

Return to:

The City of Salem
555 Liberty St
Salem, OR 97301

**THIRD AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR THE SALEM BUSINESS CAMPUS FORMERLY KNOWN AS THE SALEM
RENEWABLE ENERGY AND TECHNOLOGY CENTER**

RECITALS

- A. The Declaration of Covenants, Conditions and Restrictions (Declaration) for the Salem Renewable Energy and Technology Park were recorded on May 5, 2009, on Reel 3059, Page 480, Marion County Deed Records, and amended on November 05, 2010, as recorded on Reel 3231, Page 241, Marion County Deed Records, and amended on December 11, 2017, as recorded on Reel 4031, Page 422, Marion County Deed Records.
- B. The City of Salem, an Oregon municipal corporation is the Declarant of the Declaration, and owns 67% of the total acreage of the Park, not counting Common Areas owned by Declarant.
- C. Pursuant to Section 9 of the Declaration, the Declaration may be amended by writing signed by the then Owners of two-thirds of total acreage of Lots in the Park.
- D. The purpose of this Second Amendment is to:
 - (1) Change Section 1 Definitions to include “Traded Sector” and its definition as Section 1.17 and reorder the definitions that follow accordingly;
 - (2) Change Section 1.17 “Traded Sector” to mean a business that produces goods or services to sale, for profit, and distributes such goods and services throughout the local community and exports outside the local community;
 - (3) Change Section 2 Permitted Uses and Architectural Control to include Traded Sector and to include Approval of Other Uses;
 - (4) Add Traded Sector to Section 2.2 Permitted Uses
 - a. Lots within the Campus may be improved, operated and used only for

uses allowed under the applicable zoning of the Campus as may be revised or amended from time to time and as further limited by this Declaration. Any use other than Traded Sector shall require the prior approval of the Association in accordance with the procedure set forth in this Declaration. No use shall be made within the Campus which shall unreasonably increase the fire hazard to adjoining property or which shall be in violation of any laws, regulations or ordinances of any federal, state or local government entity. Notwithstanding the foregoing, an electric substation is a permitted use in the Campus.

- (5) Add Approval of Other Uses to Section 2.3
 - a. An Owner requesting approval of a use other than Traded Sector shall provide such information concerning the use as may reasonably be required by the Association. In exercising its right of approval, the Association shall approve such use if it determines that the use will not interfere with the primary purpose of the Campus as a location for Traded Sector uses.
- (6) Reorder the subsequent Sections accordingly.

NOW THEREFORE, Declarant hereby amends the Declaration as follows:

Section 1 - Definitions

1.17 “Traded Sector” means a business that produces goods or services to sale, for profit, and distributes such goods and services throughout the local community and exports outside the local community.

~~1.17~~ **1.18 “Turnover”**

Section 2 – Permitted Uses and Architectural Control

2.2 Permitted Uses

Lots within the Campus may be improved, operated and used only for uses allowed under the applicable zoning of the Campus as may be revised or amended from time to time and as further limited by this Declaration. Any use other than Traded Sector shall require the prior approval of the Association in accordance with the procedure set forth in this Declaration. No use shall be made within the Campus which shall unreasonably increase the fire hazard to adjoining property or which shall be in violation of any laws, regulations or ordinances of any federal, state or local government entity. Notwithstanding the foregoing, an electric substation is a permitted use in the Campus.

2.3 Approval of Other Uses

An Owner requesting approval of a use other than Traded Sector shall provide such information concerning the use as may reasonably be required by the Association. In exercising its right of approval, the Association shall approve such use if it determines that the use will not interfere with the primary purpose of the Park as a location for Traded Sector Uses.

~~2.3~~ 2.4 Time for Notice and Approval

~~2.4~~ 2.5 Compliance with Laws and Regulations

~~2.5~~ 2.6 Submission of Preliminary Plans

~~2.6~~ 2.7 Submittal of Plans and Specification for Architectural Approval

~~2.7~~ 2.8 Review Fee

~~2.8~~ 2.9 Time of Review

~~2.9~~ 2.10 Notice of Approval of Use and Architecture

~~2.10~~ 2.11 Notice of Disapproval

~~2.11~~ 2.12 Arbitration of Design Disputes

~~2.12~~ 2.13 Basis for Approval

~~2.13~~ 2.14 Inspection

Except as Modified by this Third Amendment, the covenants, conditions and restrictions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF:

DECLARANT:

City of Salem, an Oregon municipal corporation, by

City Manager

Date: _____, 2018

STATE OF OREGON

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County of Marion

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On this _____ day of _____, _____, before me personally appeared Steven D. Powers, who being duly sworn, stated that he is the City Manager of City of Salem, an Oregon municipal corporation, and acknowledged the foregoing instrument to be the voluntary act and deed thereof.

Notary Public for Oregon

My commission expires: _____