

EXHIBIT A

Sec. 50.710. Keeping of chickens and ducks.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Chicken means the common domestic fowl (*Gallus gallus domesticus*) or its young.

Chicken and duck facility means a combination of a coop and a runway.

Commercial poultry operation means a farm that raises chickens for sale or the production of eggs for profit.

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Coop means a structure providing roofed shelter for the chickens or ducks.

Duck means any breed of domestic duck of the *Anatidae* family, excluding swans and geese.

Hen means an adult female chicken.

Rooster means a male chicken, and includes a capon.

Runway means a fully enclosed, fenced area connected to the coop.

UDC means the Unified Development Code set forth in SRC chapters 110 through 900.

Water source means a clean supply of water in a pond, wading pool, tub or other container that is large enough for a duck to fit its entire body in and deep enough to submerge its head.

(b) *Location.* Chickens and ducks may be kept at any residence, community garden, on any lot owned by a school or a religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.

(c) *Standards.* Except where the keeping of livestock and other animals is allowed under the UDC, chickens and ducks kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

- (1) A maximum of six hens and ducks total, per premises, is allowed;
- (2) Roosters are prohibited;
- (3) Chickens and ducks shall be confined at all times within a chicken and duck facility, except when under the personal control of an owner or custodian;
- (4) No chicken or duck facility or other structure that houses chickens and ducks, either temporarily or permanently, shall be located within three feet of any other building on the same premises, or within 25 feet of a residence on an adjacent unit of land;
- (5) A chicken and duck facility shall be located in the rear yard of a premises, and shall comply with the setback requirements of the zone in which it is located;
- (6) A chicken and duck facility, and the premises where the chicken or duck facility is located, shall be maintained in a condition such that the facility or chickens or ducks do not produce noise or odor that creates a nuisance for adjacent properties;

- (7) A coop shall not exceed 120 square feet; and
- (8) There shall be a minimum of three square feet of coop space, and six square feet of run space, per chicken and duck.
- (9) Duck shall be provided with an adequate water source which shall be maintained so as not to create a nuisance.

(d) *Chickens or ducks not in compliance deemed nuisance.* Chickens or ducks not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.

(e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep chickens or ducks in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:

- (1) \$250.00 for the first violation;
- (2) \$500.00 for the second violation; and
- (3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping chickens and ducks for ten years.

Sec. 50.720. Keeping of bees.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Bees means honey-producing insects of the genus *Apis* and includes the adults, eggs, larvae, pupae or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form, excluding African honey bees.

Hive means any receptacle or container made or prepared for use of bees, or box or similar container taken possession of by bees.

(b) *Location.* Bees may be kept at any residence, community garden, on any lot owned by a school, government agency or religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.

(c) *Standards.* Except where the keeping of livestock and other animals is allowed under the UDC, bees kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

- (1) A maximum of five hives may be kept on a property; provided, however, the maximum number of hives may be temporarily increased to seven only during the months of April through August of each calendar year to accommodate the formation of additional hives through the splitting of existing hives or collection of swarms.

(2) Hives shall comply with the setback requirements of the zone in which they are located. Where a main building is located on a property, hives shall be located in the side or rear yard.

(3) If a hive is located within 25 feet of a property line, either:

(A) A flyaway barrier at least six feet in height shall be maintained parallel to the property line for a minimum of 10 feet in either direction of the hive. The flyaway barrier shall consist of a wall, fence, dense vegetation or a combination thereof; or

(B) The hive shall be elevated a minimum of 10 feet above ground level.

(4) ~~Hives must be positioned such that the opening is pointed into the beekeeping property and not toward any adjoining property~~

(5)(4) A constant supply of water shall be provided for the bees within 15 feet of each hive on the property where the bees are located; and

(6)(5) Each beekeeper shall ensure that no bee comb or wax is left upon the property grounds to prevent robbing from other bees and attracting predators.

(7)(6) Hives shall be maintained in a condition such that the bees do not produce noise or odor that creates a nuisance for adjacent properties;

(8)(7) If a hive or group of hives is located at a community garden or on any lot owned by a school, government agency, or religious organization, a sign warning of hives shall be installed at the primary public entrance to the property. Warning signs shall be at least 10 inches by 10 inches.

(d) *Bees not in compliance deemed nuisance.* Bees not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.

(e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep bees in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:

(1) \$250.00 for the first violation;

(2) \$500.00 for the second violation; and

(3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping bees for ten years.

Sec. 64.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Comprehensive park system master plan means that certain document of that title adopted by Ordinance No. 6-13, enacted May 13, 2013.

Comprehensive plan means the generalized, coordinated land use policy document and map for the City that addresses functional and natural systems and activities relating to the use of land within the City.

Comprehensive plan map means that certain map, entitled "Salem Area Plan Map, January 12, 1987," as amended by Ordinance No. 1-87, enacted January 12, 1987; and amended by Ordinance No. 1-91, enacted January 14, 1991; Ordinance No. 57-2000, enacted November 13, 2000; and as amended by all quasi-judicial amendments to the comprehensive plan map. The comprehensive plan map implements the goals and policies of the comprehensive policies plan.

Comprehensive policies plan means that certain document entitled "Salem Area Comprehensive Plan," adopted by Ordinance No. 68-92, enacted October 12, 1992; Ordinance No. 107-94, enacted November 28, 1994; Ordinance No. 81-96, enacted November 12, 1996; Ordinance No. 64-98, enacted August 24, 1998; Ordinance No. 75-99, enacted September 27, 1999; Ordinance No. 58-2000, enacted November 27, 2000; Ordinance No. 43-2002, enacted July 8, 2002; Ordinance No. 68-2002, enacted October 28, 2002; Ordinance No. 52-2003, enacted November 24, 2003; Ordinance No. 2-05, enacted January 24, 2005; Ordinance No. 35-09, enacted May 26, 2009; Ordinance No. 2-09, enacted February 9, 2009; Ordinance No. 6-13, enacted June 10, 2013; and Ordinance No. 20-15, enacted October 26, 2015. The comprehensive policies plan establishes goals and policies guiding growth and development within the urban growth boundary and the Salem Urban Area, comprehensive plan map designations, and broad categories of land use.

Historic preservation plan means that certain document entitled "Salem Historic Preservation Plan, Salem, Oregon 2010-2020," adopted by Ordinance No. 6-13, enacted June 10, 2013.

McNary Field Airport Master Plan means that certain document entitled "McNary Field Airport Master Plan, Salem, Oregon, Hodges and Shutt, May 1979," and adopted by Ordinance No. 172-79, enacted September 24, 1979; amended by Ordinance No. 3-98, enacted January 12, 1998.

Neighborhood plan means the plan for the land use within a geographic area lying within a neighborhood association's boundaries. As used in this chapter, the only portions of a neighborhood plan that are included as a component of the comprehensive plan are the "Goals and Policies" provisions and the general land use maps, including any quasi-judicial amendments to the general land use maps. The adopted neighborhood plans are:

- (a) The CAN-DO Neighborhood Plan, Central Area Neighborhood Development Organization, adopted by Ordinance No. 105-79, enacted June 15, 1979; and amended by Ordinance No. 107-80, enacted September 8, 1980; Ordinance No. 40-84, enacted March 26, 1984; and Ordinance No. 94-84, enacted August 13, 1984.
- (b) Grant Neighborhood Plan, adopted by Ordinance No. 33-83, enacted June 13, 1983.
- (c) Sunnyslope Neighborhood Plan, adopted by Ordinance No. 55-83, enacted August 8, 1983.
- (d) Liberty-Boone Neighborhood Plan, adopted by Ordinance No. 84-83, enacted December 12, 1983; and amended by Ordinance 9-85, enacted January 14, 1985; and Ordinance No. 5-86, enacted January 13, 1986.

- (e) East Lancaster Neighborhood Association Neighborhood Plan (ELNA), adopted by Ordinance No. 19-84, enacted January 16, 1984.
- (f) Highland Neighborhood Plan, adopted by Ordinance No. 67-84, enacted June 11, 1984.
- (g) Morningside Neighborhood Plan, adopted by Ordinance No. 67-84, enacted June 11, 1984; and repealed and replaced by Ordinance No. 2-14, enacted April 28, 2014.
- (h) West Salem Neighborhood Plan, adopted by Ordinance No. 11-2004, enacted March 8, 2004.
- (i) Northeast Neighbors Neighborhood Association-Southeast Salem Neighborhood Association (NEN-SESNA) Neighborhood Plan, adopted by Ordinance No. 23-14, enacted March 25, 2015.
- (j) North East Salem Community Association and Lansing Neighborhood Association (NESCA-Lansing) Neighborhood Plan, adopted by Ordinance No. 27-17, enacted December 11, 2017.

Public facilities plan means, collectively, those portions of the following plans describing the water, sewer, and stormwater facilities needed to support the land uses designated in the comprehensive plan map and lying within the urban growth boundary, listing the public facility project titles, and containing a map or written description of the public facility projects' locations or service areas, but not including descriptions or specifications of the public facility projects:

- (a) Salem Area Wastewater Management Master Plan.
- (b) Stormwater master plan.
- (c) Water system master plan.

Public Facilities Support Documents means, collectively, the following plans, other than those portions that comprise the Public Facilities Plan:

- (a) Salem Area Wastewater Management Master Plan.
- (b) Stormwater master plan.
- (c) Water system master plan.

Salem Area Wastewater Management Master Plan means that certain document entitled "Salem Area Wastewater Management Master Plan, 1996, CH2M-Hill" and adopted by Ordinance No. 93-96, enacted December 16, 1996; and amended by Ordinance No. 54-2002, enacted September 23, 2002; Ordinance No. 9-05, enacted February 7, 2005; and Ordinance No. 83-07, enacted April 9, 2007.

Salem Transportation System Plan means that certain document of that title adopted by Ordinance No. 64-98, enacted August 24, 1998; and amended by Ordinance 9-2000, enacted February 14, 2000; Ordinance No. 27-2001, enacted May 14, 2001; Ordinance No. 2-05, enacted January 25, 2005; Ordinance No. 11-05, enacted March 28, 2005; Ordinance No. 85-07, enacted July 9, 2007; Ordinance No. 119-07, enacted November 5, 2007; Ordinance No. 12-10, enacted April 26, 2010; Ordinance No. 20-12, enacted December 10, 2012; Ordinance No. 6-14, enacted May 27, 2014; and Ordinance No. 1-16, enacted February 8, 2016; and Ordinance No. 4-18, enacted August 13, 2018.

Stormwater master plan means that certain document of that title adopted by Ordinance No. 52-2000, enacted September 25, 2000.

Support document means a plan or other document that is prepared as a policy guide for a comprehensive plan function or area. Support documents are adopted by ordinance, but are not part of the comprehensive plan and are not land use regulations, as defined by ORS 197.015(11).

Urban growth boundary means that certain legal description and accompanying document entitled "Salem Urban Growth Boundary, Revised September 12, 1988," adopted by Ordinance No. 175-79, enacted September 24, 1979; and amended by Ordinance No. 52-82, enacted March 29, 1982; Ordinance No. 42-86, enacted April 28, 1986; Ordinance No. 77-88, enacted September 13, 1988; and Ordinance No. 9-14, enacted June 23, 2014.

Urban service area map means the map of that certain area originally referred to as the "Current Developed Area" originally delineated on the official zoning map by Ordinance No. 129-79, enacted July 23, 1979, and subsequently amended, and readopted by Ordinance No. 6-13, enacted June 10, 2013.

Water system master plan means that certain document entitled "Water System Master Plan, 1994, CH2M-Hill" and adopted by Ordinance No. 34-94, enacted April 25, 1994; and amended by Ordinance No. 70-96, enacted September 23, 1996; Ordinance No. 89-99, enacted November 22, 1999; Ordinance No. 8-05, enacted February 7, 2005; and Ordinance No. 96-07, enacted July 9, 2007.

Willamette River Greenway Plan means that certain document entitled "Willamette River Greenway Plan, July, 1979," and adopted by Ordinance No. 157-79, enacted September 24, 1979.

Sec. 64.275. - Annual review of neighborhood association status.

- (a) Within 60 days following the annual general meeting for electing board members, a neighborhood association shall provide the City Manager Director with evidence of compliance with the standards set forth in SRC 64.280(b).
- (b) The report will be reviewed by the City Manager. The City Manager Director may request such additional information or documentation that the City Manager deems deemed necessary to establish compliance with the standards set forth in SRC 64.280(b). If, after review, the City Manager Director finds that the neighborhood association has established compliance with the standards set forth in SRC 64.280(b), then the City Manager Director shall send a notice to the neighborhood association, indicating continued recognition of the neighborhood association. If, after review, the City Manager Director finds that the neighborhood association has failed to establish compliance with the standards set forth in SRC 64.280(b), the City Manager Director shall send a notice of noncompliance to the neighborhood association identifying the deficiencies, and the corrective action which would be necessary.
- (c) Upon receipt of a notice of noncompliance, the neighborhood association shall, within 60 days of the notice, notify the City Manager Director of the date the corrective action will be completed, or provide the City Manager Director with an action plan to correct the deficiencies. If the corrective action will take more than three months to complete, then the

neighborhood association shall provide an action plan, which shall include a timeline for completion. If corrective action is not completed within the date specified by the neighborhood association, or no action plan is provided to the City Manager Director within 60 days following the notice of noncompliance, or timelines in the corrective action plan are not met, recognition of the neighborhood association shall be suspended.

(d) A neighborhood association which has had recognition suspended pursuant to subsection (c) of this section may request reinstatement by filing a request with the City Manager Director, in writing, not later than one year from the date the notice of noncompliance was provided to the neighborhood association. The request shall include documentation demonstrating that the neighborhood association satisfies all criteria set forth in SRC 64.280(a) and that it is capable of satisfying all the criteria set forth in SRC 64.280(b). If the City Manager Director finds that the neighborhood association's request satisfies all criteria set forth in SRC 64.280(a) and that it is capable of satisfying all the criteria set forth in SRC 64.280(b), the City Manager Director shall issue a notice of reinstatement. Recognition of a neighborhood association shall be terminated by resolution of the Council if the neighborhood association fails to timely request reinstatement as provided in subsection (c) of this section, or fails to demonstrate satisfaction of all criteria set forth in SRC 64.280(a) and capability of satisfying all the criteria set forth in SRC 64.280(b) in its request for reinstatement.

Sec. 64.300. - Neighborhood plans, generally.

- (a) A neighborhood plan is a written plan embodying citizen desires on a broad range of concerns in a designated neighborhood. The purpose of a neighborhood plan is to provide detailed goals and policies for the designated neighborhood in a manner consistent with the Salem Area Comprehensive Plan.
- (b) The neighborhood plan shall be the basis for any neighborhood association's recommendation to any City board, commission, or agency. The City board, commission or agency shall consider the neighborhood plan in making any decision or recommendation which would affect the designated neighborhood. The Council may consider the neighborhood plan before making any final decision as to the acquisition, construction, or improvement of public facilities in the designated neighborhood.
- (c) Neighborhood plans should focus on a time span of at least ten years.
- (d) Neighborhood plans should be reviewed periodically.

Sec. 64.305. - Development of a neighborhood plan.

~~The development of a neighborhood plan for a designated neighborhood may be initiated by a recognized neighborhood association, or by the Planning Administrator, after obtaining concurrence from the recognized neighborhood association. The Planning Administrator may initiate the development of a neighborhood plan for any area of the City for which there is no neighborhood association, if authorized by the Council.~~

Sec. 64.510305. - Scope of neighborhood plan.

- (a) A neighborhood plan shall address each of the following elements:
 - (1) Land use;
 - (2) Transportation;
 - (3) Public facilities and services;
 - (4) Housing; and
 - (5) Parks, recreation, and open spaces.
- (b) A neighborhood plan may address other subjects of particular concern to the neighborhood, such as:
 - (1) Economic development;
 - (2) Social services;
 - (3) Environmental quality; and
 - (4) Urban design.
- (c) A neighborhood plan should include the following:
 - (1) Goals and policy statements;
 - ~~(2) Generalized land use map;~~
 - ~~(3)~~⁽²⁾ Maps and diagrams that assist in showing the application of goal and policy statements; and
 - ~~(4)~~⁽³⁾ Recommendations as to any element addressed in the neighborhood plan.

Sec. 64.315. - Timeframe and phasing.

- ~~(a) Neighborhood plans should focus on a time span of at least ten years.~~
- ~~(b) Within the time span of the neighborhood plan, the timing or phasing of specific applications of policies may depend upon the happening of future events, or may depend upon predicted growth over a particular time period. The neighborhood plan should specify the preconditions or timing of such policies and their application.~~
- ~~(c) Neighborhood plans should be reviewed periodically.~~

Sec. 64.320310. - Elements of neighborhood plan which may be adopted as part of the Salem Area Comprehensive Plan.

- (a) Only the goals and policy statements in a neighborhood plan and generalized land use map shall be considered for adoption as part of the Salem Area Comprehensive Plan. The goals, ~~and policies and generalized land use map~~ that are adopted shall be consistent with the Salem Area Comprehensive Plan and the statewide planning goals. ~~Specific recommendations as to land use or public improvements~~ ~~Recommendations~~ that are not consistent with the Salem Area Comprehensive Plan shall not be adopted

as components of the Salem Area Comprehensive Plan, but may be adopted as Support Documents and may be considered in making legislative land use decisions affecting the designated neighborhood.

(b) In the event of any conflict between an adopted neighborhood plan and the statewide planning goals, the Salem Area Comprehensive Plan, or the Salem Revised Code, the statewide planning goals, the Salem Area Comprehensive Plan, or the Salem Revised Code shall control.

Sec. 64.325315. - Process for development of neighborhood plans.

(a) Property owners, residents, and businesses within the designated neighborhood shall be afforded maximum opportunity for involvement in all phases of the preparation of a neighborhood plan. ~~Notification of all general neighborhood and board meetings where the proposed neighborhood plan will be discussed, and notification of the process by which the neighborhood plan is being prepared shall be given by the neighborhood association.~~

(b) Proposed neighborhood plans must be presented at a minimum of ~~one two~~ informational public ~~meetings meeting~~. In addition to ~~these this~~ public ~~meetings meeting~~, ~~the neighborhood association should use~~ other means ~~should be used~~ to obtain input and review of the neighborhood plan from property owners, residents, and businesses who would be directly affected by the proposed neighborhood plan.

(c) The final draft neighborhood plan shall be adopted by resolution of the neighborhood association's governing board ~~and affirmed by vote of the membership~~ at a general or annual meeting. The neighborhood association shall submit the resolution to the Planning Administrator.

(d) ~~The process for adoption of the neighborhood plan by the City is deemed initiated upon a filing of the resolution and a copy of the final draft neighborhood plan with the Planning Administrator.~~

Sec. 64.330320. - Planning Commission action on neighborhood plans Adoption of Neighborhood Plans.

(a) ~~The Planning Commission and official representatives of the neighborhood association shall hold a joint work session to exchange comments about the neighborhood plan, to identify any areas of potential disagreement, and to give the neighborhood association an opportunity to refine its plan. Such work session should be held within four weeks of the date the final draft neighborhood plan is filed with the Planning Administrator. At such work session, the neighborhood association shall demonstrate compliance with SRC 64.325. The adoption of a neighborhood plan is a Major Comprehensive Plan Amendment subject to SRC 64.020. Major Comprehensive Plan Amendments are legislative land use decisions and are processed according to the Legislative Procedures set forth in SRC Chapter 300.~~

(b) ~~Based upon the work session described in subsection (a) of this section, the neighborhood association shall, within 60 days after the work session, submit a Notice~~

~~of Completion to the Planning Administrator, which shall include any additions, modifications, or deletions it wishes to make to the final draft neighborhood plan, or a statement that it wishes to make no changes.~~

- ~~(c) The Planning Commission shall hold a public hearing on the final draft neighborhood plan within 30 days following the submission of the notice of completion by the neighborhood association under subsection (b) of this section. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. The Planning Commission shall forward its recommendation concerning the neighborhood plan to the Council, within 30 days of the conclusion of its deliberations, unless the neighborhood association requests a further work session as provided in subsection (d) of this section.~~
- ~~(d) If, after the public hearing before the Planning Commission, the neighborhood association so requests, the Planning Commission shall schedule a further joint work session to be held for the purposes and in the manner specified in subsection (a) of this section. The request shall be made within seven days of the close of the public hearing, and the work session should be held within 30 days of the request. The neighborhood association shall proceed as provided in subsection (b) of this section. Within 30 days of receipt of the notice of completion, the Planning Administrator shall forward the final draft neighborhood plan, as modified, along with the Planning Commission's recommendations to the Council.~~

Sec. 64.335. - Council adoption of neighborhood plan.

~~The Council shall hold a public hearing on the final draft neighborhood plan within 120 days following receipt of the Planning Commission's recommendation from the Planning Administrator. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. Following public hearing, Council shall either recommend changes to the neighborhood plan or adopt such portions thereof it deems appropriate. If the Council recommends changes, the neighborhood association may either revise the neighborhood plan and resubmit it for adoption by the Council or it may notify the Council that it declines to amend its plan further, in which case the Council may adopt the plan as originally submitted or abandon the adoption process.~~

Sec. 111.001. - Definitions, generally.

Unless the context otherwise specifically requires, terms used in the UDC shall have the meanings set forth in this chapter; provided, however:

- (a) Where chapter specific definitions are included in another chapter of the UDC, those definitions are the controlling definitions; and
- (b) Where a term is not defined within the UDC, the term shall have its ordinary accepted meaning within the context in which it is used. Webster's Third New Int'l Dictionary (unabridged ed. 2002) shall be the standard reference to ordinary accepted meanings.

Abutting means touching along a boundary or point.

Accessory building or structure means a building or structure that is incidental and subordinate to, and dependent upon, the principal use on the same premises.

Accessory dwelling unit means a second dwelling unit that is attached to or detached from a single-family detached dwelling, manufactured home, or zero side yard dwelling on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit.

Accessory short-term rental means a type of short-term rental which is operated as an accessory use to a household living use where a resident family rents guest rooms within their dwelling unit, or a guest house if applicable, when they are present as hosts, or rents their entire dwelling unit, including a guest house if applicable, during periods of time when they are away, to overnight guests on a daily or weekly basis for periods of less than 30 consecutive days.

Adjacent means near or close, but not necessarily contiguous with.

Adjoin means to abut.

Adult day care center means day care for adults in a nonresidential structure.

Adult day care home means day care for five or fewer adults provided in the home of the adult day care provider.

Affordable housing means housing that is affordable to households with incomes equal or less than 80 percent of the median family income in the county for which the development is built or for the state, whichever is greater, and in a manner so that no more than 30 percent of the household's gross income will be spent on rent, home loan or mortgage payments, and utilities.

Application for affordable multiple family housing means, for purposes of SRC 300.810, an application for affordable housing which is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, and that is:

- (a) A permit or zone change submitted under ORS 227.175;
- (b) For development of a multifamily residential building containing five or more residential units where at least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and
- (c) Subject to a covenant, as required under ORS 197.311, that restricts the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Alley means a public way not less than ten feet and not more than 20 feet in width that is primarily used as a secondary means of motor vehicle access to abutting property.

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 emergency vehicles and equipment.

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.

Apartment means a building that contains three or more dwelling units and 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.

Arcade means a continuous covered arched passageway located parallel to a building, street, or open space, and open and accessible to the public.

Arterial street means a major arterial street or minor arterial street.

Bicycle parking area means an area of a development site used for the parking of bicycles. A bicycle parking area includes the bicycle parking space, or spaces, and the access aisle providing access to, and maneuvering area for, the bicycle parking spaces.

Buildable width means the distance along the street right-of-way, exclusive of side setbacks, wetlands, and riparian corridors, that is sufficiently deep to accommodate a lot depth of 70 feet and meet setback requirements. Where a development fronts on a street which is curved, the buildable width shall be measured radial to the curve.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building articulation means design emphasis given to walls, roofs, windows, balconies, entries, and other architectural features to divide buildings into smaller identifiable pieces, reduce the appearance of building bulk and mass, provide visual interest, and introduce elements of scale.

Building frontage means the portion of a building occupying the front setback line. The front setback line is the line extending across the front of the site at the front setback distance.

Building Official means the Administrator of the Building and Safety Division of the Department of Community Development of the City, or the Building Official's designee.

Building offset means a change in vertical planes along the exterior facade of a building used to divide the building into smaller identifiable pieces and reduce the appearance of building bulk and mass. An offset that does not continue the entire length of the building, and therefore, configured as a "bump out," counts as one building offset. Decks or covers over entryways do not count as building offsets.

Building offset interval means the space between building offsets.

Canopy tree means a deciduous shade tree planted primarily for its high crown of foliage.

Carport means a permanent structure used for the parking or storage of vehicles which is unenclosed on two or more sides.

Central Salem Development Program (CSDP) 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 (see Figure 111-3).

Child or children means a person under 13 years of age, or a person under 18 years of age who has special needs or disabilities and requires a level of care that is above normal for the child's age.

Child day care center means a facility that provides day care for 17 or more children.

Child day care home means day care for 16 or fewer children provided in the home of the child day care provider.

City infrastructure means public infrastructure providing vehicular and pedestrian transportation, City utilities, and parks.

City utilities means public improvements providing water, wastewater, and stormwater facilities.

Collector street means a street that allows traffic within an area or neighborhood to connect to an arterial street, and designated as such in the Salem Transportation System Plan. Collector streets shall have priority over local streets in the installation of any traffic control devices. Single family and duplex access onto collector streets may be limited according to Public Works Design Standards.

Columnar tree means a tree species that is tall and cylindrical or tapering.

Common open space means open area intended for shared use and enjoyment in a development. Common open space includes landscaping, walkways, play areas, swimming pools, roof gardens, or other open areas which provide active or passive recreational or visual amenities for residents. Common open space does not include parking areas, streets, or other areas designed for motor vehicle circulation or storage.

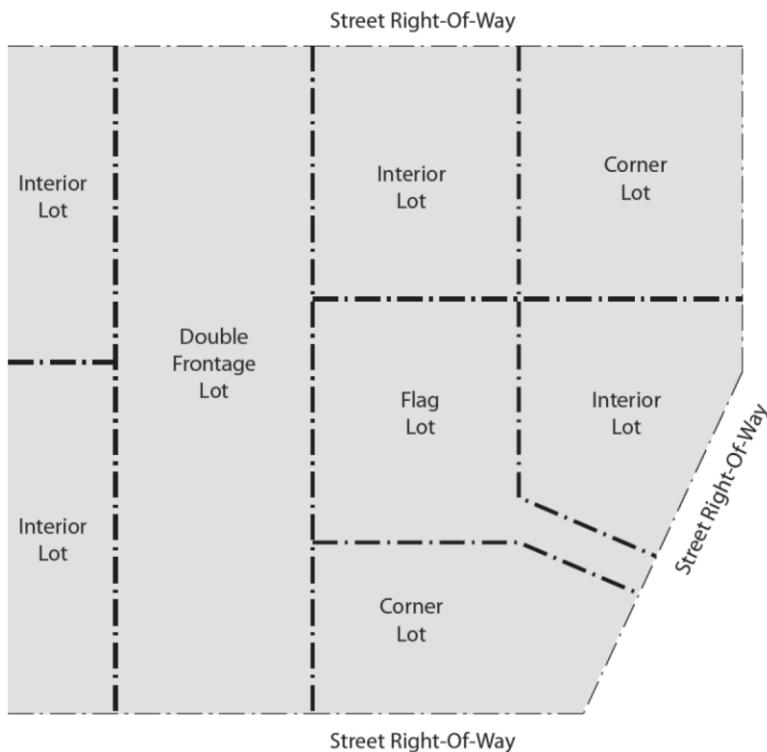
Complex means a group of buildings, structures, or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land, and regardless of whether located on one or more lots or parcels.

Contiguous means touching along a boundary or point. Unless otherwise provided under the UDC, any properties that are separated by public right-of-way shall not be considered contiguous.

Corner lot means a lot abutting two or more intersecting streets, where the interior angle formed by the intersection of the streets does not exceed 135 degrees; or 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 (see Figure 111-1).

FIGURE 111-1. LOT TYPES



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.

Court apartment means a dwelling unit which is one of three or more dwelling units contained in two or more buildings on the same lot.

Crime prevention through environmental design means specific measures taken to enhance the safety of residents and minimize the potential for crime through the physical design of a development.

Cul-de-sac means a dead end street having a turnaround area at the dead end.

Curbline means the line indicating the edge of the vehicular roadway within the overall right-of-way.

dbh means the diameter of a tree measured in inches at a height of 4.5 feet above grade. When a fork in the trunk occurs at or above 4.5 feet, the dbh is the smallest diameter at 4.5 feet or below. When the fork occurs below 4.5 feet, or the tree splits into multiple stems at ground level, each stem is considered a separate tree trunk and is measured accordingly. The term "dbh" is also known as "diameter at breast height."

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

Development means to construct or alter a structure, to make alterations or improvements to the land or to make a change in use or appearance of land, to divide or reconfigure land, or to create, alter, or terminate a right of access. The term "development" does not include:

- (a) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (b) Reasonable emergency procedures necessary for the safety or operation of property; or
- (c) Interior or exterior remodeling that does not increase the square footage or height of a structure, or substantially alter the appearance of a structure.

Development site means an individual lot or multiple contiguous lots accommodating a single development or a complex. For purposes of off-street parking proximity requirements under SRC 806.010, development site also includes a lot or multiple contiguous lots located directly across a street or alley right-of-way.

Double frontage lot means a lot that has frontage on two streets that do not intersect at the lot's boundaries (see Figure 111-1).

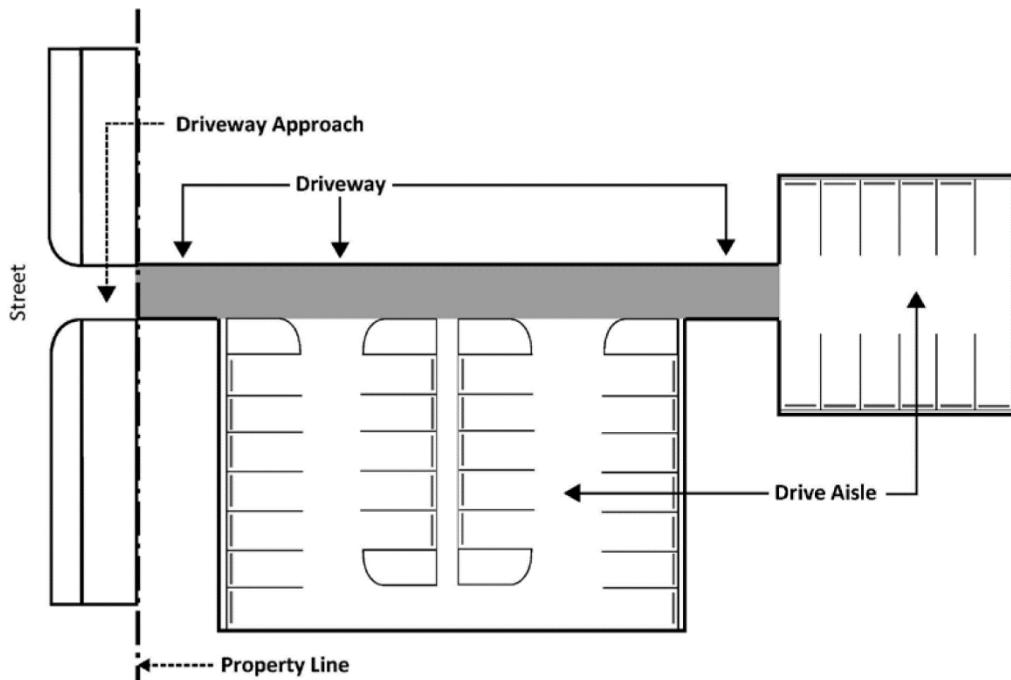
Downhill lot means a hillside lot which slopes downhill from the front lot line.

Downtown Parking District means that certain district, established under SRC chapter 7, which provides for the financing and administration of programs for economic promotion and public parking for motor vehicles in the Central Business District of the City (see Figure 111-4).

Drive-through means a facility where goods or services are provided to a patron of a business while in their motor vehicle, and typically including queuing lanes leading to drive-up service windows or service areas. A drive-through does not include motor vehicle services, as set forth in SRC 400.055(b).

Driveway means an area providing vehicular access to a site that begins at the property line and extends into the site; or an area providing vehicular circulation between parking areas on a site (see Figure 111-2). A driveway does not include maneuvering areas or drive aisles within parking areas.

FIGURE 111-2. DRIVEWAY



Duplex means a building that contains two dwelling units. For the purposes of this section, a building that contains an accessory dwelling unit attached to a single family detached dwelling, manufactured home, or zero side yard dwelling shall not be considered a duplex.

Dwelling means a building, or portion thereof, which contains one or two dwelling units.

Dwelling unit means a single independent unit providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For the purposes of this definition, "independent" means the dwelling unit:

- (a) Is detached from any other dwelling unit or is separated from any other dwelling unit by an approved fire separation as required under the Building Code;
- (b) Includes a kitchen area with a sink and an approved electrical service connection for a stove or range; and
- (c) Does not have a direct interior connection to any other dwelling unit, but may have fire-separated access to a common facility shared with any other dwelling unit.

Employees means all persons, including proprietors, performing work on a premises for compensation. For purposes of SRC chapter 806, employees include all persons, including proprietors, performing work on a premises for compensation during the largest shift at peak season.

Excavation means any act by which earth, sand, gravel, rock, or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

Existing wildlife rehabilitation facility means any building, structure, or land which 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.

Facade means the vertical plane of one exterior side of a building.

Family means:

- (a) An individual;
- (b) Two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship;
- (c) Two or more persons with disabilities, as defined in the Fair Housing Amendments Act of 1988, who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit; or
- (d) A group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

Fill or *backfill* means a deposit of earth or other natural or manmade material placed by artificial means.

Finished grade means the final grade upon completion of excavation, fill, or paving.

Flag lot means a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway (see Figure 111-1).

Flag lot accessway means a portion of a lot that provides legal access from a street to one or more flag lots. An accessway may be through fee-simple ownership as part of a flag lot or by an access easement with associated reciprocal and irrevocable access rights for all lots using the accessway.

Floor area means the area within the exterior walls of a building or structure, or portion thereof, exclusive of vent shafts and courts. The floor area of an unenclosed building or structure, or portion thereof, is the usable area under the horizontal projection of the roof or floor above.

Floor area ratio (FAR) means a measure of the intensity of a development, expressed as a ratio of total building floor area to total lot area.

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

Garage means a building or portion thereof used for the parking or storage of vehicles.

Grade means the lowest point of elevation of the ground or paved surface excluding stairwells and area wells at the point's contact with a building's foundation, a property line, or a street, depending upon the context.

Grading means the act of excavating and filling.

Guest house means an accessory building maintained for the purpose of providing temporary and gratuitous living accommodations, but dependent upon the main dwelling for cooking or bathroom facilities, or both.

Guest room means any room or rooms used or intended to be used by a guest for sleeping purposes.

Habitable space means space within a structure for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hillside lot means a lot having an average cross slope of 15 percent or more and that is residentially zoned or developed for uses falling under household living.

Household pet means a domesticated animal that is kept ~~in the home~~ for pleasure rather than for a commercial purpose such as breeding, boarding, grooming, or medical care. Common household pets include cats, dogs, hamsters, gerbils, guinea pigs, canaries, parakeets, parrots, turtles, lizards, and tropical fish.

Infill lot means a residential flag lot created by the partition of land after February 8, 2006.

Interior lot means any lot, other than a corner lot or double frontage lot (see Figure 111-1).

Interior lot line means a lot line that is not adjacent to a street.

Land division means the act of dividing land to create lots or parcels. A property line adjustment is not a land division.

Land use action means the City's process of reviewing an application for a land use or limited land use decision.

Livestock means, except as otherwise provided herein:

- (a) 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 they may be kept; and
- (b) Any species of ~~bee, rabbit, bee, or~~ fur-bearing animal, ~~or chicken~~ kept for sale, for sale of byproducts, for livestock increase, or for value increase.
- (c) *Chickens, ducks, and bees kept in accordance with SRC chapter 50 shall not be considered livestock.*

Loading space means an off-street space for the parking of a vehicle while loading or unloading.

Local street means a street not designated as a collector, minor arterial, major arterial, or parkway in the Salem Transportation System Plan. A local street primarily serves to provide direct access to abutting land and offers the lowest level of traffic mobility.

Lot means a single unit of land that is created by a subdivision of land. Except where otherwise stated, the term "lot" includes the term "parcel."

Lot line means one of the property lines forming the exterior boundaries of a lot.

Major arterial means a street for moving large volumes of intra-city and regional traffic, and designated as such in the Salem Transportation System Plan. A fully improved major arterial

serves as the main radial, and provides peripheral routes through the City. The ultimate cross-sectional width of a major-arterial is multi-lane, as shown in the Salem Transportation System Plan.

Manufactured dwelling means a residential trailer, mobile home, or manufactured home. A manufactured dwelling does not include any building or structure constructed to conform to the 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.

Manufactured dwelling park means any place where four or more manufactured dwellings are located on a development site and intended for residential use. The term "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 205.

Manufactured home means 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.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The term "marijuana" does not include industrial hemp, as defined in ORS 571.300.

Marijuana production means the commercial manufacture, planting, cultivation, growing, or harvesting of marijuana for wholesale or retail trade. The manufacture, planting, cultivation, growing or harvesting of marijuana for personal use, or as a state registered medical marijuana grower for up to four state registered patients, as allowed by state law is not included in this definition.

Minor arterial means a street providing primarily intra-area and inter-neighborhood access, and designated as such in the Salem Transportation System Plan. A fully improved minor arterial has a minimum of two travel lanes with left-turn pockets and center left-turn lanes.

Mixed-use building means a building that is two or more stories in height and which contains a combination of residential and non-residential use where at least 75 percent of the ground floor area of the building is occupied by non-residential use and residential use is included on the upper floors.

Mobile home means 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, 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.

Native vegetation means plant species which are indigenous to Oregon and appropriate to local site conditions such as hydrology, soils, light availability, and slope aspect.

Natural grade means the grade of the land in an undisturbed state.

Neighborhood means a localized area within the City with a development pattern that provides infrastructure and services which meets the needs of persons residing or working in the area. A neighborhood encompasses a larger area than vicinity.

Neighborhood association means a neighborhood organization that is officially recognized as provided in SRC chapter 64.

Nightclub means an establishment open at night that provides music and space for dancing, and usually serves alcohol.

Nuisance vegetation means native and non-native plant species with a tendency to dominate plant communities, or which are considered harmful to humans, and which are designated as nuisance vegetation in the tree and vegetation technical manual.

Office complex means a group of businesses falling primarily under the business and professional services use category that form a centralized unit and that have a joint parking area available for use by patrons of any single business.

Off-street parking area means an area of a development site used for short-term off-street parking of vehicles. An off-street parking area includes aisles and maneuvering areas within the parking area.

Open space means land designated to preserve community livability, significant plant materials, and natural resources.

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

Parcel means a single unit of land that is created by a partition of land.

Parking space means a designated space in a parking area for the parking of one motor vehicle.

Parking structure means a structure, or portion thereof, that provides two or more levels of parking.

Parkway means a street for moving large volumes of both intra-city traffic and regional traffic at higher speeds, and designated as such in the Salem Transportation System Plan. A fully improved parkway is a divided highway with a minimum of four travel lanes and extremely limited access.

Partition means dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;
- (b) A property line adjustment;
- (c) Dividing land as a result of the recording of a subdivision or condominium plat;
- (d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right-of-way purposes if the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county

road, city street or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision, or special district for highways, county roads, city streets, or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Pedestrian connection means a continuous, unobstructed, and reasonably direct route between two points that is intended and suitable for pedestrian use.

Pedestrian pathway means any sidewalk, footpath, or trail which provides on-site pedestrian access and circulation.

Pedestrian scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

Planning Administrator means the Administrator of the Planning Division, Department of Community Development of the City, or the Planning Administrator's designee.

Plaza means an area generally open to the public on a controlled basis, and usually adjoining and connecting directly to a sidewalk, pedestrian walkway, transit stop, or building entrance, that provides a place for individuals to sit, stand, or rest. Plazas typically include low walls or planters and landscaping to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas also typically include amenities such as seating, art, and fountains.

Primary building entrance means the principal public pedestrian entrance into a building. A building may have more than one primary building entrance, such as in those situations where a building has multiple individual tenant spaces, each with their own principle public entrance, or a building which has multiple public entrances located at different locations within the building, all of which are of equal significance in providing public entry into the building. A primary building entrance does not include an employee-only or service or employee-only entrance, unless the use of the building is such that a public entrance does not exist. In those situations where a public entrance does not exist, the main employee-only or service entrance into the building is the primary building entrance.

Private open space means a semi-enclosed area which is intended for use by the occupants of an individual dwelling unit. Private open spaces may include porches, patios, balconies, terraces, roof top gardens, verandas, and decks.

Property line means the boundary line between two units of land.

Public right-of-way or right-of-way means the present and future streets, roadways, alleys, public highways, avenues, and pedestrian ways in the City, which may be held by the City in fee, easement, or dedication.

Public utilities means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Recreational vehicle means:

- (a) A vehicle, with or without motive power, that is designed for sport or recreational use, or human occupancy on an intermittent basis, such as motor homes, off-road vehicles, dune buggies, boats, snowmobiles, and other similar vehicles; or
- (b) A portable vehicular structure designed for sport or recreation use, or for human occupancy on an intermittent basis, that is capable of being towed or transported on the highway by a motor vehicle, such as travel trailers, fifth-wheel trailers, campers, and other similar portable vehicular structures.

Recycling depot means a building, or portion thereof, not more than 1,000 square feet in floor area used for the collection, sorting, and temporary storage of waste and discarded materials which may be reprocessed elsewhere into usable raw materials. The term "recycling depot" does not include a structure maintained solely to provide shelter for no more than three types of recyclable material, such as paper, tin cans, and bottles, deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere.

Resident family means a family who occupies a dwelling unit as their primary residence on a non-transient long-term basis for 30 or more consecutive days. A resident family must be either the owner or the tenant of the dwelling unit.

Residential facility means as defined under ORS 197.660, a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential home means as defined under ORS 197.660, a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Residential trailer means 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.

Riparian corridor means the area adjacent to a waterway, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. The riparian corridor boundary is measured:

- (a) 50 feet horizontally from the top of bank on each side of a waterway with less than 1,000 cubic feet per second average annual stream flow; and
- (b) 75 feet horizontally from the top of bank on each side of a waterway with 1,000 or more cubic feet per second average annual stream flow (Willamette River).

Riparian restoration means actions undertaken to improve degraded, or recover lost, ecological or habitat functions in the area adjacent to a waterway in the zone of transition from an aquatic ecosystem to a terrestrial ecosystem, determined by the City to provide net ecological benefits, not reduce the stream's capacity to convey flood flows in a floodplain or floodway, nor pose an impediment to fish passage.

R-VIS means the percentage of light in the visible spectrum, 380 to 780 nanometers, that is reflected from the glass surface. The term "R-VIS" is also known as "visible light reflectance."

Scrap and waste materials dealers means establishments primarily engaged in the assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Screening means a method of blocking or obscuring view of an area through the use of fencing, walls, berms, densely planted vegetation, or a combination thereof.

Setback means the distance between a building, accessory structure, vehicle use area, or other structure or area and a property line, special setback line, flag lot accessway, easement, or other specified point.

Shopping center means a group of businesses falling primarily under the retail sales and service use category that form a centralized unit and that have a joint parking area available for use by patrons of any single business.

Short-term rental means short-term commercial lodging where a single family dwelling unit, or guest room(s) within a single family dwelling unit, are rented to overnight guests on a daily or weekly basis for periods of less than 30 consecutive days. For purposes of this definition, a dwelling unit within a condominium is considered a single family dwelling unit.

Single family dwelling means a detached freestanding dwelling unit located on its own lot.

Solid waste disposal site means land used for disposal of solid waste, including lumber; tile; bricks; concrete rubble; siding; roofing; asphalt; structural metal work; plaster and gypsum board; mortar stones; concrete blocks; pipe; plumbing fixtures; electrical wiring and fixtures; and shredded or split tires. A solid waste disposal site does not include land used for the disposal of leaves, prunings, and grass clippings; household appliances; machinery; motor vehicles and parts, other than shredded or split tires; or any putrescible substance. Solid waste disposal sites do not involve the collection or storage of items for sale or reuse in any form.

Solid waste transfer station means a fixed or mobile facility normally used as an adjunct of a solid waste collection system or resource recovery system between a collection route and a disposal site, including, but not limited to, a large hopper, railroad gondola, or barge. See ORS ch. 459 and OAR ch. 340.

Story means the horizontal division of a building, making up the area between two adjacent levels, but excluding that portion of the building that comprises the horizontal division that is the roof, unless that area includes living space.

Stream enhancement means to modify the stream channel width, length, depth, alignment, location, profile, bank shape, or in-stream structures for the purpose of improving ecological or habitat functions determined by the City to be degraded or lost in the immediate project area, specific stream corridor, or watershed.

Street means a public or private way that is created to provide ingress or egress to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of the land for forestry, mining, or agricultural purposes. The term "street" includes the terms "highway," "thoroughfare," "parkway," "throughway," "road," "avenue," "boulevard," "lane," "court," "place," "loop," "drive," "circle," and other such terms. The term "street" does not include alleys or flag lot accessways.

Street tree means a tree planted in proximity to a street in order to provide canopy over the street, to provide shade, and soften the street environment.

Structural alteration means any alteration, addition, or removal of any structural member of a building, other than a minor alteration. As used in this definition:

Minor alteration means the alteration, replacement, or repair of a structural member so as not to alter structural integrity or the manner in which structural integrity was achieved before the alteration, replacement, or repair;

Structural integrity means the capacity of the building and its component parts, other than non-bearing walls, fixtures, electrical systems, plumbing systems, mechanical systems, openings, and ornamental appendages, to withstand the forces, stresses, and loads which are contemplated in the Oregon Structural Specialty Code for the type of construction involved; and

Structural member means any component part of a building which contributes to structural integrity.

Structure means that which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner; any of which is an addition to or fixture on real property. The term "structure" does not include paving, or mobile homes.

Subject property means the real property that is the subject of any land use proceeding. For notification purposes of mailed notice, subject property includes not only the real property that is the subject of the land use proceeding for which notice is required, but also any contiguous property in which the applicant or owner holds a legal or equitable interest.

Temporary means unless otherwise provided under the UDC, a limited duration more than two hours but less than six months, and which does not involve the construction or alteration of any permanent structure.

Townhouse means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on its own lot and shares a common side wall or walls with the adjacent units. A townhouse is also called a rowhouse.

Turnaround area means a paved area of a sufficient size and configuration that a motor vehicle having a curb-to-curb turning radius of 30 feet or less may maneuver around to head in the opposite direction without having to move in reverse more than once.

T-VIS means the percentage of light in the visible spectrum, 380 to 780 nanometers, that is transmitted through the glass. The term "T-VIS" is also known as "visible light transmittance."

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

- (a) The lot or parcel was created in compliance with all applicable legal requirements for a land division in effect at the time it was created; or
- (b) The lot, parcel, or tract has been validated pursuant to SRC 205.060.

Uphill lot means a hillside lot which slopes uphill from the front lot line.

Use standard means any standard or condition imposed by the UDC, or a decision in a land use action, which regulates, restricts, prohibits, or allows the conduct of a use. A use standard does not include a development standard.

Utility or *utilities* means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television. As the context requires, the term "utility" or "utilities" may include City utilities or public utilities.

Vehicle display area means an area of a development site where motor vehicles, recreational vehicles, trailers, boats, or other vehicles are displayed for sale or lease.

Vehicle storage area means an area of a development site used for the storage of motor vehicles, utility trailers, recreational vehicles, boats, aircraft, or other vehicles.

Vehicle use area means an area of a development site used for parking, storage, display, loading, maneuvering, access, or circulation of vehicles. A vehicle use area includes off-street parking areas, vehicle storage areas, vehicle display areas, loading areas, driveways, and drive-through lanes.

Vertical window means a window with a vertical dimension greater than its horizontal dimension.

Vicinity means land that is surrounding, near, or within close proximity of a particular place. Vicinity is smaller in size than a neighborhood.

Vision clearance area: the area adjacent to the intersection of a street, alley, flag lot accessway, or driveway where an unobstructed clear field of vision is required to ensure safe visibility for vehicular, bicycle, and pedestrian traffic.

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

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. 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.

Wildlife means any animal defined as wildlife under ORS ch. 496.

Wildlife rehabilitation means the restoration of injured, sick, or immature wildlife, except cougars, wolves, and bears, that are native to Oregon to a condition where they are capable of being released into the wild or, if incapable of survival on their 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.

Wildlife rehabilitator means an individual who is licensed as a wildlife rehabilitator by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation.

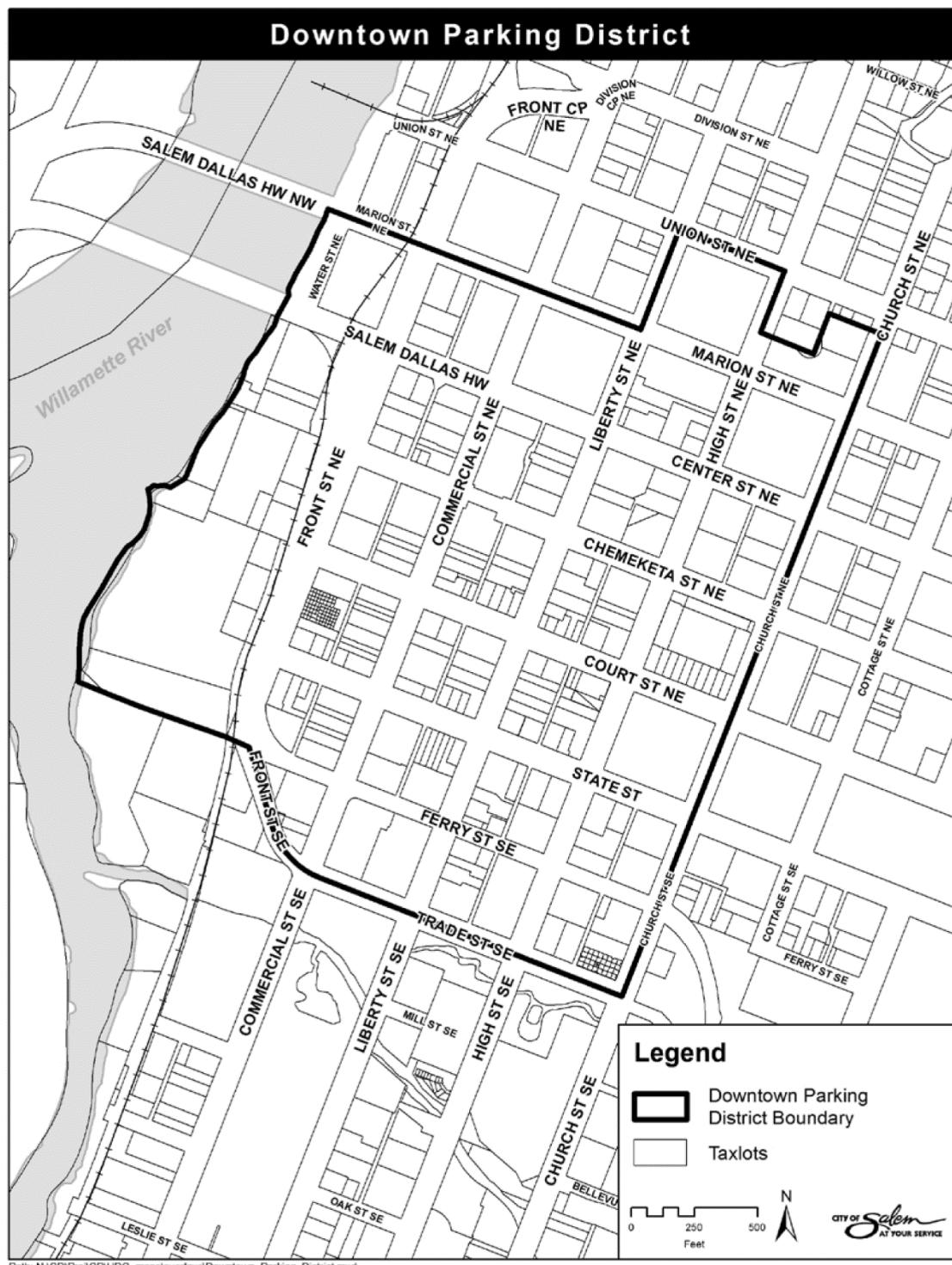
Wildlife rehabilitation facility means any building, structure, or land being used for the purpose of wildlife rehabilitation.

Zero side yard dwelling means a detached dwelling unit located on its own lot and constructed contiguous to one, but not both, interior side lot lines.

FIGURE 111-3. CENTRAL SALEM DEVELOPMENT PROGRAM AREA



FIGURE 111-4. DOWNTOWN PARKING DISTRICT



Sec. 200.020. - Urban Growth Preliminary Declaration required; term and fee.

- (a) Prior to subdivision plat approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, a developer shall first obtain an Urban Growth Preliminary Declaration if the development is within the urban growth area (UGA), or is within the urban service area (USA), but precedes city construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area of the development.
- (b) Prior to issuance of a building permit for a single family residence or duplex in a subdivision subject to subsection (a) of this section, and prior to issuing a certificate of occupancy for any other development subject to subsection (a) of this section, the Building Official shall ascertain that all ~~conditions of required facilities identified in~~ the Urban Growth Preliminary Declaration have been ~~complied with provided consistent with~~ the UDC.
- (c) It shall be unlawful for any person to construct or commence construction of any single family residence or duplex in a subdivision subject to subsection (a) of this section, or to occupy (except under a temporary occupancy certificate issued pursuant to UBC section 306(d) and subsection (d) of this section) any other development subject to subsection (a) of this section without first obtaining an Urban Growth Preliminary Declaration.
- (d) Notwithstanding the provisions of subsection (b) of this section, the Building Official may issue a temporary occupancy certificate as provided in UBC section 306(d) if the ~~required facilities identified in the applicable Urban Growth Preliminary Declaration have been provided consistent with the UDC~~ holder has substantially complied with the conditions of an Urban Growth Preliminary Declaration and agrees in writing to complete all remaining conditions by a date certain not more than 180 days from the issuance of the temporary certificate. Failure to comply with such a written agreement shall result in revocation of the temporary certificate without further notice.
- (e) The fee for an Urban Growth Preliminary Declaration shall be as prescribed by resolution of the Council.

Sec. 200.025. - Urban Growth Preliminary Declaration.

- (a) *Applicability.* This section applies to development within the urban growth area, or within the urban service area ~~but preceding the construction of required facilities that are shown in the adopted capital improvement plan, public facilities plan or comparable plan for the area, prior to construction of required facilities by the City~~. An Urban Growth Preliminary Declaration may be obtained prior to, or concurrent with, an application for development.
- (b) *Procedure type.* Applications for Urban Growth Preliminary Declarations are processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for an Urban Growth Preliminary Declaration shall contain the following:

- (1) The legal description of the total contiguous ownership on which the development is to occur;
- (2) A vicinity map showing the outline of the proposed development and its relation to all existing designated arterial and collector streets within a one mile radius;
- (3) The proposed or anticipated use;
- (4) If property is to be subdivided for residential purposes, the proposed dwelling unit density of the subdivision; and
- (5) Such other information as the Director deems necessary to evaluate the application.

(d) *Determination.* The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the master plans and the area facility plans and determine:

- (1) The required facilities necessary to fully serve the development;
- (2) The extent to which the required facilities are in place or fully committed.

(e) *Contents.* The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.

(f) *Nature and effect.*

- (1) An Urban Growth Preliminary Declaration is not an approval to develop land, and does not confer any right or authority to undertake any development for which the Urban Growth Preliminary Declaration is obtained.
- (2) Issuance of an Urban Growth Preliminary Declaration does not relieve the applicant of the obligation to obtain other permits required by the Salem Revised Code, or to proceed through any other land use process required by the UDC.
- (3) If a required facility is included in two or more Urban Growth Area Preliminary Declarations, the obligation to provide the required facilities shall be imposed on any land use approval for each property. a condition of each land use approval.

(g) *Duration.* Notwithstanding SRC 300.850, the Preliminary Declaration shall be valid as follows:

- (1) If the Preliminary Declaration is issued in connection with a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall be valid so long as the subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval remains valid; provided, however, that once a development has received tentative plan approval, in the case of a subdivision, or been granted a building permit in all other cases, the developer and his or her the developer's successors in interests shall be bound to complete all terms and conditions of the permit.
- (2) If the Preliminary Declaration is issued in connection with any land use approval other than a subdivision, phased subdivision, planned unit development, manufactured dwelling park, or site plan review approval, the Preliminary Declaration shall remain valid for a period of four years following the effective date of the decision; provided,

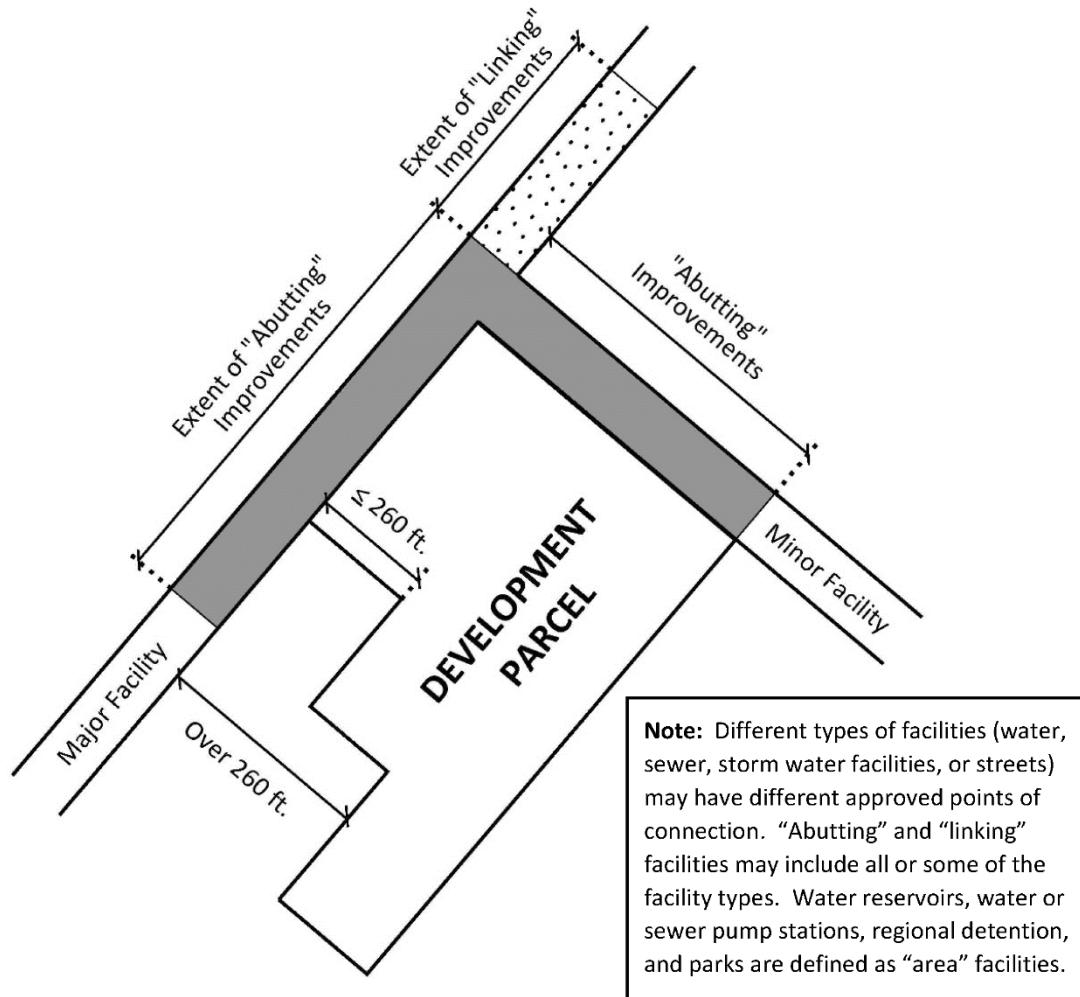
however, that once a development has been granted a building permit, the developer and ~~his or her~~ the developer's successors in interests shall be bound to complete all terms and conditions of the permit.

- (3) If the Preliminary Declaration is issued independent of any other land use approval, the Preliminary Declaration shall remain valid for a period of four years following the effective date of the decision.

Sec. 200.035. - Determination of extent of required improvement.

- (a) To the extent that they have not already been provided, ~~a development shall provide the following facilities, located and constructed according to SRC 200.055 through 200.075 an Urban Growth Preliminary Declaration shall identify all of the following:~~
 - (1) All major linear and area facilities which serve the development.
 - (2) All major linear and area linking facilities.
 - (3) Minor facilities necessary to link the development to the major facilities specified in subsections (a)(1) and (2) of this section.
 - (4) All major and minor facilities abutting or within the development parcel. This includes ~~the construction of~~ any major facility which falls within 260 feet of the boundaries of the development parcel, measured at right angles to the length of the facility (see Figure 200-1).

FIGURE 200-1



- (5) Parks facilities as specified in SRC 200.075, to the extent those facilities have not been provided by the public.
- (b) Water, storm drainage, streets and sewer facilities need not, in all cases, link to the same locations. Water, storm drainage, streets and sewer facilities shall be provided as necessary to link the development to a point where existing water, storm drainage, streets and sewer service facilities are adequate, along the shortest preplanned route.
- (c) Water facilities shall conform with existing city service levels and shall be looped where necessary to provide adequate pressure during peak demand at every point within the system in the development to which the water facilities will be connected.
- (d) Where two facilities must be built to their point of intersection, the entire intersection shall be built as well.
- (e) All facilities constructed as required in pursuant to this section shall be and become the property of the City on final acceptance of the work.

Sec. 200.045. ~~Areas not fully master planned.~~

(a) Notwithstanding SRC 200.025, upon receipt of a completed application for an Urban Growth Preliminary Declaration for property that lies within an area not fully planned in the master plans, the Director shall determine whether an area facilities plan for major public facilities shall be prepared administratively to accommodate the development proposal or whether an amendment to the applicable master plan shall be required. The purpose of an area facilities plan is to establish the major facilities necessary to serve the proposal and the required linkage to existing adequate facilities. The decision shall be based upon:

- (1) The amount of time and staff costs required to complete an area facilities plan;
- (2) The impact of preparation of an area facilities plan on scheduled work programs in those city departments responsible for that preparation;
- (3) The impact of an area facilities plan for the development on overall facilities planning for the entire area;
- (4) Such other considerations as may be relevant to the implementation of the intent and purpose of this chapter.

(b) Should the Director determine that an area facilities plan should be developed, upon completion of that plan, the review of the application for the Urban Growth Preliminary Declaration shall proceed as otherwise provided in this chapter.

(c) Should the Director determine that an amendment to one or more master plans is warranted, the process shall proceed through the public hearing requirements specified in SRC chapter 64 the amendment shall be processed according to Legislative Procedures under SRC Chapter 300. After public hearing, the Council may either reject the application and refund the applicant's fee or direct the preparation of a Preliminary Declaration.

Sec. 200.050. - Acquisition of property, easements and right-of-way.

(a) The developer shall obtain all rights-of-way necessary for street improvements, easements for sewer, drainage and water lines, and fee title to property for parks, pumping stations and reservoirs needed to construct the required facilities identified in the Urban Growth Preliminary Declaration. If the developer is unable to acquire any necessary property, easements, or right-of-way after documented good faith attempts to negotiate and purchase the same, the developer shall prepare the legal descriptions thereof and transmit them to the City Attorney. The City Attorney shall refer the matter to the Council which shall, after public hearing, proceed to determine whether the developer made good faith attempts to acquire the property, easement or right-of-way, and whether to acquire the property, easement, or right-of-way through exercise of eminent domain. The hearing shall be conducted in the manner provided for quasi-judicial hearings in matters other than quasi-judicial land use matters.

(b) The City Attorney and other city departments shall keep account of time and expenses incurred in acquiring the property, easements, and rights-of-way, including the amount of court costs and attorney fees awarded the other party by the court, and the developer shall pay all such expenses together with the amount of the judgment or settlement. In instances

where the City and the developer have responsibility for acquiring abutting portions of right-of-way at the same time, the expenses delineated in this subsection shall be shared in proportion to the area acquired by each party.

- (c) Any settlement of a condemnation action must be concurred in by the developer; provided, however, the developer shall be bound by a final judgment rendered in any eminent domain action unless, within ten days of the verdict being rendered, the developer notifies the City Attorney, in writing, of the developer's intention to abandon the development. If the developer, at any time, decides to abandon the development, the developer shall pay to the City all costs incurred in preparing for and prosecuting the action, including any costs and attorney fees awarded the defendant in the action.
- (d) All property, easements, and rights-of-way acquired by the developer shall be acquired by the developer in the name of, and conveyed to, the City, free of all liens and encumbrances, no later than the time of recording of the final plat. If the property acquired by the developer is subject to an easement held by a federal, state, or local governmental entity, **the Director may accept the conveyance if the City's planned uses of the encumbered area are consistent with the terms of the easement. If the City's planned uses of the encumbered area are not consistent with the terms of the easement, the developer applicant may request relief from the provisions of this subsection as follows:**

1) Decisions made after *{insert effective date of ordinance}*.

The applicant may request relief from this subsection through a Class 2 adjustment, pursuant to SRC chapter 250. Notwithstanding SRC 250.005(d)(2), a Class 2 adjustment for relief pursuant to this subsection may be approved if the following criteria are met:

- (A) The City's planned uses of the encumbered area are consistent with the terms of the easement;
- (B) The applicant has made good faith efforts to remove the encumbrance;
- (C) Feasible alternatives exist for the relocation or modification of any City improvements within the encumbered area should the City's use come into conflict with the existing easement; and
- (D) The City will not incur substantial cost to relocate or modify any City improvements within the encumbered area should the City's use come into conflict with the existing easement.

- (A) There are no feasible alternatives to relocate the planned City facilities that would eliminate the need to acquire the encumbered area;
- (B) The applicant has made good faith efforts to remove the encumbrance;
- (C) The Director determines that the likelihood that the City facilities will need to be modified or relocated is small, and the cost of such modification or relocation can be adequately mitigated, and
- (D) The easement holder has consented in writing to allow the City's planned use in the encumbered area, in a form acceptable to the City Attorney. At

a minimum, the easement holder's consent shall provide a reasonable time for the City to relocate or modify the City's facilities to accommodate the easement.

(2) Decisions made prior to *[insert effective date of ordinance]*.

The applicant may seek relief from the provisions of this subsection through modification of the land use decision. For an urban growth preliminary declaration, the applicant may seek an amendment pursuant to SRC 200.030.

Sec. 200.080. - Temporary facilities.

(a) *Temporary facilities access agreement.*

- (1) Where a development precedes construction of permanent required facilities that are specified to ultimately serve development, a land use approval may be conditioned to allow the development to access temporary facilities the Urban Growth Preliminary Declaration may allow an alternative to use temporary facilities under conditions specified in a temporary facilities access agreement.
- (2) The terms and conditions of the temporary facilities access agreement shall specify the temporary facilities being constructed or used, the amount of the temporary facility access fee, the provisions for transitioning the use of temporary facilities to permanent facilities once the permanent facilities are constructed, and any other provisions pertinent to the use of temporary facilities.
- (3) The temporary facility access fee shall be calculated by the Director and shall be a reasonable contribution toward the construction of permanent facilities that will ultimately serve the development. The temporary facility access fee shall be held by the City in a dedicated fund and used to pay the costs of construction of the permanent required facilities. The applicant shall not be entitled to receive, or have any claim to, any temporary facility access fees collected by the City.
- (4) The temporary facility access fee shall be due and payable by the person or persons seeking a building permit at the time of the granting of a building permit, and payment of the temporary facility access fee, in full, shall be a condition precedent for obtaining building permits within the property. Payment of the temporary facility access fee may be required as a condition of final plat as specified in the tentative subdivision plan approval pursuant to SRC Chapter 205.

(b) *Temporary facilities expansion permit.*

- (1) Any person who has been granted the use of a temporary sewer facility under SRC 200.060, a temporary storm drainage facility under SRC 200.065, or a temporary water facility under SRC 200.070 may apply for a temporary facilities expansion permit under this section, which may allow modifications to, or expansion of, the temporary facility in order to better serve the development for which the Urban Growth Preliminary Declaration was issued. The applicant for a temporary facilities expansion permit shall make application therefor on forms promulgated by the Director. Fees for temporary facilities expansion permits shall be established by resolution of the Council.

(2) The Director may issue a temporary facilities expansion permit if the Director finds that expansion of the facility is ~~not inconsistent~~ with this chapter, the applicant's Urban Growth Preliminary Declaration, or with any master plan, public facilities plan, or other similar plan that is applicable to the development for which the Urban Growth Preliminary Declaration was issued. Any expansion of a temporary facility shall be at the applicant's sole cost and expense, and at the applicant's sole risk. The Director may impose such conditions on a temporary facilities expansion permit as the Director deems are in the public interest.

(c) *Permit revocation.* The Director may revoke a temporary facilities expansion permit upon a finding that the permittee is not maintaining the temporary facility in a manner that is consistent with the permit, the provisions of this chapter, or any other applicable federal, state or local law. Appeals of revocations of Temporary Facilities Access permits are contested cases under SRC chapter 20J. Unless a stay is granted in the case of an appeal, when a temporary facilities permit is revoked, use of the temporary facility shall immediately cease until such time as the violation has been cured, and a new temporary facilities expansion permit has been issued.

DEVELOPMENT DISTRICTS

Sec. 200.205. - Development districts authorized.

A developer of surplus public property may request the formation of a development district if:

(a) The developer is required to construct public improvements as a condition of ~~a land use decision the issuance of an urban growth area development permit for surplus public property~~; and

(b) One or more of the public improvements ~~required in the land use decision urban growth area development permit~~ were not included as projects in the applicable master plan for the specific type of public improvement, or all or a significant portion of one or more of the public improvements are ineligible to be built with systems development charges because the public improvement would correct an existing deficiency.

Sec. 200.210. - Application for formation of development district.

The request for the formation of a development district may be made at any time ~~prior to beginning construction of the public improvements after an application for an urban growth area development permit has been submitted by the developer, but prior to the issuance of the urban growth area development permit~~, by filing an application on forms promulgated by the Director. The application shall be submitted to the Director and be accompanied by an application fee, which shall be established by resolution of the Council.

REIMBURSEMENT DISTRICTS

Sec. 200.310. - Application to establish a reimbursement district.

- (a) A Developer may request the formation of a reimbursement district by submitting an application on forms provided by the Director, which shall contain:
 - (1) A map showing the boundaries of the proposed reimbursement district and each tax lot within the proposed district;
 - (2) The zoning designations for all property located within the proposed reimbursement district; the names and mailing addresses of each owner of property within the proposed district; the tax account number for the owner's property; the width of the frontage, if any and if necessary to determine the allocation of the reimbursement fee; the area of the property in square feet; and any other similar information deemed necessary by the Director for calculating the fair apportionment of the cost; the property or properties owned by the Developer; and
 - (3) A description of the location, type, size and actual or estimated cost of each public improvement constructed or to be constructed within the proposed reimbursement district.
 - (4) Such other information deemed necessary to evaluate the request by the Director.
- (b) The application shall be accompanied by an application fee, which shall be established by resolution of the Council.
- (c) The application ~~may shall~~ be submitted to the Director prior to the construction of the public improvement ~~but no later than 180 days after acceptance of the public improvement by the City.~~
- (d) The City may initiate the formation of a reimbursement district for a public improvement that is constructed by, or through contract for, the City, and paid for, in whole or in part, by City funds.

Sec. 200.315. - Director's report.

- (a) Upon receipt of a complete application, or upon initiation by the City, the Director shall evaluate whether the proposed reimbursement district should be formed. The Director may require the submission of additional information by the Developer to assist in the evaluation.
- (b) The Director shall prepare a written report based upon an evaluation, which shall make a recommendation on whether the reimbursement district should be formed, based on the following criteria:
 - (1) The extent to which the Developer, or City in the case of a City-initiated district, will finance, or has financed some or all of the cost of the public improvement;
 - (2) The boundaries and acreage of the proposed reimbursement district;
 - (3) The actual or estimated cost of each public improvement built or proposed to be built within the proposed district and methodology for the apportionment of the cost of each public improvement among the properties within the proposed reimbursement district;
 - (4) The amount necessary to adequately reimburse the City for administration of the reimbursement district; and

(5) Whether it is in the public interest to establish the reimbursement district. Factors to be considered in evaluating the public interest include, but are not limited to:

- (A) The need for the public improvement in order to facilitate the development of other property within the district;
- (B) The availability of other funding sources to pay for the cost of the public improvements; and
- (C) The extent to which the reimbursement district will provide incidental benefits outside the boundaries of the reimbursement district.

Sec. 200.350. - Reimbursement fee amount.

- (a) The reimbursement fee shall be based on the cost of each public improvement. The developer shall not be entitled to a reimbursement for any portion of the reimbursement fee that reflects the proportional share of the cost of the public improvement benefitting the developer's own property, unless the developer qualifies for systems development charge credits under SRC 41.160.
- (b) The costs to be reimbursed ~~to the developer~~ shall be limited to the cost of design engineering, construction engineering, construction, and off-site acquisition and dedication of right-of-way. Construction engineering shall include surveying and inspection costs and shall not exceed 7.5 percent of eligible public improvement construction costs. Costs to be reimbursed for right-of-way shall be limited to the reasonable market value of land or easements purchased by the developer from a third party in order to accommodate off-site improvements.
- (c) No reimbursement shall be allowed for financing costs, land or easements dedicated by the developer, the portion of costs which are eligible for systems development charge credits or any costs which cannot be clearly documented.

Sec. 205.030. Additional submittal requirements.

Applications to subdivide, partition, or replat land shall include, in addition to the submittal requirements under SRC chapter 300, the following:

- (a) A tentative plan map, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (1) A title block on each sheet indicating the proposed subdivision or phased subdivision name, or, if available, the partition number; the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; date; and township, range and section of the subject property;
 - (2) Scale and north arrow;
 - (3) The location of all property lines within 50 feet of the perimeter of the subject property;

- (4) The boundaries, dimensions, and area of each proposed lot or parcel;
- (5) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
- (6) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessway, and public accessways;
- (7) The location of all existing and proposed easements;
- (8) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
- (9) The location, dimensions, and use of any existing buildings and structures on the subject property, indicating which will remain and which will be removed;
- (10) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;
- (11) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
- (12) For subdivisions and phased subdivisions, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;

(b) A current title report for the property;

(c) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808 a tree conservation plan;

(d) A geological assessment or geo-technical report, if required by SRC chapter 810;

(e) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;

(f) A schematic plan showing the location of existing and proposed city infrastructure;

(g) A preliminary grading plan, for partitions, subdivisions, and phased subdivisions, when grading of the subject property will be necessary to accommodate the proposed development;

(h) For residentially zoned property, where the partition or subdivision will result in a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the location of lot or parcel lines and other details of layout, and demonstrating that future further division of the lot or parcel may readily be made without violating the development standards of the UDC and without interfering with the orderly extension and connection of adjacent streets.

(i) For partitions of property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, a plan showing:

- (1) The location of lot lines and other details of layout demonstrating that the further division and full development of the property to the urban densities allowed by the comprehensive plan may readily be made in conformance with the development standards of the UDC, and without interfering with the orderly extension and connection of adjacent streets.
- (2) The approximate location of city infrastructure following full development to the urban densities allowed by the comprehensive plan.

(i) For subdivisions and phased subdivisions:

- (1) A completed trip generation estimate on forms provided by the City;
- (2) A traffic impact analysis, if required under SRC chapter 803; and
- (3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision.

Sec. 205.055. - Property line adjustments.

- (a) *Applicability.* A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.
- (b) *Procedure type.* A property line adjustment is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:
 - (1) A copy of recorded deeds for the existing units of land;
 - (2) A site plan, drawn to scale, indicating:
 - (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
 - (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;
 - (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;
 - (4) Any additional documents required to establish that the unit(s) of land were legally created;
 - (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:

- (A) The names of the owners;
- (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
- (D) A place for the signatures of all parties, along with proper notary acknowledgment.

(d) *Criteria.* A property line adjustment shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;
- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded; or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;
- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

(e) *Multiple property line adjustments.* If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:

- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
- (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

(f) *Monumentation recording.*

- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;

- (ii) Identifies the grantor and grantee in the correct manner;
- (iii) Includes, when applicable, references to any easements of record;
- (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
- (v) Correctly represents the areas in each legal description; and
- (vi) Complies with the requirements of state law.

(B) The applicant shall record the final property line adjustment deed(s) document; and

(C) The City Surveyor shall review the record of survey map to ensure:

- (i) That the record of survey map conforms with the property line adjustment deeds; and
- (ii) Compliance with state law and this section.

(g) *Expiration.*

- (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
- (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
- (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

Sec. 205.060. - Validation of unit of land.

(a) *Applicability.* The purpose of this section is to provide a process whereby a unit of land unlawfully created may be lawfully established. This section shall only be used to validate units of land created before January 1, 2007. For purposes of this section:

- (1) A unit of land is unlawfully created if the unit of land was created through a sale that did not comply with the criteria applicable to the creation of the unit of land at the time of sale; and
- (2) A unit of land does not include a unit of land created solely to establish a separate tax account, a unit of land created by gift, or a unit of land created through any other method that is not considered a sale.

(b) *Procedure type.* A validation of a unit of land is processed as 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 the validation of a unit of land shall include the following information:

- (1) The recorded deed or land sales contract that created the unit of land;
- (2) For a unit of land unlawfully created within the City, A~~a~~ copy of the land division and zoning regulations applicable to the property at the time ~~in which~~ the unit of land was created; ~~and~~
- (3) For a unit of land unlawfully created outside the City, a written statement from the county identifying the zoning of the property at the time the unit of land was created and either:
 - (A) A written statement from the county confirming the unit of land could have complied with the applicable criteria for creation of the unit of land in effect when it was created; or
 - (B) A copy of the land division and zoning regulations applicable to the property at the time the unit of land was created; and
- (3)(4) A plat prepared in accordance with SRC 205.035 and ORS 92.

(d) *Criteria.* The validation of a unit of land shall be approved if the following criteria are met:

- (1) The unit of land is not a lawfully established unit of land;
- (2) The unit of land was created through sale by deed or land sales contract executed and recorded before January 1, 2007;
- (3) The unit of land could have complied with applicable criteria for the creation of the unit of land in effect when the unit of land was sold; and
- (4) The plat complies with SRC 205.035 and ORS 92.

(e) *Exception.* Notwithstanding subsection (d)(3) of this section, the Review Authority may approve an application to validate a unit of land that was unlawfully created prior to January 1, 2007, if approval was issued for a permit to allow the construction or placement of a dwelling or other building on the unit of land after the sale.

(f) *Expiration; recording.*

- (1) The validation of a unit of land shall expire as provided under SRC 300.850 unless the plat of the validated unit of land is recorded with the applicable county.
- (2) A copy of the recorded plat shall be provided to the Director within 30 days of the date of recording with the county.

(g) *Effect of validation of unit of land.* Development or improvement of a unit of land validated pursuant to this section must comply with all applicable requirements of the UDC in effect at the time a complete application for development or improvement of the unit of land is submitted.

Sec. 205.070. - Modification of approval.

- (a) *Applicability.* The approval of a tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for tentative partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative manufactured dwelling park subdivision plan, or tentative replat.
- (b) *Procedure type.* Modifications pursuant to this section are processed as a Type I-II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements under SRC chapter 300, an application for a modification pursuant to this section shall include the following:
 - (1) For modification of a tentative partition plan approval, the information required under SRC 205.005(c).
 - (2) For modification of a tentative subdivision plan approval, the information required under SRC 205.010(c).
 - (3) For modification of a tentative phased subdivision plan approval, the information required under SRC 205.015(c).
 - (4) For modification of a tentative manufactured dwelling park subdivision plan approval, the information required under SRC 205.020(c).
 - (5) For modification of a tentative replat approval, the information required under SRC 205.025(c).
- (d) *Criteria.* An application for modification pursuant to this section shall be approved if all of the following criteria are met:
 - (1) The proposed modification is ~~does not~~ substantially ~~inconsistent with~~ ~~change~~ the ~~conditions of the~~ original approval; and
 - (2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 210.025. - Planned unit development tentative plan.

- (a) *Applicability.* No land shall be developed as a planned unit development without receiving PUD tentative plan approval as set forth in this section.
- (b) *Procedure type.* A PUD tentative plan is processed as a Type III procedure under SRC chapter 300.

(c) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for PUD tentative plan shall include the following:

- (1) A PUD tentative plan map, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) Site topography, in sufficient detail to determine the grades and character of the site as it relates to the proposed improvements and to the adjacent area;
 - (B) The proposed location, layout, and widths of all streets and sidewalks, and whether they will be public or private;
 - (C) The location, layout, surfacing, and landscaping of all off-street parking areas;
 - (D) Property boundary lines;
 - (E) Proposed lot or parcel lines, if lots or parcels will be created;
 - (F) The location of existing and proposed city infrastructure;
 - (G) The location of all existing and proposed easements;
 - (H) If an outdoor storage area is proposed, a landscaping plan for the area that includes the location of existing trees and an indication whether they are to be retained or removed;
 - (I) If a convenience service area or retail service area is proposed, a landscaping plan for the area that includes the location of existing trees and an indication whether they are to be retained or removed;
 - (J) If common open space is proposed, the particular uses to which the common open space will be put;
 - (K) Areas proposed for parks, scenic ways, playgrounds, schools, public buildings, and other similar activities and whether such areas are to be public or private;
 - (L) If the planned unit development is to be constructed in phases, an indication of the area of each phase, the sequence of construction, and the area and location of any common open space that will be provided with each phase;
 - (M) Except for lots or parcels that will contain single family dwellings, for each existing or proposed building or structure on the site:
 - (i) The location and size of the building or structure;
 - (ii) The intended use of the building or structure, including, but not limited to, convenience service areas, retail service areas, and boat and recreational vehicle storage areas; and
 - (iii) The number of dwelling units in any residential building other than a single family dwelling.
 - (N) The location of all buildings on abutting properties.

(2) A preliminary grading plan, when grading of the subject property will be necessary to accommodate the proposed development;

~~(2)(3) Elevation drawings of all typical proposed buildings or structures, other than single family dwellings. The drawings should be accurate and to scale but need not be final working drawings.~~

~~(3)(4) A completed Trip Generation Estimate for the proposed development, on forms provided by the City;~~

~~(4)(5) A Traffic impact analysis, if required under SRC chapter 803;~~

~~(5)(6) A completed tree inventory on forms provided by the Planning Administrator and, if required under SRC chapter 808, a tree conservation plan;~~

~~(6)(7) A geological assessment or geotechnical report, if required under SRC chapter 810, or a certification from an engineer that landslide risk on the site is low and that there is no need for further landslide risk assessment; and~~

~~(7)(8) If unique or innovative design concepts will be employed, a written description and conceptual drawings illustrating the concepts, along with an identification of the specific goals and policies in the Salem Area Comprehensive Plan that will be furthered through use of such concepts, and an explanation of how the goals and policies will be furthered.~~

(d) *Criteria.* A PUD tentative plan shall be approved if the following criteria are met:

- (1) The PUD tentative plan conforms to the development standards of this chapter.
- (2) The PUD tentative plan provides one or more of the following:
 - (A) Common open space that will be improved as a recreational amenity and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of recreational amenities include, but are not limited to, swimming pools, golf courses, ball courts, children's play areas, picnic and barbecue facilities, and community gardens;
 - (B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;
 - (C) Common open space that will preserve significant natural or cultural features; or
 - (D) Unique or innovative design concepts that further specific identified goals and policies in the Salem Area Comprehensive Plan.
- (3) If a retail service area or a convenience service area is proposed, the area is designed to:

- (A) Adequately provide for privacy and minimize excessive noise on adjacent uses;
- (B) Provide for adequate and safe ingress and egress; and
- (C) Minimize the impact of vehicular traffic on adjacent residential uses.

(e) *Expiration.* Planned unit development tentative plan approval shall expire as provided in SRC 300.850, unless an application for PUD final plan is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Sec. 210.035. - Modification of approval.

- (a) *Modification of planned unit development tentative approval.*
 - (1) *Applicability.* The approval of a PUD tentative plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD tentative plan.
 - (2) *Procedure type.* Modification of a PUD tentative plan approval is processed as a Type II procedure under SRC chapter 300.
 - (3) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a PUD tentative plan approval shall include the information required under SRC 210.025(c).
 - (4) *Criteria.* An application for modification of a PUD tentative plan approval shall be granted if the following criteria are met:
 - (A) The proposed modification is ~~does not~~ substantially inconsistent with change the ~~conditions of the~~ original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
 - (5) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.
- (b) *Modification of planned unit development final plan approval.*
 - (1) *Applicability.* The approval of a PUD final plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD final plan.
 - (2) *Procedure type.* Modification of a PUD final plan approval is processed as a Type II procedure under SRC chapter 300.

- (3) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a PUD final plan approval shall include the information required under SRC 210.030(c).
- (4) *Criteria.* An application for modification a PUD final plan approval shall be granted if the following criteria are met.
 - (A) The proposed modification is does not substantially ~~inconsistent with change~~ the ~~conditions of the~~ original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (5) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 220.005. - Site plan review.

- (a) *Applicability.*
 - (1) Except as provided in subsection (a)(2) of this section, ~~any development that requires a building permit must receive site plan review approval prior to issuance of the building permit. site plan review approval is required:~~
 - (A) Prior to issuance of building permit, for any development that requires a building permit; and
 - (B) Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (aa) Development of a new off-street parking and vehicle use areas;
 - (bb) Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;
 - (cc) Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (dd) Paving of an unpaved area; and
 - (ee) Restriping off-street parking and vehicular use areas, when the layout will be reconfigured.
 - (2) *Exemptions.* ~~The following development that requires a building permit is exempt from site plan review:~~
 - (A) The following development that requires a building permit is exempt from site plan review:
 - (A)(aa) The construction of a single family or duplex dwellings on an individual lot, including the construction of accessory structures and paving associated with such dwellings.
 - (B)(bb) Sign installation.

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

~~(D)(dd)~~ The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.

~~(E)(ee)~~ Interior construction or tenant improvements that involve no change of use.

(B) Any of the activities identified under subsection (a)(1)(B) of this section are exempt from site plan review if they are for a single family or duplex dwelling on an individual lot;

(b) *Classes.* The three classes of site plan review are:

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

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

(3) *Class 3 site plan review.* Class 3 site plan review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

- (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
- (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
- (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
- (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
- (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
- (F) Requires a variance, adjustment, or conditional use permit.

(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 the following:
 - (A) A site 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 all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating 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, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
- (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
- (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 100-year floodplain, if applicable.

(C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.

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

(E) For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

(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 the following:

- (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 15 percent;
- (E) The location of drainage patterns and drainage courses, if applicable;
- (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, 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 810, 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 by SRC chapter 803.

(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;
- (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, stormwater facilities, and other utilities appropriate to the nature of the development.

Sec. 220.010. - Modification of site plan review approval.

- (a) *Applicability.* A site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review.
 - (b) *Procedure type.* ~~Modification of a site plan review approval is processed as a Type I procedure under SRC chapter 300.~~
 - (1) ~~Modification of a Class 1 or Class 2 site plan review approval is processed as a Type I procedure under SRC chapter 300.~~
 - (2) ~~Modification of a Class 3 site plan review approval is processed as a Type II procedure under SRC chapter 300.~~
 - (c) *Submittal requirements.* ~~In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for modification of a site plan review approval shall include the following:~~
 - (1) ~~For modification of a Class 1 site plan review approval, the information required under SRC 220.005(d);~~
 - (2) ~~For modification of a Class 2 site plan review approval, the information required under SRC 220.005(e)(1); and~~
 - (3) ~~For modification of a Class 3 site plan review approval, the information required under SRC 220.005(e)(2).~~
 - (1) ~~Modification of a Class 1 or Class 2 site plan review approval shall include, in addition to the submittal requirements for a Type I application under SRC chapter 300, the following:~~
 - (A) ~~For modification of a Class 1 site plan review approval, the information required under SRC 220.005(d); and~~
 - (B) ~~For modification of a Class 2 site plan review approval, the information required under SRC 220.005(e)(1).~~
 - (2) ~~Modification of a Class 3 site plan review approval shall include, in addition to the submittal requirements for a Type II application under SRC chapter 300, the information required under SRC 220.005(e)(2).~~

(d) *Criteria.*

(1) Modification of a Class 1 or Class 2 site plan review approval shall be granted if all of the following criteria are met: the proposed modification will not result in significant changes to the physical appearance of the development, use of the site, and the impacts on surrounding properties.

(A) The proposed modification does not change the class of site plan review of the original application; and

(B) The proposed modification meets all applicable standards of the UDC.

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

(A) The proposed modification ~~is~~ does not substantially ~~inconsistent with~~ change the ~~conditions of the~~ original approval; and

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

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

Sec. 225.010. - Modification of design review approval.

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

(b) *Procedure type.*

(1) Modification of a Class 1 design review approval is processed as a Type I procedure under SRC chapter 300.

(2) Modification of a Class 2 or Class 3 design review approval is processed as a Type II procedure under SRC chapter 300.

(3) ~~Modification of a Class 3 design review approval is processed as a Type II procedure under SRC chapter 300.~~

(c) *Submittal requirements.*

(1) Modification of a Class 1 design review approval shall include, in addition to the submittal requirements for a Type I application under SRC chapter 300, the information required under SRC 225.005(d)(2).

(2) Modification of a Class 2 or Class 3 design review approval shall include, in addition to the submittal requirements for a Type II application under SRC chapter 300, the information required under SRC 225.005(d)(2).

(d) *Criteria.*

- (1) Modification of a Class 1 design review approval shall be granted if the proposed modification meets all of the applicable design review standards.
- (2) Modification of a Class 2 or Class 3 design review approval shall be granted if all of the following criteria are met:
 - (A) The proposed modification ~~is~~does not substantially ~~inconsistent with~~change the ~~conditions of the~~ original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 235.015. - Modification of manufactured dwelling park permit approval.

- (a) *Applicability.* A manufactured dwelling park permit approval may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for manufactured dwelling park permit.
- (b) *Procedure type.* Modification of a manufactured dwelling park permit approval is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a manufactured dwelling park permit approval shall include the information required under SRC 235.010(c).
- (d) *Criteria.* An application for modification of a manufactured dwelling park permit approval shall be granted if the following criteria are met:
 - (1) The proposed modification ~~is~~does not substantially ~~inconsistent with~~change the ~~conditions of the~~ original approval; and
 - (2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 240.010. - Modification of conditional use approval.

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

- (b) *Procedure type.* Modification of a conditional use permit approval is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a conditional use permit approval shall include the information required under SRC 240.005(c).
- (d) *Criteria.* An application for modification of a conditional use permit approval shall be granted if all of the following criteria are met:
 - (1) The proposed modification ~~is~~does not substantially ~~inconsistent with~~change the ~~conditions of the~~ original approval; and
 - (2) When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 245.010. - Modification of variance approval.

- (a) *Applicability.* A variance approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for variance.
- (b) *Procedure type.* Modification of a variance approval is processed as a Type III procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for modification of a variance approval shall include the information required under SRC 245.005(c).
- (d) *Criteria.* An application for modification of a variance approval shall be granted if all of the following criteria are met:
 - (1) The proposed modification ~~is~~does not substantially ~~inconsistent with~~change the ~~conditions of the~~ original approval; and
 - (2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 250.010. - Modification of adjustment approval.

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

- (b) *Procedure type.* Modification of a Class 1 or Class 2 adjustment approval is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a Class 1 or Class 2 adjustment approval shall include the information required under SRC 250.005(c).
- (d) *Criteria.* An application for modification of a Class 1 or Class 2 adjustment approval shall be granted if all of the following criteria are met:
 - (1) The proposed modification is ~~does not~~ substantially ~~inconsistent with~~ ~~change~~ the ~~conditions of the~~ original approval; and
 - (2) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 300.100. - Procedure types.

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth 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

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

		Planning Commission, or Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the 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.
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- (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 UDC, 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 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

		<u>Application Pre-Submittal</u>			Review Authority				
Application	Procedure Type	Pre-App. Required	<u>N.A</u> <u>Contact</u>	<u>Open</u> <u>House</u>	Decision	Appeal	Council Review	Applicable Code Chapter(s)	
Adjustment									
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250	
<u>Class 1 adjustment</u> <u>(modification)</u>	II	N	N	N	PA	HO	N	SRC 250	
Class 2 adjustment	II	Y-N	N	N	PA	HO	Y ⁽¹⁾	SRC 250	

<u>Class 2 adjustment (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y⁽¹⁾</u>	<u>SRC 250</u>
Airport overlay zone height variance	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 602
Comprehensive plan map amendment (minor)	III	Y	<u>N</u>	<u>Y</u>	PC	CC	Y	SRC 64
Conditional use	III	Y	<u>Y</u>	<u>N</u>	HO	PC	Y	SRC 240
<u>Conditional use (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 240</u>
Design review								
Class 1 design review	I	Y	<u>N</u>	<u>N</u>	PA	-	N	SRC 225
<u>Class 1 design review (modification)</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	-	<u>N</u>	<u>SRC 225</u>
Class 2 design review	II	Y	<u>N</u>	<u>N</u>	PA	PC	N	SRC 225
<u>Class 2 design review (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>N</u>	<u>SRC 225</u>
Class 3 design review	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 225
<u>Class 3 design review (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 225</u>
Driveway approach permit								
<u>Class 1 driveway approach permit</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PWD</u>	-	<u>N</u>	<u>SRC 804</u>
<u>Class 2 driveway approach permit</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PWD</u>	<u>HO</u>	<u>N</u>	<u>SRC 804</u>
Extensions								
<u>Class 1 Extension</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	-	<u>N</u>	<u>SRC 300</u>
<u>Class 2 Extension</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 300</u>
Fairview Mixed-Use Zone								
Fairview plan	III	Y	<u>Y</u>	<u>Y</u>	PC	CC	Y	SRC 530
Fairview plan amendment (minor)	II	Y	<u>Y</u>	N	PA	PC	Y	SRC 530
Fairview plan amendment (major)	III	Y	<u>N</u>	<u>Y</u>	PC	CC	Y	SRC 530

Refinement plan	III	Y	<u>N</u>	<u>Y</u>	PC	CC	Y	SRC 530
Refinement plan amendment (minor)	II	Y	<u>Y</u>	<u>N</u>	PA	PC	Y	SRC 530
Refinement plan amendment (major)	III	Y	<u>N</u>	<u>Y</u>	PC	CC	Y	SRC 530
Floodplain Overlay Zone								
Floodplain development permit	I	N	<u>N</u>	<u>N</u>	BO & PWD	-	N	SRC 601
Class 1 Floodplain Overlay Zone Variance	III	N	<u>N</u>	<u>N</u>	HO	CC	Y	SRC 601
Class 2 Floodplain Overlay Zone Variance	III	N	<u>N</u>	<u>N</u>	HO	CC	Y	SRC 601
Historic Review								
Minor historic design review	I	N	<u>N</u>	<u>N</u>	PA	HLC	N	SRC 230
Major historic design review	III	N	<u>N</u>	<u>N</u>	HLC	HO	N	SRC 230
Major historic design review—new construction	III	N	<u>N</u>	<u>N</u>	HLC	HO	Y	SRC 230
Historic resource adaptive reuse	III	N	<u>Y</u>	<u>N</u>	HO	PC	Y	SRC 230
Historic resource demolition	III	N	<u>N</u>	<u>Y</u>	HLC	CC	Y	SRC 230
Local historic resource designation	IV	N	<u>N</u>	<u>N</u>	HLC - Recommendation ; CC - Decision	-	N	SRC 230
Class 1 local historic resource designation removal	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 230
Class 2 local historic resource designation removal	IV	N	<u>N</u>	<u>N</u>	HLC - Recommendation ; CC - Decision	-	N	SRC 230
Landslide hazard construction permit	I	N	<u>N</u>	<u>N</u>	PWD	HO	N	SRC 810

Manufactured dwelling park permit	II	Y	<u>N</u>	<u>N</u>	PA	HO	Y	SRC 235
<u>Manufactured dwelling park permit (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 235</u>
Neighborhood center master plan								
Class 1 NCMP	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 215
Class 2 NCMP	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 215
Class 2 NCMP detailed plan (subsequent phases)	II	N	<u>Y</u>	<u>N</u>	PA	PC	Y	SRC 215
Class 3 NCMP (first subarea)	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 215
Class 3 NCMP (subsequent subareas)	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 215
NCMP amendment (minor)	II	N	<u>Y</u>	<u>N</u>	PA	PC	Y	SRC 215
NCMP amendment (major)	III	N	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 215
Neighborhood plan map amendment	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 64
Nonconforming use extension, alteration, expansion, or substitution	III	Y	<u>Y</u>	<u>N</u>	HO	PC	Y	SRC 270
Partition								
Tentative plan	II	N	<u>Y</u>	<u>N</u>	PA	PC	Y	SRC 205
<u>Tentative plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
Final plat	Exempt	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 205
Planned unit development								
Tentative plan	III	Y	<u>Y</u>	<u>N</u>	PC	CC	Y	SRC 210
<u>Tentative plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 210</u>
Final plan	II	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 210
<u>Final plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	-	<u>N</u>	<u>SRC 210</u>
Property line adjustment	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 205

Property boundary verification	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 205
Replat								
Tentative plan	II	N	<u>N</u>	<u>N</u>	PA	PC	Y	SRC 205
<u>Tentative plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
Final plat	Exempt	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 205
Signs								
Sign permit	I	N	<u>N</u>	<u>N</u>	CDD	-	N	SRC 900
Sign adjustment	II	N	<u>N</u>	<u>N</u>	CDD	-	N	SRC 900
Sign conditional use permit	III	N	<u>Y</u>	<u>N</u>	HO	PC	Y	SRC 900
Sign variance	III	N	<u>Y</u>	<u>N</u>	HO	PC	Y	SRC 900
Site Plan Review								
Class 1 site plan review	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 220
<u>Class 1 site plan review (modification)</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	-	<u>N</u>	<u>SRC 220</u>
Class 2 site plan review	I	N	<u>N</u>	<u>N</u>	PA	-	N	SRC 220
<u>Class 2 site plan review (modification)</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	-	<u>N</u>	<u>SRC 220</u>
Class 3 site plan review	II	N	<u>Y</u>	<u>N</u>	PA	HO	<u>Y⁽¹⁾</u>	SRC 220
<u>Class 3 site plan review (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y⁽¹⁾</u>	<u>SRC 220</u>
South Waterfront Mixed-Use Zone								
Development phasing plan	II	N	<u>N</u>	<u>N</u>	PA	HO	Y	SRC 531
<u>Development phasing plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 531</u>
Subdivision								
Tentative plan	II	N	<u>Y</u>	<u>N</u>	PA	PC	Y	SRC 205
<u>Tentative plan (modification)</u>	<u>II</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>

Phased subdivision tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
<u>Phased subdivision tentative plan (modification)</u>	II	N	N	N	PA	PC	Y	<u>SRC 205</u>
Manufactured dwelling park subdivision tentative plan	II	N	N	N	PA	PC	Y	SRC 205
<u>Manufactured dwelling park subdivision tentative plan (modification)</u>	II	N	N	N	PA	PC	Y	<u>SRC 205</u>
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Temporary Use Permit								
Class 1 temporary use permit	I	N	N	N	PA	-	N	SRC 701
Class 2 temporary use permit	II	N	N	N	PA	HO	N	SRC 701
Tree & vegetation removal								
Tree Conservation Plan	I	N	N	N	PA	HO	N	SRC 808
Tree conservation plan adjustment	I	N	N	N	PA	HO	N	SRC 808
Tree & vegetation removal permit	I	N	N	N	PA	-	N	SRC 808
Tree variance	II	N	N	N	PA	HO	Y	SRC 808
Urban growth management								
Urban service area amendment	IV	N	N	N	CC	-	N	SRC 200
Urban Growth Preliminary Declaration	II	N	N	N	PA	CC	Y	SRC 200
<u>Urban Growth Preliminary Declaration (Amendment)</u>	II	N	N	N	PA	CC	Y	<u>SRC 200</u>
Validation of unit of land	III-II	Y	N	N	HO-PA	PC-HO	Y	SRC 205
Variance	III	Y	Y	N	HO	PC	Y	SRC 245

<u>Variance (modification)</u>	<u>III</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 245</u>
Willamette Greenway								
Class 1 greenway development permit	II	N	Y	N	PA	HO	Y	SRC 600
Class 2 greenway development permit	III	Y	Y	N	HO	PC	Y	SRC 600
Wireless communication facilities								
Temporary siting permit	I	N	N	N	PA	-	N	SRC 703
Class 1 siting permit	I	N	N	N	PA	-	N	SRC 703
Class 2 siting permit	II	N	N	N	PA	HO	Y	SRC 703
Class 3 siting permit	III	Y	N	N	HO	PC	Y	SRC 703
Wireless communication facilities adjustment	II	Y	N	N	PA	HO	Y	SRC 703
Zone change (quasi-judicial)	III	Y	Y	N	HO	CC	Y	SRC 265

Limitations and Qualifications

(1) Decision eligible for City Council Review only upon receipt of an appeal. See SRC 300.520(f)(3)(A).

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

Sec. 300.210. - Application submittal.

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
 - (1) A completed application form. The application form shall contain, at a minimum, the following information:
 - (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (B) The address or location of the subject property and its assessor's map and tax lot number;
 - (C) The size of the subject property;

- (D) The comprehensive plan designation and zoning of the subject property;
- (E) The type of application(s);
- (F) A brief description of the proposal; and
- (G) 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).

(2) Recorded deed/land sales contract with legal description;

(3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

(4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

(5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

(6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

(7) For applications requiring an open house under SRC 300.320:

- (A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or
- (B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

(8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

(9) A written statement addressing each applicable approval criterion and standard;

(10) For Type II, Type III, and applicant initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an

identified registered agent, the HOA name and mailing address and e-mail address, if an e-mail address exists, for the registered agent HOA.

(11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

~~(8)~~(11) Any additional information required under the UDC for the specific land use action sought;

~~(9)~~(12) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

~~(10)~~(13) Payment of the applicable application fee(s) pursuant to SRC 110.090.

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.
- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Sec. 300.230. - Withdrawal of application.

- (a) An application may be withdrawn by the applicant at any time prior to the issuance of the final written decision of the City, including the final written decision of the City on an appeal or City Council Review, if the owner or contract purchaser consents in writing to withdraw the application; and
- (b) A request to withdraw an application shall be in writing.
- (c) Upon receipt of a request to withdraw, the application shall be deemed dismissed without further action by the Review Authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A new application, upon payment of a new fee, may be filed unless the filing is barred by another provision of the UDC. Withdrawals under this subsection cannot be appealed.
- ~~(b)~~(d) If an application is withdrawn after the mailing of public notice, the Planning Administrator shall send written notice stating the application has been withdrawn to all persons who were provided mailed notice of the application or public hearing.

PRE-APPLICATION CONFERENCE REQUIREMENTS PRIOR TO APPLICATION SUBMITTAL

Sec. 300.300. – Purpose-Pre-Application Conference.

(a) Purpose. Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

Sec. 300.310. –(b) Applicability and waiver of pre-application requirement.

(a)(1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.

(b)(2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.

(c)(3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.

Sec. 300.320. –(c) Pre-application conference procedures.

(a)(1) *Application requirements.*

(1)(A) *Application form.* Pre-application conference requests shall be made on forms provided by the Planning Administrator.

(2)(B) *Submittal requirements.* Pre-application conference requests shall:

(A)(i) Include a completed application form;

(B)(ii) Include payment of the application fee;

(C)(iii) Be accompanied by the information required, if any, for the specific pre-application conference sought; and

(D)(iv) Be accompanied by any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow city staff to review and comment.

(b)(2) *Scheduling of pre-application conference.* Upon receipt of a complete application, the Planning Administrator shall schedule the pre-application conference. The Planning Administrator shall coordinate the involvement of other

city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

~~(e)(3)~~ *Pre-application conference summary.* Subsequent to the pre-application conference, the Planning Administrator will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the City or any other outside agency or service provider on the merits of the proposal.

~~(e)(4)~~ *Validity period for mandatory pre-application conferences; follow-up conferences.* A follow-up conference is required for those mandatory pre-application conferences that have already been held when:

- ~~(1)(A)~~ A complete application relating to the proposed development that was the subject of the pre-application conference has not been submitted within 18 months of the pre-application conference;
- ~~(2)(B)~~ The proposed use, layout, and/or design of the proposal have significantly changed; or
- ~~(3)(C)~~ The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Sec. 300.310. - Neighborhood Association Contact.

- (a) *Purpose.* The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) *Applicability.*
 - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.
- (c) *Process.* Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s)

whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:

- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
- (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;
- (d) Effect on subsequent land use application submittal. A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Sec. 300.320. - Open House.

- (a) Purpose. The purpose of an open house is to provide an opportunity for applicants to share plans for certain types of proposed land use applications with the public in advance of the applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) Applicability.
 - (1) An open house, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring an open house.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house.
- (c) Process. Prior to submitting a land use application requiring an open house, the applicant shall arrange and attend one open house for the purpose of providing the applicant with the opportunity to share their proposal with the neighborhood and surrounding property owners and residents prior to application submittal. The open house shall be open to the public and shall be arranged, publicized, and conducted as follows:
 - (1) Date and time. The public open house shall be held:

- (A) Not more than 90 days prior to land use application submittal and at least seven days after providing notice as required under SRC 300.320(c)(3) and (c)(4);
- (B) At a time between 5:30 p.m. and 9 p.m. Monday through Friday, or between 9 a.m. and 9 p.m. on Saturday or Sunday; and
- (C) Shall not be held on a legal holiday.

(2) Location. The open house shall be held:

- (A) Within the boundaries of the City-recognized neighborhood association the property is located within or within two miles of the subject property; and
- (B) In a location where there is an accessible route from outside the building to the space where the open house will be held.

(3) Written notice. Written notice of the public open house is required and shall be provided as follows:

- (A) The applicant shall provide written notice of the public open house a minimum of seven days prior to the public open house to:
 - (i) Any City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property; and
 - (ii) The Planning Administrator.
- (B) Written notice shall include:
 - (i) The name, telephone number, and e-mail address of the applicant;
 - (ii) The address of the subject property;
 - (iii) A map of the subject property;
 - (iv) The date, time, and location of the open house;
 - (v) A summary of the proposal; and
 - (vi) A conceptual site plan, if applicable, that includes the proposed development.

(4) Posted Notice. Posted notice of the public open house is required and shall be provided as follows:

- (A) The applicant shall post notice on the property affected by the proposal a minimum of seven days prior to the open house.
- (B) The posted notice shall:
 - (i) Be on a sign a minimum of 22 inches by 34 inches in size;
 - (ii) 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;

- (iii) Remain in place through the day of the public open house; and
 - (iv) Contain the following information:
 - (aa) The name, telephone number, and e-mail address of the applicant;
 - (bb) The address of the subject property;
 - (cc) The date, time, and location of the public open house; and
 - (dd) A summary of the proposal.
- (d) *Open House Requirements.* The applicant shall provide a sign-in sheet at the open house requesting the name, address, telephone number, and e-mail address of those in attendance.
- (e) *Effect on subsequent land use application submittal.* A land use application requiring an open house shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the sign-in sheet from the open house and a summary of the comments provided.
- (f) *Neighborhood association meeting in-lieu of open house.* When an open house is required for a land use application, an applicant may elect to present at a neighborhood association meeting in-lieu of arranging and attending an open house. In order for a neighborhood association meeting to be substituted for an open house:
 - (1) The neighborhood association meeting must be a regularly scheduled meeting of the neighborhood association whose boundaries include the subject property. Where the subject property is located within the boundaries of more than one neighborhood association, the neighborhood association whose boundaries include the majority of the subject property shall be the applicable neighborhood association;
 - (2) The applicant's proposal must be included on the neighborhood association's official meeting agenda published in advance of the meeting;
 - (3) Written notice. Written notice of the neighborhood association meeting shall be provided as follows:
 - (A) The applicant shall provide written notice of the neighborhood association meeting a minimum of seven days prior to the meeting to:
 - (i) Any City-recognized neighborhood association(s), other than the applicable neighborhood association, whose boundaries include, or are adjacent to, the subject property; and
 - (ii) The Planning Administrator.
 - (B) Written notice shall include:
 - (i) The name, telephone number, and e-mail address of the applicant;
 - (ii) The address of the subject property;
 - (iii) A map of the subject property;

- (iv) The date, time, and location of the neighborhood association meeting;
- (v) A summary of the proposal; and
- (vi) A conceptual site plan, if applicable, that includes the proposed development.

(4) *Posted notice.* Posted notice of the neighborhood association meeting shall be provided as follows:

- (A) The applicant shall post notice on the property affected by the proposal a minimum of seven days prior to the neighborhood association meeting.
- (B) The posted notice shall:
 - (i) Be on a sign a minimum of 22 inches by 34 inches in size;
 - (ii) 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;
 - (iii) Remain in place through the day of the neighborhood association meeting; and
 - (iv) Contain the following information:
 - (aa) The name, telephone number, and e-mail address of the applicant;
 - (bb) The address of the subject property;
 - (cc) The date, time, and location of the neighborhood association meeting; and
 - (dd) A summary of the proposal.

(5) *Effect on subsequent land use application submittal.* When a neighborhood association meeting has been substituted for a required public open house, the land use application shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a summary of the comments provided at the neighborhood association meeting.

Sec. 300.420. - Type I procedure.

- (a) *Application requirements.*
 - (1) *Application form.* Type I applications shall be made on forms provided by the Planning Administrator.
 - (2) *Submittal requirements.* Type I applications shall include the information required under SRC 300.210.
- (b) *Public notice and comment period.* Public notice and opportunity for comment is not provided for Type I applications.

- (c) *Decision.* The Review Authority shall approve or deny the application according to the applicable standards and criteria. The decision shall be a written order.
- (d) *Notice of decision.*
 - (1) Except as provided under subsection (d)(2) of this section, notice of the decision for Type I applications shall be mailed to the applicant.
 - (2) Notice of the decision on a minor historic design review application shall be mailed to:
 - (A) The applicant;
 - (B) The owner of the subject property;
 - (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; and
 - (D) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property.
- (e) *Appeal and review.*
 - (1) Except as otherwise provided in this subsection, the decision of the Review Authority on a Type I application shall be the final decision of the City, may not be appealed, and is not subject to Council review under SRC 300.1050.
 - (A) The decision on a minor historic design review application may be appealed, pursuant to SRC 300.1010. Only the applicant, the owner of the subject property, or any person entitled to notice of the decision have standing to appeal the decision on a minor historic design review application. The decision of the Review Authority on appeal of a minor historic design review application shall be the final decision of the City.
 - (B) The decision on a tree conservation plan may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a tree conservation plan. The decision of the Review Authority on appeal shall be the final decision of the City.
 - (C) The decision on a tree conservation plan adjustment may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a tree conservation plan adjustment. The decision of the Review Authority on appeal shall be the final decision of the City.
 - (D) The decision on a landslide hazard construction permit may be appealed, pursuant to SRC 300.1010. Only the applicant or the owner of the subject property have standing to appeal the decision on a landslide hazard construction permit. The decision of the Review Authority on appeal shall be the final decision of the City.
 - (2) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (f) *Expiration.* Approval of a Type I application does not expire, unless otherwise provided under SRC 300.850(a) or another provision of the UDC.

Sec. 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, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.
 - (1) *Mailed notice.* Mailed notice shall be provided as follows:
 - (A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.
 - (B) Notice of the application shall be mailed to:
 - (i) The applicant(s) and/or the applicant's authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA with utilizing the contact information provided by the applicant;
 - (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property.
 - (viii) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

~~(vii)~~(ix) 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;
- (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 ten 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 five 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 provided on signs prepared as prescribed 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.~~

(D)(E) ~~The applicant shall remove the signs from the subject property and return them to the Planning Administrator within seven days after the date the decision is issued. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days, in an undamaged and reusable condition.~~

(c) *Application review.* The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.

(d) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.

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

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

(A) The applicant(s) and/or authorized representative(s);

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

(C) The address of the subject property, based on the City's current addressing records;

(D) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA with utilizing the contact information provided by the applicant;

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

(D)(F) Any group or individual who submitted written comments during the comment period;

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

(H) Addresses, based on the City's current addressing records, within 250 feet of the subject property.

(F)(I) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and

(G)(J) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.

(2) Notice of the decision shall include:

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

(f) *Appeal and review.*

- (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the Council pursuant to SRC 300.1050, the decision by of the Planning Administrator Review Authority on a Type II application shall be the final decision of the City.
- (2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.
- (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsections (f)(3)(A) and (B) of this section, the decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.

- (A) Upon receipt of an appeal of a decision on a Class 3 site plan review, modification of a Class 3 Site Plan Review, or a Class 2 adjustment, or modification of a Class 2 Adjustment, notice of the appeal shall be provided to the Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the Council does not assume jurisdiction, then the decision of the Review Authority on the appeal is the final decision of the City.
- (B) The decision on a Class 1 adjustment, modification of a Class 1 adjustment, or a Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign 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 300.850(a).

Sec. 300.620. - Type III procedure.

- (a) *Application requirements.*
 - (1) *Application form.* Type III applications shall be made on forms provided by the Planning Administrator.
 - (2) *Submittal requirements.* Type III applications shall include the information required under SRC 300.210.
- (b) *Public notice.* Public notice is required for Type III applications. Public notice shall be by first class mail and by posting on the subject property.
 - (1) *Oregon Department of Land Conservation and Development notice.* Notice to the Oregon Department of Land Conservation and Development is required for certain Type III applications, pursuant to ORS 197.610. Notice to the Oregon Department of Land Conservation and Development is shall be provided as follows:
 - (A) The City shall provide notice of the application to the Oregon Department of Land Conservation and Development no later than the minimum number of days required by ORS ch. 197. An affidavit of mailing shall be prepared and made part of the file.
 - (B) Notice to the Oregon Department of Land Conservation and Development shall be made on forms provided by the Oregon Department of Land Conservation and Development. Notice shall be accompanied by information of sufficient detail to convey the nature and effect of the application, and a certificate of mailing.
 - (2) *Mailed notice.* Mailed notice shall be provided as follows:

(A) The City shall mail notice of the public hearing not less than 20 days prior to the public hearing. An affidavit of mailing shall be prepared and made part of the file.

(B) Notice of public hearing shall be mailed to:

- (i) The applicant(s) and/or authorized representative(s);
- (ii) The owner(s) or contract purchaser(s) of record of the subject property;
- (iii) The address of the subject property, based on the City's current addressing records;
- (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA with utilizing the contact information provided by the applicant;
- (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- (viii) Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;
- (ix) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
- (x) The tenants of a manufactured home or mobile home park, for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park; and
- (xi) All property owners within the historic district, for major historic design review applications within a historic district and historic resource demolition applications.

(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 request;
- (iii) The proposed site plan, if any;

- (iv) The street address or other easily understood geographical reference to 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 applicable criteria by name and code section;
- (vii) The date, time, and place of the public hearing;
- (viii) 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;
- (ix) A brief summary of the decision making process for the application;
- (x) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
- (xi) A statement that all interested persons may appear either in person or with representation by an attorney and provide testimony; and that only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision;
- (xii) A statement that failure to raise an issue prior to the close of the public hearing, in person or in writing, or failure to provide statements or evidence with sufficient specificity to afford the applicant and Review Authority to respond to the issue precludes an appeal to the Oregon Land Use Board of Appeals on that issue;
- (xiii) A statement that a copy of the staff report with recommendation to the Review Authority will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at a reasonable cost;
- (xiv) A statement that after the close of the public hearing a decision shall be made that will be mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision; and
- (xv) The name and contact information for the staff case manager.

(3) *Posted notice.* Posted notice shall be provided as follows:

- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. The notice shall remain in place through the day of the public hearing. The applicant shall file an affidavit of posting with the City no later than five days after the date of the 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 provided on signs prepared as prescribed by the Planning Administrator.
- (D) ~~To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.~~
- (D)(E) The applicant shall remove the signs from the subject property ~~and return them to the Planning Administrator~~ within seven days after the close of the public hearing. ~~The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days in an undamaged and reusable condition.~~
- (c) *Application review and staff report.* Staff shall review the application, written comments, and evidence submitted prior to the public hearing and prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and making a recommendation to the Review Authority. The staff report shall be made available to the public for review a minimum of seven days prior to the hearing.
- (d) *Public hearing.* A public hearing shall be held before the Review Authority for the purpose of receiving evidence and testimony regarding the application. The hearing shall be conducted in accordance with the public hearing procedures established under SRC 300.900. The Review Authority shall consider in its review the application, all evidence and testimony submitted for the record, and the recommendation of staff.
- (e) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision shall be a written order and include:
 - (1) A list of the approval criteria by section number;
 - (2) A statement of facts upon which the Review Authority relied to find the application does or does not comply with each approval criterion and to justify any conditions of approval. The Review Authority may direct the party whose position is adopted to prepare the statement of facts, and may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order;
 - (3) A statement of conclusions based on the statement of facts; and
 - (4) An order approving, approving with conditions, or denying the application.
- (f) *Notice of decision.* Notice of the decision shall be mailed within seven days from the date the Review Authority adopts the written order. An affidavit of mailing shall be prepared and made part of the file.
 - (1) Notice of decision shall be mailed to:
 - (A) The applicant(s) and/or authorized representative(s);

- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (D) Any group or individual who submitted testimony for the record prior to the close of the public hearing;
- (E) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency that submitted testimony prior to the close of the public hearing;
- (F) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision to the City; and
- (G) The Oregon Department of Land Conservation and Development, for decisions which required notice to the Oregon Department of Land Conservation and Development.

(2) Notice of decision shall include:

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

(g) *Appeal and review.*

- (1) Unless appealed pursuant to SRC 300.1010 or review is initiated by the Council pursuant to SRC 300.1050, the decision by of the Review Authority on a Type III application shall be the final decision of the City.
- (2) Only the applicant and persons who provided evidence or testimony prior to the close of the public hearing have standing to appeal a Type III application.
- (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsection (g)(4) of this section, the decision of the Review

Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.

- (4) Except for new construction, as defined under SRC chapter 230, the decision on a Major Historic Design Review application is not subject to Council review. The decision on a Major Historic Design review application for new construction, as defined under SRC chapter 230, shall be subject to Council review.
- (5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

(h) *Expiration of approval.* Approval of a Type III application expires automatically as provided under SRC 300.850(a).

Sec. 300.720. - Type IV procedure.

- (a) *Application requirements.*
 - (1) *Applicant initiated.* If the Type IV application is applicant initiated, the following shall apply.
 - (A) *Application form.* Type IV applications shall be made on forms provided by the Planning Administrator.
 - (B) *Submittal requirements.* Type IV applications shall include the information required under SRC 300.210.
 - (2) *City initiated.* If the Type IV application is City initiated, the application shall be initiated by resolution of the Council, Planning Commission, or Historic Landmarks Commission.
- (b) *Public notice.* Public notice is required for Type IV applications. Because Type IV applications require evidentiary public hearings before the initial Review Authority and before the Council, public notice is required for each hearing. Public notice shall be mailed and posted on the subject property.
 - (1) *Oregon Department of Land Conservation and Development notice.* Notice to the Oregon Department of Land Conservation and Development is required for certain Type IV applications, pursuant to ORS 197.610. Notice to the Oregon Department of Land Conservation and Development shall be provided as follows:
 - (A) The City shall provide notice of the application to the Oregon Department of Land Conservation and Development no later than the minimum number of days required by ORS ch. 197. An affidavit of mailing shall be prepared and made part of the file.
 - (B) Notice to the Oregon Department of Land Conservation and Development shall be provided on forms provided by the Oregon Department of Land Conservation and Development. The notice shall be accompanied by information of sufficient detail to convey the nature and effect of the application and approval being sought, and the certificate of mailing of the notice.
 - (2) *Mailed notice.* Mailed notice shall be provided as follows:

(A) *Applicant initiated applications.*

- (i) *Initial public hearing.* When a Type IV application is applicant initiated, the City shall mail notice of the initial evidentiary hearing a minimum of 20 days prior to the hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of the initial public hearing shall be mailed to:
 - (aa) The applicant(s) and/or authorized representative(s);
 - (bb) The owner(s) or contract purchaser(s) of record of the subject property, if different from the applicant;
 - (cc) The address of the subject property, based on the City's current addressing records;
 - (dd) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA with utilizing the contact information provided by the applicant;
 - (ee) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (ff) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (gg) Addresses, based on the City's current addressing records, within 250 feet of the subject property.
 - (hh) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
 - (ii) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; and
 - (jj) The tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park.
- (ii) *Subsequent public hearings.* The City shall mail notice of a subsequent public hearing, including, but not limited to, a final hearing, a minimum of ten days prior to the hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of any subsequent public hearing shall be mailed to:
 - (aa) The applicant(s) and/or authorized representative(s);

- (bb) The owner(s) or contract purchaser(s) of record of the subject property, if different from the applicant;
- (cc) The address of the subject property, based on the City's current addressing records;
- (dd) Any **active and duly incorporated** Homeowner's Association (HOA) involving the subject property **that is registered with the Oregon Secretary of State and which includes an identified registered agent.** For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the **registered agent of the HOA with utilizing** the contact information provided by the applicant;
- (ee) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (ff) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- (gg) Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- (hh) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
- (ii) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
- (jj) The tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park;
- (kk) Any group or individual who submitted testimony for the record prior to the close of the initial public hearing; and
- (ll) Any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the Council.

(B) *City initiated applications.*

- (i) *Initial public hearing.* When a Type IV application is City initiated, the City shall mail notice of the initial evidentiary hearing a minimum of 20 days prior to the hearing. The City shall mail notice of the final public hearing a minimum of ten days prior to the hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of the initial public hearing shall be mailed to:

- (aa) The owner(s) or contract purchaser(s) of record of the subject property;
- (bb) The address of the subject property, based on the City's current addressing records.
- ~~(ee) Any Homeowner's Association (HOA) involving the subject property. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the HOA with the contact information provided by the applicant;~~
- ~~(bb)(cc) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;~~
- ~~(ee)(dd) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;~~
- ~~(ff)(ee) Addresses, based on the City's current addressing records, within 250 feet of the subject property;~~
- ~~(dd)(ff) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;~~
- ~~(ee)(gg) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;~~
- ~~(ff)(hh) The tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park.~~
- (ii) *Subsequent public hearings.* The City shall mail notice of any subsequent public hearing, including, but not limited to, a final public hearing, a minimum of ten days prior to the hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of any subsequent public hearing shall be mailed to:
 - (aa) The owner(s) or contract purchaser(s) of record of the subject property;
 - (bb) The address of the subject property, based on the City's current addressing records.
 - ~~(ee) Any Homeowner's Association (HOA) involving the subject property. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the HOA with the contact information provided by the applicant;~~

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

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

(ff)(ee) Addresses, based on the City's current addressing records, within 250 feet of the subject property;

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

(~~ee~~)(gg) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;

(ff)(hh) The tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park;

(gg)(ii) Any group or individual who submitted testimony for the record prior to the close of the initial public hearing; and

(hh)(ii) Any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the Council.

(C) *Contents.* Mailed notice of each public hearing on a Type IV application shall include:

- (i) The names of the applicant(s) and any representative(s) of the applicant, if applicable, and the owner(s) of the subject property;
- (ii) The type of application and a concise description of the nature of the request;
- (iii) Site plan, if applicable;
- (iv) The street address or other easily understood geographical reference to 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) The date, time, and place of the public hearing;
- (viii) A statement that the application and/or all documents and evidence submitted are available for review, and that copies can be obtained at a reasonable cost;
- (ix) A brief summary of the decision making process for the application;

- (x) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
- (xi) A statement that all interested persons may appear either in person or with representation by an attorney and provide testimony and that only those participating at the hearing, or in writing, shall be entitled to appeal;
- (xii) A statement that failure to raise an issue prior to the close of the public hearing, in person or in writing, or failure to provide statements or evidence with sufficient specificity to afford the applicant and Review Authority to respond to the issue precludes an appeal to the Oregon Land Use Board of Appeals on that issue;
- (xiii) A statement that a copy of the staff report with recommendation to the Review Authority will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at a reasonable cost;
- (xiv) For the initial public hearing, a statement that subsequent to the close of the hearing a recommendation will be forwarded to the Council; and for the final public hearing a statement that subsequent to the close of the hearing notice of the decision will be mailed to the applicant, if applicable, the property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested notice of the decision; and
- (xv) The name and contact information for the staff case manager.

(3) *Posted notice.* Posted notice is required for Type IV applications. Posted notice shall be provided for each public hearing as follows:

- (A) The applicant, or City, if application is City-initiated, shall post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be filed no later than five days after the date of the original posting.
- (B) Notice shall be posted on each street frontage of the subject property in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
- (C) Posted notice shall be on signs prepared as prescribed by the Planning Administrator.
- (D) ~~To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.~~
- (D)(E) The applicant shall remove the signs from the subject property ~~and return them to the Planning Administrator~~ within seven days after the close of the public hearing. ~~The Planning Administrator shall refund the sign deposit fee if~~

~~the sign is returned within the required seven days in an undamaged and reusable condition.~~

- (c) *Application review and staff report.* Staff shall review the application, written comments, and evidence submitted prior to each public hearing and prepare staff reports summarizing the application, comments received to-date, and the relevant issues associated with the application. Each staff report shall make a recommendation to the Review Authority. The staff reports shall be made available to the public for review a minimum of seven days prior to each public hearing.
- (d) *Public hearings.* An initial evidentiary public hearing shall be held before the applicable Review Authority. The purpose of the initial evidentiary public hearing is for the Review Authority to receive evidence and testimony on the application and to forward a recommendation to the Council. A final public hearing shall be held before the Council. The purpose of the final public hearing before the Council is to receive additional evidence and testimony and the recommendations of the Review Authority and staff and to make a final decision on the application. Each hearing shall be conducted as provided in SRC 300.900.
- (e) *Recommendation.* Subsequent to the close of the initial public hearing, the Review Authority shall make a recommendation to approve, approve with conditions, or deny the application, based upon the facts contained in the record and according to the applicable standards and criteria. The recommendation of the Review Authority shall be a written order that shall include:
 - (1) A list of the approval criteria by section number;
 - (2) A statement of the facts relied upon by the Review Authority in making its recommendation. The Review Authority may direct the party whose position is adopted to prepare the statement of facts, or adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order;
 - (3) A statement of conclusions based on the statement of facts; and
 - (4) The recommendation of the Review Authority.
- (f) *Notice of recommendation.* Notice of the recommendation shall be mailed within seven days from the date the Review Authority adopts its order. An affidavit of mailing shall be prepared and made part of the file.
 - (1) Notice of recommendation shall be mailed to:
 - (A) The applicant(s) and/or authorized representative(s), if applicable;
 - (B) The owner(s) or contract purchaser(s) of record of the subject property;
 - (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to the subject property;
 - (D) Any group or individual who submitted testimony prior to the close of the public hearing;

- (E) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted testimony prior to the close of the public hearing; and
- (F) Any community organizations, agencies, or individuals who submitted written requests for notice of the recommendation.

(2) Notice of recommendation shall include:

- (A) A brief description of the application;
- (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and the comprehensive plan designation, and zoning;
- (C) A brief summary of the recommendation;
- (D) A statement of the facts relied upon by the Review Authority in making its recommendation;
- (E) A brief statement explaining the next steps in the Type IV application process; and
- (F) A statement that the complete case file is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

(g) *Decision.* Subsequent to the close of the final public hearing, the Council shall approve, approve with conditions, or deny the application, taking into consideration the recommendations of the Review Authority and staff; and based upon the facts contained within the record and according to the applicable standards and criteria; or refer the matter back to the Review Authority for further consideration. The decision of the Council shall be a written order that shall include:

- (1) A list of the applicable approval criteria by section number;
- (2) A statement of the facts relied upon by the Council in making its decision. The Council may direct the party whose position is adopted to prepare the statement of facts, or adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order;
- (3) A statement of conclusions based on the statement of facts; and
- (4) An order approving, approving with conditions, or denying the application.

(h) *Notice of decision.* Notice of the decision shall be mailed within seven days from the date the Council adopts its written order. An affidavit of mailing shall be prepared and made part of the file.

(1) Notice of decision shall be mailed to:

- (A) The applicant(s) and/or authorized representative(s), if applicable;
- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to the subject property;

- (D) Any group or individual who submitted testimony for the record prior to the close of the public hearing;
- (E) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted testimony prior to the close of the public hearing;
- (F) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision to the City; and
- (G) The Oregon Department of Land Conservation and Development for decisions which required initial notice to the Oregon Department of Land Conservation and Development.

(2) Notice of decision shall include:

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

(i) *Appeals.* The decision of the Council on a Type IV application shall be the final decision of the City. Appeals of Type IV applications are to the Oregon Land Use Board of Appeals.

(j) *Expiration of approval.* Approval of a Type IV application does not expire.

Sec. 300.810. ~~-120-day rule~~ State Mandated Decision Date.

- (a) Except as otherwise provided in this section, The the City shall take final action on land use actions applications subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete pursuant to SRC 300.220, unless the applicant provides written request or consent to an extension of such period pursuant to ORS 227.178(5).
- (b) The City shall take final action on an application for affordable multiple family housing, including resolution of all local appeals, within 100 days after the application has been deemed complete pursuant to SRC 300.220, unless the applicant provides a written request or consent to an extension pursuant to ORS 227.178(5).

Sec. 300.820. - Conditions of approval.

(a) *Imposition of conditions, generally.* The Review Authority may impose conditions on land use actions to the extent allowed by law in order to protect the public and adjacent property owners from adverse impacts resulting from the proposed development, to fulfill an identified need for public services or infrastructure caused by or required for the proposed development, or to ensure conformance with the applicable development standards and criteria in the UDC. A condition of approval shall be valid and enforceable from and after the date the decision becomes effective.

(1) Conditions of approval should be stated in clear and unambiguous terms; be reasonably related to the public health, safety, and welfare; and be designed to reasonably effectuate the intended purpose.

(2) The Review Authority shall not impose any permanent condition which would limit use of the subject property to one particular owner, tenant, or business. Permanent conditions may limit the subject property as to use, but shall not be so restrictive that other occupants who might devote the property to the same or substantially similar use would be unable to reasonably comply with the conditions.

(b) *Effect of conditions.* Conditions of approval shall be construed and enforced, in all respects, as provisions of the UDC relating to the use and development of land.

(c) Imposition of Conditions on Applications for Housing Developments.

(1) Except as otherwise provided in this subsection, the Review Authority may impose conditions on applications for housing developments. The Review Authority may not, however:

(A) Impose a condition on an application for a housing development reducing its density if:

(i) The density applied for is at or below the maximum density allowed; and

(ii) At least 75 percent of the floor area applied for is reserved for housing.

(B) Impose a condition on an application for a housing development reducing its height if:

(i) The height applied for is at or below the maximum height allowed;

(ii) At least 75 percent of the floor area applied for is reserved for housing; and

(iii) Reducing the height would have the effect of reducing the proposed density.

(2) Notwithstanding paragraph (1) of this subsection, the Review Authority may impose a condition on an application for a housing development reducing its density or height if the reduction is necessary to resolve a health, safety, or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

Sec. 300.830. - Amended decisions.

- (a) After notice of a decision on a land use action has been provided, an amended decision may be issued correcting typographical errors, rectifying inadvertent omissions, and/or making other minor changes that do not materially alter the decision if the amended decision is issued prior to the expiration of the appeal period of the original decision, but in no event beyond the ~~120-day period~~ ~~state mandated decision date~~ set forth under ORS 227.178 unless the applicant otherwise agrees to and requests an extension pursuant to ORS 227.178(5).
- (b) Notice of an amended decision shall be given using the same mailing and distribution list as for the original notice of the decision.
- (c) A new appeal period equal to that of the original decision shall be provided from the date of mailing the amended decision.

Sec. 300.970. - Continued hearing; extension of the record.

- (a) *Procedure when hearing does not constitute the first evidentiary hearing.* If additional evidence or documents are provided by any party after the date the staff report is made available to the public, the Review Authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the date for closing the record requested by an applicant shall result in a corresponding extension of the ~~120-day time limitations~~ ~~state mandated decision date~~ set forth under ORS 227.178—227.179.
- (b) *Procedure when hearing constitutes the first evidentiary hearing.* Prior to the conclusion of a quasi-judicial land use proceeding which constitutes the first evidentiary hearing on the matter, any party may request an opportunity to present additional evidence, arguments or testimony regarding the proposal. Upon such request, the Review Authority shall either continue the hearing or hold the record open as provided in this subsection.
- (c) *Continuances.*
 - (1) If the Review Authority grants a continuance, the hearing shall be continued to a time certain at least seven days after the date of the hearing. The continued hearing shall provide an opportunity for persons to present and rebut new evidence, arguments and testimony.
 - (2) If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
 - (3) Only one continuance is available of right under this subsection; provided, however, nothing in this subsection shall restrict the Review Authority, in its discretion, from granting additional continuances.
- (d) *Holding the record open.*

- (1) If the Review Authority holds the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days after the close of the hearing.
- (2) Any participant may file a written request with the City Recorder for an opportunity to respond to any new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the last business day the record is held open. If such a request is filed, the Review Authority shall reopen the record.

(e) *Reopening the record.* If the record is reopened, any person may submit additional evidence, arguments or testimony to respond to the new evidence or new testimony submitted during the period the record was left open, or raise new issues or make new arguments which relate to the new evidence, new arguments or new testimony. Notice of the reopened record shall be provided to any person who presented evidence or testimony in the proceedings prior to the date the record was reopened.

(f) *Presentation of final written argument.* Prior to the close of the record, the applicant may, in writing, request an opportunity to submit final written argument. If an applicant makes such a request, as provided in this subsection, the applicant shall have at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. A failure by an applicant to make a request to submit final written argument, as provided by this subsection, shall be deemed a waiver by the applicant of this right.

(g) *Effect on ~~120-day rule~~ state mandated decision date.* Any continuance of the hearing or extension of the date for closing the record which is agreed to or requested by the proponent shall result in a corresponding extension of the ~~120-day time limitations~~ ~~state mandated decision date~~ imposed by ORS 227.178—227.179. A seven-day period for submittal of final written argument provided to the proponent shall likewise result in a corresponding extension of the ~~120-day time limitations~~ ~~state mandated decision date~~. Any other continuance or extension shall be subject to the ~~120-day time limitations~~ ~~state mandated decision date~~.

(h) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent of a decision. Argument does not include facts.

Evidence means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by the proponent to be relevant to the proposal.

Sec. 300.990. Withdrawal.

~~At any point prior to the issuance of the written decision, the applicant may submit a notice of withdrawal of the application. Upon receipt of a notice of withdrawal, the application shall be deemed dismissed without further action by the Review Authority. A withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final decision for any purpose. A new application, upon payment of a new fee, may be filed unless the filing is barred by another provision of the UDC. Withdrawals under this subsection cannot be appealed.~~

Sec. 300.1045. - Withdrawal of Appeal.

- (a) An appeal may be withdrawn by the appellant at any time prior to the issuance of the City's final written decision on the appeal.
- (b) A request to withdraw an appeal shall be in writing.
- (c) Upon receipt of a request to withdraw an appeal, the appeal shall be deemed dismissed without further action by the appeal body and the decision of the lower level Review Authority shall stand.
- (d) If an appeal is withdrawn after the mailing of public notice, the Planning Administrator shall send written notice stating the appeal has been withdrawn to all persons who were provided mailed notice of the appeal hearing.

Sec. 400.065. - Health services.

Health services consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel. Except for medical and dental laboratories, which may have little direct contact with patients, patients typically come to the site to receive health and/or dental services from licensed professionals.

- (a) *Medical centers/hospitals.*
 - (1) *Characteristics.* Medical centers/hospitals are characterized by facilities that provide health services to inpatients and the specialized accommodation services required by inpatients. Medical centers/hospitals may also provide outpatient services as a secondary activity. Institutions that fall within this category are accredited by state and national agencies. Emergency services are generally included.
 - (2) *Examples.* Freestanding inpatient hospitals; hospitals or medical centers associated with a university or medical school; medical complexes that include inpatient hospitals; psychiatric and substance abuse hospitals primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders.
 - (3) *Exceptions.*
 - (A) Freestanding medical clinics without inpatient services are included in health services: outpatient medical services and laboratories.

(B) Medical office buildings that provide outpatient care and urgent medical care, and which are not located on a medical center campus, are included in health services: outpatient medical services and laboratories.

(b) *Outpatient medical services and laboratories.*

- (1) *Characteristics.* Outpatient medical services and laboratories are characterized by prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care professionals that are provided on an outpatient basis. Outpatient medical services and laboratories also include medical testing and analysis services. Patients generally do not spend more than 24 hours at a time. Emergency services are generally not provided, although urgent care may be included.
- (2) *Examples.* Blood banks; kidney dialysis centers; medical and dental laboratories; offices of doctors, nurses, physicians' assistants, dentists, chiropractors, massage therapists, optometrists, podiatrists, audiologists, dieticians, midwives, naturopaths, occupational and physical therapists, psychologists, psychiatrists, speech therapists, osteopathic doctors, and acupuncturists; orthotic and prosthetic services; outpatient drug or alcohol treatment clinics; outpatient urgent care facilities; rehabilitation centers.
- (3) *Exceptions.*
 - (A) Skilled nursing care facilities are included in group living: nursing care.
 - (B) Hospitals are included in health services: medical centers/hospitals.
 - (C) Cosmetology services are included in retail sales and service: personal services.
 - (D) Home health care services provided to individuals in their own homes is considered accessory to household living.

See. 512.005. - Zone change restriction.

~~Notwithstanding any other provision of the UDC, no zone change to RD shall ever be made.~~

Sec. 521.005. - Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CO zone are set forth in Table 521-1.

TABLE 521-1. USES

Use	Status	Limitations & Qualifications
Household Living		
Single family	P	<p>The following single family activities:</p> <ul style="list-style-type: none"> ■ Single family detached dwelling. ■ 1 dwelling unit for each business use on a lot. ■ Residential home, as defined under ORS 197.660.

	S	The following single family activities: ■ Townhouse, subject to SRC 700.085. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other single family.
Two family	P	Duplex.
	N	All other two family.
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 75 persons.
	N	All other room and board.
Residential care	P	
Nursing care	S	Nursing care, subject to SRC 700.045.
Lodging		
Short-term commercial lodging	P	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	P	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	P	Eating places, located within buildings devoted principally to uses otherwise permitted in the CO zone, provided that not more than 25 percent of the floor area of a 1 story building, and not more than 50 percent of the floor area of a 2 or more story building, is occupied by the eating place.
	N	All other eating and drinking establishments.
Retail sales	P	The following retail sales activities: ■ News dealers and newsstands. ■ Caterers. ■ Retail sales of agricultural products, when the sales area does not exceed 1,000 square feet in size.
	N	All other Retail Sales.
Personal services	P	The following personal services activities are permitted: ■ Beauty salons.

		<ul style="list-style-type: none"> ■ Barber shops. ■ Photographic portrait studios.
	N	All other personal services.
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	C	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	P	Commercial parking is permitted, unless noted below.
	N	Parking structures.
Park-and-ride facilities	P	Park-and-ride facilities are permitted, unless noted below.
	N	Parking structures.
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	Dance studios, dance schools, yoga studios, karate instruction, and other similar physical fitness instructional activities are permitted, provided that the total building floor area of the use does not exceed 2,500 square feet.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	S	Golf courses, subject to SRC 700.015.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	S	Golf courses, subject to SRC 700.015.
	P	All other recreational and cultural community services.
Parks and open space	P	

Nonprofit membership assembly	P	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Education Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	<u>N-P</u>	
Civic Services		
Governmental services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	N	
Cleaning plants	N	
Industrial services	N	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	

Warehousing and distribution	N	
Self-service storage	N	
Manufacturing		
General manufacturing	N	
Heavy manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	C	Reservoirs; water storage facilities.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	C	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	N	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	C	
Keeping of livestock and other animals	N	

Animal services	S	Small animal veterinary services, subject to SRC 700.075.
	N	All other animals services.
Other Uses		
Temporary uses	P	Christmas tree sales, subject to SRC 701.015.
Home occupations	S	Home occupations, subject to SRC 700.020.
Guest houses and guest quarters	P	Guest houses and guest quarters are permitted as an accessory use to single family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of boarders or leasing of rooms by resident family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to household living, provided the total number of boarders and roomers does not exceed 2 in any dwelling unit.
Storage of commercial vehicle as an accessory use to household living	P	Storage of a commercial vehicle as an accessory use to household living is permitted, provided no more than 1 commercial vehicle is stored per dwelling unit.
Historic resource adaptive reuse pursuant to SRC chapter 230	Allowed	Historic resource adaptive reuse pursuant to SRC chapter 230 is allowed, subject to SRC 230.085.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

Sec. 523.005. - Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

TABLE 523-1. USES

Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Residential home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to subsection (b) of this section.
	N	All other single family.
Two family	N	
Multiple family	C	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 75 persons.

	N	All other room and board.
Residential care	C	
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long- term commercial lodging	P	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge.
	P	All other retail sales.
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	P	
Motor vehicle services	P	
Commercial parking	P	
Park-and-ride facilities	P	

Taxicabs and car services	P	
Heavy vehicle and trailer sales	P	
Heavy vehicle and trailer service and storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	C	Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	C	Race tracks.
	P	All other major event entertainment.
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Education Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Governmental services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	

Detention facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and grounds services and construction contracting	P	
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	P	The following heavy wholesaling activities: ■ Nursery stock wholesalers. ■ Tractor and farm equipment wholesalers.
	C	The following heavy wholesaling activities: ■ Firearms wholesalers. ■ Wood products and timber wholesalers.
	N	All other heavy wholesaling.
Warehousing and distribution	P	The following warehousing and distribution activities: ■ Distribution centers for online, mail order, and catalog sales. ■ Postal processing and distribution centers.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: ■ Industrial and institutional food service contractors. ■ Costume jewelry and precious metals metalsmithing. ■ Sundries and notions. ■ Signs.

	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		
Basic utilities	C	Reservoirs; water storage facilities.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	C	
Data center facilities	N	
Fuel dealers	P	
Waste-related facilities	P	Recycling depots.
	C	Solid waste transfer stations.
	N	All other waste-related facilities.
Mining and Natural Resource Extraction		
Petroleum and natural gas production	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N-C	<u>Marijuana production, when conducted indoors with an air filtration system to minimize odor impacts upon neighboring properties.</u>
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	C	

Animal services	C	Wildlife rehabilitation facilities.
	P	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035.
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

(b) Continued uses. Existing single family and two family uses, other than manufactured dwellings, within the CG zone constructed prior to February 1, 1983, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.

- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 523.010(e).
- (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a nonresidential use shall thereafter prevent conversion back to a residential use.

Sec. 524.005. - Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 524-1.

TABLE 524-1. USES

Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Single family detached dwelling. ■ Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	P	Duplex.
	N	All other two family.
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	The following room and board activities: <ul style="list-style-type: none"> ■ Room and board serving 6 to 75 persons. ■ Relocation of an existing room and board facility within the

		CB zone serving more than 75 persons, provided the facility has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	N	All other room and board.
Residential care	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	The following nonprofit shelters: ■ Nonprofit shelters serving 6 to 75 persons. ■ Relocation of an existing nonprofit shelter within the CB zone serving more than 75 persons, provided the shelter has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	N	Medical marijuana and recreational marijuana sales or transfers, <u>except for retail sales of cannabidiol (CBD) products.</u>
	P	All other retail sales.
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
	N	Mobile home dealers.

Motor vehicle and manufactured dwelling and trailer sales	P	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	P	
Commercial parking	P	
Park-and-ride facilities	P	
Taxicabs and car services	P	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	
Commercial entertainment—outdoor	N	Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	P	Major event entertainment conducted indoors.
	N	All other major event entertainment.
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Governmental services	P	
Social services	P	

Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and grounds services and construction contracting	N	The following building and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Building construction. ■ Heavy construction. ■ Disinfecting and pest control services. ■ Building cleaning and maintenance services.
	P	All other building and grounds services and construction contracting.
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	General wholesaling is permitted, provided that it is combined with retail sales in the same line of goods.
Heavy wholesaling	P	Nursery stock, provided that it is combined with retail sales in the same line of goods.
	C	The following heavy wholesaling activities, provided they are combined with retail sales in the same line of goods: <ul style="list-style-type: none"> ■ Minerals and ore. ■ Metal service centers and wholesalers. ■ Firearms. ■ Wood products and timber.
	N	All other heavy wholesaling.
Warehousing and distribution	P	Distribution centers for online, mail order, and catalog sales.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		

General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: <ul style="list-style-type: none"> ■ Industrial and institutional food service contractors. ■ Costume jewelry and precious metals metalsmithing. ■ Sundries and notions. ■ Signs.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	

Transportation Facilities

Aviation facilities	C	Helicopter landing areas, with or without passenger terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	P	

Utilities

Basic utilities	C	Reservoirs; water storage facilities.
	P	Basic utilities are permitted, unless noted below.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	C	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	C	The following waste-related facilities: <ul style="list-style-type: none"> ■ Recycling depots. ■ Solid waste transfer stations.
	N	All other waste-related facilities.

Mining and Natural Resource Extraction

Petroleum and natural gas production	N	
Surface mining	N	

Farming, Forestry, and Animal Services

Agriculture	N	Marijuana production.
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	P	All other agriculture.
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007

(b) Drive-through uses in Salem Downtown Historic District.

- (1) Notwithstanding Table 524-1, banks and credit unions constructed on or after October 1, 2011, within the Salem Downtown Historic District shall be conditional uses within the Salem Downtown Historic District if developed with a drive-through, and adequate measures are taken to ensure pedestrian safety.
- (2) Notwithstanding Table 524-1, any permitted, special, or conditional use within the Salem Downtown Historic District, except for banks and credit unions constructed on or after October 1, 2011, shall be a prohibited use within the Downtown Historic District if developed with a drive-through.

Sec. 525.015. - Design review.

Design review under SRC chapter 225 is required for development within the WSCB Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 525.020 is required for all development within the WSCB zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 525.020.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 531.030. - Design review.

Design review under SRC chapter 225 is required for development within the SWMU zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 531.035 is required for all development within the SWMU zone.
- (b) In lieu of design review according to the design review guidelines or the design review standards set forth in SRC 531.035, development affecting nonconforming buildings or nonconforming structures existing as of January 7, 2009 shall be subject to design review demonstrating how the proposed development reduces the degree of nonconformity with the applicable design review guidelines set forth in SRC 531.035.
- (c) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 531.035.
- (d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 533.015. - Development standards.

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

- (a) *Lot standards.* Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

**TABLE 533-2
LOT STANDARDS**

Table 533-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All uses	None	
Lot width		
All uses	None	
Lot depth		
All uses	None	
Street frontage		
All uses	16 ft.	

- (b) *Dwelling unit density.* Development within the MU-I zone that is exclusively residential shall have a minimum density of 12 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.

TABLE 533-3
SETBACKS

Table 533-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft.	(1) Maximum setback of up to 10 feet is permitted if the setback area is used for pedestrian amenities.
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 533.015(h).
Accessory Structures		
All uses	Min. 5 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under [SRC] 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		

All uses	Zone-to-zone setback (Table 533-4)	
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TABLE 533-4
ZONE-TO-ZONE SETBACKS

Table 533-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet ⁽²⁾	Type C
	Vehicle use areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			

(2) The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.

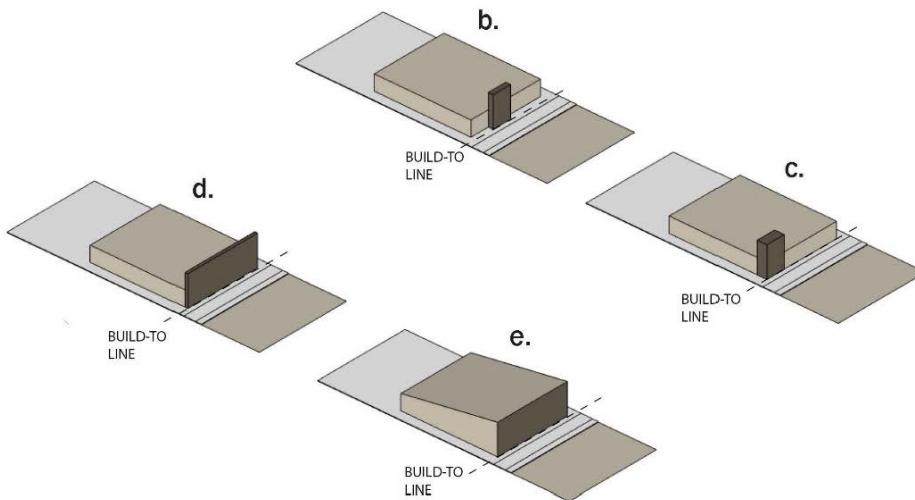
(d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.

TABLE 533-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE

Table 533-5: Lot Coverage; Height; Building Frontage		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	NA	
Accessory Structures		
All uses	No Max.	
Height		
Buildings		
All uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max. 65 ft.	Applicable to buildings on all other lots.
	Min. 20 ft.	New buildings or additions shall satisfy the minimum height requirements through one of the following options:
	a)	Roof. Provide a roof that is 20 feet in height.

		b)	Prominent entry. Provide an attached entry that is 20 feet in height, extends for a minimum of 25 percent of the length of the front facade, and extends to the front lot line.
		c)	Cupola. Provide a 20-foot tall portion of the building for a minimum of 25 percent of the length of the front facade. It shall include the front facade wall and extend a minimum of 10 feet behind the front wall.
		d)	False front. Provide a front facade wall that is 20 feet in height along the entire length of the building.
		e)	Reverse shed. Provide a front facade wall that is 20 feet in height along the entire length of the building, and slope the roof down toward the rear of the building.

FIGURE 533-1
EXAMPLE OF OPTIONS TO MEET MINIMUM HEIGHT REQUIREMENT



Accessory Structures

All uses	Max. 45 ft.	Applicable to accessory structures on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max. 65 ft.	Applicable to accessory structures on all other lots.

Building Frontage

Buildings and Accessory Structures

All uses	Min. 75%	(1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2)	For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 75% building frontage standard and on which street to meet the minimum 40% building frontage standard.

- (e) *Parking.* Required off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.
- (f) *Landscaping.*
 - (1) *Setback areas.* Required setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.
- (g) *Continued development.* Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.
 - (1) *Single family uses.*
 - (A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.
 - (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
 - (C) *Option to rebuild in same location.* Notwithstanding SRC 533.015(g)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or

structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).

(2) *All other uses.* Continued development, housing a use other than a continued single family use, may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:

(A) *Minor alterations.* Exterior alterations to buildings that alter less than 20 percent of an existing building facade area facing a primary street are exempt from all of the development standards in this chapter. Such alterations shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 533-6.

(B) *Minor additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by less than 20 percent are exempt from all of the development standards in this chapter except for interior setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 533-6.

(C) *Major alterations.* Exterior alterations to buildings that alter between 20 percent and 60 percent of an existing building facade area facing a primary street shall decrease that building facade's nonconformity to all pedestrian-oriented design standards in Table 533-6 that are applicable to that alteration. Such alterations are exempt from all other development standards in this chapter.

(D) *Major additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by between 20 percent and 60 percent shall:

(i) Comply with a minimum of three of the pedestrian-oriented design standards in Table 533-6; or

(ii) Comply with a minimum of one of the pedestrian-oriented design standards in Table 533-6 and add perimeter landscaping in vehicle use areas if such landscaping is not already required under SRC 533.015(f).

For the purposes of [SRC] 533.015(h)(2)(C)(i) and (ii), the pedestrian-oriented design standards in Table 533-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage, maximum setback abutting a street, and minimum height.

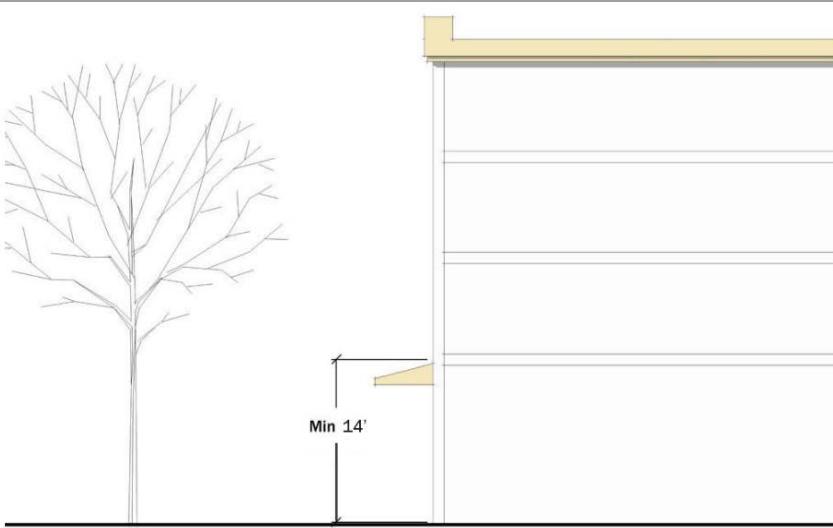
(E) *Substantial alterations.* Exterior alterations to buildings that alter more than 60 percent of an existing building facade area facing a primary street shall meet all applicable pedestrian-oriented design standards in Table 533-6. Such alterations are exempt from all other development standards in this chapter.

(F) *Substantial additions or redevelopment.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by more than 60 percent shall meet all applicable development standards in this chapter.

Continued development that is rebuilt following damage or destruction shall meet all development standards in this chapter.

(h) *Pedestrian-oriented design.* Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

TABLE 533-6
PEDESTRIAN-ORIENTED DESIGN

Table 533-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
FIGURE 533-2 GROUND FLOOR HEIGHT		
		
Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.

	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.

**FIGURE 533-3
HORIZONTAL SEPARATION**



Building Facade Articulation

This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.

		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
		b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
			1. Recesses of a minimum depth of two feet.
			2. Extensions of a minimum depth of two feet.
			3. Vertically-oriented windows.
			4. Pilasters that project away from the building.
		c)	Top: Building tops shall be defined by at least one of the following standards:
			1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
			4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
	(3)		The repainting of a facade of an existing building is exempt from this standard.

FIGURE 533-4
ARTICULATION



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

FIGURE 533-5
GROUND FLOOR WINDOWS



Ground floor building facades shall include transparent windows on at least 65% of the ground floor facade

Building Entrances			
This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

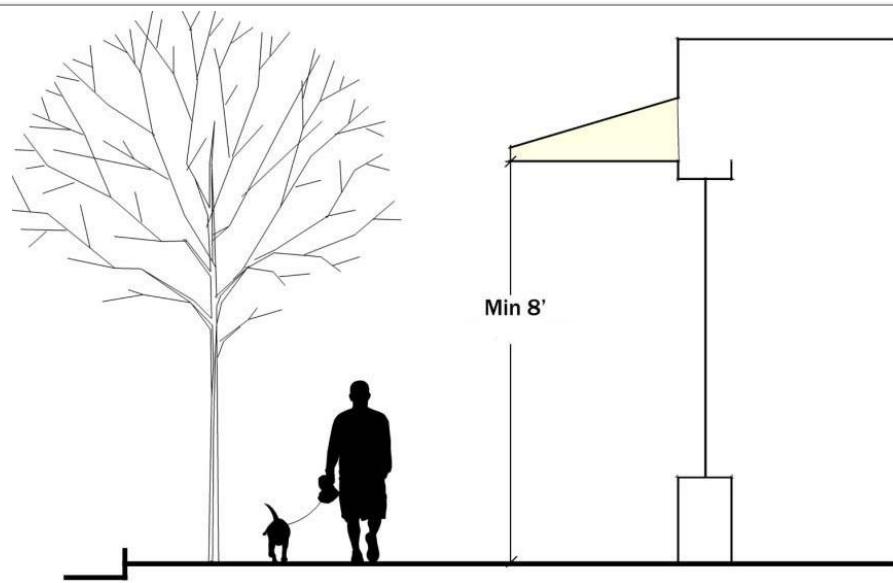
FIGURE 533-6
ENTRANCE AT BUILDING CORNER



Weather Protection

This standard applies to building ground floors adjacent to a street.	Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

FIGURE 533-7
WEATHER PROTECTION



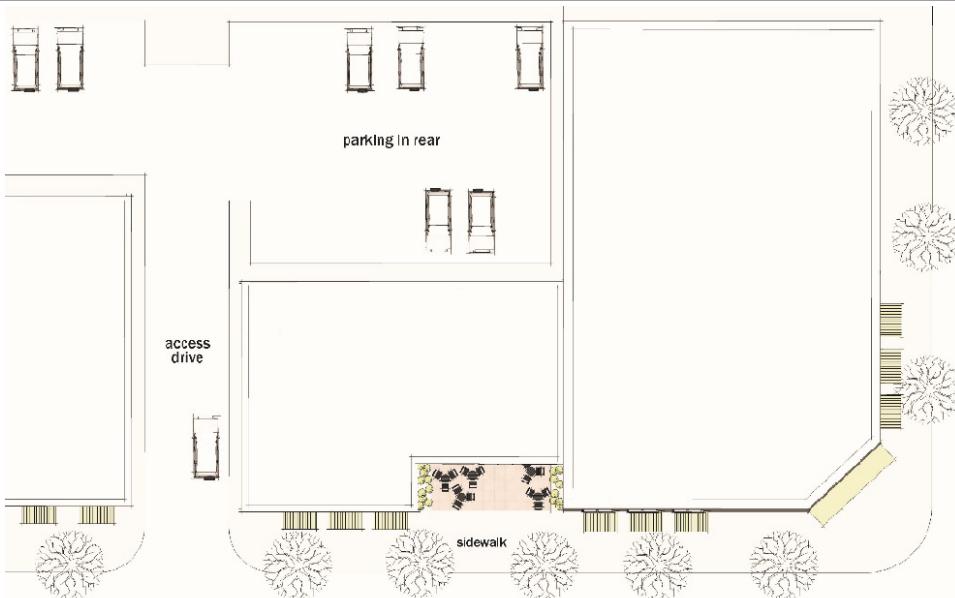
Parking Location

This standard applies to off-street parking areas and vehicle maneuvering areas.

Required

Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street

**FIGURE 533-8
OFF-STREET PARKING**



Mechanical and Service Equipment

This standard applies to mechanical and service equipment.

Required

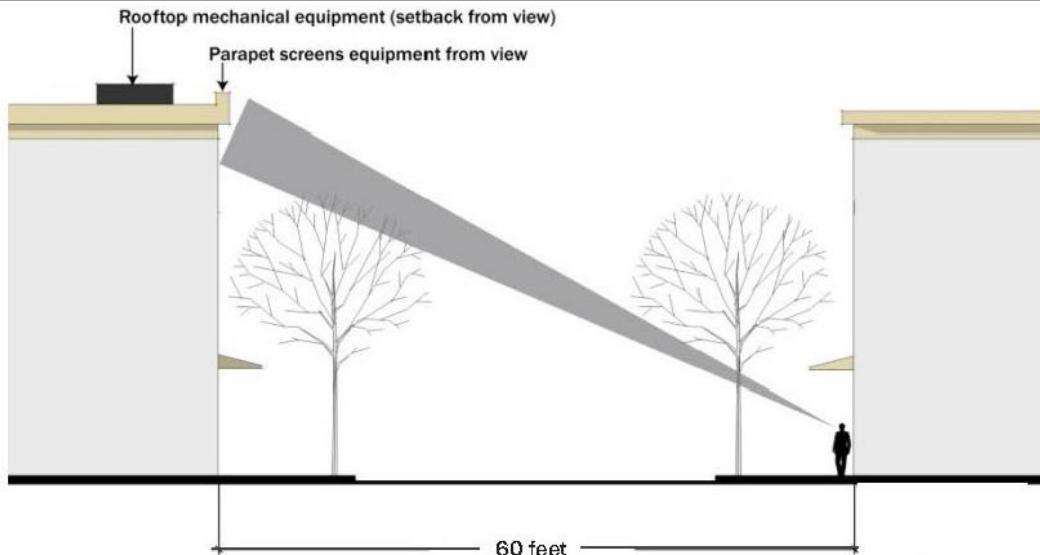
(1) Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.

(2) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

**FIGURE 533-9
GROUND-LEVEL MECHANICAL EQUIPMENT**



FIGURE 533-10
ROOFTOP MECHANICAL EQUIPMENT



Sec. 534.015. - Development standards.

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

(a) *Lot standards.* Lots within the MU-II zone shall conform to the standards set forth in Table 534-2.

**TABLE 534-2
LOT STANDARDS**

Table 534-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
Lot Area		
All Uses	None	
Lot Width		
All Uses	None	
Lot Depth		
All Uses	None	
Street Frontage		
All Uses	16 ft.	

- (b) *Dwelling unit density*. Development within the MU-II zone that is exclusively residential shall have a minimum density of 12 dwelling units per acre.
- (c) *Setbacks*. Setbacks within the MU-II zone shall conform to the standards set forth in Tables 534-3 and 534-4.

TABLE 534-3
SETBACKS

Table 534-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft.	(1) Maximum setback of up to 10 feet is permitted if the setback area is used for pedestrian amenities.
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to 534.015(h).
Accessory Structures		
All uses	Min. 5 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under 806.035(c)(2)(B) is prohibited.
Interior Side		

Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 534-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 534-4)	

TABLE 534-4
ZONE-TO-ZONE SETBACKS

Table 534-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet ⁽²⁾	Type C
	Vehicle Use Areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			
(2) The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.			

(d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-II zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 534-5.

TABLE 534-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE

Table 533-5: Lot Coverage; Height; Building Frontage		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	NA	
Accessory Structures		
All uses	No Max.	
Height		
Buildings and Accessory Structures		
All uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max. 55 ft.	Applicable to buildings on all other lots.
Building Frontage		
Buildings and Accessory Structures		
All uses	Min. 50% (1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
	(2)	For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 50% building frontage standard and on which street to meet the minimum 40% building frontage standard.

(e) *Parking.* Required off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.

(f) *Landscaping.*

- (1) *Setback areas.* Required setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 534.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

(g) *Continued development.* Buildings and structures existing within the MU-II zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

- (1) *Single family uses.*
 - (A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.
 - (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
 - (C) *Option to rebuild in same location.* Notwithstanding SRC 543.015(h)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).
- (2) *All other uses.* Continued development, housing a use other than a continued single family use, may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
 - (A) *Minor alterations.* Exterior alterations to buildings that alter less than 20 percent of an existing building facade area facing a primary street are exempt from all of the development standards in this chapter. Such alterations shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 534-6.
 - (B) *Minor additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by less than 20 percent are exempt from all of the development standards in this chapter except for interior

setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 534-6.

(C) *Major alterations.* Exterior alterations to buildings that alter between 20 percent and 60 percent of an existing building facade area facing a primary street shall decrease that building facade's nonconformity to all pedestrian-oriented design standards in Table 534-6 that are applicable to that alteration. Such alterations are exempt from all other development standards in this chapter.

(D) *Major additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by between 20 percent and 60 percent shall:

- (i) Comply with a minimum of three of the pedestrian-oriented design standards in Table 534-6; or
- (ii) Comply with a minimum of one of the pedestrian-oriented design standards in Table 534-6 and add perimeter landscaping in vehicle use areas if such landscaping is not already required under SRC 534.015(f).

For the purposes of [SRC] 534.015(h)(2)(C)(i) and (ii), the pedestrian-oriented design standards in Table 534-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage and maximum setback abutting a street.

(E) *Substantial alterations.* Exterior alterations to buildings that alter more than 60 percent of an existing building facade area facing a primary street shall meet all applicable pedestrian-oriented design standards in Table 534-6. Such alterations are exempt from all other development standards in this chapter.

(F) *Substantial additions or redevelopment.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by more than 60 percent shall meet all applicable development standards in this chapter. Continued development that is rebuilt following damage or destruction shall meet all development standards in this chapter.

(h) *Pedestrian-oriented design.* Development within the MU-II zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 534-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

TABLE 534-6
PEDESTRIAN-ORIENTED DESIGN

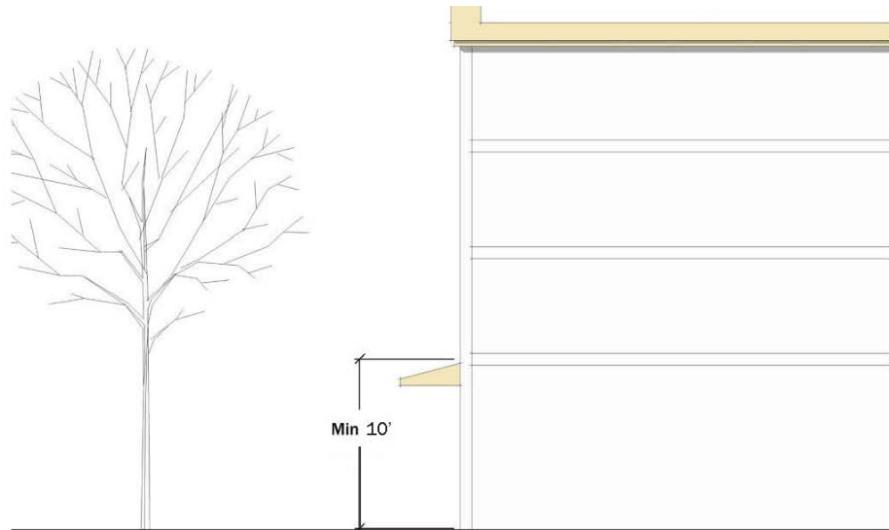
Table 534-6: Pedestrian-Oriented Design

Requirement	Standard	Limitations & Qualifications
-------------	----------	------------------------------

Ground Floor Height

This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
---------------------------------------------------------------------	-------------	----------------------------------------------------------------------------------------------------------------------

FIGURE 534-1
GROUND FLOOR HEIGHT



Separation of Ground Floor Residential Uses

This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.

FIGURE 534-2
HORIZONTAL SEPARATION



Building Facade Articulation

<p>This standard applies to building facades facing primary streets.</p>	<p>Required</p>	<p>(1)</p>	<p>For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.</p>
		<p>(2)</p>	<p>Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.</p>
		<p>a)</p>	<p>Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:</p>
			<p>1. Change in materials.</p>
			<p>2. Change in color.</p>
			<p>3. Molding or other horizontally-articulated transition piece.</p>

		b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
			1. Recesses of a minimum depth of two feet.
			2. Extensions of a minimum depth of two feet.
			3. Vertically-oriented windows.
			4. Pilasters that project away from the building.
		c)	Top: Building tops shall be defined by at least one of the following standards:
			1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
			4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
	(3)		The repainting of a facade of an existing building is exempt from this standard.
FIGURE 534-3 ARTICULATION			



Ground Floor Windows

<p>This standard applies to building ground floors on primary streets.</p>	<p>Residential uses Min. 30%</p>	<p>(1) For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.</p>
	<p>Non-residential uses Min. 65%</p>	<p>(2) For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.</p>

FIGURE 534-4
GROUND FLOOR WINDOWS



Ground floor building facades shall include transparent windows on at least 65% of the ground floor facade for non-residential uses

Building Entrances			
This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

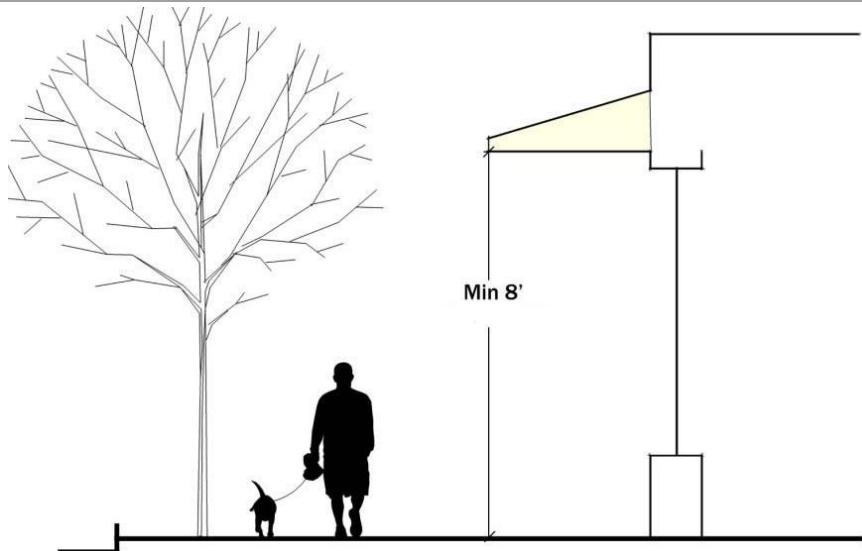
FIGURE 534-5
ENTRANCE AT BUILDING CORNER



Weather Protection

This standard applies to building ground floors adjacent to a street.	Residential uses Min. 50%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
	Non-residential uses Min. 75%	(2)	Awnings or canopies shall have a minimum clearance height above the sidewalk or ground surface of 8 feet and may encroach into the street right-of-way as provided in SRC 76.160.

FIGURE 534-6
WEATHER PROTECTION



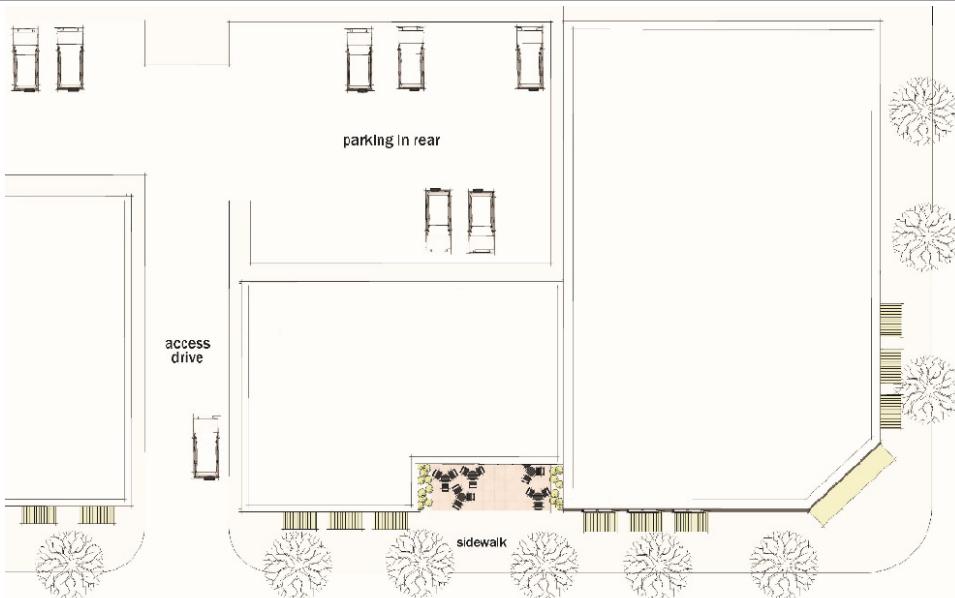
Parking Location

This standard applies to off-street parking areas and vehicle maneuvering areas.

Required

Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street

**FIGURE 534-7
OFF-STREET PARKING**



Mechanical and Service Equipment

This standard applies to mechanical and service equipment.

Required

(1)

Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.

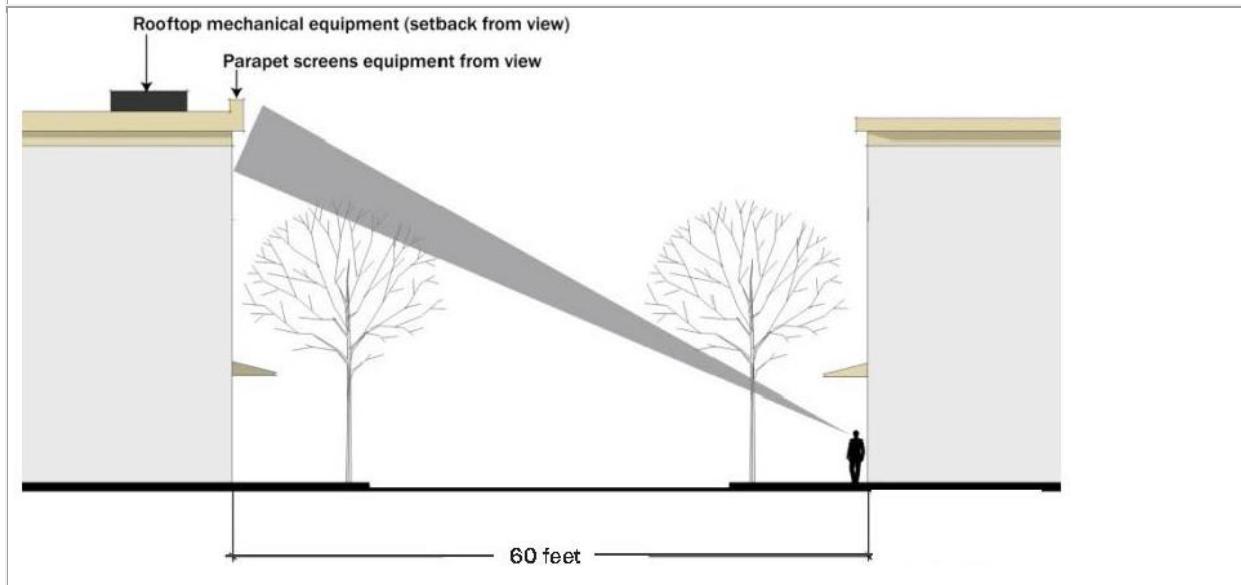
(2)

Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

**FIGURE 534-8
GROUND-LEVEL MECHANICAL EQUIPMENT**



FIGURE 534-9
ROOFTOP MECHANICAL EQUIPMENT



Sec. 535.015. - Design review.

Design review under SRC chapter 225 is required for development within ESMU zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 535.020 is required for all development within the ESMU zone.
- (b) Design review according to the design review guidelines or the design review standards set forth in SRC 535.020 is not required for:
 - (1) Development of single family uses.
 - (2) Development of two family uses.

- (c) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (d) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 535.020.
- (e) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 551.010. - Development standards.

Development within the IC zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the IC zone shall conform to the standards set forth in Table 551-2.

TABLE 551-2. LOT STANDARDS

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

- (b) *Setbacks.* Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

TABLE 551-3. SETBACKS

Requirement	Standard	Limitations & Qualifications
-------------	----------	------------------------------

Abutting Street		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to single family, two family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Front		
Buildings		
Single family and two family	None	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 551-4)	
Accessory Structures		
Accessory to single family and two family	Min. 5 ft.	
Accessory to multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 551-4)	
Vehicle Use Areas		
Single family and two family	Per SRC chapter 806	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 551-4)	
Interior Side		
Buildings		

Single family and two family	None	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 551-4)	
Accessory Structures		
Accessory to single family and two family	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 551-4)	
Vehicle Use Areas		
Single family and two family	Per SRC chapter 806	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All <u>other</u> uses	Zone-to-zone setback (Table 551-4)	
Interior Rear		
Buildings		
Single family and two family	None	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 551-4)	
Accessory Structures		
Accessory to single family and two family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.

	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
Accessory to all other uses	Zone-to-zone setback (Table 551-4)	
Vehicle Use Areas		
Single family and two family	Per SRC chapter 806	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All other uses	Zone-to-zone setback (Table 551-4)	

TABLE 551-4. ZONE-TO-ZONE SETBACKS

Abutting Zone	Type of Improvement	Setback (1)	Landscaping & Screening
EFU	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Residential Zone	Buildings and accessory structures	Min. 30 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Commercial Zone	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Public Zone	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft.	Type A

Industrial and Employment Zone: IG and II	Buildings and accessory structures	Min. 10 ft.	Type C		
	Vehicle use areas				
Limitations and Qualifications					
(1) Zone-to-zone setbacks are not required abutting an alley.					

(c) *Lot coverage; height.* Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

TABLE 551-5. LOT COVERAGE; HEIGHT

Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Height		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to single family and two family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(d) *Landscaping.*

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.
- (3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

(e) *Industrial performance standards.* Within the IC zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulations, local ordinance, and state and federal law.

(f) *Additional standards for manufactured homes.* Manufactured homes shall, in addition to the development standards generally applicable in the IC zone, comply with the following:

- (1) Manufactured homes shall be multi-sectional and enclose a space of not less than 860 square feet.
- (2) Manufactured homes shall be placed on an excavated and back-filled foundation, and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings.
- (3) Manufactured homes shall have a pitched roof, with a slope not less than a nominal three feet in height for each 12 feet in width.
- (4) Manufactured homes shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing commonly used on residential dwellings within the community, or which is comparable to the predominant materials used on surrounding dwellings.
- (5) Manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.
- (6) Manufactured homes shall have a garage or carport constructed of like materials.

(g) *Development standards for continued uses.*

- (1) *Buildings.* Buildings housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) Zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except the lot size and dimensions standards in SRC chapter 511.
- (2) *Accessory structures.* Existing accessory structures to a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) Zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
- (3) *Option to rebuild in same location.* Notwithstanding SRC 551.010(g)(1) and (2), any building or accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) Zone set forth in SRC 511.010(b).

Sec. 556.015. - Design review.

Design review under SRC chapter 225 is required for development within SCI zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 556.020 is required for all development within the SCI zone.
- (b) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 603.025. - Design review.

Design review under SRC chapter 225 is required for development within the Portland/Fairgrounds Road Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 603.030 is required for all development within the Portland/Fairgrounds Road Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 603.030.
- (d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 604.025. - Design review.

Design review under SRC chapter 225 is required for development within the Pine Street Mixed-Use Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 604.030 is required for all development within the Pine Street Mixed-Use Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 604.030.

- (d) Residential care with three or more self-contained dwelling units shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (e) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 605.025. - Design review.

Design review under SRC chapter 225 is required for development within the Northgate Mixed Use Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 605.030 is required for all development within the Northgate Mixed-Use Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 605.030.
- (d) Residential care with three or more self-contained dwelling units shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (e) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 606.025. - Design review.

Design review under SRC chapter 225 is required for development within the Wallace Road Corridor Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 606.030 is required for all development within the Wallace Road Corridor Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 606.030.

(d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 612.020. - Design review.

Design review under SRC chapter 225 is required for development within the Walker School Residential Area Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 612.025 is required for all residential development within the Walker School Residential Area Overlay Zone.
- (b) Design review according to the design review guidelines or the design review standards set forth in SRC 612.025 is not required for:
 - (1) Development of single family uses.
 - (2) Development of two family uses.
- (c) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702, and the design review guidelines or the design review standards set forth in SRC 612.025.
- (d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 613.025. - Design review.

Design review under SRC chapter 225 is required for development within the Broadway/High Street Retail Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 613.030 is required for all development within the Broadway/High Street Retail Overlay Zone.
- (b) Multiple family developments shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 613.030.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 614.025. - Design review.

Design review under SRC chapter 225 is required for development within the Broadway/High Street Housing Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 614.030 is required for all development within the Broadway/High Street Housing Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 614.030.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 615.025. - Design review.

Design review under SRC chapter 225 is required for development within the Broadway/High Street Transition Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 615.030 is required for all development within the Broadway/High Street Transition Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 615.030.
- (d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 616.025. - Design review.

Design review under SRC chapter 225 is required for development within the Riverfront High Density Residential Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 616.030 is required for all development within the Riverfront High Density Residential Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 616.030.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 617.025. - Design review.

Design review under SRC chapter 225 is required for development within the Riverfront Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 617.030 is required for all development within the Riverfront Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SR 617.030.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 619.025. - Design review.

Design review under SRC chapter 225 is required for development within the Mixed-Use Overlay Zone as follows:

- (a) Multiple family development, other than multiple family development within a mixed-use building, shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (b) Multiple family development within a mixed-use building shall not be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 626.025. - Design review.

Design review under SRC chapter 225 is required for development within the Commercial/High Density Residential Overlay Zone as follows:

- (a) Multiple family development, other than multiple family development within a mixed-use building, shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (b) Multiple family development within a mixed-use building shall not be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (c) Residential care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.

(d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 631.020. - Design review.

Design review under SRC chapter 225 is required for development within the Compact Development Overlay Zone as follows:

- (a) Townhouses shall be subject to design review according to the design review guidelines or the design review standards set forth in SRC 631.025.
- (b) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702, and the design review guidelines or the design review standards set forth in SRC 631.025.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 632.020. - Design review.

Design review under SRC chapter 225 is required for development within the General Retail/Office Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 632.025 is required for all development within the General Retail/Office Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 632.025.
- (c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 633.020. - Design review.

Design review under SRC chapter 225 is required for development within the Front Street Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 633.025 is required for all development within the Front Street Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 633.025.

(c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 800.035. - Setbacks.

- (a) *Setbacks to be unobstructed.* Except as otherwise provided under subsection (b) of this section, required setbacks shall be unobstructed.
- (b) *Permitted projections into required setbacks.* Permitted projections into required setbacks are set forth in Table 800-2.

TABLE 800-2. PERMITTED PROJECTIONS INTO REQUIRED SETBACKS

Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
Planter boxes; window bays; greenhouse windows; chimneys; flues; belt courses; leaders; sills; pilasters; lintels; solar collectors; and ornamental features	24 in.	24 in.	24 in.
Cornices; eaves; <u>and</u> gutters; <u>and</u> steps	24 in.	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Fire escapes	Not allowed	One-third the width of the interior side setback or 3 ft., whichever is less.	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.
Steps	<u>Not limited</u>	<u>One-third the width of the interior side setback or 3 ft., whichever is less.</u>	<u>24 in.</u>
Wheelchair ramps	Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and	Not limited, provided the floor area does not exceed 3 ft. above grade.	Not limited, provided the floor area does not exceed 4 ft. above grade.

	(2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.		
Porches and decks—covered, but unenclosed	<p>Not limited, provided:</p> <p>(1) The structure covering the porch or deck does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the porch or deck does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered porch or deck come closer than 10 ft. to the property line.</p>	Not allowed	<p>Not limited, provided:</p> <p>(1) The structure covering the porch or deck does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the porch or deck does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.</p>
Porches and decks—uncovered	<p>Not limited, provided:</p> <p>(1) The floor area of the porch or deck does not exceed 3 ft. above grade;</p> <p>(2) No railing or perimeter seating on the porch or deck exceeds 44 inches in height above the floor of the porch or deck at any point; and</p> <p>(3) A landscaped area 4 ft. in depth is maintained between the property line and the porch or deck.</p>	Not limited, provided the floor area of the porch or deck does not exceed 3 ft. above grade.	<p>Not limited, provided the floor area of the porch or deck does not exceed 4 ft. above grade.</p> <p>5 ft., when the floor area of the porch or deck exceeds 4 ft. above grade; provided, however, in no case shall the porch or deck come closer than 6 ft. to any property line.</p>
Patios—covered, but enclosed	<p>Not limited, provided:</p> <p>(1) The structure covering the patio does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the patio does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered patio come closer</p>	Not allowed	<p>Not limited, provided:</p> <p>(1) The structure covering the patio does not exceed 15 ft. above grade;</p> <p>(2) The floor area of the patio does not exceed 4 ft. above grade; and</p> <p>(3) In no case shall the covered patio come closer than 8 ft. to</p>

	than 10 ft. to the property line.		the rear property line.
Patios—uncovered	<p>Not limited, provided:</p> <p>(1) The floor area of the patio does not exceed 3 ft. above grade; and</p> <p>(2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.</p>	<p>Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.</p>	Not limited, provided the floor area of the patio does not exceed 4 ft. above grade.
Balconies; outside stairways; and other unenclosed, unroofed projections	Not allowed	Not allowed	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.
<u>Limitations and Qualifications</u>			
<p>⁽¹⁾ No permitted projection into a rear setback shall extend to within 10 ft. of the centerline of an alley, or to within 6 ft. of an accessory structure.</p>			

(c) Zone-to-zone setbacks abutting property outside City limits or Urban Growth Boundary.

(1) Property Located Outside City Limits. Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the equivalent City zone identified under SRC Chapter 260, Table 260-1, based on the comprehensive plan designation for the property and its zoning in the county.

(2) Property Located Outside UGB. Where a zone-to-zone setback is required abutting a property located outside the Urban Growth Boundary (UGB), the abutting zone for purposes of determining the required zone-to-zone setback shall be considered a residential zone.

(d) Setbacks abutting an interstate freeway, railroad right-of-way, or alley.

(1) The required setback abutting an interstate freeway, railroad right-of-way, or alley shall be considered either an interior front setback, an interior side setback, or an interior rear setback depending upon the dimensions and configuration of the lot.

(2) Where the required interior front, interior side, or interior rear setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior front, interior side, or interior rear setback shall be five feet in-lieu of the zone-to-zone setback.

Sec. 800.050. - Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building lying at the greatest distance from the front property line.

(a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.

(1) *Fences and walls.*

(A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:

(i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

(ii) *Side and rear yards abutting street.* Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.

(B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:

(i) *Front, side, and rear yards abutting street.* Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

(2) *Hedges.* There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

(3) *Gates.* Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.

(4) *Retaining walls.* Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.

(b) *Vision clearance.* Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.

(c) *Material.*

(1) *Fences.* Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.

(2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.

(d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

(1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.

(2) *Barbed wire and upturned barbed selvage.*

(A) *Location.* Barbed wire and upturned barbed selvage is permitted within the following locations:

(i) Any zone where the fence will be used to enclose livestock; and

(ii) The Retail Commercial (CR) and General Commercial (CG) Zones, and any industrial or public zone.

(B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:

(i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

(ii) *CR and CG zones; industrial and public zones.* Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or

General Commercial (CG) Zone, or within an industrial or public zone, shall comply with the following:

- (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
- (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
- (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
- (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

(3) *Electric fencing.*

- (A) *Location.* Electric fencing is permitted within the following locations:
 - (i) Any zone where the fence will be used to enclose livestock; and
 - (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.
- (B) *Standards.* Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:
 - (i) *Enclosure of livestock.* Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
 - (ii) *Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones.* Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
 - (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - (cc) An electrical permit and inspection shall be obtained prior to installation.
 - (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
 - (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.

(ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

(e) *Maintenance.* Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

Sec. 800.065. - Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

(a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) *Connection between building entrances and streets.*

(A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-800-6).

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-800-7).

**FIGURE 800-6. PEDESTRIAN CONNECTIONS BETWEEN
BUILDING ENTRANCES AND STREET**

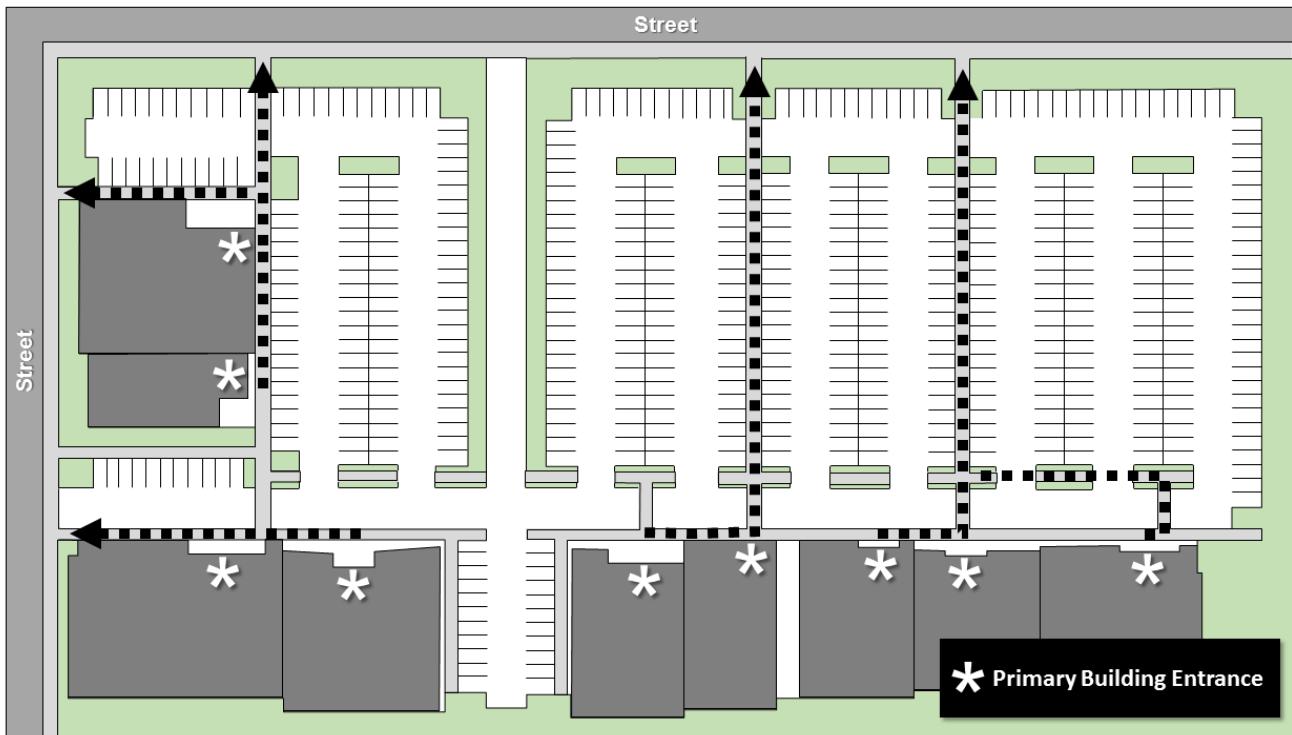
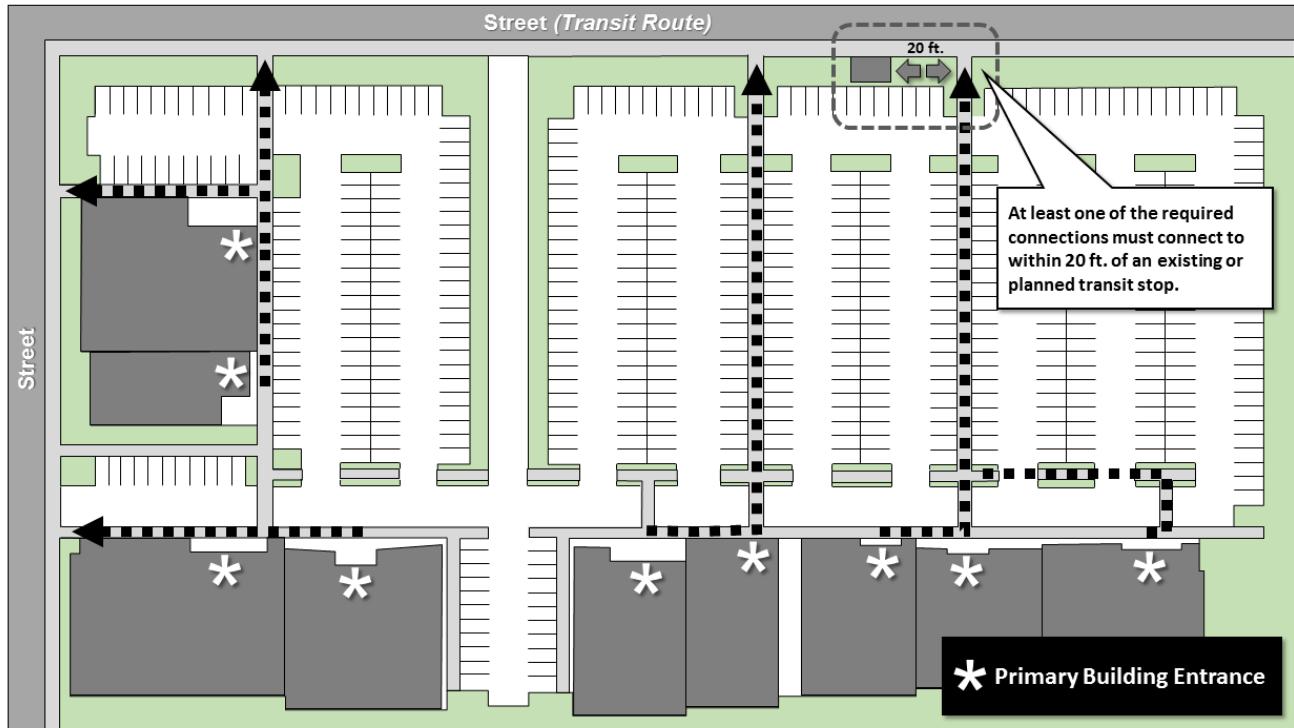


FIGURE 800-7. PEDESTRIAN CONNECTIONS ABUTTING TRANSIT ROUTE



(2) Connection between buildings on the same development site. Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

(3) Connection through off-street parking areas.

(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

(i) The pedestrian connections:

(aa) Shall be provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-x 800-8); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;

(bb) Shall be spaced a minimum of two drive aisles apart; and

(cc) Shall connect to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance.

(ii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.

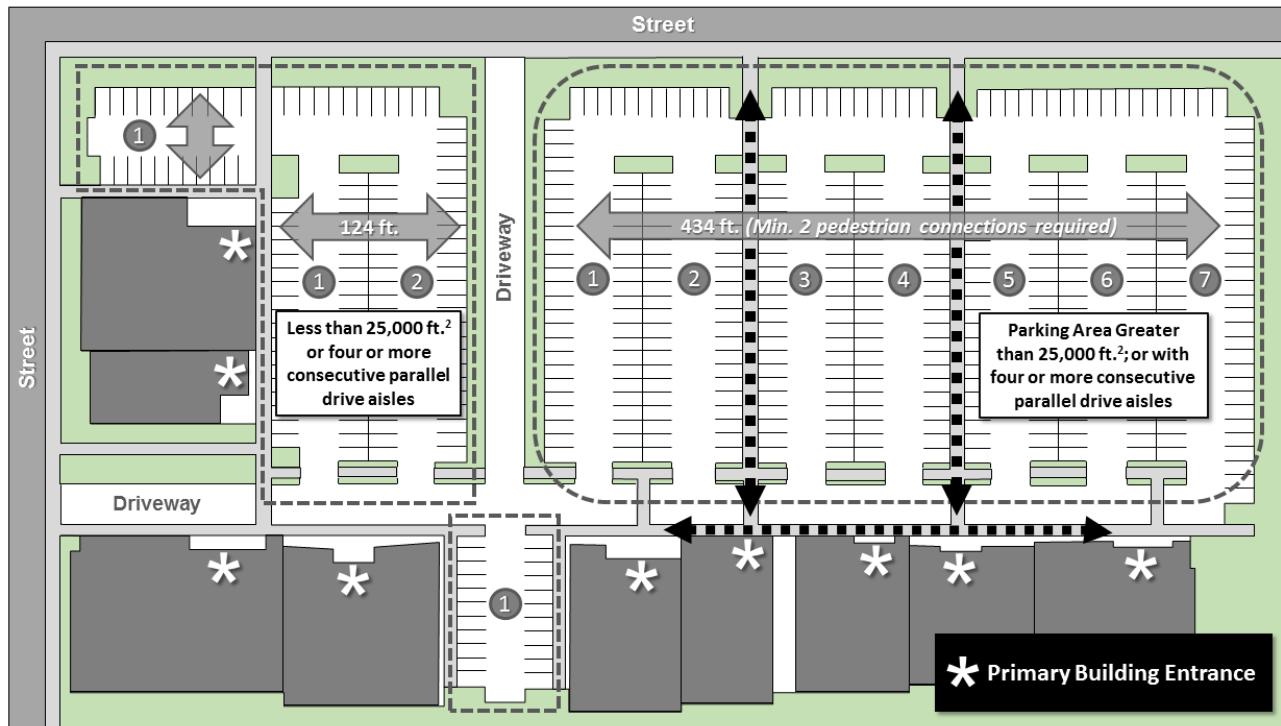
(iii) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.

(iv) For purposes of this subsection, off-street surface parking area means:

(aa) An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or

(bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

FIGURE 800-8. PEDESTRIAN CONNECTIONS THROUGH OFF-STREET PARKING AREAS



(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

(4) Connection to existing or planned paths and trails. Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

(5) Connection to abutting properties. Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
 - (i) Single Family;
 - (ii) Two Family;

- (iii) Group Living;
- (iv) Industrial;
- (v) Infrastructure and Utilities; and
- (vi) Natural Resources.

- (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
- (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
- (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
- (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

(b) Design and Materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

- (1) Walkways shall conform to the following:
 - (A) Material and Width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
 - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
 - (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.
 - (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.
- (c) Lighting. The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Sec. 806.055. - Amount of bicycle parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

TABLE 806-8. MINIMUM BICYCLE PARKING		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Household Living		
Single family	None	
Two family		
Multiple family	The greater of 4 spaces or 0.1 spaces per dwelling unit.	
Group Living		
Room and board facilities	The greater of 4 spaces or 1 space per 50 rooms.	
Residential care	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Nursing care	1 per 30 beds	
Lodging		
Short-term commercial lodging	The greater of 4 spaces or 1 space per 50 rooms.	
Long-term commercial lodging		
Nonprofit shelters	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Retail Sales and Service		
Eating and drinking establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	

Retail sales	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Personal services	1 per 10,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.
	The greater of 4 spaces or 1 space per 3,500 sq. ft.	Applicable to all other personal services.
Postal services and retail financial services	The greater of 4 spaces or 1 space per 3,000 sq. ft.	
Shopping center	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; Plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Business and Professional Services		
Office	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus	
Laboratory research and testing		
Office complex	1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.;plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Audio/visual media production	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	Applicable to broadcasting studios.

	The greater of 4 spaces or 1 per 3,500 sq. ft.	Applicable to all other audio/visual media production.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales		
Motor vehicle services		
Taxicabs and car services	1 per 9,000 sq. ft.	
Heavy vehicle and trailer sales		
Heavy vehicle and trailer service and storage		
Commercial parking		
Park-and-ride facilities	1 per 30 vehicle parking spaces	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	The greater of 4 spaces or 1 space per 50 seats or 100 feet of bench length	Applicable to theaters.
	The greater of 4 spaces or 1 space per court.	Applicable to tennis, racquetball, and handball courts.
	The greater of 4 spaces or 1 space per 500 sq. ft.	Applicable to all other commercial entertainment—indoor.
Commercial entertainment—outdoor	The greater of 4 spaces or 1 space per court	Applicable to tennis, racquetball, and handball courts.
	4	Applicable to golf courses.
	None	Applicable to drive-in movie theaters.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces	Applicable to all other commercial entertainment—outdoor.
Major event entertainment	The greater of 4 spaces or 1 space per 50 seats or 100 ft. of bench length	
Recreational and cultural community services	4	Applicable to golf courses.
	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus	Applicable to all other indoor recreational and cultural community services.

	1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	Applicable to all other outdoor recreational and cultural community services.
Parks and open space	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	
Nonprofit membership assembly	1 per 30 vehicle parking spaces.	
Religious assembly		
Health Services		
Medical centers/hospitals	The greater of 4 spaces or 1 per 30 beds	
Outpatient medical services and laboratories	The greater of 4 spaces or 1 per 3,500 sq. ft.	
Education Services		
Day care	4	
Basic education	2 per classroom	Applicable to elementary schools.
	4 per classroom	Applicable to all other basic education.
Post-secondary and adult education	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	Applicable to vocational and trade schools.
	The greater of 4 spaces or 1 per 10,000 sq. ft.	Applicable to all other post-secondary and adult education.
Civic Services		
Governmental services	1 per 5,000 sq. ft.	
Social services	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000	

	sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Governmental maintenance services and construction	4	
Public Safety		
Emergency services	None 1 per 5,000 sq. ft.	Applicable to ambulance stations. Applicable to all other emergency services.
Detention facilities	1 per 50 beds	
Military installations	1 per 5,000 sq. ft.	
Funeral and Related Services		
Cemeteries	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Funeral and cremation services	1 per 50 seats or 100 feet of bench length in the chapel	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and grounds services and construction contracting	4	
General repair services	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	

Cleaning plants	1 per 10,000 sq. ft.	
Industrial services	<p>The greater of the following:</p> <p>4 spaces; or</p> <p>1 per 10,000 sq. ft. for first 50,000 sq. ft.;</p> <p>plus</p> <p>1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.;</p> <p>plus</p> <p>1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.</p>	
Wholesale Sales, Storage, and Distribution		
General wholesaling	1 per 15,000 sq. ft.	
Heavy wholesaling		
Warehousing and distribution	<p>The greater of the following:</p> <p>4 spaces; or:</p> <p>1 per 10,000 sq. ft. for first 50,000 sq. ft.;</p> <p>plus</p> <p>1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.;</p> <p>plus</p> <p>1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.</p>	
Self-service storage	None	
Manufacturing		
General manufacturing	The greater of the following:	
Heavy manufacturing		
Printing		
Transportation Facilities		
Aviation facilities	The greater of the following:	
Passenger ground transportation facilities		

	1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
	2	Applicable to marinas.
Marine facilities	<p>The greater of the following: 4 spaces; or:</p> <p>1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus</p> <p>1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus</p> <p>1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.</p>	Applicable to all other marine facilities.
Utilities		
Basic utilities	The greater of the following: 4 spaces; or:	
Drinking water treatment facilities	1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus	
Power generation facilities	1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus	
Data center facilities	1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Waste related facilities		
Fuel dealers		
Wireless communication facilities	None	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	4	
Surface mining		
Farming, Forestry, and Animal Services		
Agriculture	2	Applicable when retail sales are involved.
Forestry		
Agriculture and forestry services	<p>The greater of the following: 4 spaces; or:</p> <p>1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus</p> <p>1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus</p> <p>1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.</p>	

Keeping of livestock and other animals	2	Applicable when retail sales are involved.
Animal services		
Other Uses		
Accessory short-term rentals	None	
Temporary uses	None	
Home occupations	None	
Accessory dwelling unit	None	
<p>⁽¹⁾ Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.</p>		

Sec. 806.060. - Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking areas shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) *Location.* Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
 - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area. Bicycle parking areas shall not require users to lift their bikes over stairs or the bike rack itself, except in the case of wall or ceiling racks, in order to access bicycle parking.
- (c) *Dimensions.* Except as provided in subsection (f) of this section, Bicycle parking spaces shall be a minimum of six feet by two feet, and shall be served by a minimum four-foot wide access aisle. Bicycle parking areas shall meet the following dimension requirements:
 - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of

the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.

(2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

(d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

(d)(e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards. Bicycle racks shall accommodate the bicyclists own locking device.

(1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.

(2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;

(3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

(4) Racks shall be securely anchored.

(5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 800-806-10.

(f) Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:

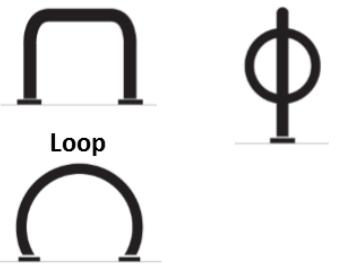
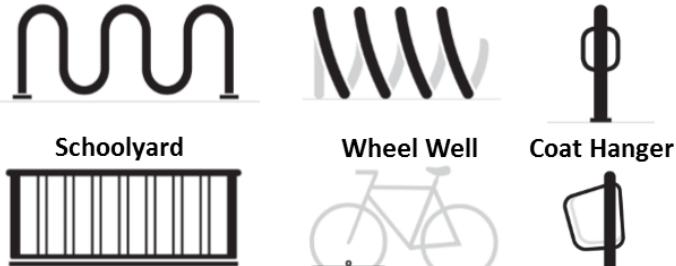
(1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;

(2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;

(3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and

(4) Lockers shall be securely anchored.

FIGURE 806-10. EXAMPLES OF BIKE RACKS THAT DO AND DO NOT MEET STANDARDS

Bike Racks That <u>MEET</u> Standards	Bike Racks That <u>DO NOT MEET</u> Standards
<p>Staple/Inverted Post & Ring</p>  <p>Loop</p>	<p>Wave Spiral Bollard</p>  <p>Schoolyard Wheel Well Coat Hanger</p>

Note: These bike rack styles support the bike frame in a stable position in two or more places a minimum of six-inches horizontally apart without damage to wheels, frame, or components; allow the frame and at least one wheel to be locked with a U-shaped shackle lock; and support a wide variety of bikes.

Note: These bike rack styles do not support the bike frame in a stable position in two or more places a minimum of six-inches horizontally apart; do not allow the frame and at least one wheel to be locked with a U-shaped shackle lock; or include features that limit the types of bikes that can be accommodated and which can promote damage to wheels and frames.