning patterns combined with the current 300-foot setback make it very difficult to deliver wireless service to substantial portions of the City. One of the primary goals of the City's code rewrite process was to facilitate the delivery of wireless services to these areas, which are predominantly residential. Future Report, November 18, 2013, p. 2 (see issue number 5).

We support the balance struck in proposed Ordinance 24-13, which both staff and the City's Planning Commission have recommended for approval, and we ask Council to approve the dimensional standards as proposed

While the new code includes reduced setbacks (from 300 feet), it also adds other items, such as design and screening requirements. Most notably, the new code imposes strict standards requiring that new support towers be designed to resemble an object such as a native tree or flag pole, which apply in all residential and mixed use zones and within 300 feet of a residential or mixed use zone. See subsection (e) on page 26 of Ordinance 24-13. As the current code does not require camouflage or stealth design, this is a significant change.

A 100-foot setback has been suggested, but again, a setback of this size significantly limits the potential locations for new facilities and can effectively prohibit the delivery of wireless services in violation of federal law. Large setbacks not only eliminate many potential sites within the residential zones, they also eliminate substantial portions of the adjacent areas zoned for commercial uses and other more intense development. These are the same commercial areas in which the City would prefer that wireless facilities be sited. An unintended consequence of the larger setbacks is that there is little incentive to site a facility in the commercial area over the residential area.

Larger setbacks can also prevent the location of a new facility in the area of a parcel that provides the most natural screening, such as within mature evergreen trees. When the City's code requires that facilities be camouflaged as an object such as a tree, the applicant should have the ability to locate the disguised facility within the appropriate natural setting.

Height

With regard to height limitations, staff already proposes to restrict tower heights to the heights permitted for other nonresidential uses in the same zone. See Table 703-1. This regulation is considerably more restrictive than the standards of many other

February 14, 2014

Page 3

jurisdictions, including Eugene, which allows tower heights of up to 75 feet in residential zones without a variance. Supplemental Staff Report, p. 4 (EC 9.5750(7)(b)(5)). The Council should not adopt a more restrictive height standard.

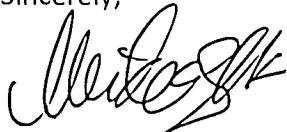
Auxiliary Equipment

Council members also requested information about how other jurisdictions regulate auxiliary equipment and particularly about undergrounding requirements. Staff has provided a comparison of several jurisdictions (Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado) that it completed last year prior to the first Planning Commission hearing. See Exhibit 1 to Supplemental Staff Report. Only one listed jurisdiction requires undergrounding outside of the right-of-way (Eugene, which also allows a variance when other screening methods shield the equipment from view).

Undergrounding is also unnecessary because the City's proposed ordinance provides sufficient screening and other mitigation of the potential impacts from aboveground auxiliary support equipment. The applicant must demonstrate that any noise from a site's equipment will not exceed City standards. Section 703.080(k). In addition, the ordinance lists several requirements for the equipment to be screened, such as a six-foot high sight-obscuring wall or fence, landscaping, location within an architectural element, or concealment to resemble a natural object. See Section 703.050. The ordinance also requires that the equipment be painted with natural colors and set back according to applicable standards. See Section 703.050. Placement of auxiliary support equipment underground is very expensive and disruptive, and particularly in areas in which utilities are already aboveground, there is no compelling reason to single out wireless communications facilities for underground placement.

Thank you for your consideration of our final comments.

Sincerely,



Meridee Pabst

cc: Jan Bans, AT&T External Affairs
Pamela Cole, Associate Planner, City of Salem
George Granger, AT&T External Affairs
Ken Lyons, Jurisdictional Relations Director, PNW, for AT&T
Cindy Manheim, General Attorney, AT&T
Geri Roper, Area Manager – Real Estate & Construction – PNW, AT&T

February 24, 2014
4 (a)

RECEIVED

FEB 12 2014

Mr. Pete Dane
720 Capitol St, NE, Salem, 97301
email: peterdane2000@yahoo.com

February 10, 2014

COMMUNITY DEVELOPMENT

DOCUMENT FILED

Ms. Pamela Cole
Associate Planner, Community Development
Planning Division, City of Salem
555 Liberty St, SE, Salem, OR, 97301

FEB 14 2014
CITY OF SALEM
CITY RECORDER

Re: Comment on Cell Tower variances, and future planning factors

Dear Ms. Cole:

In regards to the new cell tower variances, more consideration should be given to the projected cell tower coverage needs in the next 5 to 15 years. Why not take a "win-win" approach, for business and the environment? With improved long range planning, cell tower development and maintenance costs could be lower, due to less overlapping of services. With more strategically placed cell tower sites and arrays, there could be less impact for property owners, and less intense electric magnetic fields (EMF).

Looking at the "big picture," the increase in cell tower transmitter locations, along with the requisite electric power grids, will result in an expanded electronic infrastructure, and subsequent EMF's.. We already have the entrenched motor vehicle infrastructure, with its almost invisible air pollution. The FCC seems intent on down playing this issue, although it is the exclusive monitors of EMF's. Would it be morally and legally negligent of the City of Salem, not to keep records of their own EMF monitoring?

As the "Automobile Age" changed the world, and so may the new "Digital Age." With it, business shall benefit, public's access to information will improve, along with an expanded Federally mandated "First Responders' Network." Yet, what shall be the long term effects EMF's on public health and the skyline of Salem?

"Let's keep Oregon beautiful." More research and long range planning are needed to minimize the impacts of new cell tower arrays and sites. Thank you.

Regards,

Pete Dane

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

March 10, 2014 _____
4 (c) _____

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT AMENDMENT TO ORDINANCE BILL
NO. 24-13 RELATED TO WIRELESS COMMUNICATIONS FACILITIES

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

BACKGROUND:

At the February 24, 2014 meeting, Council adopted staff's recommendation to amend Engrossed Ordinance Bill No. 24-13, as identified by staff, and advanced the engrossed ordinance to second reading, with the following additional amendment: amend section 703.070(b)(1) of the proposed engrossed ordinance to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

After the meeting, staff noted that the IC (Industrial Commercial) zone should be included with other industrial zones for clarity.

Staff recommends that section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13 be amended to read:

(b) Setbacks. The base of a support tower shall be set back ~~from adjacent property lines~~ as follows:

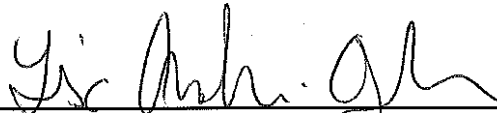
(1) In all industrial zones and the **IC**, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; ~~provided however, if the property abuts the EFU, RA, RS, RD, RM1, or~~

~~CO zones, the base of the support tower shall be set back from the property line abutting the zone~~ **and a minimum of thirty one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.**

(2) In all zones other than the industrial zones, residential zones, and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(3) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO, and 30 feet from all other property.

~~(2)~~ **(4) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.**



Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\CA 10-04 (CC Supplemental Report 03-10-14).docx

1 **ENGROSSED**

ORDINANCE BILL NO. 24-13

2 AN ORDINANCE RELATING TO ESTABLISHING NEW SALEM REVISED CODE

3 CHAPTER 703, WIRELESS COMMUNICATIONS FACILITIES; ADDING SRC 143A.075,

4 143B.065, 143E.055, 144.045, 145.045, 146.045, 147.045, 148.195, 148.345, 149.045, 150.045,

5 151.045, 152.045, 153.045, 154.045, 155.045, 156.045, 157.045, 158.045, 159.045, 160.125,

6 161.045, AND 162.065; AMENDING SRC 111.020, 111.040, 111.060, 111.070, 111.130,

7 111.140, 111.240, 130.210, 132.220, 133.100, 133.110, 135.020, 136.020, 137.020, 138.020,

8 139.040, 142.020, 143.020, 143A.020, 143A.060, 143A.080, 143A.200, 143B.030, 143B.070,

9 143B.090, 143B.120, 143B.150, 143C.060, 143D.020, 143D.070, 143D.100, 143D.120,

10 143D.180, 143D.190, 143D.230, 143D.250, 143E.060, 144.050, 145.030, 145.050, 145.900,

11 146.030, 146.050, 146.900, 147.030, 147.050, 147.900, 148.170, 148.200, 148.210, 148.300,

12 148.350, 148.360, 148.450, 149.030, 149.050, 149.900, 150.030, 150.050, 150.900, 151.030,

13 151.040, 151.050, 151.900, 152.030, 152.040, 152.050, 152.900, 153.030, 153.040, 153.050,

14 153.900, 154.030, 154.040, 154.050, 154.090, 154.900, 155.030, 155.040, 155.050, 155.900,

15 156.030, 156.035, 156.050, 156.900, 157.030, 157.040, 157.050, 157.900, 158.030, 158.040,

16 158.050, 158.900, 159.030, 159.040, 159.050, 159.900, 160.020, 160.100, 160.900, 161.060,

17 161.170, 162.050, 162.120, 162.130, 215.055, 220.005, 300.100, 300.520, 532.015, 532.020,

18 532.025, AND 532.040; AND REPEALING SRC 116.130, 118.340, 119.460, 143B.050,

19 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035,

20 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040,

21 AND 162.060

22 *The City of Salem ordains as follows:*

23 **Section 1.** SRC Chapter 703 is added to the Salem Revised Code as follows:

24 **703.001. Purpose.** The purpose of this Chapter is to provide a means whereby wireless
25 communications facilities are located, designed, installed, maintained, and removed in a
26 manner that provides for the effective provision of wireless communications within the City,
27 while protecting and promoting the health, safety, and welfare of the City and its residents by
28 requiring:

- 29 (a) The collocation, to the greatest extent possible, of new wireless
30 communications facilities on existing facilities in order to minimize the number of

1 support towers and related equipment;

2 (b) The careful consideration of the topography, natural features, and historical
3 significance in potential wireless communications facility sites;

4 (c) The encouragement of the use of existing structures, including, but not limited
5 to, freestanding structures such as light or utility poles and water towers, instead of
6 constructing new support towers;

7 (d) The encouragement of the location of new support towers and related
8 equipment in non-residential zones;

9 (e) The limiting of new structures and the regulation of enlargement or expansion
10 of existing structures in rights-of-way for the purpose of providing wireless
11 communications facilities;

12 (f) The provision of wireless communication services through facilities with
13 minimal visual impact.

14 **703.005. Definitions.** Unless the context specifically requires, as used in this Chapter, the
15 following mean:

16 (a) Amateur radio: The licensed and private use of designated radio bands, for
17 purposes of private recreation, non-commercial exchange of messages,
18 experimentation, self-training, and emergency communication pursuant to an
19 amateur operator license granted from the Federal Communications Commission.
20 Amateur radio is also commonly referred to as "ham radio."

21 (b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
22 transmission or reception of radio frequency signals, including, but not limited to
23 omni-directional antenna (whip), directional antenna (panel), micro cell, and
24 parabolic antenna (dish). Antenna does not include support structures, utility
25 structures, or support towers.

26 (c) Array: A grouping of two or more antennas on a single support structure,
27 support tower, or utility structure.

28 (d) Auxiliary support equipment: All equipment necessary to provide wireless
29 communications signals and data, including, but not limited to, electronic
30 processing devices, air conditioning units, and emergency generators. Auxiliary

1 support equipment also includes the shelter, cabinets, and other structural facilities
2 used to house and shelter necessary equipment. Auxiliary support equipment does
3 not include antennas, support towers, utility structures, support structures, or
4 external cables and wires.

5 (e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup
6 power supply, and other associated electronics. A base station includes a structure
7 that currently supports or houses an antenna, transceiver, or other associated
8 equipment that constitutes part of a base station and encompasses such equipment
9 in any technological configuration, including distributed antennas systems and
10 small cells.

11 **(f) Capacity: The ability of the wireless communications network to process**
12 **existing wireless service demands.**

13 ~~(g)~~ **(g)** Collocation: The mounting or installation of an antenna on ~~a~~ **an existing**
14 support structure, utility structure, or support tower for the purpose of transmitting
15 and/or receiving radio frequency signals for communications purposes.

16 ~~(h)~~ **(h)** Existing facility: A wireless communication facility that was lawfully in
17 place ~~on the effective date of Ordinance Bill No. 24-13~~ **at the time ~~an~~ a complete**
18 **application is submitted.**

19 ~~(i)~~ **(i)** Guy pole: A pole that is used primarily to structurally support a utility pole,
20 and has no energized conductors or telephone wires or wireless communications
21 facilities attached.

22 ~~(j)~~ **(j)** High voltage transmission lines: Either power lines with capacity for
23 transmitting electricity of 57,000 volts or greater, or a skipped pole between high
24 voltage transmission power lines.

25 ~~(k)~~ **(k)** Lattice tower: A support tower which consists of a network of crossed metal
26 braces, forming a tower which is usually triangular or square in cross-section.

27 ~~(l)~~ **(l)** Monopole: A support tower which consists of a single pole sunk into the
28 ground and/or attached to a foundation.

29 ~~(m)~~ **(m)** Original structure: A lawfully placed utility structure located in the right-
30 of-way as of the effective date of the right-of-way use agreement between the
owner and the City.

1 ~~(m)~~ **(n)** Owner: The person or entity that owns, operates, or manages an existing
2 wireless communications facility or proposed wireless communications facility, or
3 that person's or entity's agent.

4 ~~(n)~~ **(o)** Replacement structure: A utility structure that replaces a lawfully existing
5 utility structure or original structure to accommodate wireless communications
6 facilities and does not result in an increase in the total number of utility, guy, or
7 support poles in the rights-of-way or on private property.

8 ~~(o)~~ **(p)** Residential building: A building used for household living or group living,
9 regardless of zone. For the purposes of this definition:

- 10 (1) Residential building does not include a mixed use building;
- 11 (2) Household living means the residential occupancy of an owner-occupied or
12 rented dwelling unit on a wholly or primarily non-transient long-term basis,
13 typically more than twenty-eight days, by a family;
- 14 (3) Group living means the residential occupancy of a structure on a wholly or
15 primarily non-transient long-term basis, typically more than twenty-eight days,
16 by a group of people not meeting the characteristics of household living either
17 because the structure does not provide self-contained dwelling units or because
18 the dwelling is occupied by a group of people who do not meet the definition of
19 family, or both. Group Living facilities generally include common facilities that are
20 shared by residents, including, but not limited to, facilities for dining, social and
21 recreational activities, and laundry.

22 ~~(p)~~ **(q)** Right-of-way: The space upon, above, below, in, along, across, over, or
23 under public streets, roads, highways, lanes, courts, ways, alleys, boulevards,
24 bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas,
25 including the subsurface under and air space over these areas, but does not include
26 parks, parkland, or City property not generally open to the public for travel. This
27 definition applies only to the extent of the City's right, title, and interest in the
28 property and its authority to grant a license, permit, or other permission to use and
29 occupy the property.

30 ~~(q)~~ **(r)** Screening: To obscure effectively the view of the base of a wireless

1 communications facility and its auxiliary support equipment.

2 ~~(s)~~ **(s)** Siting: The location, construction, collocation, modification, or installation
3 of a wireless communications facility.

4 ~~(t)~~ **(t)** Skipped pole:

5 (1) A utility structure that lies between and is shorter than the two immediately
6 adjacent utility structures; or

7 (2) Where runs of taller poles (typically high voltage transmission) and shorter
8 poles (typically low voltage distribution or communication) are located on the
9 same side of the street, a shorter pole situated adjacent to and between two taller
10 poles in the same run.

11 ~~(u)~~ **(u)** Substantially change the physical dimensions:

12 (1) The mounting of a proposed antenna on a support tower would increase the
13 existing height of the support tower by more than 10%, or by the height of one
14 additional antenna array with separation from the nearest existing antenna not to
15 exceed twenty feet, whichever is greater, except that the mounting of the
16 proposed antenna may exceed the size limits set forth in this paragraph if
17 necessary to avoid interference with existing antennas; or

18 (2) The mounting of a proposed antenna involving the installation of more than
19 the standard number of new equipment cabinets for the technology involved,
20 not to exceed four, or more than one new equipment shelter; or

21 (3) The mounting of a proposed antenna involving the addition of an
22 appurtenance to the body of the support tower that would protrude from the
23 edge of the support tower more than twenty feet, or more than the width of the
24 support tower structure at the level of the appurtenance, whichever is greater,
25 except that the mounting of the proposed antenna may exceed the size limits set
26 forth in this paragraph if necessary to shelter the antenna from inclement
27 weather or to connect the antenna to the tower via cable; or

28 (4) The mounting of the proposed antenna involving excavation outside the
29 current support tower site, defined as the current boundaries of the leased or
30 owned property surrounding the support tower and any access or utility

1 easements currently related to the site.

2 ~~(v)~~ (v) Support structure: An existing building or structure, other than single
3 family dwellings and duplexes and support towers, to which an antenna is or will be
4 attached, including, but not limited to, buildings, steeples, water towers, and
5 outdoor advertising signs.

6 ~~(w)~~ (w) Support tower: A freestanding structure designed and constructed
7 exclusively to support a wireless communications facility or an antenna or antenna
8 array, including, but not limited to, monopoles, lattice towers, guyed towers, and
9 self-supporting towers.

10 ~~(x)~~ (x) Temporary wireless communications facility: Any wireless
11 communications facility that is to be in use for not more than ninety days and is not
12 deployed in a permanent manner.

13 ~~(y)~~ (y) Utility structure: Any utility pole, guy or support pole, utility pole extension,
14 light standard, light pole or other similar pole that is suitable for the installation of
15 wireless communications facilities.

16 ~~(z)~~ (z) Wireless communications: Any personal wireless services, as defined by the
17 Federal Telecommunications Act of 1996 as amended, that currently exist or that
18 may be developed in the future, including but not limited to cellular, personal
19 communications services, specialized mobile radio, enhanced specialized mobile
20 radio, paging, similar Federal Communications Commission-licensed commercial
21 wireless telecommunications services, but excluding wireless telecommunications
22 services used exclusively for public health or safety purposes and wireless
23 communications services used exclusively by gas and electric utilities and
24 cooperative utilities for internal communications of an operational nature.

25 ~~(aa)~~ (aa) Wireless communications facility: Any un-staffed facility for the
26 transmission and/or reception of radio frequency signals for commercial wireless
27 communications purposes, including, but not limited to, auxiliary support
28 equipment; support towers or support structures, or utility structures used to achieve
29 the necessary elevation for the antenna; transmission and reception cabling and
30 devices; and all antennas or arrays; but excluding wireless telecommunications

1 services used exclusively for public health or safety purposes and wireless
2 communications services used exclusively by gas and electric utilities and
3 cooperative utilities for internal communications of an operational nature.

4 **703.010. General Rule; Collocation and Siting Priority.**

5 **(a) Siting Permit Required.**

6 (1) Except as provided in paragraph (2) of this subsection, no wireless
7 communications facility may be sited in the City without a siting permit having
8 first been obtained.

9 (2) **Exemptions.** A siting permit is not required for the following:

10 (A) Siting of dish antennas solely for the benefit of persons residing on a
11 property.

12 (B) Ham radios and associated equipment.

13 (C) Ordinary maintenance or repair of a wireless communications facility.

14 (D) Modification of an existing support tower or base station for the
15 collocation of or attachment of new transmission equipment or removal or
16 replacement of existing transmission equipment, pursuant to 47 U.S.C. §
17 1455, and notwithstanding any provision of this Chapter to the contrary,
18 provided that such modification does not substantially change the physical
19 dimensions of such support tower or base station from the dimensions
20 approved as part of the original decision or building permit for the support
21 tower or base station, that the applicant requesting a modification or
22 expansion of a support tower or base station establishes by substantial
23 evidence that the requested separation between antennas is the minimum
24 necessary to avoid interference, and, to the extent feasible, that the
25 additional equipment or modified equipment shall maintain the appearance
26 and design of the original facility, including, but not limited to, color,
27 screening, landscaping, stealth or camouflage design, mounting
28 configuration, and architectural treatment. However, any modification to a
29 support tower or base station which substantially changes the physical
30 dimensions of either the support tower or base station, and any other

1 modification to a wireless communications facility that does not qualify as a
2 support tower or base station, shall be subject to the siting permits and
3 authorizations as required by this Chapter.

4 (E) Siting of temporary wireless communications facilities that are used by
5 a public agency for emergency communications, emergency preparedness,
6 or other public health or safety purposes.

7 (F) Replacement of an existing support tower with a tower that does not
8 substantially change the physical dimensions of the existing support tower.

9 (b) **Collocation Required.** All wireless communications facilities located in right-
10 of-way shall be collocated or attached to replacement utility structures. All
11 wireless communications facilities located outside of right-of-way shall be
12 collocated, unless the collocation would interfere with other wireless
13 communications facilities located on the same ~~facility~~ structure or jeopardize the
14 physical integrity of the ~~facility~~ structure upon which collocation will be made,
15 consent cannot be obtained for the collocation on a ~~support~~ structure, or the
16 available structures do not provide sufficient height to obtain coverage ~~or capacity~~
17 ~~objectives~~ or capacity objectives.

18 (c) **Siting Priority.** Wireless communications facilities shall be sited according to
19 the following priority, by descending order of preference:

20 (1) First priority: collocation or attachment of an antenna or antenna array on
21 a support tower, support structure, or utility structure;

22 (2) Second priority: replacement of a utility structure for the purpose of
23 ~~collocation~~ attachment of an antenna or antenna array;

24 (3) Third priority: substantial change in the physical dimensions of a support
25 tower or replacement with a support tower that represents a substantial change
26 in the physical dimensions of the original support tower;

27 (4) Fourth priority: construction of a new support tower.

28 **703.020. Wireless Communications Facility Siting Permits.**

29 (a) **Applicability.** This section provides the exclusive means of review for
30 applications to site wireless communications facilities.

1 **(b) Classes.** There are three classes of wireless communications facilities siting
2 permits.

3 **(1)** A Class 1 Permit is a permit for a first priority siting.

4 **(2)** A Class 2 Permit is a permit for a second priority siting.

5 **(3)** A Class 3 Permit is a permit for a third priority siting or fourth priority
6 siting.

7 **(c) Procedure Type.**

8 **(1) Class 1 Permit.** Review of an application for a Class 1 Permit is a Type I
9 procedure under SRC Chapter 300.

10 **(2) Class 2 Permit.** Review of an application for a Class 2 Permit is a Type II
11 procedure under SRC Chapter 300.

12 **(3) Class 3 Permit.** Review of an application for a Class 3 Permit is a Type III
13 procedure under SRC Chapter 300.

14 **(d) Submittal Requirements.**

15 **(1) All Applications.** In addition to the submittal requirements under SRC
16 Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall
17 include:

18 **(A)** The location of the siting, according to the siting priorities set forth in
19 703.010(c), and, if the priority is other than the first priority, documentation
20 establishing that placement at a higher-priority site is not feasible.

21 **(B)** A site plan that includes:

22 **(i)** Description of the proposed wireless communications facility's
23 design and dimensions.

24 **(ii)** Elevations showing all components of the wireless communications
25 facility, and its connections to utilities.

26 **(C)** Documentation demonstrating compliance with non-ionizing
27 electromagnetic radiation emissions standards established by the Federal
28 Communications Commission.

29 **(D)** Documentation showing that the auxiliary support equipment will not
30 produce sound levels in excess of standards contained in SRC Chapter 93, or

1 designs showing how the sound will be effectively muffled to meet those
2 standards by means of baffling, barriers, or other suitable means.

3 (E) Documentation that the proposed facility has been submitted to the
4 State Historic Preservation Office for review, if applicable, or a statement
5 explaining why the site is not subject to review by the State Historic
6 Preservation Office.

7 **(2) Class 1 Applications.** In addition to the submittal requirements under
8 paragraph (1) of this subsection, application for a Class 1 Permit shall include:

9 (A) An engineer's certification that the support structure, utility structure,
10 or support tower will safely handle the load created by the attachment or
11 collocation and comply with American National Standards Institute (ANSI)
12 and other industry safety, structural codes and standards.

13 (B) If the utility structure is on a local street, color radio frequency contour
14 maps clearly showing the calculated coverage using the proposed antennas
15 at the applicant's target signal level and the calculated coverage areas for all
16 existing adjacent wireless communications facility sites of the owner to
17 support the site selected for the proposed facility considering the siting
18 priority established by SRC 703.010(c). If collocation or attachment on
19 other utility structures was ruled out for non-radio frequency coverage
20 reasons, the owner shall provide a statement identifying and justifying those
21 reasons.

22 **(3) Class 2 Applications.** In addition to the submittal requirements under
23 paragraph (1) of this subsection, application for a Class 2 Permit shall include:

24 (A) An engineer's certification that the replacement utility structure will
25 safely handle the load created by the proposed antennas and comply with
26 ANSI and other industry safety, structural codes and standards.

27 (B) Documentation that the replacement utility structure is at least as wide
28 as that required by any applicable safety standards adopted by the Oregon
29 Public Utility Commission or the minimum necessary to accommodate
30 ~~collocation~~ attachment on the proposed replacement structure.

1 (C) If the replacement utility structure is on a local street, color radio
2 frequency contour maps clearly showing the calculated coverage using the
3 proposed antennas at the applicant's target signal level and the calculated
4 coverage areas for all existing adjacent wireless communications facility
5 sites of the owner to support the site selected for the proposed facility
6 considering the siting priority established by SRC 703.010(c). If collocation
7 or attachment on other utility structures was ruled out for non-radio
8 frequency coverage reasons, the owner shall provide a statement identifying
9 and justifying those reasons.

10 (D) Coverage maps ~~or capacity documentation~~ or capacity documentation
11 showing any gap in the provider's service and minimum height or
12 configuration of the facility needed to fill the gap.

13 (E) Color simulations of the wireless communications facility after
14 construction.

15 (4) **Class 3 Applications.** In addition to the submittal requirements under
16 paragraph (1) of this subsection, application for a Class 3 Permit shall include:

17 (A) An engineer's certification that the support tower will safely handle the
18 load created by the proposed antennas and any future attached or collocated
19 communications facilities and will comply with ANSI and other industry
20 safety, structural codes and standards.

21 (B) For new support towers, documentation from a radio frequency (RF)
22 engineer or a licensed civil engineer that the necessary service cannot be
23 provided by collocation on, or modification to, an existing support tower or
24 support structure or utility structure, or by ~~collocation~~ attachment on a
25 replacement utility structure for one or more of the following reasons:

26 (i) No existing support towers or support structures or utility structures
27 are located within the geographic area where service will be provided;

28 (ii) Existing support towers or support structures or utility structures or
29 replacement utility structures would not be of sufficient height to
30 provide the identified necessary service within the geographic area;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(G) Coverage maps ~~or capacity documentation~~ or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(e) **Criteria.** A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.

1 **(3) For Class 3 Applications:**

2 **(A)** The support tower conforms to the standards in this Chapter, and the
3 reasonably likely adverse impacts of the use on the immediate neighborhood
4 can be minimized through the imposition of conditions relating to the
5 location, size, design, and operating characteristics of the wireless
6 communications facility.

7 **(B)** The support tower will not be located in the right-of-way.

8 **(C)** If the proposal is to construct a new support tower:

9 **(i)** Collocation on existing wireless communications facilities within
10 the cell service area of the proposed site is not feasible.

11 **(ii)** Proposed location for the tower is the least intrusive means of
12 filling a significant wireless communications service gap in coverage
13 ~~and/or capacity~~ **and/or capacity, including in-building coverage**; and

14 **(iii)** Prohibiting a new tower would prohibit or have the effect of
15 prohibiting the provision of wireless communications services.

16 **703.030. Siting Standards.**

17 **(a) Class 1.** The attachment or collocation on support towers, utility structures and
18 support structures shall comply with the following siting standards:

19 **(1) Outside Right-of-Way.**

20 **(A)** The antenna will not be located in public right-of-way and will not
21 require the erection or placement of a new support tower, utility structure, or
22 support structure.

23 **(2) Inside Right-of-Way.**

24 **(A)** All wireless communications facilities located in right-of-way shall be
25 collocated or attached to a replacement utility structure.

26 **(B)** Wireless communications facilities proposed to be sited in right-of-way
27 shall be sited according to the following priorities, in descending order of
28 preference. If the priority is not followed, the owner must demonstrate why
29 a higher priority is not available for use. For purposes of this subparagraph,
30 streets shall have the classification set forth in the Salem Transportation

1 System Plan.

- 2 (i) First priority: parkway or freeway;
- 3 (ii) Second priority: major arterials;
- 4 (iii) Third priority: minor arterials;
- 5 (iv) Fourth priority: collectors;
- 6 (v) Fifth priority: local streets.

7 (b) **Class 2.** The replacement of a utility structure shall comply with the following
8 siting standards:

9 (1) **Inside Right-of-Way.**

10 (A) All wireless communications facilities located in right-of-way shall be
11 collocated or attached to a replacement utility structure.

12 (B) Wireless communications facilities proposed to be sited in right-of-way
13 shall be sited according to the following priorities, in descending order of
14 preference. If the priority is not followed, the owner must demonstrate why
15 a higher priority is not available for use. For purposes of this subparagraph,
16 streets shall have the classification set forth in the Salem Transportation
17 System Plan.

- 18 (i) First priority: parkway or freeway;
- 19 (ii) Second priority: major arterials;
- 20 (iii) Third priority: minor arterials;
- 21 (iv) Fourth priority: collectors;
- 22 (v) Fifth priority: local streets.

23 (c) **Class 3.** The construction of a new support tower, replacement of an existing
24 support tower, or substantial increase in the size of an existing support tower shall
25 comply with the following siting standards:

26 (1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support
27 towers may not be sited in residential zones, public zones, mixed-use zones, or
28 in an overlay zone unless the siting is the least intrusive means of filling a
29 significant wireless communications service gap in coverage ~~and/or capacity~~
30 and/or capacity and prohibiting the siting would effectively prohibit the

1 provision of wireless communications services. If the siting meets these
2 criteria, the minimum height and/or configuration required to provide service to
3 fill the significant wireless communications service gap in coverage ~~and/or~~
4 ~~capacity~~ **and/or capacity** shall be the maximum height permitted for the new or
5 substantially changed support tower and future attached or collocated facilities
6 on the proposed tower.

7 (2) New support towers may not be sited within the CB zone; in a historic
8 district, or on property that has been designated as a historic resource under
9 federal, state, or local law; within three hundred feet of public right-of-way in
10 the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
11 Commercial Street SE right-of-way in the South Gateway Overlay Zone.

12 (3) The location of the support tower minimizes visual impacts to residential
13 zones to the maximum extent feasible, through the effective use of setbacks,
14 height, bulk, and landscaping or other screening techniques.

15 (4) The support tower is sited in a way that minimizes the visual impact by
16 taking advantage of existing buildings, topography, or other existing features.

17 (5) No new support tower shall be constructed, unless the owner submits the
18 required statement and documentation from a radio frequency (RF) engineer or
19 licensed civil engineer to demonstrate that the necessary service cannot be
20 provided by collocation on, or modification to, an existing support tower or
21 support structure or utility structure or by ~~collocation~~ attachment on a
22 replacement utility structure.

23 **703.040. Antenna Development Standards.**

24 (a) **Antennas on Support Towers.** Antennas attached to a support tower shall
25 comply with the following development standards:

26 (1) **Height.** Antennas attached to a support tower shall be no higher than
27 fifteen feet above the top of the support tower.

28 (2) **Surface and Coloration.** Antennas attached to a support tower shall be
29 made of non-reflective material and painted to match the support tower or
30 existing antennas, whichever results in the new antennas being less visible.

1 **(3) Mounting.** Antennas attached to a support tower shall be flush-mounted or
2 mounted using similar techniques that minimize visual impact to the greatest
3 extent practicable.

4 **(b) Antennas on Existing Buildings.**

5 **(1)** Antennas, other than whip antennas, located on the roof of an existing
6 building shall comply with the following development standards:

7 **(A) Height:**

8 **(i)** If the building is located in a residential zone or mixed-use zone, the
9 antenna shall extend no higher than ten feet above the point of
10 attachment to the building; or

11 **(ii)** If the antenna is located in any zone other than a residential zone or
12 mixed-use zone, the antenna shall extend no higher than thirty feet
13 above the point of attachment to the building.

14 **(B) Screening:** Antennas shall be screened from the right-of-way and
15 adjacent properties by placement behind a parapet or other architectural
16 feature, including, but not limited to, dormers, chimneys, clocks, or bell
17 towers, or shall be made of non-reflective material and painted to match
18 the building or existing antennas, whichever results in the new antennas
19 being less visible.

20 **(2)** Whip antennas located on the roof of a building shall comply with the
21 following development standards:

22 **(A) Height.** Whip antennas shall extend no higher than fifteen feet above
23 the building.

24 **(B) Surface and Coloration.** Whip antennas shall be made of non-
25 reflective material and designed to match any existing whip antennas on
26 the building.

27 **(3)** Antennas attached to the side of a building or the edge of the roof of a
28 building shall comply with the following development standards:

29 **(A) Height.** Antennas shall extend no higher than ten feet above the
30 point of attachment to the building.

1 **(2) Guy poles.** Antennas shall not be located on guy poles.

2 **(3) Height.**

3 **(A) Utility structures outside right-of-way.** Antennas attached to a utility
4 structure outside right-of-way shall be no higher than fifteen feet above the
5 top of the utility structure.

6 **(B) Utility structures in right-of-way.**

7 **(i)** The combined height of an antenna and antenna mounting device on
8 an original utility structure that carries high voltage transmission lines
9 shall not project more than:

10 **(aa)** Twenty-three feet above the top of a utility structure located
11 on a parkway, freeway, or major arterial;

12 **(bb)** Eighteen feet above the top of a utility structure on a minor
13 arterial; or

14 **(cc)** Fifteen feet above the top of a utility structure located on a
15 collector street, or local street.

16 **(ii)** The combined height of an antenna and antenna mounting device
17 on an original utility structure that does not carry high voltage
18 transmission lines shall not project more than:

19 **(aa)** Fifteen feet above the top of a utility structure located on a
20 parkway, freeway, or major arterial;

21 **(bb)** Ten feet above the top of a utility structure on a minor
22 arterial; or

23 **(cc)** Five feet above a utility structure located on a collector
24 street or local street.

25 **(4) Mounting.** Antennas and antenna mounting devices placed below the top
26 of the utility structure shall be mounted in one of the following configurations:

27 **(A)** Flush with the utility structure; or

28 **(B)** On extension arms that are no greater than three feet in length.

29 **(5) Surface and Coloration.** Antennas must be painted, coated, or given a
30 surface application that is similar to the color and surface texture of the utility

1 structure so as to minimize visual impact as much as reasonably possible.

2 **(6) Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
3 antennas shall not be lighted.

4 **703.050. Auxiliary Support Equipment Development Standards.**

5 **(a) Screening.**

6 **(1) Equipment Associated with Support Towers.** Above-ground auxiliary
7 support equipment associated with a support tower shall be located inside the 6-
8 foot-high sight-obscuring fence or wall that complies with 703.070(c).

9 **(2) Equipment Associated with Antennas on Existing Buildings.** Auxiliary
10 support equipment shall be located within or on top of the building or screened
11 from the right-of-way and adjacent properties to the greatest extent practicable.
12 Examples: within an underground vault, behind landscaping or a sight-
13 obscuring fence, within an architectural element, or concealed to resemble a
14 natural object such as a boulder.

15 **(3) Equipment Associated with Antennas on Support Structures Other**
16 **than Existing Buildings.** Any auxiliary support equipment on support
17 structures other than existing buildings must be screened from the right-of-way
18 and adjacent properties and located within the support structure's footprint to
19 the greatest extent practicable. Examples: placing the equipment within the
20 interior of an adjacent building or structure, within an underground vault,
21 behind landscaping or a sight-obscuring fence, or within an architectural
22 element, or concealed to resemble a natural object such as a boulder.

23 **(4) Equipment Associated with Antennas on Utility Structures.**

24 **(A) Equipment installed in right-of-way.** Any auxiliary support
25 equipment associated with one or more antennas on a utility structure and
26 not installed on the utility structure shall be installed within an underground
27 vault or in not more than one above-ground cabinet with a combined height
28 plus width plus depth no greater than 120 lineal inches.

29 **(B) Equipment installed outside right-of-way.** Any auxiliary support
30 equipment installed outside right of way shall be screened from the right-of-

1 way and adjacent properties. Examples: placing the equipment within the
2 interior of an adjacent building or structure, within an underground vault,
3 behind landscaping or a sight-obscuring fence, or within an architectural
4 element, or concealed to resemble a natural object such as a boulder.

5 **(C) Equipment attached to a utility structure.** Equipment, other than
6 optical fibers, wires or cables, attached to a utility structure shall:

7 (i) Project no more than eighteen inches from the surface of the utility
8 structure;

9 (ii) Be less than or equal to twenty-four inches in height;

10 (iii) Be mounted a minimum of fifteen feet above ground level on a
11 utility structure located in right-of-way between the sidewalk and the
12 street improvement or a minimum of ten feet above ground level on a
13 utility structure located in right-of-way between the sidewalk and the
14 property line abutting the right-of-way or a minimum of ten feet above
15 ground level on a utility structure located outside right-of-way.

16 **(b) Setbacks.** Auxiliary support equipment installed above ground and outside
17 right-of-way shall be set back from all property lines according to the applicable
18 standards in the underlying zone.

19 **(c) Vision Clearance.** Auxiliary support equipment installed above ground shall
20 meet the vision clearance area requirements of SRC 76.170.

21 **(d) External cables and wires.** All external cables and wires for auxiliary support
22 equipment shall be placed in conduit or painted to match the tower, building,
23 support structure, or utility structure, as applicable.

24 **(e) Coloration.**

25 **(1) Equipment Associated with Support Towers and Support Structures.**

26 All auxiliary support equipment shall be non-reflective and shall be painted
27 natural earth or leaf tones or otherwise colored or surfaced so as to blend with
28 the surrounding environment.

29 **(2) Equipment Associated with Utility Structures.** Equipment installed on a
30 utility structure shall be non-reflective and painted, coated or given a surface

1 application that is identical to the color and surface texture of the utility
2 structure. Other equipment shall be non-reflective and painted natural earth or
3 leaf tones or otherwise colored or surfaced so as to blend with the surrounding
4 environment.

5 **(f) Lighting.** Motion detecting security lighting is allowed for auxiliary support
6 equipment, but shall be the minimum necessary to secure the auxiliary support
7 equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
8 measured directly beneath the security lighting, at ground level, and shall be
9 shielded to prevent direct light from falling on adjacent properties.

10 **(g) Undergrounding Required.** Auxiliary support equipment installed in right-of-
11 way in a historic district or in right-of-way adjacent to a historic district or historic
12 resource or in right-of-way where all other utilities are required to be placed
13 underground shall be placed underground.

14 **703.060. Replacement Utility Structure Development Standards.**

15 **(a) Height.**

16 **(1) Outside Right-of-Way.**

17 **(A)** Outside right-of-way, an existing utility structure may be replaced with
18 a replacement structure that is taller than the existing utility structure,
19 provided that the combined height of a replacement structure, antenna
20 mounting device, and antennae does not exceed the maximum height for a
21 structure in the zone.

22 **(B) Skipped poles.** Outside right-of-way, a skipped pole may be replaced
23 with a pole of the same height as the adjacent taller poles, provided that the
24 combined height of a replacement structure, antenna mounting device, and
25 antennae does not exceed the maximum height for a structure in the zone.

26 **(2) Inside Right-of-Way.**

27 **(A)** Inside right-of-way, an original utility structure may be replaced with a
28 replacement utility structure that is taller than the original structure,
29 provided that the combined height of a replacement structure, antenna
30 mounting device, and antennae is no greater than:

- (i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
- (ii) Seventy-three feet for a replacement structure on a major arterial;
- (iii) Sixty-three feet for a replacement structure on a minor arterial; or
- (iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be ~~no greater in width than~~ at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

TABLE 703-1

Maximum Support Tower Height by Zone	
Zone	Maximum Height
EFU	35 ft.
RA	50 ft.
RS	50 ft.
RD	50 ft.
RM1	70 ft.
RM2	70 ft.
RH	70 ft.
FMU	70 ft.
SWMU	70 ft.
NCMU	35 ft.
CN	35 ft.
CO	70 ft.
CR	100 ft.
CG	100 ft.
CB	Not applicable*
IC	120 ft.
IBC	120 ft.
IP	120 ft.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

EC	120 ft.
IG	120 ft.
II	120 ft.
PA	70 ft.
PC	35 ft.
PE	70 ft.
PH	70 ft.
PS	70 ft.
PM	70 ft.

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back ~~from adjacent property lines~~ as follows:

(1) In all industrial zones and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; ~~provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone~~ **and a minimum of thirty one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.**

(2) In all zones other than the industrial zones, residential zones, and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines **and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.**

(3) **In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RM1,**

1 **RM2, or CO, and 30 feet from all other property.**

2 ~~(4)~~ (4) In all zones, the six foot high sight-obscuring perimeter fence required
3 under 703.070(c) shall be set back a minimum of ten feet from all property
4 lines.

5 (c) **Screening.** Support towers shall be surrounded by a six foot high sight-
6 obscuring fence or wall with a minimum ten foot wide landscaped area along the
7 outside perimeter except as required to access the facility. The landscaped area
8 shall be planted with one plant unit per twenty square feet of yard area. The
9 landscaping shall conform to the following requirements of SRC 132:

- 10 (1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
- 11 (2) SRC 132.150 (Standards for Landscaping Materials);
- 12 (3) SRC 132.160 (Installation);
- 13 (4) SRC 132.170 (Maintenance);
- 14 (5) SRC 132.180 (Compliance/Performance Assurance);
- 15 (6) SRC 132.190 (Irrigation);
- 16 (7) SRC 132.200 (Open Space);
- 17 (8) SRC 132.210 (Street Trees); and
- 18 (9) SRC Table 132-3 (Plant Unit Definition).

19 (d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be
20 painted natural earth or leaf tones or otherwise colored or surfaced so as to blend
21 with the surrounding environment.

22 (e) **Design Standards.** The following additional design standards shall apply to
23 support towers in all residential zones, mixed-use zones, CO zones, or PC zones;
24 and to support towers located within three hundred feet of all residential zones,
25 mixed-use zones, CO zones or PC zones:

- 26 (1) The support tower shall be designed to resemble an object that would
27 commonly be found in the area and that would be permitted in the zone,
28 including, but not limited to a tree that is a native conifer species, a flag or light
29 pole, a clock or bell tower, or a silo.
- 30 (2) The object chosen shall be appropriate to the context of surrounding

1 environment, both natural and man-made.

2 (3) The physical dimensions of the support tower shall have proportions that
3 are similar in scale to the natural or manmade object.

4 (4) To the greatest extent possible, the antennas shall not be easily recognized.

5 (f) **External cables and wires.** All external cables and wires shall be placed in
6 conduit or painted to match the support tower.

7 (g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division,
8 support towers shall not be lighted.

9 (h) **Collocation.**

10 (1) Support towers one hundred feet in height or higher shall be designed to
11 provide for attachment or collocation of at least two future antenna systems, in
12 a manner that will accommodate the additional antenna systems without a need
13 to increase the height or base diameter of the support tower.

14 (2) Support towers between fifty feet and one hundred feet in height shall be
15 designed to provide for attachment or collocation of at least one future antenna
16 system, in a manner that will accommodate the additional antenna system
17 without a need to increase the height or base diameter of the support tower.

18 (i) **Access.**

19 (1) Where a support tower is adjacent to a local street and a collector or arterial
20 street, access to the support tower shall be from the local street, subject to all
21 applicable access standards.

22 (2) Access to the support tower shall be oriented away from existing dwellings,
23 and any property zoned residential or mixed use.

24 **703.080. Conditions.** Every wireless communications facility siting permit shall be subject
25 to the following conditions:

26 (a) An obsolete wireless communications facility shall be removed by the owner
27 within six months of the date the facility ceases to be operational.

28 (b) All wireless communications facilities shall be operated and maintained in
29 compliance with all radio frequency emission standards specified by the Federal
30 Communications Commission.

1 (c) All wireless communications facilities shall be installed and maintained in
2 accordance with applicable federal, state, and local laws.

3 (d) All wireless communications facilities shall allow for the attachment or
4 collocation of additional facilities to the greatest extent possible, unless such
5 attachment or collocation interferes with the owner's wireless communications
6 facilities, jeopardizes the physical integrity of a structure with which a wireless
7 communications facility is associated, or the owner refuses to consent to the
8 attachment or collocation of additional wireless communications facilities.

9 (e) Vegetation that is either removed or destroyed as a result of construction shall
10 be replanted with appropriate plant materials as prescribed in SRC 132.200.

11 (f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
12 approval from the City Engineer.

13 (g) After construction, maintenance or repair of any wireless communications
14 facility, an owner shall leave any right-of-way disturbed by such activity in as good
15 or better condition than it was before the commencement of such work. The owner
16 shall promptly complete restoration work and promptly repair any damage caused
17 by such work at its sole cost and expense. When any opening or cut is made by the
18 owner in the pavement of right-of-way, the owner must promptly refill the opening
19 or cut, and restore the surface to a condition satisfactory to the City Engineer, in
20 accordance with public works construction standards.

21 (h) Prior to performing any excavation in right-of-way to underground any
22 auxiliary support equipment, all necessary city permits shall be obtained and all
23 appropriate notice given to any franchisees, licensees and grantees, other city
24 departments, and other governmental units that own or maintain facilities which
25 may be affected by the excavation.

26 (i) All undergrounding and excavation work must comply with the Oregon Utility
27 Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
28 promulgated thereunder.

29 (j) All excavations made by an owner in right-of-way shall be properly safeguarded
30 for the prevention of accidents and must be done in compliance with all applicable

1 federal, state, and local laws and regulations.

2 **(k)** Except for short or temporary durations during testing or during operation in
3 emergency situations, noise generating equipment associated with wireless
4 communications facilities shall not produce sound levels in excess of standards
5 established in SRC Chapter 93.

6 **703.090. Wireless Communications Facilities Adjustment.**

7 **(a) Applicability.** Except as otherwise provided in this Chapter, no wireless
8 communications facility shall be used or developed contrary to any applicable
9 development standard unless an adjustment has been granted pursuant to this
10 Chapter. These provisions apply exclusively to wireless communications facilities,
11 and are in lieu of the generally applicable adjustment provisions under SRC 250.

12 **(b) Procedure Type.** A wireless communications facility adjustment is a Type II
13 procedure under SRC Chapter 300.

14 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type
15 II application under SRC Chapter 300, an application for a wireless
16 communications facility adjustment shall include:

17 (1) A written statement demonstrating how the adjustment would meet the
18 criteria.

19 (2) A site plan that includes:

20 (A) Description of the proposed siting's design and dimensions, as it would
21 appear with and without the adjustment.

22 (B) Elevations showing all components of the wireless communications
23 facility, and its connection to utilities, as it would appear with and without
24 the adjustment.

25 (C) Color simulations of the wireless communications facility after
26 construction demonstrating compatibility with the vicinity, as it would
27 appear with and without the adjustment.

28 **(d) Criteria.** An application for a wireless communications facility adjustment
29 shall be granted if the following criteria are met:

30 (1) The adjustment is consistent with the purpose of the development standard

1 for which the adjustment is sought.

2 (2) Based on a visual analysis, the design minimizes the visual impacts to
3 residential zones through mitigating measures, including, but not limited to,
4 building heights, bulk, color, and landscaping.

5 (3) The owner demonstrates the existence of either of the following:

6 (A) **Gap in Service.**

7 (i) A gap in the coverage ~~or capacity~~ **or capacity** of the service network
8 exists such that users are regularly unable to connect to the service
9 network, or are regularly unable to maintain a connection, ~~or are unable~~
10 ~~to achieve reliable wireless coverage within a building~~ **or are unable to**
11 **achieve reliable wireless coverage within a building;**

12 (ii) The gap can only be filled through an adjustment in one or more of
13 the standards in this Chapter; and

14 (iii) The adjustment is narrowly tailored to fill the service gap such that
15 the wireless communications facility conforms to this Chapter's
16 standards to the greatest extent possible.

17 (B) **Minimization of Impacts.** The adjustment would minimize or
18 eliminate negative impacts to surrounding properties and their uses,
19 through a utilization of existing site characteristics, including, but not
20 limited to, the site's size, shape, location, topography, improvements, and
21 natural features. Negative impacts are minimized or eliminated if there is:

22 (i) A decrease in negative visual impacts, including, but not
23 limited to, visual clutter;

24 (ii) Better preservation of views or view corridors;

25 (iii) A decrease in negative impacts on property values; or

26 (iv) A decrease in any other identifiable negative impacts to the
27 surrounding area's primary uses.

28 **703.100. Special Provisions**

29 (a) **Temporary facilities.** In order to facilitate continuity of services during
30 maintenance or repair of existing facilities or prior to completion of construction of

1 a new facility, temporary wireless communications facilities are allowed through
2 administrative review. Temporary facilities authorized under this subsection may
3 not be used in excess of ninety days, may not have a permanent foundation and
4 shall be removed within thirty days after the permanent facility is completed. A
5 permit for a temporary facility under this subsection may not be renewed or
6 extended, nor may a new permit be issued for the same facility within the
7 succeeding six months after the expiration of the initial permit.

8 **(b) Third-party review and associated fees.** Notwithstanding any other
9 provisions of the Salem Revised Code, the City Council may establish fees in
10 amounts sufficient to recover all of the City's costs ~~in~~ *including* retaining
11 consultants to review and evaluate evidence offered as part of an application
12 submitted under this Chapter for an adjustment or for a new support tower in a
13 residential zone, public zone, mixed-use zone, or overlay zone or for a new support
14 tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay
15 zone. The City may impose a third-party review fee to obtain the services of an
16 engineer to review the owner's findings.

17 **(c) Issuance of Building Permit.** No building permit shall be issued for the
18 construction of a wireless communications facility until the application for the
19 specific type of siting has been approved, including any local appeal.

20 **(d)** Nothing in this Chapter shall be deemed to prohibit a public utility from
21 installing or constructing a new utility structure, or enlarging, expanding, or
22 reconstructing an existing utility structure in public right-of-way, if the installation,
23 construction, enlargement, expansion, or reconstruction of the utility structure
24 would otherwise be permitted under law and the utility can demonstrate that the
25 need for the new utility structure is not related to or created by a wireless
26 communications facility.

27 **(e) Removal for discontinuance of service.** Any wireless communications
28 facility that has not provided service for six months is deemed a nuisance and is
29 subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or
30 attached wireless communications facility shall be removed by the facility owner

1 within six months of the date it ceases to be operational or if it falls into disrepair.

2 **(f) Relocation.**

3 (1) The City has the right to require changes in the location of wireless
4 communications facilities in rights-of-way when the public convenience
5 requires such change, and the expense thereof shall be paid solely by the owner.

6 (2) Prior to requiring relocation, the City will provide the owner with notice
7 substantially similar to that given to franchisees, licensees, or grantees.

8 (3) Should an owner fail to remove or relocate the wireless communications
9 facility by the date stated in the notice, the City may cause removal or relocation
10 of the wireless communications facility, and the expense thereof shall be paid
11 by the owner, including all expenses incurred by the City due to the owner's
12 failure to remove or relocate the wireless communications facility.

13 (4) If an owner must relocate its wireless communications facility in rights-of-
14 way as the result of a request by the City, the City will make a reasonable effort
15 to provide the owner with an alternate location for the relocated facility.

16 **(g) Measurements.** Unless otherwise specified in this Chapter, all references to
17 the existing or allowed height of a structure in this Chapter are measured from the
18 original grade at the base of the wireless communications facility to the highest
19 point on the wireless communications facility, including all antennas and excluding
20 any lightning rods.

21 **Section 2.** The following SRC 143A.075 is hereby added to SRC Chapter 143A:

22 **143A.075. Wireless Communications Facilities.** Wireless Communications Facilities are
23 allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

24 **Section 3.** The following SRC 143B.065 is hereby added to SRC Chapter 143B:

25 **143B.065. Wireless Communications Facilities.** Wireless Communications Facilities are
26 allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

27 **Section 4.** The following SRC 143E.055 is hereby added to SRC Chapter 143E:

28 **143E.055. Wireless Communications Facilities.** Wireless Communications Facilities are
29 allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

30

1 **Section 5.** The following SRC 144.045 is hereby added to SRC Chapter 144:

2 **144.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the EFU district, subject to SRC Chapter 703.

4 **Section 6.** The following SRC 145.045 is hereby added to SRC Chapter 145:

5 **145.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the RA district, subject to SRC Chapter 703.

7 **Section 7.** The following SRC 146.045 is hereby added to SRC Chapter 146:

8 **146.045. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the RS district, subject to SRC Chapter 703.

10 **Section 8.** The following SRC 147.045 is hereby added to SRC Chapter 147:

11 **147.045. Wireless Communications Facilities.** Wireless Communications Facilities are
12 allowed in the RD district, subject to SRC Chapter 703.

13 **Section 9.** The following SRC 148.195 is hereby added to SRC Chapter 148:

14 **148.195. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the RM1 district, subject to SRC Chapter 703.

16 **Section 10.** The following SRC 148.345 is hereby added to SRC Chapter 148:

17 **148.345. RM2 Wireless Communications Facilities.** Wireless Communications Facilities
18 are allowed in the RM2 district, subject to SRC Chapter 703.

19 **Section 11.** The following SRC 149.045 is hereby added to SRC Chapter 149:

20 **149.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the RH district, subject to SRC Chapter 703.

22 **Section 12.** The following SRC 150.045 is hereby added to SRC Chapter 150:

23 **150.045. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the CO district, subject to SRC Chapter 703.

25 **Section 13.** The following SRC 151.045 is hereby added to SRC Chapter 151:

26 **151.045. Wireless Communications Facilities.** Wireless Communications Facilities are
27 allowed in the CN district, subject to SRC Chapter 703.

28 **Section 14.** The following SRC 152.045 is hereby added to SRC Chapter 152:

29 **152.045. Wireless Communications Facilities.** Wireless Communications Facilities are
30 allowed in the CR district, subject to SRC Chapter 703.

1 **Section 15.** The following SRC 153.045 is hereby added to SRC Chapter 153:
2 **153.045. Wireless Communications Facilities.** Wireless Communications Facilities are
3 allowed in the CG district, subject to SRC Chapter 703.
4 **Section 16.** The following SRC 154.045 is hereby added to SRC Chapter 154:
5 **154.045. Wireless Communications Facilities.** Wireless Communications Facilities are
6 allowed in the CB district, subject to SRC Chapter 703.
7 **Section 17.** The following SRC 155.045 is hereby added to SRC Chapter 155:
8 **155.045. Wireless Communications Facilities.** Wireless Communications Facilities are
9 allowed in the IC district, subject to SRC Chapter 703.
10 **Section 18.** The following SRC 156.045 is hereby added SRC Chapter 156:
11 **156.045. Wireless Communications Facilities.** Wireless Communications Facilities are
12 allowed in the IBC district, subject to SRC Chapter 703.
13 **Section 19.** The following SRC 157.045 is hereby added to SRC Chapter 157:
14 **157.045. Wireless Communications Facilities.** Wireless Communications Facilities are
15 allowed in the IP district, subject to SRC Chapter 703.
16 **Section 20.** The following SRC 158.045 is hereby added to SRC Chapter 158:
17 **158.045. Wireless Communications Facilities.** Wireless Communications Facilities are
18 allowed in the IG district, subject to SRC Chapter 703.
19 **Section 21.** The following SRC 159.045 is hereby added to SRC Chapter 159:
20 **159.045. Wireless Communications Facilities.** Wireless Communications Facilities are
21 allowed in the II district, subject to SRC Chapter 703.
22 **Section 22.** The following SRC 160.125 is hereby added to SRC Chapter 160:
23 **160.125. Wireless Communications Facilities.** Wireless Communications Facilities are
24 allowed in the P district, subject to SRC Chapter 703.
25 **Section 23.** The following SRC 161.045 is hereby added to SRC Chapter 161:
26 **161.045. Wireless Communications Facilities.** Wireless Communications Facilities are
27 allowed in the EC Zone, subject to SRC Chapter 703.
28 **Section 24.** The following SRC 162.065 is hereby added to SRC Chapter 162:
29 **162.065. Wireless Communications Facilities.** Wireless Communications Facilities are
30 allowed in the SWMU Zone, subject to SRC Chapter 703.

1 **Section 25.** SRC 111.020 is amended to read as follows:

2 **111.020. "A" Definitions.**

3 (a) Abut means to be contiguous at some point.

4 (b) Accessory building, structure, or use means a building, structure, or use which
5 is incidental and subordinate to and dependent upon the main use on the same
6 premises.

7 (c) Adjacent means near or close, but not necessarily contiguous with.

8 (d) Adjoin means to abut.

9 (e) Administrative body means the council, commission, hearings officer, or
10 administrator having the jurisdiction to hear and decide proceedings on land use
11 actions.

12 (f) Administrator or planning administrator means the duly appointed and acting
13 Administrator of the Planning Division, Department of Community Development of
14 the City of Salem, Oregon, or the administrator's designees.

15 (g) Adult Day Care means a facility designed to meet the needs of functionally or
16 cognitively impaired adults through an individual plan of care. It is a structured,
17 comprehensive program that provides a variety of social and related support
18 services in a protective setting during part of a day but of less than 24 hours. Adult
19 day care does not include treatment programs for drugs, alcohol or psychiatric
20 disorders or other health centers as defined in SIC 80.

21 (h) Adult Day Care Home (ADCH) means the residence of an adult day care
22 provider for 5 or fewer individuals meeting the definition of Adult Day Care.

23 (i) Adult Day Care Center (ADCC) means a facility in a non-residential structure
24 which does not include a dwelling unit or a structure used as a dwelling unit
25 meeting the definition of Adult Day Care.

26 (j) Alley means a public easement or right of way not more than 20 feet and not
27 less than ten feet in width, which intersects with a public street.

28 (k) Ambulance Service Facility means a building used for the administrative
29 offices of an ambulance service, the housing of emergency medical personnel, and
30 the ordinary maintenance and repair of vehicles and equipment.

1 (l) Ambulance Station means a building or a specific portion of a building or
2 development that is utilized for the housing of on-call emergency medical
3 ambulance personnel.

4 (m) Antenna means ~~the specific device the surface of which is used to capture an~~
5 ~~incoming and/or transmit an outgoing radio frequency signal from wireless~~
6 ~~communication facilities. Antennas include the following types:~~

7 ~~(1) Omni-Direction ("whip") Antenna receives and transmits signals in a~~
8 ~~360-degree pattern.~~

9 ~~(2) Directional or Parabolic ("panel" or "disk") Antenna receives and~~
10 ~~transmits signals in a directional pattern typically encompassing an arc of 120~~
11 ~~degrees. The term "antenna" shall not include Ancillary Antenna which are~~
12 ~~antennas less than 12 inches in its largest dimension and are not directly used~~
13 ~~to provide personal wireless communications services. An example would be~~
14 ~~a global positioning satellite (GPS) antenna~~

15 any pole, panel rod, reflection disc, or similar device used for the transmission or
16 reception of radio frequency signals, including, but not limited to omni-directional
17 antenna (whip), directional antenna (panel), micro cell, and parabolic antenna
18 (dish). Antenna does not include support structures, utility structures, or support
19 towers.

20 (n) Apartment means a court apartment, or a dwelling unit in an apartment house.

21 (o) Apartment house means any building, or portion thereof, which is designed,
22 built, rented, leased, let or hired out to be occupied, or which is occupied as the
23 home or residence of three or more families living independently of each other and
24 doing their own cooking in the said building; or a building in condominium
25 ownership containing three or more dwelling units.

26 (p) Approved means approved by the administrator or other administrative body or
27 official specifically given jurisdiction to grant such approval.

28 **Section 26.** SRC 111.040 is amended to read as follows:

29 **111.040. "C" Definitions.**

30 (a) Carport means a permanent structure which is not totally enclosed on two or

1 more sides, and which is used or intended for the parking of motor vehicles.

2 **(b)** Children or child means a human being under 13 years of age.

3 **(c)** City or City of Salem means the City of Salem, an Oregon municipal
4 corporation.

5 **(d)** City business day means a day other than a Saturday, Sunday, or holiday,
6 during which the City's administrative offices are open for the transaction of regular
7 and routine business. A City business day begins at 8:00 a.m. and closes, unless
8 otherwise directed by the council or City manager, at 5:00 p.m.

9 **(e)** Child Day Care Center (CDCC) means a facility which provides child care (SIC
10 835) or kindergarten for 13 or more children.

11 **(f)** Child Day Care Home means the home of a child care provider for 12 or fewer
12 children.

13 **(g)** City engineer means the administrative head of the Engineering Division,
14 Department of Public Works of the City of Salem.

15 **(h)** Collocation means ~~the use of a single support structure and/or site by more than~~
16 ~~one wireless communications provider~~ mounting or installation of an antenna on an
17 existing support structure, utility structure, or support tower for the purpose of
18 transmitting and/or receiving radio frequency signals for communications purposes.

19 **(i)** Commission means the Salem Planning Commission, created by SRC Chapter
20 6.

21 **(j)** Contiguity means the state of being contiguous.

22 **(k)** Contiguous means touching along a boundary or point. Two or more lots or
23 parcels that are under common ownership and are separated by a public right-of-
24 way shall not be considered contiguous.

25 **(l)** Complex means a building or group of buildings, and their accessory buildings
26 and structures, all under common ownership, condominium ownership, or common
27 management, and housing an integrated development of industrial uses, commercial
28 uses, public uses, residential uses, or combinations thereof.

29 **(m)** Compliance period means the period prescribed in this zoning code or by the
30 decision on a land use action within which all conditions precedent must be met.

1 (n) Comprehensive plan means the officially adopted Salem Area Comprehensive
2 Plan, including all components thereof adopted by reference or otherwise lawfully
3 incorporated as parts thereof.

4 (o) Conditional use means any use which is permitted in a particular zoning district
5 only after review and approval as provided in SRC Chapter 240 or 118, and
6 includes where not excepted, "nonconforming" conditional uses and development
7 requiring conditional use review pursuant to SRC Chapter 270. See specific
8 conditional use.

9 (p) Condition precedent means any condition upon the use or development of
10 property imposed by this zoning code or a decision on a land use action which must
11 be met prior to an unqualified right vesting in the development, use, or continued
12 use of a building, structure or premises. With respect to conditional zone changes it
13 means any condition imposed in a conditional zone change declaration which must
14 be met prior to issuance of a conditional zone change order.

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

21 (r) Cottage Housing means a development consisting of at least two or more
22 attached and/or detached dwelling units on one lot as a legal nonconforming use as
23 of May 15, 1979.

24 (s) Council means the council of the City of Salem, Oregon.

25 (t) Court apartment is a dwelling unit which is one of three or more dwelling units
26 contained in two or more buildings on the same lot, and which is designed, built,
27 rented, leased, let, or hired out to be occupied, or which is occupied by a family
28 which does not include an owner of the apartment; or which is a condominium unit
29 in a complex containing three or more dwelling units in two or more buildings.

30 (u) CSDP (Central Salem Development Program) area means that area of the city

1 within the following boundaries: Beginning at the SE corner of 12th Street SE and
2 Mission Street SE in Section 27 Township 7 South Range 3 West in Marion
3 County, Oregon; Thence Northerly along the East line of 12th Street SE to its
4 intersection with the East Right-of-Way line of the Southern Pacific Railroad;
5 Thence continuing Northerly along said East line of Railroad to the North side of
6 "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West
7 Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
8 the North side of Market Street NE; Thence Easterly along the North side of Market
9 Street NE to an Alley running between Fifth Street NE and Church Street NE;
10 Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
11 Easterly along the North side of Gaines Street to the West side of Church Street NE;
12 Thence Northerly along the West Side of Church Street to the North line of an
13 Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
14 along the North side of Said Alley to the East bank of the Willamette River; Thence
15 Southerly along the East Bank of the Willamette River and Willamette Slough to
16 the Westerly projection of the South line of Mission Street SE; Thence running
17 Easterly along the South side of Mission Street SE to the Place of Beginning.

18 **Section 27.** SRC 111.060 is amended to read as follows:

19 **111.060. "E" Definitions.**

20 **(a)** Employees means all persons, including proprietors, performing work on a
21 premises during the largest shift at peak season.

22 **(b)** ~~Equipment Enclosure means a small structure, shelter, cabinet, or vault used to~~
23 ~~house and protect the electronic equipment necessary for processing wireless~~
24 ~~communications signals. Associated equipment may include air conditioning and~~
25 ~~emergency generators.~~

26 **(eb)** Existing Wildlife Rehabilitation Facility means any building, structure, or land
27 which meets the standards set forth in SRC 119.080 and is occupied or being used
28 by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and
29 Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.
30

1 **Section 28.** SRC 111.070 is amended to read as follows:

2 **111.070. "F" Definitions.**

3 (a) Family means an individual or two or more persons related by blood or
4 marriage, or a group of not more than five persons (excluding servants) who need
5 not be related by blood or marriage, living together in a dwelling unit. Family shall
6 include two or more handicapped persons as defined in the Fair Housing
7 Amendments Act of 1988 living as a single housekeeping unit.

8 (b) Farm use means the current employment of land for the purpose of obtaining a
9 profit in money by raising, harvesting and selling crops or the feeding, breeding,
10 management and sale of, or the produce of, livestock, or for dairying and the sale of
11 dairy products or any other agricultural or horticultural use or animal husbandry or
12 any combination thereof. "Farm use" includes the preparation and storage of the
13 products raised on such land for human use and animal use and disposal by
14 marketing or otherwise. "Farm use" also includes the propagation, cultivation,
15 maintenance and harvesting of aquatic species. It does not include the use of land
16 subject to the provisions of ORS Chapter 321, except land used exclusively for
17 growing cultured Christmas trees as defined in ORS 215.203(3). "Current
18 employment" shall be as defined in ORS 215.203(2)(b).

19 (c) Fence means an unroofed structure used as an enclosure, barrier, or restriction
20 to light, sight, air, or passage.

21 (d) Final decision means a decision by the council, or a decision by any other
22 administrative body after the applicable appeal and review periods have expired.

23 (e) Fish habitat enhancement means the addition or modification of aquatic habitat
24 components whose absence, scarcity, or condition has been determined by the city
25 to limit fish presence or abundance in the immediate project area, specific stream
26 corridor or watershed.

27 (f) Floor area means the area included within the surrounding exterior walls of a
28 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
29 structure or portion thereof not provided with surrounding exterior walls shall be
30 the usable area under the horizontal projection of the roof or floor above.

1 (g) ~~Freestanding Support Structure means the structure to which antenna and other~~
2 ~~necessary associated hardware is mounted. Freestanding support structures include,~~
3 ~~but are not limited to, lattice towers, and monopoles. For the purposes of this code,~~
4 ~~the terms "monopole" and "freestanding support structure" are used~~
5 ~~interchangeably.~~

6 (hg) Frontage means that portion of a parcel of real property which abuts a public
7 street, whether or not access to the property is accorded thereby, and whether or not
8 a building or structure faces the street frontage. In context, coupled with the term
9 "alley" "frontage" has the same meaning with respect to an abutting alley.

10 (ih) Front lot line. See "lot line, front."

11 **Section 29.** SRC 111.130 is amended to read as follows:

12 **111.130. "L" Definitions.**

13 (a) Land use action means a zone change, conditional zone change, variance,
14 adjustment, conditional use approval, specific conditional use approval, planned
15 unit development approval at any stage requiring commission or council action, or
16 any other action requiring discretionary review by an administrative body, including
17 appeals from any of the foregoing.

18 (b) Land use proceeding means a proceeding on a zone change, variance,
19 adjustment, conditional use, specific conditional use, or planned unit development
20 application; a council or commission initiated zone change proceeding; a
21 proceeding to designate zoning classifications for a newly annexed area; or any
22 other proceeding which will result in a land use action unless dismissed.

23 (c) Landscaped means primarily devoted to the planting and preservation of trees,
24 shrubs, lawn and other organic ground cover, together with other natural or artificial
25 supplements to that primary use such as watercourses, ponds, fountains, decorative
26 lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways,
27 sculpture, trellises, and screens.

28 (d) Lattice Tower means a wireless communications facility ~~freestanding support~~
29 ~~structure-tower~~ which consists of a network of crossed metal braces, forming a
30 tower which is usually triangular or square in cross-section.

1 (e) Livestock means:

2 (1) One or more members of any species of cattle, swine, sheep, goat, horse or
3 other equine, llama, alpaca or related ruminant, or poultry, excluding chickens,
4 regardless of the purpose for which any of the foregoing may be kept; and

5 (2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for
6 sale of by-products, for livestock increase, or for value increase.

7 (f) Loading space means an off-street space or bay on the same lot or parcel with a
8 building or complex for the parking of a vehicle while loading or unloading
9 passengers or cargo.

10 (g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or
11 contiguous unit of lots or other parcels under common or condominium ownership,
12 common life estate, or subject to a common leasehold for a term of at least 99 years.

13 (h) Lot area means the area in square feet or acres (43,560 square feet equals one
14 acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

15 (i) Lot coverage means the percentage of lot area covered by structures other than
16 fences or by other structures no point of which is more than three feet above grade.

17 (j) Lot depth means the horizontal distance between the front and rear lot lines
18 measured at a point halfway between the side lot lines.

19 (k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

20 (l) Lot, interior means any lot other than a corner lot.

21 (m) Lot line means one of the property lines forming the exterior boundaries of a
22 lot; and includes a condominium unit ownership line where the underlying real
23 property is included in a unit.

24 (n) Lot line, front means:

25 (1) In the case of any lot having a front lot line designated pursuant to SRC
26 63.145(e), the line so designated;

27 (2) In the case of an interior lot having only one street frontage, the lot line
28 separating the lot from the street right-of-way; and

29 (3) In the case of any lot not covered by paragraphs (1) or (2) of this
30 subsection, the lot line which the architecturally designed front of the building

1 faces.

2 (o) Lot line, interior means a lot line which is not adjacent to a street.

3 (p) Lot line, rear means:

4 (1) In the case of any lot having a rear lot line designated or determinable under
5 SRC 63.145(g), the lot line so designated or determined; and

6 (2) In the case of any other lot, the lot line opposite and most distant from the
7 front lot line.

8 (q) Lot line, side means any lot line which is not a front or rear lot line.

9 (r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

10 (s) Lot width means the horizontal distance between the side lot lines measured at
11 right angles to the lot depth at a point halfway between the front and rear lot lines.

12 **Section 30.** SRC 111.140 is amended to read as follows:

13 **111.140. "M" Definitions.**

14 (a) Manufactured dwelling means:

15 (1) Residential trailer, a structure constructed for movement on the public
16 highways that has sleeping, cooking and plumbing facilities, that is intended for
17 human occupancy, that is being used for residential purposes and that was
18 constructed before January 1, 1962.

19 (2) Mobile home, a structure constructed for movement on the public highways
20 that has sleeping, cooking and plumbing facilities, that is intended for human
21 occupancy, that is being used for residential purposes and that was constructed
22 between January 1, 1962, and June 15, 1976, and met the construction
23 requirements of Oregon mobile home law in effect at the time of construction.

24 (3) Manufactured home, a structure constructed for movement on the public
25 highways that has sleeping, cooking and plumbing facilities, that is intended for
26 human occupancy, that is being used for residential purposes and that was
27 constructed after June 15, 1976 and in accordance with federal manufactured
28 housing construction and safety standards and regulations in effect at the time of
29 construction.

30 "Manufactured dwelling" does not mean any building or structure constructed

1 to conform to the State of Oregon Structural Specialty Code or the One and
2 Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and
3 455.610 to 455.630 or any unit identified as a recreational vehicle by the
4 manufacturer.

5 (b) Manufactured dwelling park means any place where four or more manufactured
6 dwellings are located within 500 feet of one another on a lot, tract or parcel of land
7 under the same ownership, the primary purpose of which is to rent or lease space or
8 keep space for rent or lease to any person for a charge or fee paid or to be paid for
9 the rental or lease or use of facilities or to offer space free in connection with
10 securing the trade or patronage of such person. "Manufactured dwelling park" does
11 not include a lot or lots located within a subdivision being rented or leased for
12 occupancy by no more than one manufactured dwelling per lot if the subdivision
13 was approved pursuant to SRC Chapter 63.

14 (c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon
15 which is used for the purpose of preparing, processing or converting food for
16 immediate consumption as a drive-in, drive-through, curb or walk-up service. It
17 does not include a street vendor's cart as described in SRC 31.1055 or a peddler's
18 vehicle or conveyance described in SRC 31.180.

19 (d) Monopole means a wireless communications facility freestanding support
20 structure tower which consists of a single pole sunk into the ground and/or attached
21 to a foundation.

22 **Section 31.** SRC 111.240 is amended to read as follows:

23 **111.240. "W" Definitions.**

24 (a) Wetland means an area that is inundated or saturated by surface water or
25 groundwater at a frequency and duration sufficient to support, and that under
26 normal circumstances does support, a prevalence of vegetation typically adapted for
27 life in saturated soil conditions.

28 (ORS196.800).

29 (b) Wetland restoration means to restore former wetlands, create new wetlands, or
30 enhance existing wetlands for the purpose of improving ecological or habitat

1 functions. Restoration means to reestablish wetland hydrology to a former wetland.
2 Creation means to successfully convert an area that has never been a wetland to
3 wetland conditions. Enhancement means the alteration and/or active management
4 of degraded wetlands for the sustainable recovery or improvement of lost or
5 degraded wetland functions and values.

6 (c) Wildlife shall have the meaning as defined under ORS Chapter 496.

7 (d) Wildlife rehabilitation means the restoration of an injured, sick, or immature
8 wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition
9 where it is capable of being released into the wild or, if incapable of survival on its
10 own, retained for educational purposes or transferred to an organization,
11 educational institution, museum, publicly funded zoo or other facility as determined
12 by the Oregon Department of Fish and Wildlife.

13 (e) Wildlife rehabilitator means any individual who is licensed as a Wildlife
14 Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife
15 rehabilitation.

16 (f) Wildlife Rehabilitation Facility means any building, structure, or land being
17 used for the purpose of wildlife rehabilitation.

18 (g) ~~Wireless Communication Facilities (WCF)~~ means ~~an unstaffed facility for the~~
19 ~~transmission and reception of radio or microwave signals used for commercial~~
20 ~~communications. WCFs are composed of two or more of the following components:~~
21 ~~(1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security~~
22 ~~Barrier.~~ Wireless communications means any personal wireless services as defined
23 by the Federal Telecommunications Act of 1996, as amended, that currently exist or
24 that may be developed in the future, including but not limited to cellular, personal
25 communications services, specialized mobile radio, enhanced specialized mobile
26 radio, paging, similar Federal Communications Commission-licensed commercial
27 wireless telecommunications services, but excluding wireless telecommunications
28 services used exclusively for public health or safety purposes and wireless
29 communications services used exclusively by gas and electric utilities and
30 cooperative utilities for internal communications of an operational nature.

1 (h) Wireless communications facility means any unstaffed facility for the
2 transmission and/or reception of radio frequency signals for commercial wireless
3 communications purposes, including, but not limited to, auxiliary support
4 equipment; support towers or support structures, or utility structures used to achieve
5 the necessary elevation for the antenna; transmission and reception cabling and
6 devices; and all antennas or arrays; but excluding wireless telecommunications
7 services used exclusively for public health or safety purposes and wireless
8 communications services used exclusively by gas and electric utilities and
9 cooperative utilities for internal communications of an operational nature.

10 **Section 32.** SRC 130.210 is amended to read as follows:

11 **130.210. Height Exceptions.**

12 (a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and
13 monuments, none of which exceeds 185 feet in height, are exempt from all other
14 height restrictions provided they do not contain any rooms, offices, or other
15 habitable space, that the horizontal section does not exceed 625 square feet at the
16 top of the main building; and that the sum of the horizontal section of all such
17 projections at the height limit applicable to the building, structure, or land on which
18 they are located does not exceed 20 percent of the horizontal area of the roof of any
19 building on which they are situated.

20 (b) Radio, television, and microwave antennas and structures exclusively for their
21 support are exempt from all height restrictions.

22 (c) Mechanical penthouses, equipment, and appurtenances necessary to the
23 operation or maintenance of the building or structure itself, including ventilators,
24 plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar
25 energy, and window washing equipment, together with enclosures for any such
26 features are exempt from all other height restrictions provided they do not contain
27 any offices, restrooms, storage rooms, or habitable space; provided further that the
28 sum of the horizontal section of all such projections at the height limit applicable to
29 the building or structure on which they are located does not exceed 60 percent of
30 the horizontal area of the roof of the building on which they are situated; and finally

1 provided that no such device or enclosure projects more than 15 feet above the roof,
2 measured vertically from any point on the device or enclosure.

3 (d) Wireless communications facilities are subject to the provisions of SRC
4 Chapter 703.

5 (e) Utility structures located in public rights-of-way and not supporting wireless
6 communications facilities are exempt from the height restrictions of the underlying
7 zone.

8 **Section 33.** SRC 132.220 is amended to read as follows:

9 **132.220. Bufferyards and Screening.** Bufferyards are a combination of setback and visual
10 buffer designed to separate and protect incompatible uses.

11 (a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix
12 and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or
13 parking areas shall be permitted in a bufferyard except where an accessway has
14 been approved by the Public Works Department. Accessways shall not reduce the
15 amount of required plant materials. Utilities, screening, sidewalks, and bikeways
16 are permitted in a bufferyard but shall not reduce the amount of required plant
17 materials.

18 (b) Yard setbacks and landscaping as required in other sections of this Code,
19 including special overlay districts, may be included within a required bufferyard,
20 unless a greater setback is required, in which case the greater setback shall apply;
21 EXCEPT,

22 (1) Development in the Central Business (CB) zone is exempt from bufferyard
23 requirements.

24 (2) Development within the interior of public use zones is exempt from
25 bufferyard requirements.

26 (3) Wireless communications facilities are exempt from bufferyard
27 requirements.

28 (c) The following procedure shall be used to determine the type of buffering and
29 screening required between two abutting parcels:
30

- 1 (1) Locate the proposed use and existing abutting use in the appropriate
2 Standard Industrial Classification (SIC) impact group in the Buffer Matrix
3 (Table 132-1).
- 4 (2) After determining the impact group, read over and down the appropriate
5 axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by
6 the letter A, B, C, D, or E.
- 7 (3) Using the applicable Buffer Category (A, B, C, D, or E), consult the
8 Screening and Buffering Standards Table 132-2 to determine the buffering and
9 screening requirements.
- 10 (4) As required by the Bufferyard and Screening Standards Table 132-2, fences
11 shall be sight-obscuring fences and walls shall be constructed of masonry, rock,
12 concrete, concrete block or other similar material.
- 13 (5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant
14 materials and the minimum size of the plant materials at planting time in order
15 to provide seventy-five (75) percent coverage of the required landscaped yard
16 within five years. A minimum of 40% of the required number of plant units
17 shall be a combination of significant trees, shade trees, evergreen/comifer trees,
18 or ornamental trees.
- 19 (d) Where two or more uses of differing impact as specified in the Buffer Matrix
20 (Table 132-1) are combined in one building, the Buffer Category shall be
21 determined by the use in the heaviest impact category.
- 22 (e) In the event a proposed use is not specifically designated in the Buffer Matrix,
23 Table 132-1, the Planning Administrator shall designate to which group the
24 proposed use is most similar in intensity or environmental impact.
- 25 (f) If the abutting existing use is a "nonconforming use" in the same comprehensive
26 plan designation, then the proposed use shall provide a Category "A" Bufferyard
27 plus a 6 foot fence or wall.

28 **Section 34.** SRC 133.100 is amended to read as follows:

29 **133.100. Off-street Vehicle Parking Requirements.**

- 30 (a) Except as otherwise specifically provided in this zoning code, off-street parking

1 spaces shall be provided in amounts not less than those set forth in Table 133-1.

2 (b) Off-street parking spaces shall not exceed 2.5 times the amount required under
3 Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such
4 amount is more than 20.

5 (c) For any proposed use not shown on Table 133-1, the administrator shall
6 determine the parking space requirement for the most nearly similar use listed in
7 Table 133-1 with regard to traffic generation, and render such determination as an
8 adjustment pursuant to SRC Chapter 250.

9 (d) The provisions of this section shall apply only to residential uses within the
10 boundaries of the Downtown Parking District created by SRC 7.010.

11 (e) The provisions of this section shall not apply to wireless communications
12 facilities.

13 **Section 35.** SRC 133.110 is amended to read as follows:

14 **133.110. General Bicycle Parking Requirement.** Bicycle parking shall be provided for all
15 new multiple family residential developments (4 units or more), commercial, industrial and
16 institutional uses, in the following manner:

17 (a) The minimum number of required bicycle parking spaces is listed in Table 133-
18 1.

19 (b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide
20 and provide a minimum four foot access aisle unless spaces are provided to store
21 the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-
22 section (c) of this section.

23 (c) Bicycle racks must accommodate using the bicyclist's own locking device.

24 (d) Bicycle parking shall be provided within a convenient distance of, and clearly
25 visible from the primary building entrance as determined by the City. Such parking
26 shall not be further than 50 feet from the public entrance to the building.

27 (e) Direct access to the public right-of-way, with access ramps if necessary, and
28 pedestrian access from the bicycle parking to the building entrance must be
29 provided.

30 (f) The following uses are exempted from the bicycle parking requirements:

- 1 (1) Seasonal uses, such as fireworks stands and Christmas tree sales;
- 2 (2) Drive-in theaters;
- 3 (3) Self-storage facilities;
- 4 (4) Wireless communications facilities.

5 **Section 36.** SRC 135.020 is amended to read as follows:

6 **135.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

7 (a) Change of use means making a different or more intense use of any building,
8 structure, or land than that which existed on November 1, 1989, and for which
9 permission may be required pursuant to this code. Change of use does not include
10 collocation, replacement, installation, modification, or construction of wireless
11 communications facilities.

12 (b) Develop or Development means to divide a parcel of land into two or more
13 parcels; the construction, reconstruction, structural alteration, relocation, or
14 enlargement of any industrial buildings; and extension of any use of land or any
15 clearing, grading, landscaping, curb cutting, or other use of land for which
16 permission may be required pursuant to this code. To "develop" does not include:

- 17 (1) Completion of a structure or use of land for which a valid permit has been
18 issued as of November 1, 1989, and under which substantial construction has
19 been undertaken by May 1, 1990;
- 20 (2) Maintenance and repair, usual and necessary for the continuance of an
21 existing use;
- 22 (3) Reasonable emergency procedures necessary for the safety or operation of
23 property;
- 24 (4) Interior remodeling and such exterior remodeling that does not increase
25 square footage of building, increase building height, or substantially alter the
26 appearance of the structure;
- 27 (5) Collocation, replacement, installation, modification, or construction of
28 wireless communications facilities.

29 **Section 37.** SRC 136.020 is amended to read as follows:

30 **136.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

1 (a) Change of use means making a different or more intense use of any building,
2 structure, or land than that which existed on March 1, 1996 and for which permission
3 may be required pursuant to this code. Change of use does not include collocation,
4 replacement, installation, modification, or construction of wireless communications
5 facilities.

6 (b) Develop or Development means to divide a parcel of land into two or more
7 parcels; the construction, reconstruction, structural alteration, relocation, or
8 enlargement of any buildings; any extension of any use of land or any clearing,
9 grading, landscaping, curb cutting, or other use of land for which permission may be
10 required pursuant to this code. To “develop” does not include:

- 11 (1) Completion of a structure or use of land for which a valid building permit
12 has been issued as of March 1, 1996;
- 13 (2) Maintenance and repair, usual and necessary for the continuance of an
14 existing use;
- 15 (3) Reasonable emergency procedures necessary for the safety or operation of
16 the property;
- 17 (4) Interior remodeling and such exterior remodeling that does not increase
18 square footage of building, increase building height, or substantially alter the
19 appearance of the structure;
- 20 (5) Collocation, replacement, installation, modification, or construction of
21 wireless communications facilities.

22 **Section 38.** SRC 137.020 is amended to read as follows:

23 **137.020. Definitions.**

24 (a) Abandonment, as it applies to industrial uses and structures in this Chapter,
25 means the cessation of the use or structure for a continuous period of one year or a
26 change of use or structure to a non-industrial use. Vacant property within the overlay
27 zone west of Commercial Street and designated industrial on December 1, 1998 shall
28 not be deemed abandoned and may be converted to industrial use.

29 (b) Change of use means making a different use of any building, structure or land
30 than which existed on December 1, 1998 and for which permission may be required

1 pursuant to this code. Change of use does not include collocation, replacement,
2 installation, modification, or construction of wireless communications facilities.

3 (c) Develop or Development means to divide a parcel of land into two or more
4 parcels; the construction, reconstruction, structural alteration, relocation, or
5 enlargement of any buildings; any extension of any use of land or any clearing,
6 grading, landscaping, curb cutting, or other use of land for which permission may be
7 required pursuant to this code. Develop or Development does not include:

8 (1) Completion of a structure or use of land for which a valid permit has been
9 issued and substantial construction undertaken by December 1, 1998;

10 (2) Maintenance and repair, usual and necessary for the continuance of an
11 existing use;

12 (3) Reasonable emergency procedures necessary for the safety or operation of
13 property;

14 (4) Interior remodeling and such exterior remodeling that does not increase
15 square footage of a building, increase building height, or alter the appearance of
16 a structure;

17 (5) Collocation, replacement, installation, modification, or construction of
18 wireless communications facilities.

19 (d) Drive through use means a business activity involving the buying and selling of
20 goods or the provision of services to a motorist customer or the customer's motor
21 vehicle and typically involving queuing lanes, service windows, service islands, and
22 service bays.

23 (e) Front means the portion of a building that faces a public right-of-way.

24 (f) Parking structure means a private or public garage with at least two levels of
25 parking whose principal use is intended for the temporary storage of motor vehicles.

26 (g) Primary building entrance means the principal pedestrian passage from a public
27 right-of-way into a building. A building may have more than one primary entrance.
28 Primary building entrance shall not include service or employee only entrances.

29 (h) Project means a single development built in a single phase. A project may
30 involve single or multiple buildings.

1 (i) Public right-of-way means property dedicated to the public for ingress and egress.

2 (j) Public street right-of-way means a public right-of-way improved with a road or
3 street.

4 (k) Side street means any public street that intersects Front Street within the
5 Riverfront Overlay Zone.

6 **Section 39.** SRC 138.020 is amended to read as follows:

7 **138.020. Definitions.**

8 (a) Change of use means making a different use of any building, structure or land
9 than which existed on December 1, 1998 and for which permission may be required
10 pursuant to this code. Change of use does not include collocation, replacement,
11 installation, modification, or construction of wireless communications facilities.

12 (b) Develop or Development means to divide a parcel of land into two or more
13 parcels; the construction, reconstruction, structural alteration, relocation, or
14 enlargement of any buildings; any extension of any use of land or any clearing,
15 grading, landscaping, curb cutting, or other use of land for which permission may be
16 required pursuant to this code. Develop or Development does not include:

17 (1) Completion of a structure or use of land for which a valid permit has been
18 issued and substantial construction undertaken by December 1, 1998.

19 (2) Maintenance and repair, usual and necessary for the continuance of an
20 existing use;

21 (3) Reasonable emergency procedures necessary for the safety or operation of
22 property;

23 (4) Interior remodeling and such exterior remodeling that does not increase
24 square footage of a building, increase building height, or alter the appearance of
25 a structure;

26 (5) Collocation, replacement, installation, modification, or construction of
27 wireless communications facilities.

28 (c) Drive through use means a business activity involving the buying and selling of
29 goods or the provision of services to a motorist customer or the customer's vehicle
30 and typically involving queuing lanes, service windows, service islands, and service

1 bays for vehicular use.

2 (d) Parking structure means a private or public garage with at least two levels of
3 parking whose principal use is intended for the temporary storage of motor vehicles.

4 (e) Primary building entrance means the principal pedestrian passage from a public
5 right-of-way into a building. A building may have more than one primary entrance.

6 (f) Project means a single development built in a single phase. A project may involve
7 single or multiple buildings.

8 (g) Public right-of-way means a public right-of-way improved with a road or street.

9 (h) Side street means within the Broadway/High Street Overlay Zone, any public
10 street that intersects Broadway Street.

11 **Section 40.** SRC 139.040 is amended to read as follows:

12 **139.040. Permitted Uses.** The following uses are permitted in the compact development
13 overlay district:

14 (a) Any permitted, special, ~~administrative conditional use, or conditional, or allowed~~
15 wireless communications facilities uses allowed in the RS, (Single Family
16 Residential) district.

17 (b) Any combination of single family detached, duplex or triplex units, up to a
18 maximum of three (3) units on a lot subject to the per lot density requirements of SRC
19 139.060 and the development design guidelines or standards contained in the City of
20 Salem Development Design Handbook. Three or more units on a lot shall also
21 comply with SRC 139.150.

22 (c) Townhouses on individual lots subject to the per lot density requirements of SRC
23 139.060 and the development design guidelines or standards contained in the
24 Development Design Handbook.

25 **Section 41.** SRC 142.020 is amended to read as follows:

26 **142.020. Definitions.** As used in this Chapter, except as the content otherwise requires:

27 (a) Change of use means making a different or more intense use of any building,
28 structure, or land than that which existed on August 26, 1987, and for which
29 permission may be required pursuant to this code. Change of use does not include
30 collocation, replacement, installation, modification, or construction of wireless

1 communications facilities.

2 **(b)** Develop or Development means to divide a parcel of land into two or more
3 parcels; the construction, reconstruction, structural alteration, relocation, or
4 enlargement of any commercial buildings; any extension of any use of land or any
5 clearing, grading, landscaping, curb cutting, or other use of land for which permission
6 may be required pursuant to this code. To "develop" does not include:

7 **(1)** Completion of a structure or use of land for which a valid permit has been
8 issued as of August 26, 1987, and under which substantial construction has been
9 undertaken by March 1, 1988;

10 **(2)** Maintenance and repair, usual and necessary for the continuance of an
11 existing use;

12 **(3)** Reasonable emergency procedures necessary for the safety or operation of
13 property;

14 **(4)** Interior remodeling and such exterior remodeling that does not increase
15 square footage of building, increase building height, or substantially alter the
16 appearance of the structure;

17 **(5)** Collocation, replacement, installation, modification, or construction of
18 wireless communications facilities.

19 **Section 42.** SRC 143.020 is amended to read as follows:

20 **143.020. Definitions.** As used in this Chapter, except as the context otherwise requires:

21 **(a)** Change of use means making a different or more intense use of any building,
22 structure, or land than that which existed on and for which permission may be
23 required pursuant to this code. Change of use does not include collocation,
24 replacement, installation, modification, or construction of wireless communications
25 facilities.

26 **(b)** Develop or Development means to divide a parcel of land into two or more
27 parcels; the construction, reconstruction, structural alteration, relocation, or
28 enlargement of any commercial buildings; any extension of any use of land or any
29 clearing, grading, landscaping, curb cutting, or other use of land for which permission
30 may be required pursuant to this code. To "develop" does not include:

1 (1) Completion of a structure or use of land for which a valid permit has been
2 issued as of November 9, 1987, and under which substantial construction has
3 been undertaken by May 1, 1988.

4 (2) Maintenance and repair, usual and necessary for the continuance of an
5 existing use;

6 (3) Reasonable emergency procedures necessary for the safety or operation of
7 property;

8 (4) Interior remodeling and such exterior remodeling that does not increase
9 square footage of building, increase building height, or substantially alter the
10 appearance of the structure;

11 (5) Collocation, replacement, installation, modification, or construction of
12 wireless communications facilities.

13 **Section 43.** SRC 143A.020 is amended to read as follows:

14 **143A.020. Definitions.**

15 (a) Congregate Residence means any building or portion thereof that contains
16 facilities for living, sleeping, and sanitation, and may include facilities for eating and
17 cooking, for occupancy other than a family. A congregate residence may be a shelter,
18 convent, monastery, dormitory, fraternity or sorority house, but does not include jails,
19 hospitals, nursing homes, hotels or lodging houses.

20 (b) Change of Use means making a different use of any building, structure or land
21 than which existed on November 30, 1998 and for which permission may be required
22 pursuant to this code. Change of use does not include collocation, replacement,
23 installation, modification, or construction of wireless communications facilities.

24 (c) Drive through use means a business activity involving the buying and selling of
25 goods and services to a motorist customer or the customer's vehicle and typically
26 involving the queuing lanes, service windows, service islands, and service bays for
27 vehicular use.

28 (d) Floor Area means the area included within the surrounding exterior walls of a
29 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
30 structure or portion thereof not provided with surrounding exterior walls shall be the

1 useable area under the horizontal projection of the roof or floor above.

2 (e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
3 area.

4 (f) Mixed-use Development means a combination of retail, office or residential uses
5 in a single building or separate buildings on the same site.

6 (g) Redevelopment means the structural alteration, enlargement, or reuse of
7 buildings, or clearance of structures and buildings for subsequent development.
8 Redevelopment does not include maintenance and repair, usual and necessary for the
9 continuation of an existing use; reasonable emergency procedures necessary for the
10 safety and operation of the property; and interior remodeling that does not increase
11 the square footage or height of buildings; and collocation, replacement, installation,
12 modification, or construction of wireless communications facilities.

13 (h) Residential Structure means dwellings, hotels, apartment houses, and congregate
14 residences.

15 **Section 44.** SRC 143A.060 is amended to read as follows:

16 **143A.060. Special Uses.**

17 (a) The following uses, when restricted, developed and conducted as required in SRC
18 Chapter 119, are permitted in the CHR overlay zone.

19 (1) Mixed Use Buildings as defined in SRC Chapter 119;

20 (2) Bed and Breakfast establishments;

21 (3) Nursing and Personal Care Facilities (805);

22 (4) Individual and Family Social Services (832);

23 (5) Adult Day Care Center;

24 (6) Used merchandise stores (~~953~~593) with all retail and storage of
25 merchandise and equipment conducted entirely within a building;

26 (7) Entertainment establishments;

27 (8) Keeping of miniature swine;

28 ~~(9) Antennas attached to existing or approved structures;~~

29 ~~(10) Public Automobile Parking Areas;~~

30 ~~(11) General Warehousing and Storage;~~

1 ~~(1211)~~ Construction of a replacement single family dwelling unit on an
2 individual lot;

3 ~~(1312)~~ Ambulance Station;

4 ~~(1413)~~ Ambulance Service Facility.

5 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
6 under SRC Chapter 119, the developer may elect to apply for conditional use approval
7 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

8 **Section 45.** SRC 143A.080 is amended to read as follows:

9 **143A.080. Prohibited Uses.** Within the CHR overlay zone, no building, structure or land
10 shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC
11 143A.050 to SRC ~~143A.070-143A.075~~, except as provided in SRC ~~113.090(b)~~ 113.090(d).

12 Prohibited uses expressly include the following:

13 (a) Outdoor Advertising Signs (billboards).

14 ~~(b) Freestanding support structures less than 70 feet in height and equipment~~
15 ~~enclosures~~

16 ~~(eb)~~ Wildlife rehabilitation facilities.

17 ~~(dc)~~ Outdoor storage of materials and equipment.

18 **Section 46.** SRC 143A.200 is amended to read as follows:

19 **143A.200. Reference to Additional Standards.**

20	General Development Standards	SRC Chapter 130
21	Accessory Structures	SRC Chapter 131
22	Landscaping	SRC Chapter 132
23	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
24	Development Design Handbook (multiple family residential uses)	
25	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

26 **Section 47.** SRC 143B.030 is amended to read as follows:

27 **143B.030. Definitions.**

28 (a) Drive-through use means a business activity involving the buying and selling of
29 goods and services to a motorist customer or the customer's vehicle and typically
30 involving queuing lanes service windows, service islands, and service bays for

1 vehicular use.

2 **(b)** Floor Area means the area included within the surrounding exterior walls of a
3 building or portion thereof, exclusive of vent shafts and courts. The floor area of a
4 structure or portion thereof not provided with surrounding exterior walls shall be the
5 useable area under the horizontal projection of the roof or floor above.

6 **(c)** Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
7 area.

8 **(d)** Mixed-Use Development means a combination of retail, office or residential uses
9 in a single building or separate buildings on the same lot or contiguous lots. For
10 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
11 as defined in SRC 119.700, but the terms are not synonymous.

12 **(e)** Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
13 land into two or more parcels; the construction, reconstruction, structural alteration,
14 relocation, or enlargement of any buildings; any extension of any use of land or any
15 clearing, grading, landscaping, curb cutting, or other use of land for which permission
16 may be required pursuant to this code. Develop, Development, Redevelop, or
17 Redevelopment does not include:

18 **(1)** Maintenance and repair, usual and necessary for the continuance of an
19 existing use;

20 **(2)** Reasonable emergency procedures necessary for the safety or operation of
21 property;

22 **(3)** Interior remodeling and such exterior remodeling that does not increase
23 square footage of a building, increase building height, or alter the appearance of
24 a structure;

25 **(4)** Collocation, replacement, installation, modification, or construction of
26 wireless communications facilities.

27 **(4f)** Pedestrian Connection means a continuous, unobstructed, reasonably direct route
28 between two points that is intended and suitable for pedestrian use. Pedestrian Scale
29 means site and building design elements that are dimensionally less than those intended
30 to accommodate automobile traffic, flow and buffering.

1 (5g) Primary Building Entrance means the principal access point for persons visiting a
2 building.

3 (Ah) Townhouse means a single family dwelling unit constructed in a row of attached
4 units, with each unit separated by property lines with yard on at least two sides.

5 **Section 48.** SRC 143.070 is amended to read as follows:

6 **143B.070. Prohibited Uses Within Overlay Zone.**

7 (a) No building, structure or land shall be used, erected, structured, or structurally
8 altered or enlarged for any use not permitted under the underlying zone.

9 ~~(b) No freestanding support structure shall be erected, structurally altered, or enlarged~~
10 ~~in the area within 300 feet of public right-of-way.~~

11 **Section 49.** SRC 143B.090 is amended to read as follows:

12 **143B.090. Special Uses - Pine Street CG Mixed-Use Area.**

13 (a) The following uses, when restricted, developed and conducted as required in SRC
14 Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial
15 General underlying zone:

- 16 (1) Used merchandise stores (593);
- 17 (2) Entertainment establishments (58);
- 18 (3) Wildlife rehabilitation facility;
- 19 ~~(4) Antennas attached to existing or approved structures;~~
- 20 (54) Public automobile parking areas;
- 21 (65) Mobile food unit;
- 22 (76) Ambulance Station;
- 23 (87) Ambulance Service Facility.

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
26 pursuant to SRC Chapter 240 or 118.

27 **Section 50.** SRC 143B.120 is amended to read as follows:

28 **143B.120. Special Uses - Pine Street IC Mixed-Use Area.**

29 (a) The following uses, when restricted, developed and conducted as required in SRC
30 Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial

1 Commercial underlying zone:

- 2 (1) Entertainment establishments;
- 3 (2) Wildlife rehabilitation facility;
- 4 (3) Mobile food unit;
- 5 ~~(4) Antennas attached to existing structures;~~
- 6 (5) Used Merchandise Stores;
- 7 (6) Ambulance Station;
- 8 (7) 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 51.** SRC 143B.150 is amended to read as follows:

13 **143B.150. Special Uses - Northgate CR Mixed-Use Area.**

14 (a) The following uses, when restricted, developed and conducted as required in SRC
15 Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail
16 underlying zone:

- 17 (1) Used merchandise store (593);
- 18 (2) Entertainment establishments;
- 19 (3) Existing wildlife rehabilitation facility;
- 20 (4) Mobile food unit;
- 21 ~~(5) Antennas attached to existing or approved structures;~~
- 22 (6) Ambulance Station;
- 23 (7) Ambulance Service Facility.

24 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
25 under SRC Chapter 119, the developer may elect to apply for conditional use approval
26 pursuant to SRC Chapter 240 or 118.

27 **Section 52.** SRC 143C.060 is amended to read as follows:

28 **143C.060. Permitted Uses.** Only the uses identified in Table 143C-1 are permitted in the
29 FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with
30 the letter “P”. Certain uses are permitted only as a special use and have special conditions

1 attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable
 2 section of SRC Chapter 119. Those uses are designated with an "S". Uses requiring a
 3 Conditional Use Permit are designated with a "C" and are pursuant to SRC Chapter 240.
 4 ~~Uses requiring an Administrative Conditional Use are designated with an "A" and are~~
 5 ~~pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are~~
 6 designated with a "W" and are allowed, subject to SRC Chapter 703.

7 **Table 143C-1**

8 P = permitted use; S = special use; C = conditional use; ~~A = administrative~~
 9 ~~conditional use~~ W = wireless communications facilities use

	LI	MI*	AU	VC
RESIDENTIAL				
One single family dwelling, townhouse, or duplex per lot	P	P	P	P
Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons		P	P	P
One manufactured home on a single lot [SRC 119.710]	S	S	S	S
AGRICULTURE and FORESTRY				
Agricultural production - crops (01)	P	P	P	P
Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated		P	P	
Veterinary services (0742)		P	P	P
Farm labor and management services (076)			P	
Farm labor and management services (076), offices only		P	P	P
Landscape and horticultural services (078)			P	
Landscape and horticultural services (078), offices only		P	P	P

1	Timber tracts (081)		P	P	
2	Forestry services (085), offices only			P	
3	CONSTRUCTION				
4	Building construction - general contractors and operative builders (15), offices only		P	P	P
5	Heavy Construction other than building construction – contractors (16), offices only		P	P	P
6	Construction - special trade contractors (17), offices only		P	P	P
7					
8	MANUFACTURING				
9	Dairy products (202)		C	P	
10	Canned, frozen and preserved fruits, vegetables and food specialties (203)			P	
11	Grain mill products (204)		C	P	
12	Bakery products (205)		C	P	
13	Candy and other confectionery products (2064 and 2068)		C	P	
14	Chocolate and cocoa products (2066)		C	P	
15	Beverages (208)		C	P	
16	Miscellaneous food preparations and kindred products (209)		C	P	
17	Textile mill products (22)		C	P	
18	Apparel and other finished products made from fabrics and similar materials (23)		C	P	
19	Wood kitchen cabinets (2434)		C	P	
20	Paperboard containers and boxes (265)		C	P	
21	Printing, publishing, and allied industries (27)		C	P	
22	Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)		C	P	
23	Metal cans and shipping containers (341)		C	P	
24	Cutlery, hand tools and general hardware (342)		C	P	
25	Heating equipment, except electric and warm air; and plumbing fixtures (343)			P	
26	Metal forgings and stampings (346)			P	
27	Computer and office equipment (357)		C	P	
28					
29					
30					

1	Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)		C	P	
2					
3					
4	Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)		C	P	
5					
6					
7	Signs and advertising specialties (3993)		C	P	
8					
9	TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES				
10	Local and suburban transit and interurban highway passenger transportation (41)			P	P
11					
12	Motor freight transportation and warehousing (42)			P	P
13					
14	U.S. Postal Service (43)		P	P	P
15					
16	Transportation services (47)		P	P	P
17					
18	Communication (48)		P	P	P
19					
20	Wireless Communications Facilities [SRC 119.460]	A	A <u>W</u>	A	A
21		<u>W</u>		<u>W</u>	<u>W</u>
22	Antennas attached to existing or approved structures [SRC 119.460]	S	S	S	S
23					
24	WHOLESALE TRADE				
25					
26	Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)			P	
27					
28	Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516)			P	
29					
30	RETAIL TRADE				
31					
32	Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271)			P	P
33					
34	General merchandise stores (53)		P	P	P
35					
36	Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542)		P	P	P
37					
38	Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554)		C	C	C

1	Auto and home supply stores (553)		P	P	P
2	Gasoline service stations (554) [SRC 119.150]			S	S
3	Apparel and accessories stores (56)		P	P	P
4	Furniture, home furnishings, and equipment stores (57)		P	P	P
5	Eating and drinking places (58) EXCEPT Drive-throughs		P	P	P
6	Miscellaneous retail (59) including, in addition to uses		P	P	P
7	specifically listed in SIC group 599, electrical and lighting				
8	shops, office machines and equipment stores, and tractor				
9	and farm equipment shop				
	FINANCE, INSURANCE, and REAL ESTATE				
10	Depository Institutions (60)		P	P	P
11	Non-depository Credit Institutions (61)		P	P	P
12	Security and commodity brokers, dealers, exchanges and		P	P	P
13	services (62)				
14	Insurance carriers (63)		P	P	P
15	Insurance agents, brokers, and service (64)		P	P	P
16	Real estate (65)		P	P	P
17	Holding, and other investment offices (67)		P	P	P
18	SERVICES				
19	Hotels and motels (701) BUT EXCLUDING casino hotels			P	P
20	Bed and breakfast establishments		P	P	P
21	Personal services (72)		P	P	P
22	Business services (73)		P	P	P
23	Automotive repair services, and parking (75)			P	P
24	Miscellaneous repair services (76)			P	P
25	Motion pictures (78)		P	P	P
26	Amusement and recreation services (79) BUT		P	P	P
27	EXCLUDING casinos, racing, including track operation				
28	(7948) and entertainment establishments, except as				
29	permitted as a special use in SRC 155.030(a)(2)				
30	Health services (80) BUT EXCLUDING hospitals (806)		P	P	P
	Legal services (81)		P	P	P
	Educational services (82)		P	P	P

1	Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons			P	P
2	Child day care home		P	P	P
3	Adult day care home		P	P	P
4	Membership organizations (86), BUT EXCLUDING religious organizations (8661)		P	P	P
5					
6	Religious organizations (8661)	P	P	P	P
7	Engineering, Accounting, Research, Management, and Related Services (87)		P	P	P
8	Accounting, auditing, and bookkeeping (893)		P	P	P
9	Services, not elsewhere classified (899)		P	P	P
10					
11	PUBLIC ADMINISTRATION				
12	Executive offices (911)		P	P	P
13	Executive and legislative combined (913)		P	P	P
14	General government, not elsewhere classified (919)		P	P	P
15	Fire protection (9224)		P	P	P
16	Public order and safety, not elsewhere classified (9229)		P	P	P
17	Finance, taxation, and monetary policy (93)		P	P	P
18	Administration of human resources programs (94)		P	P	P
19	Administration of environmental quality and housing programs (95)		P	P	P
20	Administration of economic programs (96)		P	P	P
21	National security and international affairs (97)		P	P	P
22					
23	OTHER USES				
24	Community or neighborhood clubs		P	P	P
25	Swimming pools, whether or not open to the public for a fee		P	P	P
26	Playgrounds, parks	P	P	P	P
27	Public buildings and structures, such as libraries, fire stations		P	P	P
28	Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines	P	P	P	P
29	Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations	P	P	P	P
30					

1	Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded		P	P	P
2	Recycling depots		P	P	P
3	Transit stop shelters	P	P	P	P
4	Ambulance Station [SRC 119.030]			S	S
5	Ambulance Service Facility [SRC 119.040]			S	S
6	ACCESSORY USES and STRUCTURES				
7	Customary residential accessory buildings and structures for private use of the property and its occupants	P	P	P	P
8	A garage or parking area serving the main building or use	P	P	P	P
9	Sleeping quarters for domestic employees of the resident of the main building	P	P	P	P
10	Home occupations	P	P	P	P
11	The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit	P	P	P	P
12	*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.				

15 **Section 53.** SRC 143D.020 is amended to read as follows:

16 **143D.020. Definitions.**

17 (a) Mixed-Use Development means a combination of retail, office or residential uses
 18 in a single building or separate buildings on the same lot or contiguous lots. For
 19 purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings
 20 as defined in SRC 119.700.

21 (b) Change of Use means changing an activity from one Standard Industrial
 22 Classification (SIC) Division to another. Change of use does not include collocation,
 23 replacement, installation, modification, or construction of wireless communications
 24 facilities.

25 (c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of
 26 land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or
 27 enlarge any building; to extend any use of land or to engage in any clearing, grading,
 28 landscaping, curb cutting, or to engage in any other use of land for which a permit may
 29 be required pursuant to this code. Develop, Development, Redevelop, or
 30

1 Redevelopment does not include:

- 2 (1) Maintenance and repair, usual and necessary for the continuance of an existing
3 use;
- 4 (2) Reasonable emergency procedures necessary for the safety or operation of
5 property; ~~or~~
- 6 (3) Interior remodeling and such exterior remodeling that does not increase square
7 footage of a building, increase building height, or alter the appearance of a
8 structure; or
- 9 (4) Collocation, replacement, installation, modification, or construction of wireless
10 communications facilities.
- 11 (d) Owner means the person holding fee title or a beneficial interest under a trust deed
12 or mortgage, or the purchaser under a contract for sale of real estate.
- 13 (e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route
14 between two points that is intended and suitable for pedestrian use.
- 15 (f) Tuck-Under Parking means parking placed at grade with a building constructed
16 above.
- 17 (g) User means the user of property in the overlay zone as of December 1, 2002.

18 **Section 54.** SRC 143D.070 is amended to read as follows:

19 **143D.070. Uses.** No building or structure shall be used, erected, structurally altered or
20 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
21 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

22 **Section 55.** SRC 143D.100 is amended to read as follows:

23 **143D.100. Uses.** No building or structure shall be used, erected, structurally altered or
24 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
25 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

26 **Section 56.** SRC 143D.120 is amended to read as follows:

27 **143D.120. Uses.**

- 28 (a) Except as provided in subsection (b) of this section, no building or structure shall
29 be used, erected, structurally altered or enlarged, or any land used, for any use not
30 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~

1 communications facilities use in the underlying zone.

2 (b) The following uses are permitted uses in Area 3:

- 3 (1) Eating and drinking places and entertainment establishments;
- 4 (2) Beauty Shops (723);
- 5 (3) Barber Shops (724);
- 6 (4) Business Services (73);
- 7 (5) Membership sports and recreation clubs (7997);
- 8 (6) Medical and dental laboratories (807);
- 9 (7) Outpatient facilities (8093);
- 10 (8) Engineering, accounting, research, management and related services (87);
- 11 (9) Executive offices (911);
- 12 (10) Executive and legislative combined (913);
- 13 (11) Police protection (9221), BUT EXCLUDING jail facilities;
- 14 (12) Public finance, taxation and monetary policy (93);
- 15 (13) Administration of human resources programs (94);
- 16 (14) Administration of environmental quality and housing programs (95);
- 17 (15) Administration of economic programs (96);
- 18 (16) National security and international affairs (97);
- 19 (17) Used merchandise stores (593);
- 20 (18) General merchandise stores (53);
- 21 (19) Food stores (54);
- 22 (20) Apparel and accessory stores (56);
- 23 (21) Furniture, home furnishings and equipment stores (57);
- 24 (22) Miscellaneous retail (59);
- 25 (23) Miscellaneous repair services (76);
- 26 (24) Building materials, hardware, garden supply, but excluding mobile home
- 27 dealers (52); and
- 28 (25) Services not elsewhere classified (899).

29 (c) In addition to the prohibited uses in the underlying zone, the following uses are

30 prohibited in Area 3:

- 1 (1) Agricultural production crops (071);
- 2 (2) Crop services (072);
- 3 (3) Timber tracts (081);
- 4 (4) Forest nurseries and gathering of forest products;
- 5 (5) Chemicals and allied products (28);
- 6 (6) Motorcycle dealers (557);
- 7 (7) Automotive dealers, not elsewhere classified (559);
- 8 (8) Fuel Dealers (598);
- 9 (9) Outdoor advertising services (7312);
- 10 (10) Disinfecting and pest control services (7342);
- 11 (11) Building cleaning and maintenance services not elsewhere classified (7349);
- 12 (12) Recycling Depots;
- 13 (13) Scrap and waste material establishments (5093);
- 14 (14) Livestock, except dairy, poultry, and animal specialties (021);
- 15 (15) Air transportation, Non-scheduled (452);
- 16 (16) Crude petroleum and natural gas extraction (131);
- 17 (17) Surface mining operations;
- 18 (18) Meat products (201);
- 19 (19) Animal and marine fats and oils (2077);
- 20 (20) Logging camps and logging contractors (241);
- 21 (21) Sawmills and planing mills (242);
- 22 (22) Paper and allied products (26);
- 23 (23) Agricultural chemicals (287);
- 24 (24) Miscellaneous chemical products (289);
- 25 (25) Petroleum and coal products (29);
- 26 (26) Cement hydraulic (324);
- 27 (27) Iron and steel foundries (332);
- 28 (28) Primary smelting and refining nonferrous metals (333);
- 29 (29) Secondary smelting and refining nonferrous metals (334);
- 30 (30) Rolling, drawing, and extruding of nonferrous metals (335);

- 1 (31) Ordinance and accessories, except vehicles and guided missiles (348);
- 2 (32) Storage batteries (3691);
- 3 (33) Primary batteries, dry and wet (3692);
- 4 (34) Livestock (5154);
- 5 (35) Chemicals and allied products (516);
- 6 (36) Racing, including track operation (7948); and
- 7 (37) Solid waste transfer stations.

8 **Section 57.** SRC 143D.180 is amended to read as follows:

9 **143D.180. Uses.** No building or structure shall be used, erected, structurally altered or
10 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
11 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

12 **Section 58.** SRC 143D.190 is amended to read as follows:

13 **143D.190. Uses.**

14 (a) Except as provided in subsection (b) and (c) of this section, no building or structure
15 shall be used, erected, structurally altered or enlarged, or any land used, for any use not
16 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
17 ~~communications facilities~~ use in the underlying zone. Otherwise permitted uses in Area
18 5 may not be conducted as drive-through uses, defined as business activities typically
19 involving queuing lanes, service windows, service islands, and service bays. The
20 additional prohibited uses, identified under subsection (c) of this section that existed
21 within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
22 lot or parcel where they are located on such date. Such uses may be intensified,
23 enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
24 that were not previously utilized for such use.

25 (b) The following uses are permitted uses in Area 5:

- 26 (1) Mixed use developments as defined in this Chapter; and
- 27 (2) Dwellings meeting the density standards of Section 143D.210.

28 (c) In addition to the prohibited uses in the underlying zone, the following uses that are
29 allowed in the underlying zone are prohibited in Area 5:
30

- 1 (1) Agricultural production - crops (01);
- 2 (2) Landscape and horticultural services (078), but excluding landscape counseling
- 3 and planning (0781);
- 4 (3) Timber tracts (081);
- 5 (4) Forest nurseries and gathering of forest products (0831);
- 6 (5) Crude petroleum and natural gas extraction (131);
- 7 (6) Gas production and distribution (492);
- 8 (7) Lumber and other building materials dealers (521);
- 9 (8) Automotive dealers and gasoline service stations (55), but excluding auto and
- 10 home supply stores (retail sales only, no service or installation) (5531);
- 11 (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- 12 (10) Camps and recreational vehicle parks (703);
- 13 (11) Carpet and upholstery cleaning (7217);
- 14 (12) Equipment Rental and Leasing (7359);
- 15 (13) Automotive rental and leasing, without drivers (751);
- 16 (14) Automotive repair shops (753);
- 17 (15) Automotive services, except repair (754);
- 18 (16) Motorcycle repair service;
- 19 (17) Professional sports clubs and promoters (7941);
- 20 (18) Temporary motor vehicle and recreational vehicle sales;
- 21 (19) Utilities - secondary truck parking and material storage yard;
- 22 (20) Recycling depots;
- 23 (21) Solid waste transfer stations.

24 **Section 59.** SRC 143D.230 is amended to read as follows:

25 **143D.230. Uses.**

- 26 (a) Except as provided in subsection (b) of this section, No building or structure shall
- 27 be used, erected, structurally altered or enlarged, or any land used, for any use not
- 28 allowed as a permitted, special, ~~administrative conditional, or conditional, or wireless~~
- 29 communications facilities use in the underlying zone.
- 30 (b) The following uses are permitted uses in Area 6:

1 (1) Home occupations pursuant with 143D.240.

2 **Section 60.** SRC 143D.250 is amended to read as follows:

3 **143D.250. Uses.** No building or structure shall be used, erected, structurally altered or
4 enlarged, or any land used, for any use not allowed as a permitted, special, ~~administrative~~
5 ~~conditional, or conditional, or wireless communications facilities~~ use in the underlying zone.

6 **Section 61.** SRC 143E.060 is amended to read as follows:

7 **143E.060. Prohibited Uses within Overlay Zone.**

8 (a) No building, structure or land shall be used, erected, structured, or structurally
9 altered or enlarged for any use not permitted under the underlying zone, including:

10 (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores
11 (553) and gasoline service stations (554); and

12 (2) Outdoor display and storage of merchandise within 50 feet of Commercial
13 Street SE right-of-way; ~~and~~

14 (3) ~~Freestanding Support Towers within 300 feet of Commercial Street SE right-of-~~
15 ~~way.~~

16 **Section 62.** SRC 144.050 is amended to read as follows:

17 **144.050. Prohibited Uses.** Within an EFU district, no building, structure, or land shall be
18 used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020
19 to 144.040 ~~144.045.~~

20 **Section 63.** SRC 145.030 is amended to read as follows:

21 **145.030. Special Uses.**

22 (a) The following uses, when restricted, developed and conducted as required in SRC
23 Chapter 119, are permitted in the RA district:

24 (1) Veterinary services for animal specialties (0742).

25 (2) Funeral service (726) except crematories.

26 (3) Public golf courses (7992)

27 (4) Membership sports and recreation clubs (7997) having golf courses.

28 (5) Elementary and secondary schools (821).

29 (6) Religious organizations (866).

30 (7) Boat and recreational vehicle storage area.

- 1 (8) Zero side yard dwellings.
- 2 (9) Two family shared housing.
- 3 (10) Public automobile parking areas.
- 4 (11) Manufactured homes on individual lots.
- 5 (12) Bed and breakfast establishments.
- 6 (13) Adult day care center.
- 7 (14) Keeping of a miniature swine.
- 8 (15) Residential Sales/Development Office.
- 9 (16) Wildlife Rehabilitation facility.
- 10 (17) Construction of a replacement single family dwelling unit on an individual lot.
- 11 (18) Individual and Family Social Service (832).
- 12 ~~(19) Antennas attached to existing or approved structures.~~
- 13 (2019) Parking for Special Activities at High Schools with Community Parks.
- 14 (2120) Cottage Housing.

15 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 16 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 17 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

18 **Section 64.** SRC 145.050 is amended to read as follows:

19 **145.050. Prohibited Uses.** Within an RA district, no building, structure, or land shall be
 20 used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020
 21 to 145.040-145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 22 or allowed as a nonconforming use pursuant to SRC Chapter 270.

23 **Section 65.** SRC 145.900 is amended to read as follows:

24 **145.900. Reference to Additional Standards.** Additional or alternative use and
 25 development standards may be found in the following Chapters:

26 Preservation of Trees and Vegetation	SRC Chapter 68
27 Landslide Hazards	SRC Chapter 69
28 Street Trees	SRC Chapter 86
29 Planned Unit Developments	SRC Chapter 121
30 Increased Residential Density	SRC Chapter 122

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	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

10 **Section 66.** SRC 146.030 is amended to read as follows:

11 **146.030. Special Uses.**

12 (a) The following uses, when restricted, developed and conducted as required in SRC
 13 Chapter 119, are permitted in the RS district:

- 14 (1) Funeral service (726) except crematories.
- 15 (2) Public golf courses (7992).
- 16 (3) Membership sports and recreation clubs (7997) having golf courses.
- 17 (4) Elementary and secondary schools (821).
- 18 (5) Religious organizations (866).
- 19 (6) Boat and recreational vehicle storage area.
- 20 (7) Zero side yard dwellings.
- 21 (8) Two family shared housing.
- 22 (9) Public automobile parking areas.
- 23 (10) Manufactured homes on individual lots.
- 24 (11) Bed and breakfast establishments.
- 25 (12) Adult day care center.
- 26 (13) Keeping of a miniature swine.
- 27 (14) Residential Sales/Development Office.
- 28 (15) Existing wildlife rehabilitation facility.
- 29 (16) Construction of a replacement single family dwelling unit on an individual lot.
- 30 ~~(17) Antennas attached to existing or approved structures.~~

1 ~~(1817)~~ Parking for Special Activities at High Schools with Community Parks.

2 ~~(1918)~~ 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 67.** SRC 146.050 is amended to read as follows:

7 **146.050. Prohibited Uses.** Within any RS district, no building, structure, or land shall be
8 used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020
9 to ~~146.040~~ 146.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
10 or allowed as a nonconforming use pursuant to SRC Chapter 270.

11 **Section 68.** SRC 146.900 is amended to read as follows:

12 **146.900. Reference to Additional Standards.** Additional or alternative use and
13 development standards may be found in the following Chapters:

14	Landslide Hazards	SRC Chapter 69
15	Street Trees	SRC Chapter 86
16	Planned Unit Developments	SRC Chapter 121
17	Increased Residential Density	SRC Chapter 122
18	Mobile Home Parks	SRC Chapter 123
19	Home Occupations	SRC Chapter 124
20	Lot Development Standards	SRC Chapter 130
21	Accessory Structures	SRC Chapter 131
22	Landscaping	SRC Chapter 132
23	Off-street Parking, Loading and Driveways	SRC Chapter 133
24	Flood Plain Overlay Zones	SRC Chapter 140
25	Willamette Greenway Overlay Zones	SRC Chapter 141
26	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

27 **Section 69.** SRC is amended to read as follows:

28 **147.030. Special Uses.**

29 (a) The following uses, when restricted, developed and conducted as required in SRC
30 Chapter 119, are permitted in the RD district:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(1) Nursing and personal care facilities (805).

(2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.

(3) Zero side yard dwellings.

(4) Keeping of a miniature swine.

(5) Manufactured homes on individual lots.

~~(6) Antennas attached to existing or approved structures.~~

~~(7)~~ Religious organizations (866).

(b) In lieu of establishing any use listed in subsection ~~(2)~~ (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 70. SRC 147.050 is amended to read as follows:

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to ~~147.040-147.045~~, 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 71. SRC 147.900 is amended to read as follows:

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards	SRC Chapter 69
Street Trees	SRC Chapter 86
Planned Unit Developments	SRC Chapter 121
Increased Residential Density	SRC Chapter 122
Mobile Home Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading and Driveways	SRC Chapter 133

1	Flood Plain Overlay Zones	SRC Chapter 140
2	Willamette Greenway Overlay Zones	SRC Chapter 141
3	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

4 **Section 72.** SRC 148.170 is amended to read as follows:

5 **148.170. RM1 Special Uses.**

6 (a) The following uses, when restricted, developed and conducted as required in SRC
7 Chapter 119, are permitted in the RM1 district:

- 8 (1) Nursing and personal care facilities.
- 9 (2) Elementary and secondary schools.
- 10 (3) Religious organizations.
- 11 (4) Zero side yard dwellings.
- 12 (5) Manufactured homes on individual lots, provided the minimum density
13 requirements of SRC 148.220 are met.
- 14 (6) Adult day care center.
- 15 (7) Keeping of miniature swine.
- 16 (8) Residential Sales/Development Office.
- 17 (9) ~~Antennas attached to existing or approved structures~~

18 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
19 under SRC Chapter 119, the developer may elect to apply for conditional use approval
20 pursuant to SRC Chapter 240 or 118.

21 **Section 73.** SRC 148.200 is amended to read as follows:

22 **148.200. RM1 Prohibited Uses.** Within any ~~RD~~ RM1 district, no building, structure, or
23 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
24 SRC ~~147.020~~ 148.160 to ~~147.040~~ 148.195, unless the use is deemed an equivalent use
25 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
26 270.

27 **Section 74.** SRC 148.210 is amended to read as follows:

28 **148.210. RM1 Design Approval.** Developments subject to SRC 148.160-~~148.190~~ and SRC
29 148.200-148.300 shall meet either the development design standards contained in the City of
30 Salem Development Design Handbook or shall be reviewed and approved by the Planning

1 Commission pursuant to the guidelines contained in the adopted Development Design
2 Handbook. Development design guidelines and standards are in addition to all development
3 standards contained in this Chapter.

4 **Section 75.** SRC 148.300 is amended to read as follows:

5 **148.300. RM1 Reference to Additional Standards.** Additional or alternative use and
6 development standards may be found in the following Chapters:

7	Landslide Hazards	SRC Chapter 69
8	Planned Unit Development	SRC Chapter 121
9	Mobile Homes Parks	SRC Chapter 123
10	Home Occupations	SRC Chapter 124
11	Lot Development Standards	SRC Chapter 130
12	Accessory Structures	SRC Chapter 131
13	Landscaping	SRC Chapter 132
14	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
15	Flood Plain Overlay Zones	SRC Chapter 141
16	City of Salem Development Design Handbook	
17	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

18 **Section 76.** SRC 148.350 is amended to read as follows:

19 **148.350. RM2 Prohibited Uses.** Within any RD ~~RM2~~ district, no building, structure, or
20 land shall be used, erected, structurally altered, or enlarged for any use not permitted under
21 SRC 147.020 148.310 to 147.040 148.345, unless the use is deemed an equivalent use
22 pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
23 270.

24 **Section 77.** SRC 148.360 is amended to read as follows:

25 **148.360. RM2 Design Approval.** Developments subject to SRC 148.310-148.340 and SRC
26 148.350-148.450 shall meet either the development design standards contained in the City of
27 Salem Development Design Handbook or shall be reviewed and approved by the Planning
28 Commission pursuant to the guidelines contained in the Development Design Handbook.
29 Development design guidelines and standards are in addition to all development standards
30 contained in this Chapter.

1 **Section 78.** SRC 148.450 is amended to read as follows:

2 **148.450. RM2 Reference to Additional Standards.** Additional or alternative use and
3 development standards may be found in the following Chapters:

4	Landslide Hazards	SRC Chapter 69
5	Planned Unit Development	SRC Chapter 121
6	Mobile Home Parks	SRC Chapter 123
7	Home Occupations	SRC Chapter 124
8	Lot Development Standards	SRC Chapter 130
9	Accessory Structures	SRC Chapter 131
10	Landscaping	SRC Chapter 132
11	Off-Street Parking, Loading and Driveways	SRC Chapter 133
12	Flood Plain Overlay Zones	SRC Chapter 140
13	Willamette Greenway Overlay Zones	SRC Chapter 141
14	City of Salem Design Review Handbook	
15	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

16 **Section 79.** SRC 149.030 is amended to read as follows:

17 **149.030. Special Uses.**

18 (a) The following uses, when restricted, developed and conducted as required in SRC
19 Chapter 119, are permitted in the RH district:

- 20 (1) Nursing and personal care facilities (805).
- 21 (2) Elementary and secondary schools (821).
- 22 (3) Religious organizations (866).
- 23 (4) Mixed use buildings.
- 24 (5) Adult day care center.
- 25 (6) Keeping of a miniature swine.
- 26 (7) Residential Sales/Development Office.
- 27 ~~(8) Antennas attached to existing or approved structures.~~
- 28 ~~(9)~~ (98) Ambulance Station.

29 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
30 under SRC Chapter 119, the developer may elect to apply for conditional use approval

1 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

2 **Section 80.** SRC 149.050 is amended to read as follows:

3 **149.050. Uses.** Within any RH district, no building, structure or land shall be used, erected,
4 structurally altered, or enlarged for any use not permitted under SRC 149.020 to ~~149.040~~
5 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed
6 as a nonconforming use pursuant to SRC Chapter 270.

7 **Section 81.** SRC 149.900 is amended to read as follows:

8 **149.900. Reference to Additional Standards.** Additional or alternative use and
9 development standards may be found in the following Chapters:

10 Preservation of Trees and Vegetation	SRC Chapter 68
11 Landslide Hazards	SRC Chapter 69
12 Planned Unit Developments	SRC Chapter 121
13 Lot Development Standards	SRC Chapter 130
14 Accessory Structures	SRC Chapter 131
15 Landscaping	SRC Chapter 132
16 Off-street Parking, Loading, and Driveways	SRC Chapter 133
17 Flood Plain Overlay Zones	SRC Chapter 140
18 Willamette Greenway Overlay Zones	SRC Chapter 141
19 Development Design Handbooks for projects including three or more multiple family 20 units	
21 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

22 **Section 82.** SRC 150.030 is amended to read as follows:

23 **150.030. Special Uses.**

24 (a) The following uses, when restricted, developed and conducted as required in SRC
25 Chapter 119, are permitted in the CO district:

- 26 (1) Veterinary services for animal specialties (0742).
27 (2) Public golf courses (7992); and Membership sports and recreation clubs (7997)
28 having golf courses.
29 (3) Nursing and personal care facilities (805).
30 (4) Religious organizations (866).

- 1 (5) Boat and recreational vehicle storage area.
- 2 (6) Zero side yard dwellings.
- 3 (7) Orthopedic and artificial limb offices - retail (5999).
- 4 (8) Keeping of miniature swine.
- 5 ~~(9) Antennas attached to existing or approved structures.~~
- 6 (10) Ambulance Station.

7 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 8 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 9 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

10 **Section 83.** SRC 150.050 is amended to read as follows:

11 **150.050. Prohibited Uses.** Within any CO district, no building, structure, or land shall be
 12 used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020
 13 to ~~150.040~~ 150.045, unless the use is deemed an equivalent use pursuant to except as
 14 provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter
 15 270.

16 **Section 84.** SRC 150.900 is amended to read as follows:

17 **150.900. Reference to Additional Standards.** Additional or alternative use and
 18 development standards may be found in the following Chapters:

19 Preservation of Trees and Vegetation	SRC Chapter 68
20 Landslide Hazards	SRC Chapter 69
21 Home Occupations	SRC Chapter 124
22 Lot Development Standards	SRC Chapter 130
23 Accessory Structures	SRC Chapter 131
24 Landscaping	SRC Chapter 132
25 Off-street Parking, Loading and Driveways	SRC Chapter 133
26 Flood Plain Overlay Zones	SRC Chapter 140
27 Willamette Greenway Overlay Zones	SRC Chapter 141
28 Development Design Handbooks for projects including three or more multiple family 29 units	
30 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

1 **Section 85.** SRC 151.030 is amended to read as follows:

2 **151.030. Special Uses.**

3 (a) The following uses, when restricted, developed and conducted as required in SRC
4 Chapter 119, are permitted in the ~~CR~~ CN district:

5 (1) Keeping of a miniature swine.

6 ~~(2) Antennas attached to existing or approved structures.~~

7 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
8 ~~enclosures.~~

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 86.** SRC 151.040 is amended to read as follows:

13 **151.040. Conditional Uses.**

14 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
15 applicable, are permitted in the CN district:

16 (a) Crude petroleum and natural gas extraction (I31).

17 (b) Electric services (491).

18 (c) Gas production and distribution (492).

19 (d) Water supply (494).

20 (e) Off-site response actions in accordance with applicable law to discharges of oil and
21 releases of hazardous substances, pollutants, and contaminants.

22 ~~(f) Freestanding support structures greater than 70 feet in height and equipment~~
23 ~~enclosures.~~

24 **Section 87.** SRC 151.050 is amended to read as follows:

25 **151.050. Prohibited Uses.** Within any CN district, no building, structure, or land shall be
26 used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020
27 to ~~151.040~~ 151.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
28 or allowed as a nonconforming use pursuant to SRC Chapter 270.

29 **Section 88.** SRC 151.900 is amended to read as follows:

30 **151.900. Reference to Additional Standards.** Additional or alternative use and

1 development standards may be found in the following Chapters:

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	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

10 **Section 89.** SRC 152.030 is amended to read as follows:

11 **152.030. Special Uses.**

12 (a) The following uses, when restricted, developed and conducted as required in SRC
13 Chapter 119, are permitted in the CR district:

- 14 (1) Gasoline service stations (554).
- 15 (2) Used merchandise store (593).
- 16 (3) Secondary dwellings and guest rooms.
- 17 (4) Entertainment establishments.
- 18 (5) Keeping of a miniature swine.
- 19 (6) Existing wildlife rehabilitation facility.
- 20 (7) Mobile food unit.
- 21 ~~(8) Antennas attached to existing or approved structures;~~
- 22 ~~(9) Freestanding support structures 35 feet or less in height and equipment~~
23 ~~enclosures.~~
- 24 ~~(108)~~ Temporary motor vehicle sales (551).
- 25 ~~(119)~~ Temporary recreational vehicle sales (556).
- 26 ~~(1210)~~ One single family dwelling, other than a manufactured home, per lot.
- 27 ~~(1311)~~ Ambulance Station.
- 28 ~~(1412)~~ Ambulance Service Facility.

29 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
30 under SRC Chapter 119, the developer may elect to apply for conditional use approval

1 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

2 **Section 90.** SRC 152.040 is amended to read as follows:

3 **152.040. Conditional Uses.** The following uses, with conditional use approval as provided
4 in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

5 (a) Those uses listed in SRC 152.030, at the developer's option, as provided in
6 subsection (b) of that section.

7 (b) Crude petroleum and natural gas extraction (131).

8 (c) **Manufacturing:**

9 (1) Jewelry, silverware, and plated ware (391).

10 (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions,
11 except precious metal (396).

12 (3) Signs and advertising specialties (3993).

13 (d) **Transportation, communications, electric, gas, and sanitary services:**

14 (1) Local and suburban passenger transportation (411).

15 (2) InterCity and rural highway passenger transportation within 2,000 feet from the
16 center point of an I-5 interchange and having direct access on to a major arterial
17 (413).

18 (3) Communication services, not elsewhere classified (489).

19 (4) Electric services (491).

20 (5) Gas production and distribution (492).

21 (6) Water supply (494).

22 ~~(7) Free standing support structures greater than 70 feet in height and equipment~~
23 ~~enclosures.~~

24 (e) **Retail:**

25 (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
26 and auto and home supply stores as permitted under SRC 152.020(e)(14).

27 (2) Nonstore retailers (596).

28 (f) **Services:**

29 (1) Camps and recreational vehicle parks (703).

30 (2) Carpet and upholstery cleaning (7217).

- 1 (3) Automotive rental and leasing, without drivers (751).
- 2 (4) Automotive repair shops (753).
- 3 (5) Automotive services, except repair (754).
- 4 (6) Electrical repair shops (762).
- 5 (7) Reupholstery and furniture repair (764).
- 6 (8) Motorcycle repair service.
- 7 (9) Professional sports clubs and promoters (7941).
- 8 (10) Homeless shelters and room and board facilities serving 6 to 75 persons.
- 9 (g) Unlimited number of dwelling units and guest rooms in apartment houses, court
- 10 apartments, lodging houses, condominiums, and residential hotels.
- 11 (h) **Other uses:**
- 12 (1) Utilities - secondary truck parking and material storage yard.
- 13 (2) Recycling depots.
- 14 (3) Solid waste transfer stations.
- 15 (4) Off-site response actions in accordance with applicable law to discharges of
- 16 oil and releases of hazardous substances, pollutants, and contaminants.

17 **Section 91.** SRC 152.050 is amended to read as follows:

18 **152.050. Prohibited Uses.** Within any CR district, no building, structure, or land shall be
 19 used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020
 20 to ~~152.040~~ 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
 21 or allowed as a nonconforming use pursuant to SRC Chapter 270.

22 **Section 92.** SRC 152.900 is amended to read as follows:

23 **152.900. Reference to Additional Standards.** Additional or alternative use and
 24 development standards may be found in the following Chapters:

25 Landslide Hazards	SRC Chapter 69
26 Lot Development Standards	SRC Chapter 130
27 Accessory Structures	SRC Chapter 131
28 Landscaping	SRC Chapter 132
29 Off-street Parking, Loading, and Driveways	SRC Chapter 133
30 Flood Plain Overlay Zones	SRC Chapter 140

1 Willamette Greenway Overlay Zones SRC Chapter 141

2 Wireless Communications Facilities SRC Chapter 703

3 **Section 93.** SRC 153.030 is amended to read as follows:

4 **153.030. Special Uses.**

5 (a) The following uses, when restricted, developed and conducted as required in SRC
6 Chapter 119, are permitted in the CG district:

7 (1) Used merchandise stores (593).

8 (2) Entertainment establishments.

9 (3) Keeping of a miniature swine.

10 (4) Wildlife rehabilitation facility.

11 ~~(5) Antennas attached to existing or approved structures.~~

12 ~~(6) Freestanding support structures 35 feet or less in height and equipment
13 enclosures.~~

14 ~~(75) Mobile food unit.~~

15 ~~(86) Temporary motor vehicles sales (551).~~

16 ~~(97) Temporary recreational vehicle sales (556).~~

17 ~~(108) One single family dwelling, other than a manufactured home, per lot.~~

18 ~~(119) Ambulance Station.~~

19 ~~(1210) Ambulance Service Facility.~~

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. See SRC 119.010.

23 **Section 94.** SRC 153.040 is amended to read as follows:

24 **153.040. Conditional Uses.** The following uses, with conditional use approval as provided
25 in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

26 (a) Those uses listed in SRC 153.030, at the developer's option, as provided in
27 subsection (b) of that section.

28 (b) Animal specialty services, except veterinary (0752).

29 (c) Farm labor and management services (076).

30 (d) Crude petroleum and natural gas extraction (131).

1	Lot Development Standards	SRC Chapter 130
2	Accessory Structures	SRC Chapter 131
3	Landscaping	SRC Chapter 132
4	Off-street Parking, Loading, and Driveways	SRC Chapter 133
5	Flood Plain Overlay Zones	SRC Chapter 140
6	Willamette Greenway Overlay Zones	SRC Chapter 141
7	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

8 **Section 97.** SRC 154.030 is amended to read as follows:

9 **154.030. Special Uses.**

10 (a) The following uses, when restricted, developed and conducted as required in SRC
 11 Chapter 119, are permitted in the CB district:

- 12 (1) Keeping of a miniature swine.
- 13 ~~(2) Antennas attached to existing or approved structures.~~
- 14 ~~(3) Freestanding support structures thirty-five feet or less in height and~~
 15 ~~equipment enclosures.~~
- 16 ~~(4) Mobile food unit.~~
- 17 ~~(5) Ambulance station.~~
- 18 ~~(6) Ambulance service facility.~~

19 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
 20 under SRC Chapter 119, the developer may elect to apply for conditional use approval
 21 pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

22 **Section 98.** SRC 154.040 is amended to read as follows:

23 **154.040. Conditional Uses.**

24 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
 25 applicable, are permitted in the CB district:

- 26 (a) Helicopter landing area, with or without passenger and freight terminal facilities.
- 27 (b) Farm labor and management services (076).
- 28 (c) Crude petroleum and natural gas extraction (131).
- 29 (d) Jewelry, silverware, and plated ware (391).
- 30 (e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except

1 precious metal (396).

2 (f) Electric services (491).

3 (g) Gas production and distribution (492).

4 (h) Water supply (494).

5 (i) Metals and minerals, except petroleum (505) subject to the retail sales requirement
6 of SRC 154.020(e).

7 (j) Durable goods, not elsewhere classified (5099) subject to the retail sales
8 requirement of SRC 154.020(e).

9 (k) Recycling depots.

10 (l) Solid waste transfer stations.

11 (m) Homeless shelters and room and board facilities serving six to seventy-five
12 persons; and relocation of larger than seventy-five-person facilities in existence as of
13 September 1, 1993, from one CB zone site to another site within the CB zone,
14 providing there is no increase in bed capacity.

15 (n) Off-site response actions in accordance with applicable law to discharges of oil and
16 releases of hazardous substances, pollutants, and contaminants.

17 ~~(o) Freestanding support structures greater than 70 feet in height and equipment
18 enclosures.~~

19 ~~(po)~~ Drive-through for a bank or credit union in the downtown Historic Core District,
20 where construction of the bank or credit union is commenced on or after October 1,
21 2011 and adequate measures are taken to ensure pedestrian safety.

22 **Section 99.** SRC 154.050 is amended to read as follows:

23 **154.050. Prohibited Uses.** Within any CB district, no building, structure, or land shall be
24 used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020
25 to ~~154.040~~ 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
26 or allowed as a nonconforming use pursuant to SRC Chapter 270.

27 Otherwise permitted uses in the downtown Historic Core District, other than banks and
28 credit unions where construction of the bank or credit union is commenced on or after
29 October 1, 2011, may not be conducted as drive-through uses, defined as business activities
30 involving the buying and selling of goods or the provision of services to a motorist customer

1 or the customer's motor vehicle and typically involving queuing lanes, service windows,
2 service islands, and service bays.

3 **Section 100.** SRC 154.090 is amended to read as follows:

4 **154.090. Design Approval.** In all districts defined in SRC 154.055, the construction or
5 alteration of the exterior facade of any building or structure shall be consistent with the
6 standards or guidelines contained in the City of Salem Development Design Handbook.

7 This section shall not apply to wireless communications facilities or to relocatable structures
8 not attached to a permanent foundation.

9 **Section 101.** SRC 154.900 is amended to read as follows:

10 **154.900. Reference to Additional Standards.** Additional or alternative use and
11 development standards may be found in the following Chapters:

12	Home Occupations	SRC Chapter 124
13	Lot Development Standards	SRC Chapter 130
14	Accessory Structures	SRC Chapter 131
15	Landscaping	SRC Chapter 132
16	Off-street Parking, Loading, and Driveways	SRC Chapter 133
17	Flood Plain Overlay Zones	SRC Chapter 140
18	Willamette Greenway Overlay Zones	SRC Chapter 141
19	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

20 **Section 102.** SRC 155.030 is amended to read as follows:

21 **155.030. Special Uses.**

22 (a) The following uses, when restricted, developed and conducted as required in SRC
23 Chapter 119, are permitted in an IC district:

24 (1) Mobile home as a dwelling for a caretaker.

25 (2) Entertainment establishments.

26 (3) Keeping of a miniature swine.

27 (4) Wildlife rehabilitation facility.

28 (5) Mobile food unit.

29 ~~(6) Antennas attached to existing structures.~~

30 ~~(7) Freestanding support structures 35 feet or less in height and equipment~~

1 enclosures.

2 (86) One single family dwelling, other than a manufactured home, per lot.

3 (97) Ambulance Station.

4 (108) Ambulance Service Facility.

5 (b) In lieu of establishing any use listed in subsection (a) of this section as a special use
6 under SRC Chapter 119, the developer may elect to apply for conditional use approval
7 pursuant to SRC Chapter 240 or 118. See SRC 119.010.

8 **Section 103.** SRC 155.040 is amended to read as follows:

9 **155.040. Conditional Uses.**

10 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
11 applicable, are permitted in the IC district:

12 (a) **Agriculture:**

13 (1) Animal specialty services (0752).

14 (b) **Mining:**

15 (1) Crude petroleum and gas extraction (131).

16 (c) **Manufacturing:**

17 (1) Millwork (2431).

18 (2) Structural wood members, not elsewhere classified (2439).

19 (3) Wooden containers (244).

20 (4) Miscellaneous wood products (249).

21 (5) Furniture and fixtures (25).

22 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous
23 chemical products (289).

24 (7) Rubber and plastics footwear (302).

25 (8) Fabricated rubber products, not elsewhere classified (306).

26 (9) Miscellaneous plastics products (307).

27 (10) Leather tanning and finishing (311).

28 (11) Fabricated structural metal products (344).

29 (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).

30 (13) Coating, engraving, and allied services (347).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (14) Miscellaneous fabricated metal products (349).
- (15) Metalworking machinery and equipment (354).
- (16) Woodworking machinery (3553).
- (17) Refrigeration and service industry machinery (358).
- (18) Ship and boat building and repairing (373).
- (19) Jewelry, silverware, and patch ware (391).
- (20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:

- (1) Air transportation, Nonscheduled (452).
- ~~(1) Freestanding support structures greater than 70 feet in height and equipment enclosures.~~

(e) Utilities:

- (1) Electrical service (491).
- (2) Gas production and distribution (492).
- (3) Water supply (494).

(f) Wholesale trade:

- (1) Durable goods, not elsewhere classified (5099).

(g) Services:

- (1) Residential care (836).

(h) Residential:

- (1) Single family dwellings, other than mobile homes.
- (2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
- (3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
- (4) Homeless shelters and room and board facilities serving between 6 and 75 persons; ~~and,~~

(i) Other uses:

- (1) Solid waste transfer stations.

1 (2) Off-site response actions in accordance with applicable law to discharges of
2 oil and releases of hazardous substances, pollutants, and contaminants.

3 (j) Those uses listed in SRC 155.030, at the developer's option, as provided in
4 subsection (b) of that section.

5 **Section 104.** SRC 155.050 is amended to read as follows:

6 **155.050. Prohibited Uses.** Within any IC district, no building, structure, or land shall be
7 used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020
8 to ~~155.040~~ 155.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
9 or allowed as a nonconforming use pursuant to SRC Chapter 270.

10 **Section 105.** SRC 155.900 is amended to read as follows:

11 **155.900. Reference to Additional Standards.** Additional or alternative use and
12 development standards may be found in the following Chapters:

13	Landslide Hazards	SRC Chapter 69
14	Lot Development Standards	SRC Chapter 130
15	Accessory Structures	SRC Chapter 131
16	Landscaping	SRC Chapter 132
17	Off-street Parking, Loading and Driveways	SRC Chapter 133
18	Flood Plain Overlay Zones	SRC Chapter 140
19	Willamette Greenway Overlay Zones	SRC Chapter 141
20	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

21 **Section 106.** SRC 156.030 is amended to read as follows:

22 **156.030. Special Uses.**

23 (a) The following uses, when restricted, developed and conducted as required in SRC
24 Chapter 119, are permitted in the IBC district:

25 (1) Gasoline service stations (554);

26 ~~(2) Antennas attached to existing or approved structures;~~

27 ~~(3) Freestanding support structures 35 feet or less in height and equipment~~
28 ~~enclosures;~~

29 ~~(4) Colleges, universities, professional schools, and junior colleges (8221);~~

30 ~~(5) One single family dwelling, other than a manufactured home, per lot;~~

- 1 (64) Ambulance Station;
- 2 (75) Ambulance Service Facility.

3 (b) The special uses permitted under Subsection (a) of this Section together with the
4 permitted uses listed under SRC 156.020(h) through (j) shall:

- 5 (1) In the aggregate be limited in area to not more than ten percent of the gross
6 area of the IBC district; and
- 7 (2) Not be developed until not less than 25 percent of the gross area of the IBC
8 district has received an occupancy permit issued by the City of Salem for one or
9 more permitted uses listed under SRC 156.020(b) through (f).

10 **Section 107.** SRC 156.035 is amended to read as follows:

11 **156.035. Conditional Uses.** The following uses, with conditional use approval as provided
12 in SRC Chapter ~~117~~ 240 or 118, as applicable, are permitted in the IBC district:

13 (a) **Transportation, communication, electric, gas, and sanitary services:**

- 14 (1) Air transportation, Nonscheduled (452).
- 15 ~~(2) Freestanding support structures greater than 70 feet in height and equipment~~
16 ~~enclosures.~~

17 (b) **Utilities:**

- 18 (1) Electrical service (491);
- 19 (2) Gas production and distribution (492);
- 20 (3) Water supply (494).

21 **Section 108.** SRC 156.050 is amended to read as follows:

22 **156.050. Prohibited Uses.** Within any IBC district, no building, structure, or land shall be
23 used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020
24 to SRC ~~156.030~~ 156.045, unless the use is deemed an equivalent use pursuant to SRC
25 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

26 **Section 109.** SRC 156.900 is amended to read as follows:

27 **156.900. 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 <u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

1 **Section 110.** SRC 157.030 is amended to read as follows:

2 **157.030. Special Uses.**

3 (a) The following uses, when restricted, developed, and conducted as required in SRC
4 Chapter 119, are permitted in the IP district:

5 (1) Gasoline service stations (554).

6 (2) Mobile home as a dwelling for a caretaker.

7 ~~(3) Antennas attached to existing or approved structures.~~

8 ~~(4) Freestanding support structures 35 feet or less in height and equipment~~
9 ~~enclosures.~~

10 ~~(5) One single family dwelling, other than a manufactured home, per lot.~~

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. See SRC 119.010.

16 **Section 111.** SRC 157.040 is amended to read as follows:

17 **157.040. Conditional Uses.** ~~157.040.~~ The following uses, with conditional use approval as
18 provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

19 (a) **Transportation, communication, electric, gas, and sanitary services:**

20 (1) Air transportation, Nonscheduled (452).

21 ~~(2) Freestanding support structure greater than 70 feet in height and equipment~~
22 ~~enclosures.~~

23 (b) Crude petroleum and natural gas extraction (131).

24 (c) Carpentering and flooring (175).

25 (d) **Manufacturing:**

26 (1) Food and kindred products (20) BUT EXCLUDING beverages (208).

27 (2) Miscellaneous textile goods (229).

28 (3) Lumber and wood products, except furniture (24).

29 (4) Furniture and fixtures (25).

30 (5) Paper and allied products (26).

- 1 (6) Chemicals and allied products (28).
- 2 (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires
- 3 and inner tubes (301) and reclaimed rubber (303).
- 4 (8) Leather tanning and finishing (311).
- 5 (9) Flat glass (321).
- 6 (10) Glass and glassware, pressed or blown (322).
- 7 (11) Pottery and related products (326).
- 8 (12) Cut stone and stone products (328).
- 9 (13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
- 10 (14) Coating, engraving, and allied services (347).
- 11 (15) Ordnance and accessories, except vehicles and guided missiles (348).
- 12 (16) Industrial and commercial machinery and computer equipment (35) BUT
- 13 EXCLUDING industries permitted under SRC 157.020.
- 14 (17) Storage batteries (3691).
- 15 (18) Primary batteries, dry and wet (3692).
- 16 (19) Transportation equipment (37) BUT EXCLUDING industries permitted
- 17 under SRC 157.020.
- 18 (20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and
- 19 advertising displays (3993).
- 20 **(e) Public utilities:**
- 21 (1) Electric services (491).
- 22 (2) Gas production and distribution (492).
- 23 (3) Water supply (494).
- 24 **(f) Wholesale trade:**
- 25 (1) Durable goods, not elsewhere classified (5099).
- 26 (2) Chemicals and allied products (516).
- 27 (3) Petroleum and petroleum products (517).
- 28 **(g) Animal specialty services, excluding veterinary (0752).**
- 29 **(h) Other uses:**
- 30 (1) Solid waste transfer stations.

1 (i) Those uses listed in SRC 157.030, at the developer's option, as provided in
2 subsection (b) of that section.

3 **Section 112.** SRC 157.050 is amended to read as follows:

4 **157.050. Prohibited Uses.** Within any IP district, no building, structure, or land shall be
5 used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020
6 to ~~157.040~~ 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
7 or allowed as a nonconforming use pursuant to SRC Chapter 270.

8 **Section 113.** SRC 157.900 is amended to read as follows:

9 **157.900. Reference to Additional Standards.** Additional or alternative use and
10 development standards may be found in the following Chapters:

11	Landslide Hazards	SRC Chapter 69
12	Lot Development Standards	SRC Chapter 130
13	Accessory Structures	SRC Chapter 131
14	Landscaping	SRC Chapter 132
15	Off-street Parking, Loading, and Driveways	SRC Chapter 133
16	Flood Plain Overlay Zones	SRC Chapter 140
17	Willamette Greenway Overlay Zones	SRC Chapter 141
18	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

19 **Section 114.** SRC 158.030 is amended to read as follows:

20 **158.030. Special Uses.**

21 (a) The following uses, when restricted, developed and conducted as required in SRC
22 Chapter 119, are permitted in the IG district;

- 23 (1) Scrap and waste materials establishments (5093).
- 24 (2) Mobile home as a dwelling for a caretaker.
- 25 (3) Wildlife rehabilitation facility.
- 26 (4) Mobile food unit.
- 27 (5) Lumber and other building materials.
- 28 (6) Retail nurseries, lawn and garden supply stores.
- 29 ~~(7) Antennas attached to existing or approved structures.~~
- 30 ~~(8) Freestanding support structures 70 feet or less in height whose base is greater~~

1 ~~than 300 feet from an R or CO zone and equipment enclosures.~~

2 ~~(97) Recreational vehicle sales (5561).~~

3 ~~(108) One single family dwelling, other than a manufactured home, per lot.~~

4 ~~(119) Ambulance Station.~~

5 ~~(1210) Ambulance Service Facility.~~

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 115.** SRC 158.040 is amended to read as follows:

10 **158.040. Conditional Uses.** The following uses, with conditional use approval as provided
11 in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

12 (a) Those uses listed in SRC 158.030, at the developer's option, as provided in
13 subsection (b) of that section.

14 **(b) Agriculture, forestry, and fishing:**

15 (1) Livestock, except dairy, poultry, and animal specialties (021).

16 **(c) Transportation, communication, electric, gas, and sanitary services:**

17 (1) Air transportation, Nonscheduled (452).

18 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~
19 ~~within 300 feet of a R or CO zone and equipment enclosures.~~

20 **(d) Mining:**

21 (1) Crude petroleum and natural gas extraction (131).

22 (2) Surface mining operations as a specific conditional use under SRC Chapter
23 118.

24 **(e) Manufacturing:**

25 (1) Meat products (201).

26 (2) Animal and marine fats and oils (2077).

27 (3) Logging camps and logging contractors (241).

28 (4) Hardwood veneer and plywood (2435).

29 (5) Softwood veneer and plywood (2436).

30 (6) Structural wood members, not elsewhere classified (2439).

- 1 (7) Sawmills and planing mills (242).
- 2 (8) Paper and allied products (26) where not otherwise permitted under SRC
- 3 158.020.
- 4 (9) Agricultural chemicals (287).
- 5 (10) Miscellaneous chemical products (289).
- 6 (11) Petroleum and coal products (29).
- 7 (12) Cement hydraulic (324).
- 8 (13) Structural clay products (325).
- 9 (14) Concrete, gypsum, and plaster products (327), except concrete block and
- 10 brick (3271).
- 11 (15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
- 12 (16) Iron and steel foundries (332).
- 13 (17) Primary smelting and refining of nonferrous metals (333).
- 14 (18) Secondary smelting and refining of nonferrous metals (334).
- 15 (19) Rolling, drawing, and extruding of nonferrous metals (335).
- 16 (20) Nonferrous foundries (castings) (336).
- 17 (21) Miscellaneous primary metal products (339).
- 18 (22) Ordinance and accessories, except vehicles and guided missiles (348).
- 19 (23) Storage batteries (3691).
- 20 (24) Primary batteries, dry and wet (3692).
- 21 (f) **Wholesale trade:**
- 22 (1) Livestock (5154).
- 23 (2) Chemicals and allied products (516).
- 24 (g) **Services:**
- 25 (1) Racing, including track operation (7948).
- 26 (h) **Other uses:**
- 27 (1) Solid waste transfer stations.

28 **Section 116.** SRC 158.050 is amended to read as follows:

29 **158.050. Prohibited Uses.** Within any IG district, no building, structure, or land shall be
30 used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020

1 to ~~158.040~~ 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
2 or allowed as a nonconforming use pursuant to SRC Chapter 270.

3 **Section 117.** SRC 158.900 is amended to read as follows:

4 **158.900. Reference to Additional Standards.** Additional or alternative use and
5 development standards may be found in the following Chapters:

6	Landslide Hazards	SRC Chapter 69
7	Lot Development Standards	SRC Chapter 130
8	Accessory Structures	SRC Chapter 131
9	Landscaping	SRC Chapter 132
10	Off-street Parking, Loading, and Driveways	SRC Chapter 133
11	Flood Plain Overlay Zones	SRC Chapter 140
12	Willamette Greenway Overlay Zones	SRC Chapter 141
13	Lot Development Standards	SRC Chapter 130
14	Accessory Structures	SRC Chapter 131
15	Landscaping	SRC Chapter 132
16	Off-street Parking, Loading, and Driveways	SRC Chapter 133
17	Flood Plain Overlay Zones	SRC Chapter 140
18	Willamette Greenway Overlay Zones	SRC Chapter 141
19	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

20 **Section 118.** SRC 159.030 is amended to read as follows:

21 **159.030. Special Uses.**

22 (a) The following uses, when restricted, developed and conducted as required in SRC
23 Chapter 119, are permitted in an II district:

- 24 ~~(1) Antennas attached to an existing and approved structure;~~
- 25 ~~(2) Freestanding support structures 35 feet or less in height and equipment~~
26 ~~enclosures;~~
- 27 ~~(3) Ambulance Station;~~
- 28 ~~(4) Ambulance Service Facility.~~

29 **Section 119.** SRC 159.040 is amended to read as follows:

30 **159.040. Conditional Uses.**

1 The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
2 applicable, are permitted in the II district:

3 (a) Transportation, communication, electric, gas, and sanitary services:

4 (1) Air transportation, Nonscheduled (452).

5 ~~(2) Freestanding support structures greater than 70 feet in height whose base is~~
6 ~~within 300 feet of an R or CO zone and equipment enclosures.~~

7 (b) Crude petroleum and natural gas extraction (131).

8 (c) Animal and marine fats and oils (2077).

9 (d) Ordinance and Accessories except vehicles and guided missiles (348).

10 (e) Eating and drinking places (58).

11 (f) Dwelling unit for a caretaker or watchman on the premises being cared for or
12 guarded.

13 (g) Surface mining, including washing, screening, processing, asphalt concrete, and
14 cement concrete making, as a specific conditional use under SRC Chapter 118.

15 (h) Solid waste transfer stations.

16 **Section 120.** SRC 159.050 is amended to read as follows:

17 **159.050. Prohibited Uses.** Within any II district, no building, structure, or land shall be
18 used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020
19 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or
20 allowed as a nonconforming use pursuant to SRC Chapter 270.

21 **Section 121.** SRC 159.900 is amended to read as follows:

22 **159.900. Reference to Additional Standards.** Additional or alternative use and
23 development standards may be found in the following Chapters:

24	Landslide Hazards	SRC Chapter 69
25	Lot Development Standards	SRC Chapter 130
26	Accessory Structures	SRC Chapter 131
27	Landscaping	SRC Chapter 132
28	Off-Street Parking, Loading and Driveways	SRC Chapter 133
29	Flood Plain Overlay Zones	SRC Chapter 140
30	Willamette Greenway Overlay Zones	SRC Chapter 141

Section 122. SRC 160.020 is amended to read as follows:

160.020. Prohibited Uses. Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular district under SRC 160.030 to ~~160.120~~ 160.125 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 123. SRC 160.100 is amended to read as follows:

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

- (1) Mobile home as a dwelling for a caretaker.
- (2) Existing wildlife rehabilitation facility.
- (3) Wildlife rehabilitation facility.
- (4) Mobile food unit.
- (5) Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission.
- ~~(6) Antennas attached to existing or approved structures.~~
- ~~(7) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures.~~
- ~~(8)~~ **(86)** Ambulance Station.
- ~~(9)~~ **(97)** 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 124. SRC 160.900 is amended to read as follows:

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Preservation of Trees and Vegetation SRC Chapter 68

1	Landslide Hazards	SRC Chapter 69
2	Lot Development Standards	SRC Chapter 130
3	Accessory Structures	SRC Chapter 131
4	Landscaping	SRC Chapter 132
5	Off-street Parking, Loading, and Driveways	SRC Chapter 133
6	Flood Plain Overlay Zones	SRC Chapter 140
7	Willamette Greenway Overlay Zones	SRC Chapter 141
8	Development Design Handbooks for projects including three or more multiple family	
9	units	
10	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

11 **Section 125.** SRC 161.060 is amended to read as follows:

12 **161.060. Height.** No building, ~~or structure or freestanding support structure~~ in the EC Zone
 13 located ninety feet or more from a lot or parcel line that abuts a residential district shall
 14 exceed eighty feet in height, and no portion of any building, ~~or structure or freestanding~~
 15 ~~support structure~~ that is located within ninety feet of a lot or parcel line that abuts a
 16 residential district shall exceed twenty-eight feet in height.

17 **Section 126.** SRC 161.170 is amended to read as follows:

18 **161.170. Additional Standards.** Additional standards may apply to development in the EC
 19 Zone as a result of regulations found in the following Chapters:

20	SRC Chapter 69	Landslide Hazards
21	SRC Chapter 140	Flood Plain Overlay Zone
22	SRC Chapter 125	Airport Overlay Zone
23	<u>SRC Chapter 703</u>	<u>Wireless Communications Facilities</u>

24 **Section 127.** SRC 162.050 is amended to read as follows:

25 **162.050. Special Uses.**

26 The following uses, when restricted, developed and conducted as required in SRC Chapter
 27 119, are permitted in the SWMU Zone:

28 ~~(a) Antennas attached to existing or approved structures.~~

29 **(ba)** Mobile food unit.

30

1 **Section 128.** SRC 162.120 is amended to read as follows:

2 **162.120. Design Approval.**

3 (a) Within the SWMU Zone, the construction or alteration of the exterior facade of any
4 building or structure shall be consistent with the standards or guidelines contained in
5 the City of Salem Development Design Handbook. This section shall not apply to
6 wireless communications facilities or to relocatable structures not attached to a
7 permanent foundation.

8 (b) Lawful non-conforming buildings or structures may be structurally altered or
9 enlarged provided such new development reduces the degree of non-conformity, and
10 meets all other provisions of the Zoning Code and other laws, ordinances and
11 regulations.

12 **Section 129.** SRC 162.130 is amended to read as follows:

13 **162.130. Additional Standards.** Additional standards may apply to development in the
14 SWMU Zone. In the event there is any conflict between the standards of this Chapter and
15 those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
16 shall control. Chapters that provide additional standards include, but may not be limited to:

17	Sign Code	SRC Chapter 900
18	Home Occupations	SRC Chapter 124
19	General Development Standards	SRC Chapter 130
20	Accessory Structures	SRC Chapter 131
21	Landscaping	SRC Chapter 132
22	Off-Street Parking, Loading, and Driveways	SRC Chapter 133
23	Floodplain Overlay Zones	SRC Chapter 140
24	Willamette Greenway	SRC Chapter 141
25	<u>Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

26 **Section 130.** SRC 215.055 is amended to read as follows:

27 **215.055. Additional Standards.** Additional standards may apply to development in the
28 NCMU zone as a result of regulations found in the following chapters. In the event of a
29 conflict between the standards contained in the NCMU zone and those contained within other
30 chapters of the SRC, the standards contained in the NCMU shall apply.

1	(a) Signs	SRC Chapter 900
2	(b) Preservation of Trees and Vegetation	SRC Chapter 68
3	(c) Landslide Hazards	SRC Chapter 69
4	(d) Trees and Shrubs	SRC Chapter 86
5	(e) Home Occupations	SRC Chapter 124
6	(f) Wetlands	SRC Chapter 126
7	(g) General Development Standards	SRC Chapter 130
8	(h) Accessory Structures	SRC Chapter 131
9	(i) Landscaping	SRC Chapter 132
10	(j) Off-Street Parking, Loading, and Driveways	SRC Chapter 133
11	(k) Flood Plain Overlay Zones	SRC Chapter 140
12	<u>(l) Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

13 **Section 131.** SRC 220.005 is amended to read as follows:

14 **220.005. Site Plan Review.**

15 **(a) Applicability.**

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

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

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

24 (B) Sign installation.

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

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

29 (E) Interior construction or tenant improvements that involve no change
 30 of use.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

(c) Procedure Type.

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

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

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

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

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

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

(2) The address or location of the subject property and its assessor's map and tax lot number;

(3) The size of the subject property;

(4) The comprehensive plan designation and zoning of the subject property;

(5) The type of application(s);

(6) A brief description of the proposal; and

(7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

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

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

- 1 (i) The total site area, dimensions, and orientation relative to north;
- 2 (ii) The location of existing structures and other improvements on the
- 3 site, including accessory structures, fences, walls, and driveways, noting
- 4 their distance from property lines; and
- 5 (iii) The location of the one-hundred-year flood plain, if applicable.

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

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

11 (A) All submittal requirements for a Class 2 Site Plan Review under
12 subsection (e)(1) of this section;

13 (B) The zoning district, comprehensive plan designation, and land uses for all
14 properties abutting the site;

15 (C) Driveway locations, public and private streets, bike paths, transit stops,
16 sidewalks, and other bike and pedestrian pathways, curbs, and easements;

17 (D) The elevation of the site at two-foot contour intervals, with specific
18 identification of slopes in excess of fifteen percent;

19 (E) The location of drainage patterns and drainage courses, if applicable;

20 (F) A preliminary utility plan showing capacity needs for municipal water,
21 stormwater management, and sewer service and schematic location of
22 connection points to existing municipal water and sewer services;

23 (G) Summary table which includes site zoning designation; total site area;
24 gross floor area by use (e.g. manufacturing, office, retail, storage); building
25 height; itemized number of full size compact and handicapped parking stalls,
26 and the collective total number; total lot coverage proposed, including areas to
27 be paved for parking and sidewalks;

28 (H) A geological assessment or geotechnical report, if required by SRC
29 Chapter 69, or a certification from an engineering geologist or a geotechnical
30 engineer that landslide risk on the site is low, and that there is no need for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

further landslide risk assessment; and

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

(f) Criteria.

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

- (A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
- (B) Only construction or improvements to the interior of the building or structure will be made;
- (C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;
- (D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
- (E) The application meets all applicable standards of the UDC.

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

- (A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
- (B) The application meets all the applicable standards of the UDC.

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

- (A) The application meets all applicable standards of the UDC;
- (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Section 132. 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 300-1: 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.

<p>1 2 3 4 5 6 7 8</p> <p>Type III</p>	<p>Quasi-Judicial</p>	<p>Land Use</p>	<p>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.</p>
<p>9 10 11 12 13 14 15 16 17 18 19 20 21</p> <p>Type IV</p>	<p>Quasi-Judicial</p>	<p>Land Use</p>	<p>The 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.</p>

22 (b) The specific procedure type assigned to a land use application is specified in Table
23 300-2.

24 (c) When the procedure type for a land use application is not identified in Table 300-2,
25 specified elsewhere in the Salem Revised Code, or otherwise required by law, the
26 Planning Administrator shall determine the applicable procedure based on the
27 guidelines in this subsection. Questions as to the appropriate procedure shall be
28 resolved in favor of the procedure type providing the greatest notice and opportunity to
29 participate by the public.
30

(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	II	N	PA	HO	Y	SRC 116
CODE INTERPRETATION	III	N	PC	CC	Y	SRC 110

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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						
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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 12I
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- 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	III	Y	HO	PC	Y	SRC 63
VARIANCE	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
- Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	Y	SRC 141

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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		
- Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	Y	SRC 141
<u>WIRELESS COMMUNICATIONS FACILITIES SITING</u>						
- <u>Temporary Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	=	<u>N</u>	<u>SRC 703</u>
- <u>Class 1 Wireless Communications Facilities Siting</u>	<u>I</u>	<u>N</u>	<u>PA</u>	=	<u>N</u>	<u>SRC 703</u>
- <u>Class 2 Wireless Communications Facilities Siting</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Class 3 Wireless Communications Facilities Siting</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 703</u>
- <u>Wireless Communications Facilities Adjustment</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
ZONE CHANGE						
- Zone Change	III	Y	HO	CC	Y	SRC 265

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Table 300-2: Land Use Applications by Procedure Type

			Review Authority			
Application	Procedure Type	Pre-App. Required	Decision	Appeal	City Council Review	Applicable Code Chapter(s)

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 133. 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~~, Class 2 Wireless Communications Facilities Siting, 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

1 property;

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

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

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

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

11 (C) Mailed notice shall include:

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

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

16 (iii) The proposed site plan;

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

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

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

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

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

27 (ix) The place, date, and time that written comments are due, and the
28 person to whom the comments should be addressed;

29 (x) A statement that comments received after the close of the public
30 comment period will not be considered;

1 (xi) A statement that issues which may provide the basis for an appeal to
2 the Oregon Land Use Board of Appeals must be raised in writing prior to
3 the expiration of the comment period and with sufficient specificity to
4 enable the applicant and Review Authority to respond to the issue;

5 (xii) A statement that subsequent to the closing of the public comment
6 period a decision will be issued and mailed to the applicant, property
7 owner, everyone entitled to the initial notice of the application, anyone
8 who submitted written comments on the application, and to any other
9 persons otherwise legally entitled to notice of the decision; and

10 (xiii) The name and contact information for the staff case manager.

11 (2) **Posted Notice.** Posted notice shall be provided, when required, as follows:

12 (A) The applicant shall post notice on the subject property no earlier than 14
13 and no later than 10 days prior to the end of the 14 day comment period. The
14 notice shall remain in place throughout the comment period. The applicant
15 shall file an affidavit of posting with the City no later than 5 days after the
16 date of original posting. The affidavit shall be made a part of the file.

17 (B) Notice shall be posted on each street frontage of the subject property, in a
18 conspicuous place that is visible from the public right-of-way. If no street
19 abuts the subject property, the notice shall be placed as near as possible to the
20 subject property in a conspicuous place that can be readily seen by the public.

21 (C) Posted notice shall be on signs prepared by the Planning Administrator.

22 (D) To replace signs that are lost or damaged to the extent they can no longer
23 be reused, the Planning Administrator shall establish a refundable sign deposit
24 fee required for each sign, to be paid by the applicant at the time signs are
25 issued to the applicant.

26 (E) The applicant shall remove the signs from the subject property and return
27 them to the Planning Administrator within 7 days after the date the decision is
28 issued. The Planning Administrator shall refund the sign deposit fee if the
29 sign is returned within the required seven days, in an undamaged and reusable
30 condition.

1 (c) **Application Review.** The Review Authority shall review the application, all
2 written comments submitted during the public comment period, and the applicant's
3 response to the comments, if any. Written comments received after the expiration of
4 the public comment period shall not be considered by the Review Authority.

5 (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
6 application based upon the facts contained within the record and according to the
7 applicable standards and criteria. The decision of the Review Authority shall be a
8 written order containing findings that explain the criteria and standards applicable to
9 the decision, stating the facts relied upon in rendering the decision, and explaining the
10 justification for the decision.

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

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

15 (A) The applicant(s) and/or authorized representative(s);

16 (B) The owner(s) or contract purchaser(s) of record of the subject 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 written comments during the
20 comment period;

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

23 (F) Any governmental agency which is entitled to notice by law or under an
24 intergovernmental agreement with the City, and any governmental agency
25 which submitted written comments during the comment period; and

26 (G) Any community organizations, agencies, or individuals who have
27 submitted written requests to the City for notice of the decision.

28 (2) Notice of the decision shall include:

29 (A) A brief description of the application;

30 (B) A description of the site sufficient to inform the reader of its location,

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

16 **(f) Appeal and Review.**

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

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

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

27 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or
28 a Class 2 adjustment, notice of the appeal shall be provided to the City
29 Council at its next regular meeting. The Council may, pursuant to SRC
30 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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 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 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

- (A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
- (B) The date of the decision; and
- (C) A description of the decision made.

(b) Use Categories.

(1) Residential.

- (A) **Characteristics.** Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
- (B) **Examples.** Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

- (A) **Characteristics.** A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
- (B) **Examples.** Assisted living.

(3) Retail Sales and Service.

- (A) **Characteristics.** Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
- (B) **Examples.** Retail Sales and Service permitted activities include the following activities:
 - (i) **Retail Sales-Oriented.** Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing,

1 dry goods, electronic equipment, fabric, furniture, garden supplies, gifts,
2 groceries, hardware and home improvements, household products,
3 jewelry, pets, pet food, pharmaceuticals, plants, printed material,
4 stationery, or video.

5 **(ii) Personal Service-Oriented.** Banks; urgent medical care;
6 laundromats; photographic studios; photocopy and blueprint services;
7 hair, tanning, and personal care services; business, martial arts, and other
8 trade schools; dance or music studios; and veterinarians and animal
9 grooming.

10 **(iii) Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns,
11 and bars; health clubs and gyms; membership clubs, lodges, and
12 temporary lodging establishments with five or fewer guest rooms.

13 **(iv) Product Repair or Service Oriented.** Repair of TVs, bicycles,
14 clocks, watches, shoes, guns, appliances and office equipment; quick
15 printing; tailors; locksmiths; and upholsterers.

16 **(4) Office.**

17 **(A) Characteristics.** Office consists of uses conducted in an office setting
18 and generally involves business, professional, medical, or financial services.

19 **(B) Examples.** Lawyers; accountants; engineers; architects; lenders;
20 brokerage houses; bank headquarters; real estate agents; data processing; sales
21 offices; medical and dental clinics; and medical and dental laboratories.

22 **(5) Institutional.**

23 **(A) Characteristics.** Institutional consists of activities of a public, nonprofit,
24 or charitable nature generally providing a local service to people of the
25 community. Generally, institutional provides the service on the site or has
26 employees at the site on a regular basis. The service is ongoing, and not just
27 for special events.

28 **(B) Examples.** Daycare, preschools, and nursery schools; adult daycare;
29 public and private schools and colleges; senior centers; community centers;
30 religious institutions; libraries; postal services; transit shelters; fire stations,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.

Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

TABLE 532-1

NCMU ZONE USES WITH MASTER PLAN

Table 532-1: NCMU Zone Uses with Master Plan

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Residential Use			
Single Family Detached Dwelling	N	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	N	P	
Single Family Attached Dwelling (Townhouse)	N	P	
Manufactured Home	N	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	P	
Multiple Family	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
Residential Facility	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
All other Residential Uses	N	N	
Senior Care Facility Use			
Senior Care Facility	P	C	
Retail Sales and Service Use			
Retail Sales and Service	P	N	Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited. <ul style="list-style-type: none"> Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

			<ul style="list-style-type: none"> • Vehicle services such as motor vehicle repair, gas station, or car wash; • Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted; • Taxidermists; • Mortuaries; • Kennels; • Casinos; • Temporary lodging establishments with more than 5 guest rooms; • Recreational vehicle parks; • Indoor firing ranges; • Theaters greater than 5,000 square feet; • Pool halls; <p>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</p>
Office Use			
Office	P	N	
Institutional Use			
Institutional	P	C	
Parks and Open Space Use			
Parks and Open Space	P	P	<p>Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:</p> <ul style="list-style-type: none"> • Cemeteries; • Open areas used for grazing.
Public Utilities Use			
Public Utilities	P/C	P/C	<p>Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:</p> <ul style="list-style-type: none"> • Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
<u>Wireless Communications Facilities Use</u>			
<u>Wireless Communications Facilities</u>	<u>W</u>	<u>W</u>	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

TABLE 532-2

NCMU ZONE USES IN LIEU OF MASTER PLAN

Table 532-2: NCMU Zone Uses In Lieu of Master Plan

Use	Status	Limitations & Qualifications
Residential Use		
Single Family Detached Dwelling	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	P	
Single Family Attached Dwelling (Townhouse)	N	
Manufactured Home	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	
Multiple Family	N	
Residential Facility	N	
All other Residential Uses	N	
Senior Care Facility Use		
Senior Care Facility	N	
Retail Sales and Service Use		
Retail Sales and Service	N	

1	Office Use		
2	Office	N	
3	Institutional Use		
4	Institutional	N	
5	Parks and Open Space Use		
6	Parks and Open Space	P	
7	Public Utilities Use		
8	Public Utilities	P/C	Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
9			
10			
11	<u>Wireless Communications</u>		
12	<u>Facilities Use</u>		
13	<u>Wireless Communications</u>	<u>W</u>	
14	<u>Facilities</u>		

LEGEND

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); **C – Conditional Use** (Subject to SRC Chapter 117 240); **W – Wireless Communications Facilities Use** (Subject to SRC Chapter 703); **N – Prohibited Use.**

Section 137. SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

- (a) Signs SRC Chapter 900
- (b) Preservation of Trees and Vegetation SRC Chapter 68
- (c) Landslide Hazards SRC Chapter 69
- (d) Trees and Shrubs SRC Chapter 86
- (e) Home Occupations SRC Chapter 124
- (f) Wetlands SRC Chapter 126

1	(g) General Development Standards	SRC Chapter 130
2	(h) Accessory Structures	SRC Chapter 131
3	(i) Landscaping	SRC Chapter 132
4	(j) Off-Street Parking, Loading, and Driveways	SRC Chapter 133
5	(k) Flood Plain Overlay Zones	SRC Chapter 140
6	<u>(l) Wireless Communications Facilities</u>	<u>SRC Chapter 703</u>

7 **Section 138. Repeal.** SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035,
8 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035,
9 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

10 **Section 139. Savings Clause.** A prosecution or code enforcement action which is pending on
11 the effective date of this Ordinance and which arose from a violation of a section of the Salem
12 Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is
13 started within one year after the effective date of this Ordinance arising from a violation of a
14 section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined
15 exactly as if the section or sections had not been repealed.

16 **Section 140. Codification.** In preparing this ordinance for publication and distribution, the City
17 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
18 limitations, may:

- 19 (a) Renumber sections and parts of sections of the ordinance;
- 20 (b) Rearrange sections;
- 21 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 22 (d) Delete references to repealed sections;
- 23 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 24 (f) Change capitalization and spelling for the purpose of uniformity;
- 25 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 26 (h) Correct manifest clerical, grammatical or typographical errors.

27 **Section 141. Severability.** Each section of this ordinance, and any part thereof, is severable,
28 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
29 remainder of the ordinance shall remain in full force and effect.

30 **Section 142. Effective Date.** This ordinance shall become effective thirty days after enactment,

1 unless a notice of appeal is timely filed, in which case the ordinance shall become effective on
2 the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

3 PASSED by the City Council this _____ day of _____, 2014.

4 ATTEST:

5
6 City Recorder

7 Approved by City Attorney: _____

8 Checked by: P Cole

9 g:\group\legal\council\2013\111813 wireless communications facilities src ch 703 ord 24-13 engrossed 2.doc

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

March 24, 2014
4 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Estimated third party review fees for wireless communications facility applications.

RECOMMENDATION:

Information only.

SUMMARY:

The purpose of this report is to provide an estimate of the cost of third party review. The estimate ranges from \$1,500 to \$1,800.

BACKGROUND:

At the March 10, 2014 Council public hearing, Council received a supplemental report detailing amendments to section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13 that would implement Council's February 24, 2014 motion to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO. Councilor Clem moved that no action be taken on that night and that the public hearing be continued to March 24, 2014. Council approved the motion.

While discussing the motion to continue the hearing, Councilor Clem indicated that he intended to introduce a motion on March 24, 2014 to amend the proposed ordinance to make third party review mandatory for several applications.

After the meeting, Councilor Clem and Councilor Clausen asked staff to provide an estimate of the cost of third party review. Staff requested estimates from several firms that provide radio frequency engineering consulting services to municipalities.

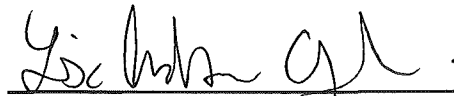
FACTS AND FINDINGS:

At the March 10, 2014 Council meeting, Council received a supplemental report detailing amendments to section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13, and that staff report is incorporated herein by reference.

The following additional information is provided in response to questions asked by Councilors Clem and Clausen after the March 10, 2014 Council meeting.

Stephen S. Lockwood, P.E., Senior Electrical Engineer with Hatfield & Dawson Consulting Engineers in Seattle, estimated that the analysis would require approximately eight hours at \$225 per hour, or \$1,800.

Joe P. Blaschka, Jr., P.E., with ADCOMM Engineering Company in Bothell, Washington, estimated that the analysis would cost approximately \$1,500.



Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator