



Staff Report

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Date: 1/24/2022
Item #: 5.b.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Norman Wright, Community Development Director

SUBJECT:

Deliberations - 2021 Unified Development Code Update

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Good Governance; Natural Environment Stewardship; Welcoming and Livable Community

SUMMARY:

Deliberations on proposed amendments to Salem Revised Code Title X (Unified Development Code) and various other identified chapters to comply with recent changes in State law, including House Bill 2001, and addressing issues that have arisen in the application of the Unified Development Code (UDC) since 2019; together with a proposed legislative zone change to change the zoning of those properties within the downtown in the General Retail/Office overlay zone that are currently zoned RH (Multiple Family High-Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District).

ISSUE:

Shall the City Council engross Ordinance Bill No. 13-21 as recommended under section 2 of this report and advance to second reading?

RECOMMENDATION:

Engross Ordinance Bill No. 13-21 as recommended under section 2 of this report and advance to second reading.

FACTS AND FINDINGS:

Procedural Findings

1. Pursuant to SRC 300.1110(a)(2), the Planning Commission may initiate a legislative land use proceeding by the adoption of a resolution referring the matter to public hearing for review and recommendation to the City Council.
2. On August 17, 2021, the proposed code amendments were initiated by the Planning Commission with the adoption of Resolution No. 21-01. Subsequently on September 7, 2021, the proposed legislative zone change was initiated by the Planning Commission with the adoption of revised Resolution No. 21-01 that added the proposed legislative zone change to the resolution in addition to the proposed code amendments.
3. ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was initially submitted on August 17, 2021 and was subsequently followed by a revised notice on August 31, 2021, which included the proposed legislative zone change in addition to the proposed code amendments.
4. On September 10, 2021, notice of the public hearing before the Planning Commission was mailed to all affected property owners as required under ORS 227.186. Public notice, as required under SRC 300.1110(e)(1)(A), was also mailed September 15, 2021, and public notice was published in the Statesman Journal newspaper, as required under SRC 300.1110(e)(2), on September 23, 2021, and September 30, 2021.
5. On October 5, 2021, a public hearing was held before the Planning Commission to receive public testimony on the proposal. The Planning Commission voted to recommend City Council approval of both the proposed amendments and the legislative zone change, together with additional revisions recommended by staff included in the October 5, 2021, supplemental staff report and further additional recommended revisions by the Planning Commission **(Attachment 1)**.
6. On November 22, 2021, the City Council conducted first reading of Ordinance Bill No. 13-21 and voted to hold a public hearing on the proposed amendments. The hearing was scheduled for December 6, 2021.
7. Notice of the City Council public hearing was mailed pursuant to SRC requirements *on* November 23, 2021, and published in the Statesman Journal newspaper.

8. On December 6, 2021, the City Council conducted a public hearing to receive evidence and testimony on the proposal. In consideration of the public testimony provided, the Council subsequently voted to continue the public hearing until December 13, 2021, in order to allow for submission of additional public testimony and to allow for further consideration of the proposed amendments.
9. On December 13, 2021, the City Council voted to close the public hearing and leave the written record open until January 10, 2021, for submission of additional written evidence and testimony.

Proposed Code Amendments

1. A general summary identifying and describing the proposed amendments is included as **Attachment 2**. The complete text of the proposed amendments is included Ordinance Bill No. 13-21 (**Attachment 3**).
2. **Recommended further revisions engrossing ordinance bill:**

Based on the public comments and testimony provided on the proposed amendments that are described later in this report, staff recommends that Ordinance Bill 13-21 be further revised as identified in this section. The recommended further revisions (“engrossments”) address the requirements for managed temporary villages for the unsheltered; minimum parking requirements for multi-family housing for people with intellectual and developmental disabilities; maximum parking requirements for middle housing; tree preservation requirements; the proposed amendments to the Fairview Mixed-Use (FMU) zone; and the effect of the proposed amendments on subsequent applications for extension of existing land use approvals.

a) Managed temporary villages (SRC Chapter 701).

As staff has continued to work to identify locations for managed micro shelter and safe vehicle parking shelter sites throughout the City for the unsheltered under the current emergency authorization, the need for further revisions to the proposed standards for managed temporary villages have been identified beyond those originally recommended to the Planning Commission on October 5th. In order to provide greater flexibility in the location, siting, and operation of managed temporary villages, the following further revisions to the proposed standards for managed temporary villages are recommended:

- ***Maximum number of renewals allowed.*** Increase the maximum number of temporary use permit renewals allowed to nine. Currently a maximum of four annual renewals are proposed to be allowed for managed temporary villages, allowing them to operate at a location for a total of five years. However, in recognition of the likely continuing need for this type of transitional shelter and the efforts and resources that will

go into their siting, approval, and establishment at a site, allowing them to operate for a greater amount of time by receiving up to nine renewals, for a maximum total of 10 years, will help to promote greater operational stability and less disruption. If a managed temporary village is found to be operating in a manner which doesn't conform to the applicable standards, an application for renewal may be denied.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(1)(B) on page 2 of the attachment.

- **Allowed locations in residential zones.** Expand where managed temporary villages may be located within residential zones to include properties that are owned or leased by a government entity. Currently managed temporary villages are only proposed to be allowed in residential zones when located on the site of a religious assembly use. Allowing managed temporary villages on land within residential zones that is owned or leased by a government entity expands the locations where these facilities may be allowed. The specific additional proposed location standards included under SRC 701.030(c)(2) would continue to apply.

Because the recommended further revisions affect the allowed uses section of multiple zones, they have not been included in Attachment 4. Staff therefore recommends that the City Council direct staff to engross the ordinance bill to add managed temporary villages as a permitted use on land owned or leased by a government entity in the Residential Agriculture (RA), Single-Family Residential (RS), Duplex Residential (RD), Multiple Family Residential (RM-I), Multiple Family Residential (RM-II), and Multiple Family High-Rise Residential (RH) zones.

- **Locations within floodplains.** Allow managed temporary villages to be located within mapped flood plains subject to meeting the requirements of the City's Floodplain Overlay Zone (SRC Chapter 601).

Currently the proposed amendments specifically prohibit managed temporary villages from being located within mapped floodway or floodplain areas. This proposed siting restriction, however, has raised concerns that it further limits potential sites within the community that are already currently difficult to find. Allowing managed temporary villages to be sited within floodplains subject to the requirements of the City's floodplain ordinance treats the use similarly to other uses that are allowed within floodplains when approved and developed in conformance with the requirements of SRC Chapter 601. In addition, managed temporary villages approved within a mapped flood plain are also proposed to require the submittal of a flood warning and response plan that includes advance warning coordination and an evacuation plan for enhanced safety. The

restriction prohibiting managed temporary villages from being located within mapped floodways is proposed to remain unchanged.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(b)(5) and SRC 701.030(c)(2)(B)(v) on page 2 of the attachment.

- **Locations next to a basic education use.** Clarify that managed temporary villages may not be located adjacent to a basic education use, which includes grades 1-12, but would not include day care/preschools. Provides that a managed temporary village would continue to be eligible for renewal if a basic education use locates adjacent to the village *after* the village has received approval.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(1)(B) and 701.030(c)(2)(B)(ii).

- **Maximum number of shelter units.** Clarify that any shelter units provided inside a building don't count towards the maximum number of shelter units allowed on a site.

Currently the maximum number of shelter units allowed within a managed temporary village is 40. There are circumstances envisioned, however, where a managed temporary village may be located on the same site as a building that will also include shelter units within it. The shelter units within a managed temporary village, however, are intended to be located outside of a building and the 40-shelter unit maximum is therefore not intended to apply to any shelter units provided within a building on the same site. Clarifying that the maximum shelter unit standard doesn't apply to shelter units within a building helps to increase the number of unsheltered that can be served on a site without increasing potential impacts that might otherwise occur if additional shelter units were allowed outside of a building.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(3)(A) on page 2 of the attachment.

- **Required setbacks.** Revise proposed setbacks to provide greater flexibility in siting shelter units and supporting facilities. Based on experience from siting existing managed micro shelter and safe vehicle parking shelter sites in the City and the challenges

associated with finding suitable locations, the need for flexibility in terms of site setbacks has been identified.

Currently a minimum 15-foot perimeter setback is required for managed temporary villages. No shelter units, storage areas, sanitation facilities, off-street parking and vehicle use areas, or any other structures or areas associated with the use may be located within the setback area.

In order to provide additional siting flexibility, required setbacks are recommended to be revised to reduce the minimum setback abutting industrial and employment zoned properties (*Employment Center (EC), Industrial Commercial (IC), Industrial Business Campus (IBC), Industrial Park (IP), General Industrial (IG), Intensive Industrial (II), and Second Street Craft Industrial Corridor (SCI)*) to five feet while maintaining a minimum required 15-foot setback abutting streets and all other zones. Additionally, it's recommended that existing paved off-street parking and vehicle use areas on sites be allowed to be used for the placement of shelter units and the parking of vehicles regardless of their setback, and that required perimeter fencing/screening for the managed temporary village be allowed within the required setback area.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(6)(A) on pages 4 and 5 of the attachment.

- **Attached structures.** Allow shelter units that are attached. Currently the proposed amendments imply that shelter units must be detached. However, there are companies that manufacture structures that include shelter units that are attached in one structure. In order to ensure that the proposed amendments don't preclude the possibility of utilizing temporary structures that include attached shelter units, further revisions are recommended to clarify that shelter units suitable for attachment (*excluding tents, vehicles, etc.*) may be attached in one structure.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(6)(D)(i) on page 5 of the attachment.

- **Required separation/clear space around shelter units.** Decrease the minimum separation/clear space required around shelter units to six feet. Currently a minimum separation/clear space of eight feet is proposed around shelter units. However, as the required separation between shelter units increases, the usable area of the site that can be utilized for the siting of shelter units is correspondingly decreased. As such, concerns have been expressed regarding the current minimum 8-foot separation requirement and its impact on locating shelter units on a site. In order to address these concerns and provide for the more economical use of limited on-site space while at the same time promoting safety and pedestrian accessibility, a minimum separation of six feet is proposed. The minimum 6-foot separation is proposed to be required around each shelter unit and any structure containing attached shelter units.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(6)(D)(ii) on page 5 of the attachment.

- **Surfacing requirements for parking and vehicle use areas.** Allow shelter units provided in vehicles and parking and vehicle use areas to be located on either a paved or compacted gravel surface. Currently the proposed standards require shelter units provided in vehicles and parking and vehicle use areas to be located on a paved hard surface material meeting the Public Works Design Standards. Comments from shelter operators express concern, however, over the requirement for these areas to be paved and instead suggest that compact gravel be allowed in-lieu of paving to minimize the amount of alterations required to existing sites.

In order to address this concern, further revisions are proposed to the vehicle use area surfacing requirements included in the amendments to allow shelter units in vehicles and parking and vehicle use areas to be located on either a paved surface or on a compacted gravel surface. In order to minimize any potential impacts associated within the allowance of compacted gravel surfaces, additional standards are proposed requiring a minimum 10-foot long paved driveway leading into the property to reduce the potential for gravel being tracked into the public street right-of-way, as well the installation of a physical barrier to prevent vehicle access and parking on the gravel surfaces when the managed temporary village is no longer in operation on the property.

The proposed further revisions are identified in **Attachment 4** and specifically modify SRC 701.030(c)(6)(D)(iii) and SRC 701.030(c)(6)(F) on page 5 of the attachment.

- **Vehicle requirements.** Eliminate standard requiring vehicles to be operable. Currently the proposed standards require that any vehicle used as a shelter unit must be operable. Comments from shelter operators indicate, however, that vehicles utilized by individuals may not always be operable and therefore such a standard can be a barrier to shelter access. In order to address this concern, the standard requiring vehicles used as shelter units to be operable is recommended to be removed.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(6)(D)(vii) on page 5 of the attachment.

- **Bicycle parking.** Reduce the minimum required bicycle parking for managed temporary villages to 0.25 spaces per shelter unit. Currently the minimum bicycle parking for managed temporary villages is one space per shelter unit. Comments from shelter operators indicate, however, that their current experience is that roughly one-quarter of shelter residents require space for parking of bicycles. In order to align the proposed minimum bicycle parking requirement with the anticipated need, it is recommended that the standard be reduced to a minimum of 0.25 spaces per shelter unit. The proposed revision would result in a minimum of 10 bicycle parking spaces being required for a

managed temporary village of 40 shelter units and since the standard is a minimum it wouldn't bar the operator from providing additional bicycle spaces if there is an increased demand.

The proposed further revisions are identified in **Attachment 4** and specifically modify proposed SRC 701.030(c)(6)(E) on page 5 of the attachment.

b) Parking requirements (SRC Chapter 806).

Two further revisions are recommended to the off-street parking requirements included under SRC Chapter 806. They include the following:

- ***Minimum parking requirement for multi-family housing people with intellectual and developmental disabilities.*** Amend the off-street parking requirement for multiple family uses to establish a standard specific to multi-family housing serving people with intellectual and developmental disabilities.

As identified in the summary of the public testimony provided, comments were received from an organization in the community who provides housing and services to individuals with intellectual and developmental disabilities. As indicated in their comments, they request that the minimum off-street parking requirements for multiple family development be amended to require a minimum of one space per four dwelling units, consistent with what is currently required for low income elderly housing, in order to better align the minimum parking requirement of the code to the needs of the population served - who rarely have a vehicle or a driver's license.

In order to address this identified need, the multiple family parking requirements included under SRC Chapter 806 are recommended to be further revised to establish a minimum off-street parking requirement of one space per four dwelling units for multiple family developments housing people with intellectual and developmental disabilities. The proposed further revision is included in **Attachment 4** and specifically modifies SRC 806.015(a) - Table 806-1, on page 7 of the attachment.

- ***Maximum off-street parking for middle housing.*** Establish a maximum off-street parking requirement for middle housing.

The maximum allowed off-street parking for a particular use under the code is generally based on its corresponding minimum off-street parking requirement. For uses where a minimum off-street parking requirement is not established, a maximum parking requirement still applies, but the maximum parking standard is established under a separate table in the parking standards of the development code (SRC 806.015(d)(2) - Table 806-2B). Based on the Planning Commission's recommendation to eliminate the minimum off-street parking requirements for middle housing, a new maximum off-street parking standard needs to be established to correspond to the eliminated minimum and

prevent a gap in the development code.

The current maximum off-street parking requirement for three family, four family, and multiple family uses located within the CSDP area or within one-quarter mile of the Core Network (*where no minimum off-street parking for these uses is required*) is 1.75 spaces per dwelling unit.

In order to establish a maximum off-street parking requirement for middle housing that is consistent with the current maximum parking applicable to three family, four family, and multiple family uses located within the CSDP area or within one-quarter mile of the Core Network, SRC Chapter 806 is recommended to be further revised to establish a maximum off-street parking requirement of 1.75 spaces per dwelling unit.

The proposed further revisions are included in **Attachment 4** and specifically modify SRC 806.015(d)(2) and Table 806-2B, on page 13 of the attachment.

c) **Tree preservation requirements (SRC Chapter 808).**

In order to address issues raised in the public testimony concerning the amendments to the tree preservation ordinance, the following additional further revisions are recommended:

- **Definition of arborist.** Revise the definition of arborist to clarify that they must be certified by either the International Society of Arboriculture (ISA) or the American Society of Consulting Arborists (ASCA). The current definition of arborist includes individuals certified by the ISA, the American Society of Consulting Arborists, or a similar professional organization.

The proposed further revision is included in **Attachment 4** and specifically modifies SRC 808.005 on page 14 of the attachment.

- **Definition critical root zone.** Revise the definition of critical root zone to allow the critical root zone of non-significant trees to be determined by an arborist. The current proposed definition requires the critical root zone of all trees to be established based on a ratio of one-foot of radius for each one-inch of dbh of the tree.

The recommended revision to allow the critical root zone of non-significant trees to be determined by an arborist is in response to the recommendations provided by the representatives of the Home Builders Association and provides the option of allowing a certified professional to determine the applicable critical root zone based on the specific characteristics of the tree and the associated site conditions.

Under the revised definition, the critical root zone of significant trees will continue to be based on the one-foot of radius for each one-inch of dbh ratio. The proposed further

revision is included in **Attachment 4** and specifically modifies SRC 808.005 on page 14 of the attachment.

- **Definition of significant tree.** Revise the definition of significant tree to include Douglas fir with a dbh of 30 inches or greater and exclude those trees that the City's Urban Forester identifies should not be classified as significant. The current proposed definition of significant tree included with the amendments expands the definition to include Oregon white oaks down to 20 inches dbh and any other tree (*excluding Douglas fir*) with a dbh of 30 inches or greater. Further review of the proposed amendments by the Urban Forester, however, indicates that there are certain species of trees that should not be considered significant regardless of their size. Trees that the Urban Forester recommends should not be considered significant include:
 - Tree of heaven (*Ailanthus altissima*);
 - Empress tree (*Paulownia tomentosa*);
 - Black cottonwood (*Populus trichocarpa*); and
 - Black locust (*Robinia pseudoacacia*).

In addition, the Planning Commission's October 5, 2021, recommendation to the City Council included a change to the proposed definition of significant that excluded Douglas fir with a dbh of 30 inches or greater.

Further review of this recommended revision by the Urban Forester, however, indicates that Douglas fir with a dbh of 30 inches or greater should be retained in the proposed amended definition of significant tree due to the importance of the species in providing wildlife habitat, retaining a natural ecosystem, and increasing the City's tree canopy.

In order to address the comments provided from City's the Urban Forester, the definition of significant tree is recommended to be further revised to exclude the specific trees identified that should not be considered significant and to include Douglas fir with a dbh of 30 inches or greater as originally recommended by staff.

The proposed further revisions are included in **Attachment 4** and specifically modify SRC 808.005 on page 15 of the attachment.

- **Preservation of trees on lots or parcels 20,000 square feet and greater.** Clarify that the tree preservation requirements of SRC 808.025 applicable to lots or parcels 20,000 square feet or greater also apply to middle housing development. Currently the tree preservation requirements of SRC 808.025 apply to single family and two-family residential development. Under House Bill 2001, standards applicable to middle housing development must be consistent with those applicable to single family residential development. Amendments are proposed throughout SRC Chapter 808 to establish this consistency, but in the original drafting of the amendments the requirements of SRC 808.025 were inadvertently left out and are now recommended to

be included in the ordinance.

The proposed further revisions are identified in **Attachment 4** and specifically modify SRC 808.025 on page 16 of the attachment.

- ***Additional factors to consider in the approval of tree removal permits, tree conservation plans, and tree conservation plan adjustments.*** Establish additional factors to be considered in the review of tree removal permits, tree conservation plans, and tree conservation plan adjustments where the approval criteria require a determination that there are no reasonable design alternatives that would enable preservation of a tree or trees.

The City's tree preservation ordinance currently includes specific approval criteria for tree removal permits, tree conservation plans, and tree conservation plan adjustments that require a determination to be made regarding whether there are reasonable design alternatives that exist which would enable the preservation of a tree or trees when such applications propose the removal of significant trees or trees in riparian corridors, or propose less than the minimum percentage of trees required to be preserved.

Comments submitted from representatives of the Home Builders Association expressed concern about the level of uncertainty and discretion associated with the "no reasonable design alternatives" standard, especially as it relates to the proposed expanded definition of significant tree, and proposed a revision to specify clear and objective standards for the removal of significant trees when necessary for streets, utility easements, driveway approaches, and increasing density.

In consideration of these identified concerns, staff recommends that the approval criteria for tree removal permits, tree conservation plans, and tree conservation plan adjustments be further revised to introduce additional factors to be considered in evaluating whether or not reasonable design alternatives exist and to help further define those circumstances when tree removal is warranted. The recommended additional factors provide for consideration of required streets, utilities, site topography, residential density, and other factors in determining whether a tree removal is necessary; but do not include consideration of driveway location due to the inherent greater flexibility in siting driveways in a manner to avoid impacts to trees.

The additional factors will apply in those situations when an approval criterion for a tree removal permit, tree conservation plan, or tree conservation plan adjustment requires a determination that there are no reasonable design alternatives.

The proposed further revisions are identified in **Attachment 4** and specifically modify SRC 808.030(d)(5), SRC 808.035(d)(2), and SRC 808.040(d)(2) on pages 18-19, 21, and 23-24 of the attachment.

- ***Mitigation measures for tree conservation plans and tree conservation plan***

adjustments proposing tree preservation of less than 30 percent. Establish mitigation measures for tree conservation plans and tree conservation plan adjustments that propose preservation of less than 30 percent of the trees on the property.

Under the current tree preservation ordinance, mitigation is not specifically required for tree conservation plans or tree conservation plan adjustments preserving less than the minimum required percentage of trees. Replanting is, however, typically required as a condition of approval.

In the comments submitted by the representatives of the Home Builders Association, an amendment was suggested that would allow the removal of additional significant trees if the subdivisions were designed with a solar panel offset. While staff does not support allowing the removal of additional significant trees if replaced with solar panels, the concept of providing mitigation measures other than tree replanting in certain circumstances to help achieve the City's climate and density goals is one that can be implemented in the code. As such, staff recommends that the amendments be further revised to establish mitigation measures that an applicant can choose from in those situations when a tree conservation plan or tree conservation plan adjustment proposes to preserve less than the minimum required 30 percent of the trees on the property.

In order for a tree conservation plan or tree conservation plan adjustment to be approved preserving less than the minimum required 30 percent, it must first, however, be demonstrated that there are no reasonable design alternatives that would enable a minimum of 30 percent of the trees to be preserved. In those situations where there are no reasonable design alternatives that would enable a minimum of 30 percent of the trees on the property to be preserved, any combination of one of the following mitigation measures would be required to be provided for each tree removed in excess of 70 percent:

- *Residential density increase.* One middle housing dwelling unit or accessory dwelling unit (ADU) provided for each tree removed;
- *Solar power off-set.* One solar array provided for each tree removed;
- *Electric vehicle charging.* One residential electric vehicle charging station for each tree removed;
- *Open space lot.* An open space lot reserved in the development that is planted with two trees for each tree removed.

The proposed further revisions are identified in **Attachment 4** and specifically modify SRC 808.035(d)(1)(E), SRC 808.035(e), SRC 808.040(d)(1)(E), and SRC 808.040(e) on pages 20, 21-22, 23, and 24 of the attachment.

d) Amendments to the Fairview Mixed-Use (FMU) zone (SRC Chapter 530).

As indicated in the summary of the public testimony provided, comments were received both in favor and in opposition to the proposed amendments to the Fairview Mixed-Use (FMU) zone. The one comment received in opposition to the proposed amendments recommends that the City Council not adopt the proposed revisions to the Fairview Mixed-Use (FMU) zone and indicates that if the amendments are adopted, an appeal to the Land Use Board of Appeals (LUBA) will likely follow.

Because the proposed ordinance includes a variety of amendments including some which are time sensitive, in the case of the amendments implementing the middle housing requirements of House Bill 2001, and which must be adopted by a certain date, staff recommends that the City Council direct staff to establish a separate ordinance for the proposed amendments to the FMU zone.

Establishing an ordinance specific to the proposed amendments to the FMU zone will allow for any appeal of the proposed FMU zone amendments to be addressed separately and avoid any unnecessary delay to the adoption of the amendments implementing HB2001.

e) Effect of amendments on the extension and expiration of approved land use applications.

For existing land use applications that have gone through their respective review process and have been approved but development has not yet commenced prior to the expiration date of the approval, the City's land use procedures ordinance, pursuant to SRC 300.850, provides that, when applicable, such approvals may be extended through either a Class 1 or Class 2 extension. A Class 1 extension may be approved when there have been no changes to the standards and criteria used to approve the original application and a Class 2 extension may be approved when there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.

Because the proposed amendments included with the ordinance bill modify and update various standards throughout the development code it's possible that some existing land use approvals that were issued prior to the effective date of this ordinance and some land use applications that are currently under review and being processed would not be able to be approved for an extension if development under the approval had not already commenced prior to the decision expiration date because the proposed changes to the standards would require a modification of the original approval.

It is not the intent of the proposed amendments, however, to invalidate existing land use approvals, or existing land use applications that are being reviewed under current standards, or to preclude them from being extended when there is still time remaining under their original approval. In order to ensure that the proposed amendments do not unintentionally prevent the approval of extensions to existing land use decisions that have been through the review process and approved, or existing land use applications that are currently submitted

and under review based on the current standards, staff recommends that the City Council direct staff to add a section to the ordinance bill specifying that:

Land use applications submitted and/or approved prior to the effective date of this ordinance that would require Class 2 extension approval as a result of changes to development standards and criteria included in this ordinance may, notwithstanding the approval criteria for Class 2 extensions included under SRC 300.850(b)(4)(B), receive Class 2 extension approval provided the decision has not expired and there are remaining extensions available. Nothing in this section shall be construed to grant more time or additional extensions beyond that which is otherwise allowed under the original approval.

Because the above identified revisions aren't currently included in the ordinance, staff recommends that the City Council direct staff to engross the ordinance to include these additional recommended changes.

Public Outreach & Testimony

1. The proposed amendments were presented to the Planning Commission through a series of work sessions that were held on June 1, 2021, June 15, 2021, July 20, 2021, and August 16, 2021. The public was invited to attend and staff publicized the work sessions through emails to an interested parties list of roughly 2,500 people.

In addition, staff held a series of virtual informational meetings where downtown property owners were invited to attend to learn more about the proposed changes to the Central Business District (CB) zone and the proposed legislative zone change to CB.

2. **Public testimony for Planning Commission hearing.** Public testimony on the proposed amendments was received both prior to and at the Planning Commission public hearing. Testimony received indicated, in summary, support for various elements of the proposed amendments including the proposed revisions relating to transit requiring the construction of transit stops when needed as a condition of development and including the Transit District on list of agencies to receive notice of land use applications and legislative land use proposals; the revisions allowing self-service storage as a special use within existing buildings in the CB (Central Business District) zone that are located outside the Salem Downtown Historic District; the elimination of commercial parking as a permitted use in the ESMU (Edgewater/Second Street Mixed-Use Corridor) zone; and the increase in the variety of poultry allowed and the number of birds that may be kept.

Several comments were provided concerning the proposed amendments to the City's tree preservation ordinance (SRC Chapter 808). Comments received indicated support and opposition to those amendments. Comments received in support of the amendments expressed the benefits the proposed amendments will have on improving the ability of the City to maintain the City's tree canopy and the environmental benefits that will have. Comments received in opposition to the amendments expressed concerns regarding the impacts the proposed

amendments will have on housing development and housing affordability within the City as a result of the proposed expanded tree protection requirements.

In addition to the testimony provided in support of the proposed amendments, testimony was also received expressing concerns pertaining to the definitions of "waterway" and "riparian corridor" within the code and how they relate to the new proposed waterway setback for middle housing required under State House Bill 2001 and the riparian corridor tree and vegetation protection requirements under the City's tree protection ordinance; the proposed revisions allowing managed temporary villages for the unsheltered; the proposed standards for cottage housing included under SRC Chapter 700 (Special Uses); the requirement that new dwellings on existing lots abutting an alley take access from the alley; and the requirement that middle housing provide a minimum of one off-street parking space per dwelling unit.

The written testimony provided concerning the proposed amendments for the Planning Commission hearing is included as **Attachment 5**.

- 3. Public testimony for City Council hearings.** Additional public testimony on the proposed amendments was received for both the December 6, 2021, and December 13, 2021, Council hearings, as well as during the open record period which ended on January 10, 2022.

Testimony submitted during the December 6th and December 13th Council hearings is included as **Attachment 6** and additional testimony submitted during the additional open record period is included as **Attachment 7**.

A summary of the testimony received, organized by general topic, is provided below.

- a) Keeping of Poultry and Other Animals (SRC Chapters 50 & 95).** Comments were received both in favor and in opposition to the proposed amendments increasing the number of and variety of poultry that may be kept in the City. A comment was also provided in opposition to the allowance of keeping miniature swine.

Comments in favor of the amendments express support, in summary, because:

- ❖ Increasing the variety of poultry that may be kept to include smaller birds results in less space being needed than for chickens and tighter coops that should limit access to feed by rodents and other pests.
- ❖ Smaller birds are a great option for people to have more control over their food source, and due to their small size and impact they will be the best option for citizens while we continue to build density in Salem.

Comments in opposition to the amendments express concerns pertaining to the following:

- ❖ Increasing the amount of poultry that may be kept will attract more vermin including

- rats and possums going after both the poultry and their eggs.
- ❖ Increasing the amount of poultry that may be kept to 12 poultry per lot will result in more nuisances and impacts on adjacent residents, including smell and flies. It is recommended that if more poultry than six per lot are proposed to be allowed, then they should be required to be located on a lot with a larger minimum backyard size.
 - ❖ Keeping of poultry is an attack on single family home owners that pay high property taxes that choose not to have livestock near their home.
 - ❖ Poultry and pigs do not belong in single family neighborhoods because these animals are hazardous to neighbors through disease, pet cats and dogs, and the lack of clear standards and real City enforcement of codes and rules.

Staff Response: The proposed amendments respond to a need identified by members of the community to increase the number and variety of poultry that may be kept in the City. The proposed increase in the variety of poultry allowed allows for other smaller types of birds, such as quails, doves, and pigeons to be kept to meet resident's needs and because these species are smaller a slight increase in the maximum number which may be kept has also been proposed. Keeping poultry can help individuals to live more sustainably and self-sufficiently when it comes to their food sources and standards are in place for the keeping of these birds to minimize potential impacts on abutting properties.

In regard to the keeping of miniature swine, this use has been allowed in the code for quite some time. The proposed amendments simply relocate the standards currently in place for the keeping of miniature swine from their current location under SRC Chapter 95 (Miscellaneous Offenses) to SRC Chapter 50 (Property Maintenance) so the standards for keeping of animals within the City can be better grouped together in one location in the code.

- b) Property Boundary Verifications (SRC Chapter 205).** Several comments were received expressing concern and opposition to the proposed elimination of the Property Boundary Verification Process included under SRC 205.065. Comments received indicate, in summary, that the property boundary verification process should not be eliminated because it's an effective tool for the development community to bring projects to market in a timely manner without unnecessary process that adds time and money to the City's review process and to the private sector. It is explained that elimination of the property boundary verification process will have unintended consequences that will negatively impact the ability to develop properties within the City. It is indicated that the property boundary verification process allows a property owner that owns contiguous lots to establish the exterior boundary line of the lots as the property line for building permit purposes, allowing development of the entire parcel as a single unit of land without requiring consolidation and avoiding the significant costs and delay associated with serial property line adjustment and replat processes.

Staff Response: As identified in the applicability section of the property boundary

verification process included under SRC 205.065(a), the purpose of a property boundary verification is to provide a process where the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purpose of application of the **Building Code**. A property boundary verification does not however, serve any function in consolidating multiple contiguous properties held under the same ownership as one unit of land for purposes of application of the UDC.

In the case where a property boundary verification has been approved, a building is allowed to be located over interior property lines without the need to provide building separation or firewalls that would otherwise be required under the Building Code had no property boundary verification been approved, but the building and any other development on the site, including off-street parking areas, must still comply with the applicable setbacks of the UDC adjacent to those interior property lines. As such, property boundary verifications create a conflict where setbacks no longer apply under the building code but still apply under the UDC. The only way to then eliminate the corresponding required setback under the UDC is for an applicant to apply for a zoning adjustment, which in itself adds time, cost, and uncertainty to a development project. Zoning adjustments can only be approved if the applicable approval criteria are met. One of the applicable zoning adjustment approval criteria requires the applicant to demonstrate that the purpose underlying the standard proposed for adjustment is either clearly inapplicable to the development or equally or better met by the proposed development. In the case of an applicant requesting to eliminate a required 5-foot building setback applicable on both sides of an interior property line, it is difficult to provide sufficient findings demonstrating how no building setback equally or better meets the intent of providing the required 5-foot setback.

Property boundary verifications also create confusion in that although they allow buildings to be constructed over continuous property lines at the point in time when the contiguous properties are under the same ownership, but property boundary verification approval does nothing, however, to actually consolidate the existing properties into one lot. As such, despite the approval of a property boundary verification, the underlying properties continue to exist as legal units of land which can be sold off at any time. If one or more of the units of land which make up the site are sold off separately, any building that was approved to be constructed over the property lines pursuant to the property boundary verification approval will become nonconforming under the Building Code unless it was designed to include the necessary firewalls adjacent to those interior property lines.

An additional problem with property boundary verifications is that it is a type of application that is not specifically recognized under ORS Chapter 92, the chapter of the Oregon Revised Statutes that identifies State requirements for the division and reconfiguration of land. Further, the allowance of buildings to be constructed over internal contiguous property lines through the property boundary verification process also has the potential to conflict with the provisions of ORS 209.150, which requires any person who has disturbed or destroyed any survey monument of record in the office of the county surveyor or county clerk to cause a professional land surveyor to reference and replace the monument within 90 days of the removal, disturbance, or destruction. When a building has been approved to be constructed

over a property line and there are existing survey monuments that exist along that line which will be destroyed through the construction process, it will not be possible to replace those survey monuments as required under this statute.

In order to avoid the problems associated with property boundary verifications, the best way to consolidate multiple lots under contiguous ownership to facilitate redevelopment is to go through either the property line adjustment or replat process. Both processes are recognized under ORS 92 and result in an actual consolidation of the lots and elimination of interior property lines. The review processes associated with these applications is not unnecessarily burdensome and they result in a better solution that does not require applicants to apply for corresponding zoning adjustments to eliminate UDC required setbacks that may or may not be able to be approved.

- c) **Class 3 Site Plan Review Approval for Developments Involving Conditions of Approval (SRC Chapter 220)**. Two comments were received expressing concern about the proposed amendment requiring Class 3 Site Plan Review approval for applications that require conditions of approval to be placed on them. It is explained that this amendment seems needlessly broad as many small and otherwise inconsequential developments will be forced to go through a lengthy and costly process. It is indicated that this should be revised to be more flexible as to not inhibit small business and other budget-constrained developments from otherwise making improvements.

Staff Response: The proposed amendment to require Class 3 Site Plan Review for applications that involve placement of conditions on the approval will not result in additional process or cost burdens on applicants because any application that currently requires a condition of approval in order to meet an approval criterion or development standard is considered either a land use decision or limited land use decision requiring Class 3 Site Plan Review. Under the proposed amendments, developments that meet the applicable development standards of the code, and therefore do not need to be conditioned, will continue to be processed as either Class 1 or Class 2 Site Plan Reviews.

The proposed amendment is intended to address situations that have arisen in the past where an applicant has volunteered to have a condition placed on their development approval, but because the application otherwise met the applicable standards of the code and was being processed as a Class 2 Site Plan Review, a condition could not be placed on it. The proposed amendment addresses this issue and makes it clear that in those situations, the application can instead be processed as a Class 3 Site Plan Review.

- d) **House Bill 2001 (Middle Housing - Various Chapters)**. Comments were received both in favor and in opposition to the proposed amendments implementing House Bill 2001. Comments in favor of the amendments express support because of the effect they will have on promoting greater housing variety and affordability to better meet the needs of the City's diverse population. The comments also express support for the Planning Commission's recommendation to eliminate the minimum off-street parking requirements for middle housing because it will allow the flexibility that this type of residential development will need

to be efficient and successful for the community members they are intended to serve.

Comments in opposition to the amendments express concerns about the impacts that allowing middle housing in single family residential neighborhoods will have on the character and livability of those neighborhoods. Concern and opposition was also expressed regarding the Planning Commission's recommended elimination of the off-street parking requirement for middle housing. The comments explain, in summary, that:

- ❖ A minimum of one off-street parking space per dwelling unit should be required for middle housing as originally recommended by staff.
- ❖ Not requiring any parking for middle housing is unfair to existing and future single family and multifamily residents as it shifts the demand for parking to the public right-of-way which other residents, visitors, and delivery vehicles are already competing for.
- ❖ It's not reasonable to assume all residents in middle housing units will not have a vehicle.
- ❖ Eliminating the minimum off-street parking requirement for middle housing will result in a disservice to both current homeowners and potential renters of middle housing because people will not suddenly give up their vehicles to move into a middle housing development.
- ❖ If no off-street parking is required and no on-street parking is available, it is uncertain where people will park.
- ❖ Not requiring off-street parking for middle housing will negatively affect city infrastructure, add to traffic congestion, affect emergency services, and shift the cost burden from private developers to the public.

One comment was also received urging the City to consider the implications of the 2008 Land Use Board of Appeals (LUBA) decision *Johnson v. Jefferson County* and how it relates to the proposed middle housing amendments pertaining to waterway setbacks and the City's comprehensive plan policies relating to Statewide Planning Goal 5 resources.

Staff Response: The Planning Commission's recommendation to eliminate the minimum off-street parking requirement for middle housing is consistent with the strategies identified in the City's Climate Action Plan and forthcoming State of Oregon rules for Climate Friendly and Equitable Communities. Currently parking is not required for Accessory Dwelling Units anywhere in the city or for Multi-family housing constructed within the Central Salem Development Program Area (CSDP) or within ¼ mile of the Core Network. Middle housing that consists of three and four family uses are included in the previously adopted parking requirement elimination for multi-family in the CSDP and with ¼ mile of the Core Network. The Planning Commission recommendation would extend that city-wide and include two family, townhouses and cottage clusters. Additionally, the Our Salem Zoning Subcommittee is recommending the elimination of parking for mixed-use developments in mixed-use zones within ¼ mile of the Core Network.

The Planning Commission found that eliminating the requirement does not necessarily mean that parking will not be provided but instead will be determined by the market. The recommendation, if adopted, will provide more flexibility in developing housing.

In regard to the proposed amendments establishing a waterway setback for middle housing, Division 46 (*Middle Housing in Medium and Large Cities*) of the Oregon Administrative Rules (OAR) requires medium or large cities that have not adopted land use regulations pursuant to OAR 660-023-0090 for riparian corridors to apply a 100-foot setback to middle housing developed along a riparian corridor.

In order to comply with the above identified requirement of State, the proposed amendments establish a 100-foot waterway setback that applies specifically to middle housing. The new waterway setback does not apply, however, to residential development other than middle housing.

The comment provided indicates that the proposed amendments establish, "a zero setback for dwellings in riparian corridors in single family zones..." This statement, however, is incorrect. The proposed amendments included with this update amend the code to establish a new waterway setback for middle housing development as required by HB2001. There are no other changes included in the proposed amendments that would reduce the required setbacks or riparian corridor protections currently required for single family dwellings in residential zones. All those existing setbacks and protections remain in place.

In addition, staff expects to conduct a Goal 5 update following the completion of the Our Salem project.

- e) Central Business District (CB) Zone Design Standards (SRC Chapter 524).** Two comments submitted express concern that the proposed amendments to the design standards of the Central Business District (CB) zone include unnecessary architectural design standards meant for a historic district. It is explained that these amendments will inhibit the very development we hope to see and it is recommended that the architectural design standards be removed because they are unwarranted, subjective, and limiting. The comments explain that the design standards in this district should maintain flexibility in order to make it a unique and new area of Salem that can become a destination.

Staff Response: Development within the CB zone is already subject to design standards, but the existing standards are minimal compared to other areas in the City where design review is required, and the standards are not sufficient to ensure development in a manner that promotes a vibrant and attractive pedestrian-friendly downtown urban environment. As such, the proposed amendments include a few additional design standards to promote improved building and site design based on existing design standards applicable in other zones and overlay zones within the City where an urban pedestrian-friendly development pattern is desired. The additional proposed design standards address:

- ❖ Minimum ground floor building height;

- ❖ Building façade design/articulation;
- ❖ Ground floor dwelling unit entry separation from street;
- ❖ Upper floor windows;
- ❖ Parking location behind or beside buildings; and
- ❖ Ground level and rooftop mechanical and service equipment screening.

The additional CB zone design standards included with the proposed amendments are intended to promote the basic fundamentals of good building and site design, are not onerous, and still allow for flexibility in design.

- f) Self-Service Storage within existing buildings in the CB zone (SRC Chapters 524 & 700).** One comment received expressed support for the proposed amendments allowing self-service storage within existing buildings downtown in the Central Business District (CB) zone, but concern was raised, however, that the amendments limit self-storage in existing buildings to only the basements and upper floors of buildings. The comment explains that in cases like the JCPenney building or the former Statesman Journal building, the buildings are so deep that a viable commercial use could be hard to find. The comment recommends that the proposed standards be further revised to also allow self-service storage on the first floor of buildings, but only in the rear portion of the building; reserving the first 50 feet of depth for pedestrian commercial uses such as retail and office.

Staff Response: The proposed amendments allowing self-storage within existing buildings in the CB zone intentionally restrict the storage use of the building to the basement and upper floors in order to ensure the ground floor of the building remains occupied by active uses supportive of the downtown urban environment. The amendments do allow, however, the leasing office and other non-storage customer services areas associated within the use to be located on the ground floor, as well as loading docks and service elevators - when located at the rear of the building and not occupying any portion of the ground floor space within the building abutting a street. Staff would have concerns, however, over potential unintended consequences if the amendments were further revised to allow self-storage on the ground floor of any building in the CB zone, except for the first 50 feet of depth.

- g) Proposed Revisions to Fairview Mixed-Use Zone (SRC Chapter 530).** Comments were received both in favor and in opposition to the proposed amendments to the Fairview Mixed-Use (FMU) zone.

One of the comments received in support of the amendments indicates that as someone who has written two refinement plans and built most of the single-family homes in Fairview, it is highly recommended that the City Council approve the changes to the zoning ordinance. It is explained that without the proposed changes, the properties within the master planned area which are not currently approved with a refinement plan or ones that may need amending in the future, will likely become even more uncertain as to the development potential. It is indicated that in looking back at all of the refinement plans that have been approved to-date, likely none would have withstood the rigid interpretation handed down by

LUBA in the *Mumper v. City of Salem* case. The comment indicates that uncertainty as to the parameters of what and how this 270 acres can be developed, both by City staff and developers, leaves the future of this property in a state of unknown, which usually means undeveloped. One important aspect necessary for the success of this development as envisioned by the City depends on build out of the entire master development. Unfortunately, without these staff recommended changes, such connection is unlikely anytime in the foreseeable future.

The other comment submitted in support of the proposed amendments indicates that Simpson Hills LLC is one of the largest single land owners within the Fairview FMU zone and they support the modifications recommended by City staff. The comment indicates that without the proposed modifications development on the Simpson Hills LLC property will be severely affected in a negative way. It is indicated that there is proven success within Fairview for allowing Refinement Plans and their amending.

The one comment received in opposition recommends that the City Council not adopt the proposed revisions to the Fairview Mixed-Use (FMU) zone and indicates that if the amendments are adopted, an appeal to the Land Use Board of Appeals (LUBA) will likely follow. The comment received indicates, in summary, that the amendments are internally inconsistent and inconsistent with the Fairview master plan, and clearly in response to the recent Land Use Board of Appeals (LUBA) decision, *Mumper v. City of Salem*, in which LUBA reversed the City's decision approving an application for a refinement plan and subdivision for a portion of the former Fairview Training Center site. The comment indicates that the proposed amendments weaken the standards and criteria put in place many years ago and will do a disservice to the original vision of the Fairview master plan and the Council's constituency by relegating the master plan vision for development to a mere superfluity. It is explained that if the plans or drawings included in the master plan depicting the layout of the development, including, but not limited to the location of streets, City utilities, paths/trails, open space, buildings, or specific uses is simply conceptual, than amendments to refinement plans would not actually be implementing or refining the Fairview master plan. It is indicated that the Fairview master plan contains numerous diagrams that cannot be simply because the text of the plan specifically implements those diagrams. Because of this the City cannot say that the diagrams included in the plan are conceptual without also affecting the text of the Fairview master plan.

Staff Response: The proposed amendments to the FMU zone include revisions required to bring the zone into compliance with recent changes in State law (*specifically HB3109 concerning child day care homes and centers*); revisions to allow managed temporary villages for the unsheltered and emergency shelters; and revisions to address the issues raised in LUBA's reversal (*in Mumper v. City of Salem*) of the City's approval of a refinement plan and subdivision for approximately 14.07 acres of the former Fairview Training Center site known as the woods.

In *Mumper v. City of Salem*, a refinement plan and corresponding subdivision was approved

by the Planning Commission for residential development of approximately 14.07 acres of the former Fairview Training Center site. The Planning Commission's decision was appealed to and affirmed by the City Council. The Council's decision was appealed to LUBA who subsequently reversed the decision and denied the refinement and subdivision because it was not consistent with the provisions of the Fairview Master Plan.

In order to address the issues raised in the LUBA decision and amend the FMU zone in a manner that conforms to how the code and Fairview Master Plan have been historically applied and interpreted in the approval past refinements plans, a series of amendments are proposed to:

- ❖ Provide greater clarity regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- ❖ Revise approval criteria for refinement plans under SRC 530.030(e) to specify which specific portions of the Fairview plan that refinements plans must be found to be in conformance with.
- ❖ Clarify that the maps and drawings in the plan are conceptual/illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the Fairview Training Center Redevelopment Master Plan document.
- ❖ Clarify who has standing to initiate amendments to the Fairview plan and refinement plans.
- ❖ Clarify that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (*e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the plan*).

h) Temporary housing for the unsheltered (SRC Chapter 701). Once comment received expressed opposition to adding more temporary housing for the houseless in the proposed format. It is explained that the laws have to change in tandem with service and that these do not have to be in the central area of the city.

Staff Response: The proposed amendments address the needs of the unsheltered in our community by establishing managed temporary villages and emergency shelters as permitted uses in the development code. Both provide shelter and supportive services to those in need in a managed, secure setting. The proposed amendments include siting and operational standards designed to help meet the needs of those individuals utilizing the services and to promote security and minimize potential impacts on adjacent properties.

Managed temporary villages and emergency shelters are proposed to be allowed throughout the City in non-residential zones and within residential zones with limitations.

i) Minimum Off-Street Parking Requirement for People with Intellectual and

Developmental Disabilities (SRC Chapter 806). One comment received requests the City reduce the parking requirement to a minimum of one space per four dwelling units for people for Intellectual and Developmental Disabilities (IDD). It is explained that the reason for this request is because the model for providing services and support to individuals with intellectual and developmental disabilities is evolving away from congregate care like group homes and is instead moving towards a greater variety of individualized housing options. Affordable and safe housing for individuals with an Intellectual or Developmental Disability, that are not congregate care, are in short supply and converting current accessible congregate housing to affordable housing for individuals with an Intellectual or Developmental Disability can be burdensome due to parking requirements for multi-family dwellings. It is indicated that the proposed amendment to reduce the minimum off-street parking requirement for multi-family housing developments serving individuals with IDD will better align the minimum parking requirement of the code to the needs of the population served, who rarely have a vehicle or a driver's license.

Staff Response: In order to better align the minimum off-street parking requirement for individuals with IDD to their actual required parking needs, an amendment to the minimum off-street parking requirement is recommended under Section 12 of this report.

- j) Elimination of Parking Requirements City-Wide (SRC Chapter 806).** Comments were received indicating that while reducing parking minimum near transit is a great start, if the City is truly dedicated to housing affordability, parking mandates should be removed city-wide as Bend and Portland have already done.

Staff Response: The Planning Commission's recommendation for the amendments associated with middle housing included a proposed elimination of the off-street parking requirement for middle housing. As previously indicated, elimination of minimum off-street parking requirements is also consistent with the strategies identified in the City's Climate Action Plan and forthcoming State of Oregon rules for Climate Friendly and Equitable Communities. The Our Salem Zoning Subcommittee is also recommending the elimination of parking for mixed-use developments in mixed-use zones within ¼ mile of the Core Network. Eliminating minimum off-street parking requirements city-wide and for all uses with this amendment, however, would represent a significant change to the scope of the amendments included in this update and would instead need to be reviewed and evaluated through a separate legislative code amendment process.

- k) Bike Parking Requirements for Multi-Family Housing (SRC Chapter 806).** Three comments received express concerns about the proposed increase to the minimum bicycle parking requirement for multi-family developments within the CSDP area and within a quarter mile of a Core Network transit route. It is indicated that there is no evidence that this increase is warranted or needed and that the proposed increase will reduce the amount of space on the site for housing. It is explained that most cyclists prefer to park their bike in their dwelling where it is out of the weather and not in a shared space where it can be stolen. The proposed standard is unnecessarily cumbersome and will result in most multi-

family housing developments asking for an exception. It is recommended that this proposed requirement be modified to allow flexibility and instead require maybe 2 or 3 times as much bike parking in this area rather than making it 10 times the amount of other zones.

Staff Response: The amendments increase the minimum bicycle requirement from the current minimum of the greater of four spaces or 0.1 space per dwelling unit to a proposed minimum of one space per unit, but the proposed increase only applies to multiple family development within the downtown Central Salem Development Program (CSDP) area and within one-quarter mile of a Core Network Transit where there is no minimum off-street vehicle parking requirement.

The intent behind the proposed increase in the amount of bike parking spaces required for multiple family development in these areas is to promote utilization of alternative modes of transportation. The proposed increase in bike parking will not result in less space being available on site for housing because 100 percent of the required bicycle parking spaces for multiple family development may be located inside the building either in a shared bike room or within the dwelling units themselves, for those who are concerned about leaving their bike in a shared space. For multi-family developments where no off-street vehicle parking is required, the proposed amendments correspondingly intend to make it easier for people to have a bike.

- l) Tree Planting Requirements (SRC Chapter 807).** One comment received questions why the proposed amendments include an exemption from the tree replanting requirements of SRC Chapter 807 (*Landscaping and Screening*) for lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters. The comment indicates that shouldn't these types of lots also be required to plant trees?

Staff Response: The proposed amendments to SRC Chapter 807 do include an exemption from the tree planting requirements included under SRC 807.015(d) for single family and middle housing development. The reason for including this exception is to make it clear that the landscaping and tree replanting requirements of SRC Chapter 807 only apply to development other than single family and middle housing.

Single family and middle housing development must instead conform to the requirements of the tree preservation ordinance included under SRC Chapter 808, which includes separate tree preservation and planting requirements.

- m) Landscaping Permit (SRC Chapter 807).** One comment received recommends that consideration should be given to eliminating the proposed new requirement that a landscaping permit be submitted for properties requiring site plan review when a building permit is not required. It is explained that this requirement would only apply to Class 1 site plan reviews which expressly exempt properties where "no exterior improvements" including landscaping are required. This will put the burden of landscaping and screening requirements on existing properties that may not be able to accommodate landscaping,

therefore forcing a more involved land use review procedure that could negatively impact a property owner's ability to secure tenants for vacant properties.

Staff Response: The proposed amendments to SRC Chapter 807 (*Landscaping and Screening*) include a new requirement for a landscaping permit that is required for any development that is subject to the landscaping requirements of SRC Chapter 807 and that also requires site plan review, but a building permit is not otherwise required.

The proposed new landscaping permit will only apply in those narrow circumstances when landscaping and site plan review is required but there is no corresponding required building permit. For the majority of site plan review cases a landscaping permit will not be required because they will either be Class 1 Site Plan Reviews that involves only **interior** construction or tenant improvements or they will be Class 2 or Class 3 Site Plan Reviews that involve exterior improvements as well as a building permit.

A landscaping permit would be required, however, for a Class 2 or Class 3 Site Plan review that involved the development, expansion, or alteration of a an off-street parking or vehicle use area or the paving of an unpaved area because this type of development activity would likely trigger landscaping requirements under SRC Chapter 807, it is specific subject to site plan review under SRC Chapter 220, but a building permit is not required.

The purpose for the landscaping permit is to establish a formal mechanism through which the landscaping plans for a development that requires landscaping, but does not require a building permit, can be reviewed and inspected, similar to if a building permit had been required.

- n) **Barbed Wire or Electric Fencing in West Salem Central Business District (WSCB) zone.** A comment was received expressing the need for the code to be amended to allow barbed wire or electric fencing around properties within the West Salem Central Business District (WSCB) zone due to criminal activity resulting from unsheltered individuals camping in adjacent Wallace Marine Park. The comment received indicates that IN Self Storage operates a storage facility at 300 Musgrave Avenue NW and that at one time they would experience perhaps one criminal incident per year, but now deal with approximately five or six break-ins per week as a result of unsheltered camping in the park. The comment explains that they have inquired with the City about the possibility of installing barbed wire or electric fencing around their property to keep out potential burglars, but have been told that is not possible because the property is zoned WSCB. The comment requests an amendment to the code to allow barbed wire or electric fencing, at least in particular circumstances such as In Self Storage's.

Staff Response: In order to help address the issues associated with the unsheltered in our community, the proposed amendments establish managed temporary villages for the unsheltered as a temporary use that will be allowed in a variety of different zones. Allowing managed temporary villages will help the City and its community partners to provide

additional accommodations for the unsheltered in a managed and controlled environment with access to supportive services, which will in turn help to reduce unsanctioned camping and its associated impacts on adjacent properties.

Because allowing barbed wire or electric fencing as requested would potentially impact all properties within the WSCB zone, including such a requirement would fall outside the scope of the amendments included with this update and would instead need to be reviewed and evaluated through a separate legislative code amendment process.

- o) Tree Preservation Ordinance (SRC Chapter 808).** Several comments were submitted in favor of the proposed amendments to the City's tree preservation ordinance and comments were also submitted expressing concern over the amendments.

Comments in favor express support for the proposed amendments and the expansion of the definition of significant tree to include Oregon white oaks down to 20 inches dbh and a greater variety of larger mature trees 30 inches dbh and greater, including Douglas fir (*Oregon's state tree*); the exclusion of the identified non-native invasive trees identified by the Urban Forester; the proposed increased protection of the critical root zones of trees; and the increase to the minimum percentage of trees that are required to be protected under tree conservation plans. The comments provided indicate, in summary, that:

- ❖ As a community that values livability, Salem can protect our environment while providing much need housing because these are not mutually exclusive goals. The many benefits of the City's urban tree canopy include sequestering carbon, cooling our neighborhoods, providing habitat, preventing crime, and increasing property values.
- ❖ Trees make our city more beautiful and livable, they reduce traffic noise, regulate temperature, make shade, absorb stormwater, provide wildlife habitat, improve people's mental health, help combat climate change, and contribute to the City meeting its climate action plan goals.
- ❖ Without a healthy, mature tree canopy Salem will be a miserable place to live. Established neighborhoods like NEN continue to lose many of the large healthy trees that contribute so much to our well-being, including century-plus-old Douglas Firs. Despite their health and incredible importance to the whole community, these trees get cut down because Salem's code is currently not strong enough to protect them.
- ❖ New trees are important but they won't have a canopy for 15 to 20 years; therefore established trees need to be preserved.
- ❖ Mature trees in new development will help regulate stormwater runoff in areas with lots of new paving, which saves the City government money and operations trouble; will help control high temperatures, which saves people money and reduces energy consumption; will provide habitat for wildlife; and will help improve people's mental health.

Comments in opposition to the amendments express concerns, in summary, pertaining the

impacts the amendments will have on the development of property within the City due to the proposed increases in tree protection and preservation requirements, especially those associated with the critical root zones of trees and the increase in the number of trees that will be categorized as significant. In order to help address these concerns, three recommended revisions to the amendments were introduced at the December 13, 2021 City Council hearing. The recommended revisions included:

1. Permit an arborist to be hired in-lieu of utilizing the prescriptive critical root zone for protection for non-significant trees which would be a detailed method for protecting the health of the tree.
2. Specify clear and objective standards for the removal of significant trees which are within the development improvement area (e.g. streets, PUD's, driveway approaches).
3. Permit the additional removal of significant trees when designing subdivisions with a solar panel offset.

Staff Response: Subsequent to the December 13, 2021, City Council public hearing staff met with representatives of the Home Builders Association of Marion and Polk Counties and some of the development community to discuss the three identified recommendations presented at the public hearing to determine whether any could be incorporated into the proposed amendments to SRC Chapter 808 in a manner that would continue to maintain the proposed increased tree preservation requirements included with the amendments but also provide a degree of clarity and flexibility to help address some of the concerns identified. As a result of those meetings staff has identified a series of recommend further revisions to SRC Chapter 808 addressing the three above identified recommendations that are included in Section 12 of this report.

Prior to the January 12, 2022, open record period deadline additional comments were received identifying a few additional areas where further consideration is recommended in order to help assure buildability, housing affordability, and density. These include:

1. Incorporate language into the tree conservation plan approval criteria allowing significant trees to be removed and/or less than 30 percent of the trees within a tree conservation plan to preserved if a minimum density of 5.5 units per net with a maximum of 15% middle housing cannot be achieved.
2. Add driveway location as a factor when considering the removal of significant trees. It is explained that staff addressed many of our concerns related to permitted justification for removal of significant trees during development except that driveway access was not a permitted reason. It is indicated that this is troubling as it will likely lead to a reduction of buildable lots. The comment indicates, however, that this could be mostly mitigated by adopting the density exception indicated under No. 1 above.
3. Allow an arborist to provide a professionally detailed tree protection program for each

tree, including significant trees. It is explained that the area under the tree can't be landscaped or fenced within the protected area - at least not until the builder has turned over the property to the owner - and this seems unworkable. It is explained that allowing a professional to give guidance to a builder seems preferable.

Amendment to City Fee Resolution

The proposed amendments will result in new land use application types being introduced for which associated application fees will need to be established. If the proposed amendments are approved, staff will bring forward a separate amendment to the City's Fee Resolution for City Council review and approval

Proposed Legislative Zone Change

In addition to the code amendments, a legislative zone change is also proposed to change the zoning of those properties within the downtown in the General Retail/Office overlay zone that are currently zoned RH (Multiple Family High-Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District). A map identifying the properties affected by the proposed zone change is included as **Attachment 8**.

The properties are currently designated Central Business District on the Salem Area Comprehensive Plan map. The proposed zone change will bring the zoning of the properties into alignment with their current comprehensive plan designation, eliminate existing conflicts that currently exist between the development standards of the underlying RH, CO, and CR zones and the design review standards and guidelines of the General Retail/Office overlay zone, and establish a zoning pattern that is consistent with that of the CB zoning of surrounding properties.

Substantive Findings

In order for a code amendment and a legislative zone change to be approved the City Council must find that they comply with the applicable approval criteria. SRC 110.085(b) establishes the approval criteria applicable to amendments to the Unified Development Code (UDC) and SRC 265.010(d) establishes the approval criteria applicable to legislative zone changes.

Findings demonstrating the proposal's conformance with the applicable approval criteria are included in Exhibit C to Ordinance Bill No. 13-21 (**Attachment 3**).

BACKGROUND:

In 2014, the Unified Development Code was completed and adopted as part of the Salem Revised Code (SRC Title X). The UDC was a complete reorganization and update of Salem's development codes. The UDC was adopted with the expectation that it would be regularly updated over time to ensure that any unanticipated issues or concerns were routinely reviewed and addressed and its provisions were kept current and up-to-date.

Ordinance Bill No. 13-21 updates the UDC and other identified chapters of the Salem Revised Code to address a variety of issues that have arisen since the last major update to the UDC in 2019. It includes minor housekeeping amendments as well as policy-related changes that respond to recent changes in State law - including State House Bill 2001 concerning the allowance of middle housing in single family residential zones; concerns from the community; and issues identified by staff to improve the application and administration of the UDC.

In conjunction with the proposed amendments to the code, a legislative zone change is also proposed to change the zoning of specific properties located within the downtown in the General Retail/Office overlay zone that are currently zoned RH (Multiple Family High-Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District) in order to align the zoning of the properties with their existing Central Business District comprehensive plan designation and to be consistent with the CB zoning pattern of surrounding downtown properties.

ALTERNATIVES:

City Council may:

- A. Advance the ordinance bill to second reading for enactment;
- B. Direct staff to engross the ordinance bill, as recommended under section 2 of this report, and advance to second reading for enactment;
- C. Refer the proposal back to the Planning Commission for further deliberation; or
- D. Decline to advance the ordinance bill to second reading.

Bryce Bishop,
Planner III

Attachments:

- 1. Planning Commission Recommendation (October 5, 2021)
- 2. Summary of Proposed Amendments
- 3. Ordinance Bill No. 13-21
- 4. Recommended Further Revisions Engrossing Ordinance Bill
- 5. Public Testimony - Planning Commission Hearing
- 6. Public Testimony - City Council Hearings
- 7. Public Testimony - Open Record Period
- 8. Legislative Zone Change Map

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

**RECOMMENDATION OF PLANNING COMMISSION
CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE
CASE NO. CA-ZC21-01**

WHEREAS, on August 17, 2021, and September 7, 2021, the Salem Planning Commission initiated amendments to the Salem Revised Code updating provisions of the Unified Development Code (SRC Title X) and other SRC Chapters as necessary; together with amendments to the zoning map to eliminate the General Retail/Office Overlay Zone and the Front Street Overlay Zone, and a legislative zone change to change the zoning of specific properties within the downtown from RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District); and

WHEREAS, after due notice, a public hearing on the proposed amendments was held before the Planning Commission on October 5, 2021, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including all testimony provided; and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the findings included in Exhibit A, dated October 12, 2021; herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS the City Council take the following action:

The City Council accept first reading of an ordinance bill for the purpose of:

- 1) Amending the Salem Revised Code (SRC) to update the Unified Development Code (SRC Title X) and other identified chapters of the SRC as recommended in the October 5, 2021, Planning Commission staff report and the October 5, 2021, supplemental Planning Commission staff report, together with the following additional revisions:
 - a) Remove the minimum off-street parking requirement for middle housing;
 - b) Reduce the minimum off-street parking requirement for multi-family uses to one space per dwelling unit;
 - c) Amend the sizing for enclosures for small birds; and
 - d) Exclude Douglas fir trees with a diameter-at-breast-height (dbh) of 30 inches or greater from the definition of significant tree; and
- 2) Changing the zoning of those properties within the downtown in the General Retail/Office overlay zone that are currently zoned RH (Multiple Family High-Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District) in order to align their zoning with their existing Central Business District comprehensive plan designation.


**NOTICE OF
RECOMMENDATION**

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



PLANNING COMMISSION VOTE

YES 7 NO 0 ABSENT 2 (Heller, McKinley) ABSTAIN 0



Chane Griggs, President
Salem Planning Commission

Pursuant to SRC 300.1110(i), the City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

The case file and copies of the staff report are available upon request by contacting the case manager, Bryce Bishop, Planner III, 503-540-2399 or BBishop@cityofsalem.net, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

To Learn More about Planning in Salem, visit our website:
<http://www.cityofsalem.net/planning>

UDC Chapters Proposed for Amendment

SRC Chapter 50 (Property Maintenance)

- Amendments:
 - ❖ Increase the types and numbers of poultry that may be kept in the City.
 - ❖ Relocate the standards for keeping of miniature swine from SRC Chapter 95 to SRC Chapter 50 so they are grouped with the standards for keeping poultry and bees.

SRC Chapter 77 (Permits & Street Improvements)

- Amendments provide exemption for sidewalk construction for building permits for single family dwellings converted to duplexes, triplexes, or quadplexes to be consistent with the exemption currently allowed for single family and two family dwellings. Amendment required by State House Bill HB2001.

SRC Chapter 95 (Miscellaneous Offenses)

- Amendments eliminate the standards for the keeping of miniature swine under SRC Chapter 95 and relocate them to SRC Chapter 50 so they are grouped with the standards for keeping poultry and bees.

SRC Chapter 110 (General Zoning Provisions)

- Amendments improve the review process associated with requests for formal interpretations of the development code so they align more closely with the land use review procedures of SRC Chapter 300.

SRC Chapter 111 (Definitions)

- Amendments establish new and revised definitions for various terms used throughout the Unified Development Code.

SRC Chapter 112 (Measurements)

- Amendments clarify:
 - ❖ How fence height is measured adjacent to a street; and
 - ❖ How setbacks are measured from a waterway.

SRC Chapter 205 (Land Division & Reconfiguration)

- Amendments:
 - ❖ Clarify that tree inventories submitted with land division applications must be accurate and up-to-date as of the date of submittal of the application.
 - ❖ Establish a new land division application type and review process for subdivisions and partitions of land that are developed for middle housing (*e.g. townhouses, two family uses, three family uses, four family uses and cottage clusters*). Amendment required by State Senate Bill SB458.
 - ❖ Eliminate the Property Boundary Verification process.

SRC Chapter 210 (Planned Unit Development)

- Amendments update the Planned Unit Development (PUD) chapter to comply with the requirements of State House Bill HB2001 by:
 - ❖ Adding three family and four family uses as permitted uses in PUDs.
 - ❖ Clarifying the maximum residential density for PUDs within RA, RS, and RD zones.

- ❖ Establishing a new setback adjacent to waterways for middle housing development within newly created PUDs.
- ❖ Revising minimum parking requirements for middle housing within PUDs.

SRC Chapter 220 (*Site Plan Review*)

- Amendments:
 - ❖ Add requirement for Class 1 Site Plan Review for a change of use when a building permit is not otherwise required.
 - ❖ Add new requirement for triggering Class 3 Site Plan Review that applies if conditions of approval will be placed on a decision.
 - ❖ Add middle housing, demolition permits, and fence construction to the list of development activities that are exempt from site plan review.
 - ❖ Add building elevation drawings as a submittal requirement for Class 2 and Class 3 Site Plan Review applications.

SRC Chapter 235 (*Manufactured Dwelling Parks*)

- Amendments update the manufactured dwelling park chapter to comply with State law by:
 - ❖ Allowing recreational vehicles to be occupied as a dwelling within a manufactured park when they are located in a manufactured dwelling park space and lawfully connected to water, sewer, and electricity.
 - ❖ Eliminating the minimum manufactured home size and skirting requirements.

SRC Chapter 260 (*Annexation Procedures*)

- Amendments update the Annexation chapter to:
 - ❖ Align annexation review procedures with State law and the land use application review procedures of SRC Chapter 300.
 - ❖ Reformat and simply the organization of the chapter and eliminate unnecessary provisions.

SRC Chapter 270 (*Nonconforming Situations*)

- Amendments:
 - ❖ Add acquisition of public right-of-way to this list of actions that have the potential to make existing development and existing lots legally non-conforming.
 - ❖ Clarify that duplexes can be constructed on nonconforming lots of record in any residential zone regardless of lot standards or density. Amendment required by State House Bill HB2001.
 - ❖ Add new provision allowing nonconforming lots of record in non-residential zones to be used for any use allowed in the zone regardless of lot standards as long as all other applicable standards (*e.g. setbacks, lot coverage, height, etc.*) are met.

SRC Chapter 300 (*Procedures for Land Use Applications & Legislative Land Use Proposals*)

- Amendments:
 - ❖ Assign a Type III land use review procedure to annexation applications without a comprehensive plan map amendment and/or zone change and clarify the review procedures associated with such applications.
 - ❖ Assign a Type IV land use review procedure to annexation applications with a comprehensive plan map amendment and/or zone change and clarify the review procedures associated with such applications.
 - ❖ Clarify that Type III applications may be City initiated when allowed under the UDC for the specific type of application.

- ❖ Add the Salem Area Mass Transit District to the list of agencies that are required to receive public notice for Type II, Type III, and Type IV land use applications, as well as legislative land use proposals.
- ❖ Clarify the effective date of land use decisions.
- ❖ Clarify the expiration periods for the approval of certain types of land use applications when consolidated with either applications for site plan review or land divisions.
- ❖ Establish a four-year expiration period for Class 1 Driveway Approach Permits, Class 2 Driveway Approach Permits, and Landscaping Permits to align with the four-year expiration period for site plan review approvals.
- ❖ Establish a three-year expiration period for Middle Housing Land Division tentative plan approvals.

SRC Chapter 400 (Use Classifications)

- Amendments:
 - ❖ Improve the review process associated with requests for Similar Use Determinations so they align more closely with the land use review procedures of SRC Chapter 300.
 - ❖ Revise the Commercial Parking use to apply only to parking that is available to the public and not exclusively accessory to a specific use or development.

SRC Chapter 510 (Residential Agriculture – RA Zone)

- Amendments:
 - ❖ Update the RA zone to comply with State House Bill HB2001 by:
 - Allowing middle housing within the zone (*e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters*);
 - Establishing minimum lot size and dimensions standards for middle housing;
 - Establishing setback, lot coverage, and height standards for middle housing; and
 - Eliminating the garage requirement for new dwellings.
 - ❖ Eliminate commercial parking as an allowed special use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.

SRC Chapter 511 (Single Family Residential – RS Zone)

- Amendments:
 - ❖ Update the RS zone to comply with State House Bill HB2001 by:
 - Allowing middle housing within the zone (*e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters*);
 - Establishing minimum lot size and dimensions standards for middle housing;
 - Establishing setback, lot coverage, and height standards for middle housing; and
 - Eliminating the garage requirement for new dwellings.
 - ❖ Eliminate commercial parking as an allowed special use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.

SRC Chapter 512 (Duplex Residential – RD Zone)

- Amendments:
 - ❖ Update the RD zone to comply with State House Bill HB2001 by:
 - Allowing middle housing within the zone (*e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters*);
 - Establishing minimum lot size and dimensions standards for middle housing;

- Establishing setback, lot coverage, and height standards for middle housing; and
- Eliminating the garage requirement for new dwellings.
- ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.

SRC Chapter 513 (*Multiple Family Residential – RM-I Zone*)

- Amendments:
 - ❖ Update the RM-I zone to comply with State House Bill HB2001 by:
 - Allowing middle housing within the zone (*e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters*);
 - Clarifying minimum lot size and dimensions standards for middle housing; and
 - Clarifying density, setback, lot coverage, and height standards for middle housing.
 - ❖ Eliminate commercial parking as an allowed use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.

SRC Chapter 514 (*Multiple Family Residential – RM-II Zone*)

- Amendments:
 - ❖ Eliminate commercial parking as an allowed use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.
 - ❖ Eliminate the maximum lot depth applicable to townhouse lots.
 - ❖ Clarify that minimum and maximum density requirements do not apply to the replacement of existing single family detached dwellings.

SRC Chapter 515 (*Multiple Family High-Rise Residential – RH Zone*)

- Amendments:
 - ❖ Eliminate commercial parking as an allowed use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone, but only when located on the site of a church.

SRC Chapter 520 (*Neighborhood Commercial – CN Zone*)

- Amendments add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 521 (*Commercial Office – CO Zone*)

- Amendments add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 522 (*Retail Commercial – CR Zone*)

- Amendments:
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.
 - ❖ Add transit centers as a permitted use within the zone.

SRC Chapter 523 (*General Commercial – CG Zone*)

- Amendments add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 524 (Central Business District – CB Zone)

- Amendments:
 - ❖ Add self-service storage within existing buildings as an allowed special use within the zone, subject to limitations on location and design.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone
 - ❖ Eliminate single family detached dwellings as an allowed use within the zone.
 - ❖ Reclassify commercial parking on surface parking lots within the zone from a permitted use to a conditional use requiring a Conditional Use Permit.
 - ❖ Prohibit drive-through uses within the zone.
 - ❖ Establish the following new development standards:
 - A minimum residential density requirement of 20 dwelling units per acre (*applies to developments that are exclusively residential*).
 - A minimum floor-area-ratio (FAR) density requirement of 2.0.
 - A minimum building height requirement of two-stories.
 - A minimum building street frontage requirement of 90% (*minimum 75% on intersecting streets for corner lots*).
 - ❖ Incorporate the existing design review standards of the General Retail/Office and Front Street overlay zones into the zone and add new design standards pertaining to:
 - Minimum ground floor building height.
 - Building façade design/articulation.
 - Ground floor dwelling unit entry separation from street.
 - Upper floor windows.
 - Parking location behind or beside buildings.
 - Ground level and rooftop mechanical and service equipment screening.

SRC Chapter 525 (West Salem Central Business District – WSCB Zone)

- Amendments add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 530 (Fairview Mixed-Use – FMU Zone)

- Amendments update the FMU zone to further clarify the relationship between the Fairview plan and refinement plans. The amendments:
 - ❖ Add language providing greater clarity regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
 - ❖ Revise approval criteria for refinement plans to specify which specific portions of the Fairview plan refinements plans must be found to be in conformance with.
 - ❖ Clarify that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the *Fairview Training Center Redevelopment Master Plan* document.
 - ❖ Clarify who has standing to initiate amendments to the Fairview plan and refinement plans.
 - ❖ Clarify that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (*e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the standard*).
 - ❖ Add child day care home as a permitted use in the LI (Low-Intensity Residential) area of the zone in order to comply with State House Bill HB3109.

- ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 531 (South Waterfront Mixed-Use – SWMU Zone)

- Amendments:
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.
 - ❖ Update the zone by eliminating those code sections and associated graphics pertaining to the portion of the SWMU zone area north of Pringle Creek and west of the railroad tracks which is no longer located in the zone due to a previous zone change approval changing the zoning of that portion of the site from SWMU to CB (Central Business District).

SRC Chapter 532 (Neighborhood Center Mixed-Use – NCMU Zone)

- Amendments:
 - ❖ Add child day care home as a permitted use outside the core area of the NCMU zone in order to comply with State House Bill HB3109.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses inside the core area of the NCMU zone.

SRC Chapter 532 (Mixed-Use-I – MU-I Zone)

- Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 533 (Mixed-Use-II – MU-II Zone)

- Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

SRC Chapter 535 (Edgewater/Second Street Mixed-Use Corridor – ESMU Zone)

- Amendments:
 - ❖ Eliminate commercial parking as a permitted use within the zone.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

Public Zones (Various SRC Chapters)

- Amendments revise the following public zones to add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zones:
 - ❖ SRC Chapter 540 (Public Amusement – PA Zone);
 - ❖ SRC Chapter 542 (Public & Private Educational Services – PE Zone);
 - ❖ SRC Chapter 543 (Public & Private Health Services – PH Zone);
 - ❖ SRC Chapter 544 (Public Service – PS Zone); and
 - ❖ SRC Chapter 545 (Capitol Mall – PM Zone).

SRC Chapter 550 (Employment Center – EC Zone)

- Amendments:
 - ❖ Add child day care services as a permitted use with the zone in order to comply with State House Bill HB3109.
 - ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

Other Industrial Zones (Various SRC Chapters)

- Amendments revise the following industrial zones to add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zones:
 - ❖ SRC Chapter 551 (Industrial Commercial – IC Zone);
 - ❖ SRC Chapter 552 (Industrial Business Campus – IBC Zone);
 - ❖ SRC Chapter 553 (Industrial Park – IP Zone);
 - ❖ SRC Chapter 554 (General Industrial – IG Zone);
 - ❖ SRC Chapter 555 (Intensive Industrial– II Zone); and
 - ❖ SRC Chapter 556 (Second Street Craft Industrial Corridor – SCI Zone).

Overlay Zones (*Various SRC Chapters*)

- Amendments update the Airport Overlay Zone (SRC Chapter 602) to conform to current FAA requirements identified by the Airport Administrator.
- Amendments update the Compact Development Overlay Zone (SRC Chapter 631) to eliminate conflicts between the allowed uses and development standards of the overlay zone and the allowed uses and development standards of the underlying RS zone as a result of the requirements of House Bill 2001.
- Amendments revise the following overlay zones to add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the overlay zones:
 - ❖ SRC Chapter 604 (Pine Street Mixed-Use Overlay Zone);
 - ❖ SRC Chapter 605 (Northgate Mixed-Use Overlay Zone); and
 - ❖ SRC Chapter 626 (Commercial High-Density Residential Overlay Zone).
- Amendments eliminate the following overlay zones and incorporate their design review standards into the CB (Central Business District) zone:
 - ❖ SRC chapter 632 (General Retail/Office Overlay Zone); and
 - ❖ SRC Chapter 633 (Front Street Overlay Zone).

SRC Chapter 700 (*Special Use Provisions*)

- Amendments:
 - ❖ Establish special use standards for the development of cottage clusters within the City’s single-family residential zones. Amendment required by State House Bill HB2001.
 - ❖ Establish special use standards for locating self service storage within existing buildings in the CB (Central Business District) zone and make the standards variable or adjustable.
 - ❖ Modify the special use standards applicable to three family and four family uses within the City’s single-family residential zones. Amendment required by State House Bill HB2001.
 - ❖ Eliminate the special use standards for commercial parking and two-family shared dwellings because these uses are no longer proposed to be allowed as special uses within any zones or overlay zones.

SRC Chapter 701 (*Temporary Uses*)

- Amendments:
 - ❖ Establish standards for **managed temporary villages** where the use is proposed to be allowed within a particular zone. Managed temporary villages are intended to help address the needs of the unsheltered within the community by providing temporary living accommodations in a managed and secure environment with consistent access to on-site restrooms, storage, garbage removal, and additional services. Temporary living accommodations include non-permanent structures such as micro shelters, tents, and vehicles.

- ❖ Establish temporary uses standards for **emergency shelters** where the use is proposed to be allowed within a particular zone. Emergency shelters are proposed to be allowed as temporary uses because they're currently not identified as being allowed in the development code but provide an essential service to individuals who are in need of safe accommodations during times of an emergency.

SRC Chapter 702 (Multiple Family Design Review Standards)

- Clarify that multiple family design review is not required for cottage cluster developments when located in a zone where the use is allowed as a special use subject to the special use standards of SRC Chapter 700.
- Amendments establish a minimum required five-foot width for pedestrian pathways within multiple family developments.

SRC Chapter 800 (General Development Standards)

- Amendments:
 - ❖ Establish standard requiring all lots to be of a size and shape so as to be buildable exclusive of required setbacks, easements, riparian corridors, mapped flood plain/floodway boundaries, and wetlands.
 - ❖ Require a maintenance easement for all dwelling units constructed contiguous to a property line.
 - ❖ Clarify the maximum allowed projection for building cornices, eaves, and gutters into a required interior side setback.
 - ❖ Allow barbed wire fencing for security around electrical utility substations.
 - ❖ Revise applicability of certain pedestrian access standards included under SRC 800.065.

SRC Chapter 803 (Streets & Right-of-Way Improvements)

- Amendments:
 - ❖ Require construction and dedication of right-of-way for transit stops when transit stops are identified as being needed by the Transit District in connection with a proposed development.
 - ❖ Require on-street parking to be restricted in the area of a transit stop when a transit stop is required.
 - ❖ Provide an exemption for boundary street improvements for building permits for single family dwellings converted to duplexes, triplexes, or quadplexes to be consistent with the exemption currently allowed for single family and two-family dwellings. Amendment required by State House Bill HB2001.

SRC Chapter 804 (Driveway Approaches)

- Amendments:
 - ❖ Revise driveway approach standards to allow a driveway approach onto an arterial street from an existing single family, two family, three family and four family use when the driveway is designed as a circular driveway or the driveway includes an on-site turnaround.
 - ❖ Revise driveway approach standards to allow a driveway approach onto an arterial street from a proposed single family, two family, three family, or four family use on an existing lot when the driveway is designed as a circular driveway or the driveway includes an on-site turnaround.
 - ❖ Require alley access for new single family, two family, three family, and four family uses on existing lots abutting an alley.

SRC Chapter 806 (Off-Street Parking, Loading, & Driveways)

- Amendments:
 - ❖ Eliminate minimum off-street parking requirement for middle housing (*e.g. townhouses, two family uses, three family uses, four family uses, and cottage clusters*).
 - ❖ Reduce minimum off-street parking requirement for multiple family uses to one space per dwelling unit.
 - ❖ Eliminate minimum off-street parking requirement for non-profit shelters in the CSDP area.
 - ❖ Clarify that the minimum off-street parking requirement for non-profit shelters for victims of domestic violence serving 10 or fewer persons is one space per guest room or suite.
 - ❖ Reduce minimum off-street parking requirement for all other non-profit shelters to one space per 10 persons served.
 - ❖ Allow circular driveways within yards adjacent to arterial or collector streets subject to additional standards.
 - ❖ Require vehicle storage areas and the access to them to be paved.
 - ❖ Establish minimum vehicle turnaround standards for parking areas with dead-end drive aisles.
 - ❖ Change the applicability of the minimum bicycle parking standards to changes of use of existing buildings in the CB zone.
 - ❖ Increase the minimum bicycle parking requirement for multiple family uses in the CSDP area or within a quarter mile of a Core Network transit route to one space per dwelling unit.
 - ❖ Increase the minimum bicycle parking requirement for shopping centers to the greater of 4 spaces or one space per 5,000 square feet of building area.
 - ❖ Introduce long-term bicycle parking requirements.
 - ❖ Update bicycle parking standards and reformat them to include additional tables and graphics.
 - ❖ Eliminate minimum five-foot perimeter setback required between loading areas and alleys.

SRC Chapter 807 (*Landscaping & Screening*)

- Amendments:
 - ❖ Clarify that the tree replanting requirements included under SRC Chapter 807 do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
 - ❖ Establish a new requirement for a landscaping permit that will apply in those situations when site plan review is required, but no corresponding subsequent building permit is required.

SRC Chapter 808 (*Preservation of Trees & Vegetation*)

- Amendments:
 - ❖ Expand definition of significant tree to include Oregon white oaks 20 inches or greater in dbh and any other tree with a dbh of 30 inches or greater, with the exception of Douglas firs.
 - ❖ Exempt removal of City trees, as defined under SRC 86, and removal of hazardous trees, pursuant to an order issued by the City, from the requirement to obtain a tree removal permit.
 - ❖ Eliminate exemptions for certain activities that do not currently require a tree removal permit and establish a new tree removal permit approval criterion for removal of

significant trees in connection with construction of a multiple family, mixed-use, commercial, or industrial development.

- ❖ Require tree conservation plans for land divisions for middle housing, in addition to single family uses and two uses.
- ❖ Require tree conservation plans to show the critical root zones of trees to allow for better review of tree conservation plans to determine whether proposed lots are buildable in conformance with the plan based on their size, configuration, and the location of existing trees.
- ❖ Increase the minimum tree preservation requirement for tree conservation plans from 25 percent to 30 percent;
- ❖ Create new section establishing tree protection measures required during construction.
- ❖ Reduce the minimum tree planting requirements for lots less than 4,000 square feet in size from a minimum of two trees to a minimum of one tree.
- ❖ Provide for a two-to-one reduction in the amount of trees that are required to be planted on a lot for each significant tree preserved.
- ❖ Modify replanting and restoration requirements associated with violations of the chapter.

ORDINANCE BILL NO. 13-21

AN ORDINANCE RELATING TO LAND USE; AMENDING SRC 50.710, SRC 77.160, SRC 110.030, SRC 110.075, SRC 111.001, SRC 112.035, SRC 112.050, SRC 205.030, SRC 205.035, SRC 210.010, SRC 210.045, SRC 220.005, SRC 235.030, SRC 260.005, SRC 260.010, SRC 260.015, SRC 270.010, SRC 270.015, SRC 300.100, SRC 300.200, SRC 300.520, SRC 300.620, SRC 300.720, SRC 300.840, SRC 300.850, SRC 300.1110, SRC 400.015, SRC 400.055, SRC 510.001, SRC 510.005, SRC 510.010, SRC 511.001, SRC 511.005, SRC 511.010, SRC 512.001, SRC 512.010, SRC 512.015, SRC 513.001, SRC 513.005, SRC 513.010, SRC 513.015, SRC 514.005, SRC 514.010, SRC 515.005, SRC 520.015, SRC 521.005, SRC 522.005, SRC 523.005, SRC 524.005, SRC 524.010, SRC 525.005, SRC 530.001, SRC 530.005, SRC 530.015, SRC 530.020, SRC 530.025, SRC 530.030, SRC 530.035, SRC 530.040, SRC 531.010, SRC 531.035, SRC 532.015, SRC 532.020, SRC 533.010, SRC 534.010, SRC 535.005, SRC 540.005, SRC 542.005, SRC 543.005, SRC 544.005, SRC 545.005, SRC 550.010, SRC 551.005, SRC 552.005, SRC 553.005, SRC 554.005, SRC 555.005, SRC 556.005, SRC 602.005, SRC 602.010, SRC 602.020, SRC 604.015, SRC 605.015, SRC 617.025, SRC 626.015, SRC 631.010, SRC 631.015, SRC 700.005, SRC 700.006, SRC 700.081, SRC 700.085, SRC 700.095, SRC 702.005, SRC 702.015, SRC 702.020, SRC 800.015, SRC 800.035, SRC 800.050, SRC 800.065, SRC 803.035, SRC 803.040, SRC 804.020, SRC 804.025, SRC 804.030, SRC 804.035, SRC 806.005, SRC 806.010, SRC 806.015, SRC 806.025, SRC 806.030, SRC 806.035, SRC 806.040, SRC 806.045, SRC 806.050, SRC 806.055, SRC 806.060, SRC 806.075, SRC 806.080, SRC 807.015, SRC 807.020, SRC 808.005, SRC 808.030, SRC 808.035, SRC 808.040, SRC 808.050, SRC 808.060, SRC 808.065; RENUMBERING AND AMENDING SRC 260.070, SRC 260.085; REPEALING AND REPLACING SRC 260.020, SRC 260.025, SRC 260.030, SRC 260.035, SRC CHAPTER 701; REPEALING SRC 95.240, SRC 205.065, SRC 260.040, SRC 260.045, SRC 260.050, SRC 260.055, SRC 260.060, SRC 260.065, SRC 260.075, SRC 260.080, SRC 260.090, SRC 260.095, SRC 631.020, SRC CHAPTER 632, SRC CHAPTER 633, SRC 700.050, SRC 700.090; CREATING NEW PROVISIONS SRC 50.715, SRC 205.051, SRC 400.016, SRC 700.011, SRC 700.071, SRC 800.031, SRC 808.046; AND AMENDING THE SALEM ZONING MAP FOR CERTAIN PROPERTIES LOCATED WITHIN THE DOWNTOWN ZONED MULTIPLE FAMILY HIGH-RISE RESIDENTIAL (RH), COMMERCIAL OFFICE (CO), AND RETAIL COMMERCIAL (CR).

1 *The City of Salem ordains as follows:*

2 **Section 1.** The following Salem Revised Code (SRC) chapters are hereby amended as set forth
3 in **Exhibit A**, attached hereto and by reference incorporated herein: SRC chapter 50; SRC
4 chapter 77; SRC chapter 95; SRC chapter 110; SRC chapter 111; SRC chapter 112; SRC chapter
5 205; SRC chapter 210; SRC chapter 220; SRC chapter 235; SRC chapter 260; SRC chapter 270;
6 SRC chapter 300; SRC chapter 400; SRC chapter 510; SRC chapter 511; SRC chapter 512; SRC
7 chapter 513; SRC chapter 514; SRC chapter 515; SRC chapter 520; SRC chapter 521; SRC
8 chapter 522; SRC chapter 523; SRC chapter 524; SRC chapter 525; SRC chapter 530; SRC
9 chapter 531; SRC chapter 532; SRC chapter 533; SRC chapter 534; SRC chapter 535; SRC
10 chapter 540; SRC chapter 542; SRC chapter 543; SRC chapter 544; SRC chapter 545; SRC
11 chapter 550; SRC chapter 551; SRC chapter 552; SRC chapter 553; SRC chapter 554; SRC
12 chapter 555; SRC chapter 556; SRC chapter 602; SRC chapter 604; SRC chapter 605; SRC
13 chapter 617; SRC chapter 626; SRC chapter 631; SRC chapter 632; SRC chapter 633; SRC
14 chapter 700; SRC chapter 701; SRC chapter 702; SRC chapter 800; SRC chapter 803; SRC
15 chapter 804; SRC chapter 806; SRC chapter 807; and SRC chapter 808.

16 **Section 2.** The zoning designations of the properties identified in **Exhibit B** are hereby changed
17 from Multiple Family High-Rise Residential (RH), Commercial Office (CO), and Retail
18 Commercial (CR) to Central Business District (CB).

19 **Section 3. Findings.** The Facts and Findings set forth in **Exhibit C**, attached hereto and by
20 reference incorporated herein, are hereby adopted as findings.

21 **Section 4. Codification.** In preparing this ordinance for publication and distribution, the City
22 Recorder shall not alter the sense, meaning, effect, or substance of this ordinance, but within
such limitations, may:

- 23 (a) Renumber sections and parts of sections of the ordinance;
- 24 (b) Rearrange sections;
- 25 (c) Change reference numbers to agree with renumbered chapters, sections, or other parts;
- 26 (d) Delete references to repealed sections;

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- (e) Substitute the proper subsection, section, or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical, or typographical errors.

Section 5. Effective Date. This ordinance shall become effective thirty days after enactment, unless a notice of appeal is timely filed, in which case the ordinance shall become effective on the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

Section 6. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2021.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: B. Bishop

Amendments to SRC Chapter 50 (Property Maintenance)

Sec. 50.710. Keeping of ~~chickens and ducks~~ poultry.

- (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 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 chickens or ducks.

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

~~Hen means an adult female chicken.~~

Poultry means any domesticated bird kept for eggs or meat including chicken, duck, guinea fowl, pheasant, pigeon, quail, partridge, dove, or similar bird. For purposes of this section poultry does not include geese, turkey, emu, ostrich, or similar sized bird.

Poultry facility means a combination of a coop and a runway.

Rooster means a male chicken, and includes a capon.

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

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~~ Poultry 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~~ poultry 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 total of six twelve poultry hens and ducks total, per premises, is allowed are allowed per premises;
- (2) Roosters are prohibited;
- (3) Poultry ~~Chickens and ducks~~ shall be confined at all times within a ~~chicken and duck~~ poultry facility, except when under the personal control of an owner or custodian;
- (4) No ~~chicken or duck~~ poultry facility or other structure that houses ~~chickens and ducks~~ poultry, 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~~ poultry 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~~ poultry facility, and the premises where the ~~chicken or duck~~ poultry facility is located, shall be maintained in a condition such that the facility or ~~chickens or ducks~~ poultry do not produce noise or odor that creates a nuisance for adjacent properties;
- (7) A coop shall not exceed 120 square feet; ~~and~~

- (8) For quail or similar sized small poultry, there shall be a minimum of one square-foot of coop space per bird. For all other poultry, including chickens and ducks, ~~There~~ there shall be a minimum of three square feet of coop space, and six square feet of run space, per ~~bird chicken and duck;~~ and
- (9) Duck~~s~~ shall be provided with an adequate water source which shall be maintained so as not to create a nuisance.
- (d) ~~Chickens or ducks~~Poultry not in compliance deemed nuisance. ~~Chickens or ducks~~Poultry 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~~poultry 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~~poultry for ten years.

Sec. 50.715. Keeping of miniature swine.

- (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:
 - Miniature swine means a miniature pig that at maturity is less than 100 pounds in weight and less than 18 inches in height at the shoulder.
- (b) Location. Miniature swine may be kept at any residence 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, miniature swine kept at a residence shall be subject to the following conditions:
 - (1) Not more than one miniature swine may be kept per residence; and
 - (2) The miniature swine must be spayed or neutered.
- (d) Miniature swine not in compliance deemed nuisance. Miniature swine 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 miniature swine 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 miniature swine for ten years.

Amendments to SRC Chapter 77 (Permits and Street Improvements)

Sec. 77.160. Sidewalk improvement requirements.

- (a) *Public Works Design Standards.* Construction of sidewalks conforming to the Public Works Design Standards shall be a condition of the issuance of any building permit for a development located on property lacking such sidewalks. As used in this section, the term "development" means the ~~erection~~, construction, or enlargement of any building or structure requiring a building or occupancy permit under SRC chapter 56, but excluding building permits for improvements to existing single family or duplex dwelling unit structures under the following conditions:
- (1) ~~The Existing existing~~ single family or duplex dwelling unit structure is located on property abutting an unimproved street that lacks curbs; ~~and~~
 - (2) The proposed development is less than a 50 percent enlargement of the existing floor area square footage of the structure, including an attached garage; ~~and~~
 - (3) The conversion of, or addition to, an existing single family detached dwelling to create a duplex, triplex, or quadplex when:
 - (A) The existing single family detached dwelling is located on property abutting an unimproved street that lacks curbs; or
 - (B) The proposed development is less than a 50 percent enlargement of the existing floor area square footage of the structure, including an attached garage.
- (b) *Deferral, City required.* Construction of required sidewalks may be deferred at no cost where street improvements are anticipated or where no sidewalks are presently located within 150 feet and on the same side of the adjacent property.
- (c) *Alternative street standard and enforcement.* Alternatives from and enforcement of the requirements of this section shall be as provided in SRC 803.065 and 78.300.

Amendments to SRC Chapter 95 (Miscellaneous Offenses)

Sec. 95.240. ~~Unlawful keeping of miniature swine.~~

- ~~(a) It shall be unlawful to keep more than one miniature swine (species *Sus scrofa bittatus*) as a household pet in any dwelling unit.~~
- ~~(b) It shall be unlawful to keep any miniature swine as a household pet unless:~~
- ~~(1) The miniature swine is less than 100 pounds in weight;~~
 - ~~(2) The miniature swine is less than 18 inches in height at the shoulder; and~~
 - ~~(5) The miniature swine is spayed or neutered.~~
- ~~(c) A violation of this section is an infraction.~~
- ~~(d) As used in this section, "miniature swine" means a swine of the species *Sus scrofa bittatus*, common know as a "pot bellied pig."~~
- ~~(e) As used in this section, "household pet" means the keeping of an animal in the home for pleasure rather than for commercial purposes.~~

Amendments to SRC Chapter 110 (General Zoning Provisions)

Sec. 110.030. Overlay zones.

The overlay zones applicable to land within the City are listed in Table 110-2:

TABLE 110-2. OVERLAY ZONES	
Overlay Zone	SRC chapter
Willamette Greenway Overlay Zone	600
Floodplain Overlay Zone	601
Airport Overlay Zone	602
Portland/Fairgrounds Road Overlay Zone	603
Pine Street Mixed-Use Area Overlay Zone	604
Northgate Mixed-Use Area Overlay Zone	605
Wallace Road Corridor Overlay Zone	606
West Salem General Industrial Overlay Zone	608
Patterson Street Corridor Overlay Zone	609
Walker School Residential Area Overlay Zone	612
Broadway/High Street Retail Overlay Zone	613
Broadway/High Street Housing Overlay Zone	614
Broadway/High Street Transition Overlay Zone	615
Riverfront High Density Residential Overlay Zone	616
Riverfront Overlay Zone	617
Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone	618
Mixed-Use Overlay Zone	619
Salem Hospital Overlay Zone	620
Superior/Rural Overlay Zone	621
Oxford/West Nob Hill Overlay Zone	622
Oxford/Hoyt Overlay Zone	623
Hoyt/McGilchrist Overlay Zone	624
Saginaw Street Overlay Zone	625
Commercial/High Density Residential Overlay Zone	626
22nd and Electric Overlay Zone	627
State Street Overlay Zone	628
McNary Field Overlay Zone	629
South Gateway Overlay Zone	630
Compact Development Overlay Zone	631
General Retail /Office Overlay Zone	632
Front Street Overlay Zone	633

Sec. 110.075. Formal interpretations.

- (a) *Purpose.* The purpose of a formal interpretation is to clarify ambiguous provisions in the UDC and their application in particular circumstances. Formal interpretations regarding the classification of land uses that are not readily classifiable within particular use classifications under SRC Chapter 400 (Use Classifications) are not formal interpretations subject to this section, but instead similar use determinations subject to SRC 400.016.

- (b) *Procedure.* In lieu of the procedures set forth in SRC chapter 300, formal interpretations shall follow the procedures set forth in this section.
- (c) *Review Authority.* The Planning Administrator is authorized to issue formal interpretations of the UDC.
- (d) *Submittal requirements.* Requests for formal interpretations shall be submitted on a form provided by the Planning Administrator and shall be accompanied by the following:
 - (1) A written statement:
 - (A) Identifying the provision(s) of the UDC for which the formal interpretation is being requested; and
 - (B) Describing the applicant's understood meaning of the provisions and/or how they are intended to be applied;
 - (2) Any additional supporting information the applicant deems necessary to provide evidence in support of the requested formal interpretation;
 - (3) For formal interpretations specific to a particular property that is 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 for the registered agent; and
 - (4) Payment of the applicable application fee pursuant to SRC 110.090.
- ~~(e) Issuance. The Director is authorized to issue formal interpretations of the UDC. Requests for formal interpretations shall be submitted on a form provided by the Director.~~
- ~~(1) The Director shall make a written interpretation of the specific provision of the UDC subject to the request for formal interpretation. Appeals of formal interpretations by the Director shall be to the Council.~~
- ~~(2) In lieu of issuing an interpretation under subsection (c)(1) of this section, the Director may refer the request for formal interpretation to the Hearings Officer, in which case the Hearings Officer shall make a written interpretation of the specific provision of the UDC subject to the formal interpretation request. Appeals of formal interpretations referred to the Hearings Officer shall be to the Council.~~
- ~~(d) Notice. Notice of adoption of the formal interpretation shall be provided within ten days of the date the interpretation is issued. Notice shall be:~~
 - ~~(1) Provided to the applicant, all City recognized neighborhood associations, and anyone who has submitted a written request to receive notification of formal interpretations; and~~
 - ~~(2) Posted on the City's website.~~
- ~~(e) Appeal and review. Unless appealed, or review is initiated by the Council pursuant to SRC chapter 300, the formal interpretation shall become final 21 days after the date it appears on the Council agenda.~~
- ~~(f) Record of formal interpretations. The Director shall keep a permanent file of all formal interpretations.~~
- ~~(g) Effect of formal interpretation. Formal interpretations which have become final shall control future application and enforcement of the UDC, unless superseded by subsequent formal interpretations.~~
- (e) *Decision.* Subsequent to the application being deemed complete, the Planning Administrator shall review the request and issue a formal interpretation of the specific provision(s) of the UDC for which the formal interpretation has been requested. The interpretation shall:
 - (1) Be based on the facts contained within the record and the rules of construction for interpreting the UDC included under SRC 110.080; and
 - (2) Be in the form of a written order containing findings stating the facts relied upon in rendering the interpretation and explaining the justification for the decision.
- (f) *Notice of decision.* Notice of the decision for a formal interpretation shall be mailed. An affidavit of mailing shall be prepared and made part of the file.

- (1) The notice of decision shall be mailed to:
 - (A) The applicant(s) and/or authorized representative(s);
 - (B) All City-recognized neighborhood associations;
 - (C) Anyone who has submitted a written request to receive notification of formal interpretations; and
 - (D) The following, when the formal interpretation is specific to a particular property:
 - (i) The owner of record of the subject property;
 - (ii) The address of the subject property, based on the City's current addressing records;
 - (iii) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (iv) Addresses, based on the City's current addressing records, within 250 feet of the subject property; and
 - (v) 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 utilizing the contact information provided by the applicant.
- (2) The notice of decision shall include:
 - (A) A brief description of the application;
 - (B) A brief summary of the decision;
 - (C) A statement of the facts relied upon;
 - (D) The date the decision becomes effective, unless appealed;
 - (E) 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;
 - (F) A statement that only those persons with standing may appeal the decision; and
 - (G) 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) Appeal.

- (1) Generally. Unless appealed, the decision of the Planning Administrator on a formal interpretation shall be the final decision of the City.
- (2) Standing to appeal. Only the applicant and anyone entitled to notice of the decision have standing to appeal the decision on a formal interpretation.
- (3) Procedure. Except as otherwise provided in this section, appeals of formal interpretations shall be subject to the procedures set forth under SRC 300.1010 through SRC 300.1045.
- (4) Review Authority. The review authority for an appeal of a formal interpretation shall be the City Council.
- (5) Public Notice. Public for an appeal shall be provided as set forth under SRC 300.1040(b) except that posted notice is only required for an appeal of a formal interpretation that is specific to a particular property.

- (6) Decision. The appeal body may affirm or modify the decision. If the appeal body modifies the decision, it shall issue an interpretation of the provision(s) of the UDC for which the formal interpretation has been requested. The decision of the appeal body shall be in the form of a written order containing findings stating the facts relied upon in rendering the interpretation and explaining the justification for the decision. The written order shall be mailed to:
- (A) The appellant;
 - (B) The applicant(s) and/or authorized representative(s), if other than the appellant;
 - (C) The owner of record of the subject property, when the formal interpretation is specific to a particular property;
 - (D) All City-recognized neighborhood associations;
 - (E) Anyone who appeared either orally or in writing before the close of the public record on the appeal; and
 - (F) Anyone who requested to receive notice of the decision.
- (7) The decision of the Review Authority on appeal shall be the final decision of the City. Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (h) Effect of formal interpretation. Formal interpretations which have become final shall control future application and enforcement of the UDC, unless superseded by subsequent formal interpretations. When a formal interpretation has been made in reference to a specific particular property, the interpretation shall apply generally throughout the City and not just to that property.
- (i) Record of formal interpretations. The Planning Administrator shall keep a permanent file of all formal interpretations.

Amendments to SRC Chapter 111 (Definitions)

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.

Alley means a public or private way other than a street or flag lot accessway that provides primary or secondary vehicle access to an abutting property where the majority of the width of the alley within a block meets the right-of-way width requirement set forth under SRC Chapter 803, Table 803-1 ~~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.~~

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. For corner lots, building frontage also means the portion of a building occupying the setback line applicable to the intersecting street.

Child means a child as defined by ORS 329A.250.

Child day care center means ~~a facility that provides day care for 17 or more children~~ child care facility as defined in ORS 329A.250, other than a child day care home, that is certified under ORS 329A.280.

~~Child day care home means day care for 16 or fewer children provided in the home of the child day care provider~~ Child day care home means a child care facility, as defined in ORS 329A.250, that is registered under ORS 329A.330 or certified under ORS 329A.280 and provides child care in a dwelling unit to not more than 16 children.

Circular driveway means a curved one-way driveway serving a single family, two family, three family, or four family use that has two points of access to a street where one of the points of access is an entrance and the other point of access is an exit.

Cottage cluster means a grouping of five to twelve detached dwelling units, each with a maximum building footprint of 900 square feet, that are located on an individual lot and include a common courtyard.

~~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.~~

Duplex means a building that contains containing two attached dwelling units on an individual lot that share a common wall or common floor/ceiling. 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.

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~~ Any number of persons who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit.

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

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

Middle housing means townhouses, two family uses, three family uses, four family uses, and cottage clusters.

Middle housing land division means a partition or subdivision of a lot, parcel, or other lawfully established unit of land which has been, or is proposed to be, developed for middle housing in order to locate each dwelling unit on a separate lot.

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

Primary street means a street that is classified in the Salem Transportation System Plan as an arterial or collector street.

Quadplex means a building containing four attached dwelling units on an individual lot. Each dwelling unit must share a common wall or common floor/ceiling with at least one other dwelling unit.

~~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."~~

Secondary street means a street that is classified in the Salem Transportation System Plan as a local street.

~~Townhouse~~ means a dwelling unit ~~constructed in~~ that is part of 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.

Triplex means a building containing three attached dwelling units on an individual lot. Each dwelling unit must share a common wall or common floor/ceiling with at least one other dwelling unit.

~~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."~~

Visible transmittance (VT) means a measurement of the amount of light in the visible portion of the spectrum that passes through glass. The higher the number, the greater the amount of light that is passing through the glass.

Waterway means any river, perennial stream, or creek within the City as designated by the Director.

Amendments to SRC Chapter 112 (Measurements)

Sec. 112.035. Height.

- (a) *Calculation.* Height is calculated by measuring the vertical distance between two points, a base point and a top point. Unless otherwise provided under the UDC, the base point is the lowest point on the grade abutting that which is being measured, and the top point is the highest point on that which is being measured.
- (b) *Structures exceeding maximum height.* When the UDC provides that a building or structure may exceed a maximum height by a specified amount, the amount allowed greater than the maximum height shall be measured from the top point of the building or structure.
- (c) *Height of buildings and structures.* Unless otherwise provided under the UDC, building and structure height shall be measured as set forth under this subsection.
 - (1) *Base point.* The base point for purposes of determining building and structure height shall be:
 - (A) The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building or structure, when such sidewalk or ground surface is not more than ten feet above the lowest grade within the five-foot horizontal distance; or
 - (B) An elevation that is ten feet higher than the lowest grade within a five-foot horizontal distance of the exterior wall of the building or structure, when the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building or structure is ten feet or more above lowest grade within such five-foot horizontal distance.
 - (2) *Top point.* The top point for purposes of measuring building and structure height shall be:
 - (A) The highest point of the coping of a flat roof (see Figure 112-3A).
 - (B) The average height of a shed roof.
 - (C) The average height of the highest gable of a pitched or hipped roof (see Figure 112-3B).
 - (D) The deck line of a curb, gambrel, or mansard roof (see Figure 112-3C).
 - (E) For a stepped or terraced building, the highest point of any step or terrace of the building.

FIGURE 112-3A. BUILDING HEIGHT - FLAT ROOF

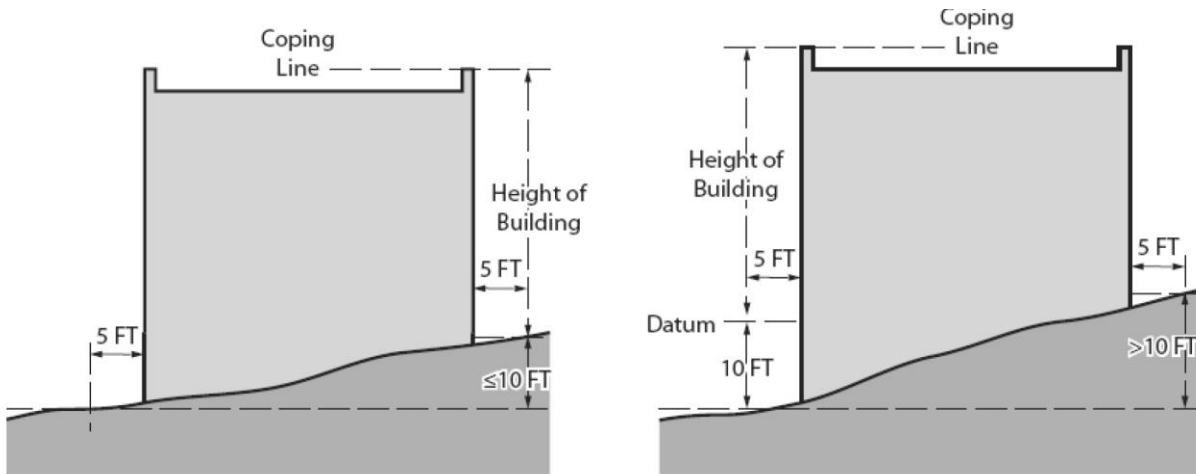


FIGURE 112-3B. BUILDING HEIGHT - PITCHED OR HIPPED ROOF

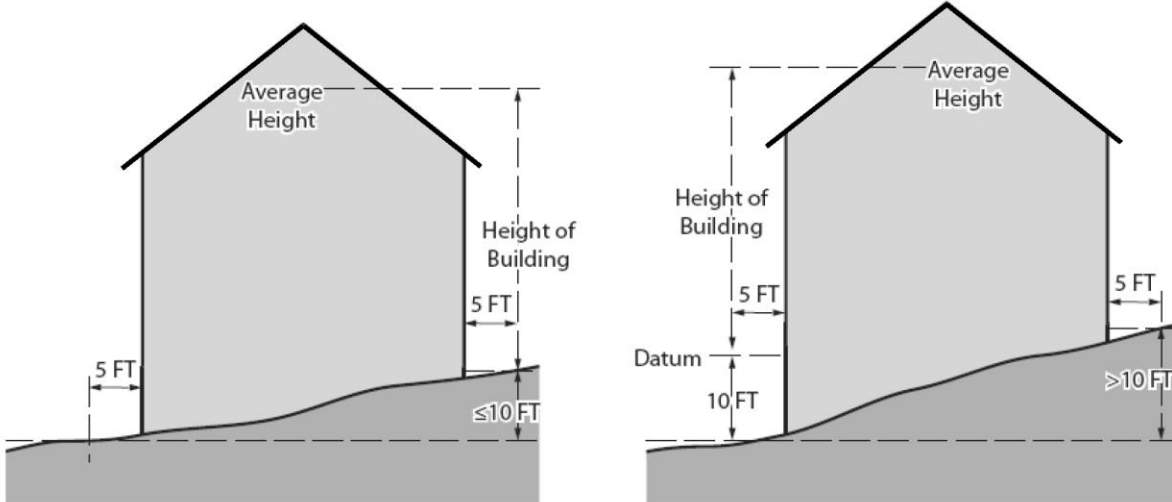
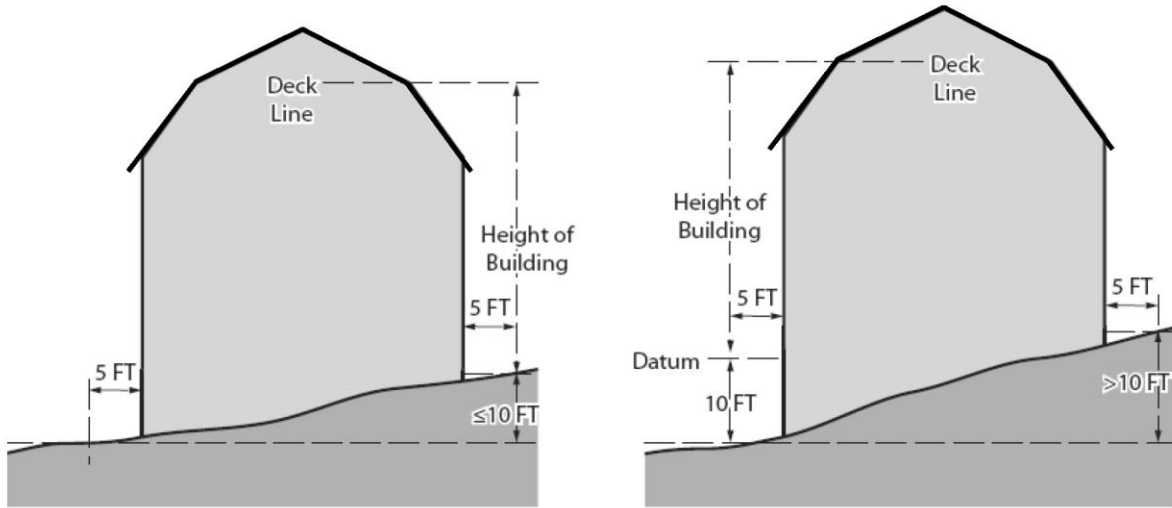


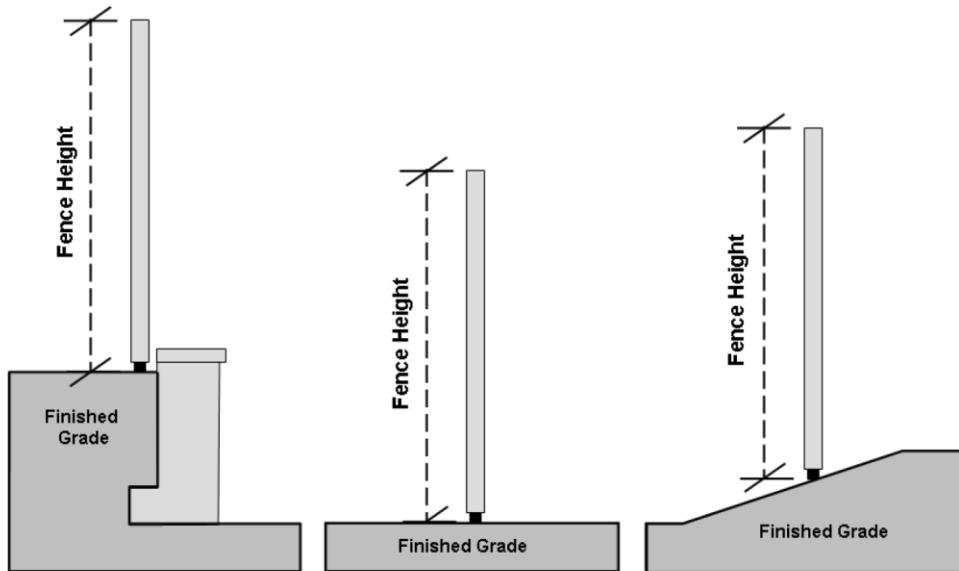
FIGURE 112-3C. BUILDING HEIGHT - CURB, GAMBREL, AND MANSARD ROOF



(d) *Height of fences.*

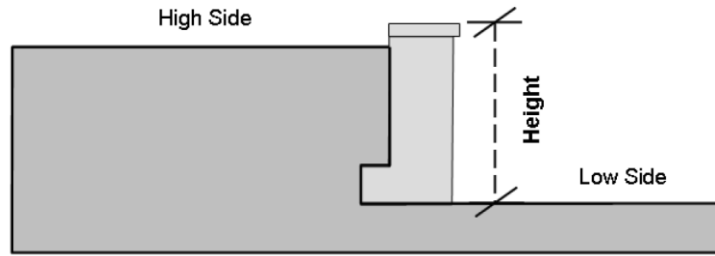
- (1) Except as provided in subsection (d)(2) of this section, fence height shall be measured from the finished grade upon which the fence is constructed to the top of the fence (see Figure 112-4).
- (2) Fence height adjacent to street. When located within three feet of a property line abutting a street, ~~The fence height of fences along public rights-of-way shall be measured from the sidewalk to the top of the fence.~~ If no sidewalk exists, the height of the fence shall be measured from the curb to the top of the fence. If no curb exists, the height of the fence shall be measured from the finished shoulder grade of the right-of-way to the top of the fence.

FIGURE 112-4. MEASUREMENT OF FENCE HEIGHT



- (e) *Height of retaining walls.* Retaining walls shall be measured from the finished grade on the lower side of the retaining wall to the top of the retaining wall (see Figure 112-5).

FIGURE 112-5. MEASUREMENT OF RETAINING WALL HEIGHT



- (f) *Height of porches, decks, and patios.* Porch, deck, and patio height shall be measured from the finished grade directly beneath the outside edge of the porch, deck, or patio to the top of the floor of the porch, deck, or patio.
- (g) *Measurement of height within Airport Overlay Zone.* Notwithstanding any other provision in this section, height within the Airport Overlay Zone shall be measured from mean sea level elevation to the highest point of the building, structure, object, or vegetative growth.

Sec. 112.050. Setbacks.

- (a) *Generally.* Setbacks are measured along a line that is perpendicular to the property line and extended from the property line inward toward the center of the lot. If the property line is curved, the setback shall be measured along a line that is a radius to the curve and extended from the lot line inward to the center of the lot.
- (b) *Garage or carport vehicle entrance setback abutting street or flag lot accessway.* The setback for the vehicle entrance of a garage or carport facing a street or flag lot accessway shall be measured from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:
 - (1) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
 - (2) The outside curblines; or
 - (3) The edge of the sidewalk furthest from the street.
- (c) *Setbacks abutting flag lot accessway.* Setbacks abutting a flag lot accessway shall be measured from one of the following lines, whichever is most interior to the lot or parcel:
 - (1) The property line; or
 - (2) The most interior access easement line, if an access easement exists.
- (d) *Setback abutting waterway.* Unless otherwise provided under the UDC, where a setback is required abutting a waterway, the setback shall be measured horizontally from the top of bank on the side of the waterway that is adjacent to the subject property.

Amendments to SRC Chapter 205 (Land Division & Reconfiguration)

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 accurately identifying all existing trees on the property as of the date of application submittal 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.
- (j) 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. 205.035. Final plat.

- (a) *Applicability.* No final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, ~~or replat,~~ or middle housing land division shall be recorded without receiving final plat approval as set forth in this section.
- (b) *Procedure.* Final plats are exempt from the procedures of SRC chapter 300, and shall instead follow the procedures set forth in this section. Final plats shall be reviewed by the City prior to recording with county. Applications for final plat shall be submitted prior to expiration of tentative plan approval.
- (c) *Criteria.* A final plat shall be approved if all of the following criteria are met:
 - (1) The final plat is in substantial conformance with the approved tentative plan or tentative replat.
 - (2) For phased subdivisions in commercial and industrial zones, unless the divergence from the tentative plan would require a modification of any condition of approval, the final plat for each phase may diverge from the tentative plan and still be in substantial conformance with the approved tentative plan for that phase if there is:
 - (A) A decrease or increase in the number of lots within the particular phase;
 - (B) A change in the location or width of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, and does not change the street designation from one classification to another;
 - (C) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
 - (D) A decrease in the number of phases; or
 - (E) An increase or decrease in the area of a specific phase.
 - (F) If the approval of a final plat for a specific phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative plan shall be modified to reflect the changes.
 - (3) The final plat complies with all applicable provisions of ORS ch. 92.
 - (4) Conditions of approval imposed on the tentative plan or tentative replat have been met;
 - (5) The final plat dedicates, free and clear of all liens and encumbrances and without any reservation or restriction other than reversionary rights upon vacation, all City infrastructure, if such dedication is required by the UDC or as a condition of approval;

- (6) Any easement to be granted to the City on the final plat conforms to the standards listed in SRC 205.080;
- (7) The Public Works Director has certified that:
 - (A) All required City infrastructure and private improvements are completed and approved; or
 - (B) The owner of the property subject to the final plat has executed and filed with the City an improvement agreement, requiring all City infrastructure and private improvements to be completed within 18 months of the final plat approval. The improvement agreement shall be accompanied by a performance guarantee as provided in SRC 110.100. Upon request, the improvement agreement shall be extended for an additional 18-month period if the performance guarantees are modified, if necessary, to reflect any change in cost of construction. The improvement agreement shall state that, should all improvements not be completed within the term of the improvement agreement or its extension, the City may pursue any and all remedies available to it, including, but not limited to, those set forth in SRC 110.100; or
 - (C) If applicable, the owner has entered into a fee-in-lieu of construction agreement pursuant to SRC 200.400 through 200.420.
- (d) *Approval or rejection of final plat.*
 - (1) If the Director finds that the final plat does not meet the approval criteria set forth in subsection (c) of this section, the Director shall notify the applicant of the deficiencies and afford the applicant opportunity to comply. Rejection of a final plat does not affect tentative plan or tentative replat approval.
 - (2) If the Director finds that the final plat meets the approval criteria set forth in subsection (c) of this section, the Director shall endorse approval on the final plat, and the applicant may process and record the final plat.
- (e) *Recording of final plat.* The approved final plat shall be recorded within ten years of the effective date of the tentative plan or tentative replat approval. No building permits for development of lots or parcels shall be issued until the final plat is recorded.
- (f) *Operation and maintenance of facilities and common property.* Where facilities and common property, including, but not limited to, private streets, parking areas, privately owned pedestrian walkways and bikeways, and landscape strips, are included within the development, the recorded covenants, conditions, and restrictions for the development shall include a provision that such facilities and common property be perpetually operated and maintained by a property owners' association. Each property owner shall be a member of the property owners' association. The association shall have the power to levy and assess against privately owned property in the development all necessary costs for operation and maintenance of such facilities and common property. The documents creating such association shall be approved by the Director.
- (g) *Operation and maintenance of flag lot accessways.* Where a flag lot accessway serving more than one lot or parcel is included within a development, reciprocal and irrevocable access rights for all lots or parcels served by the flag lot accessway shall be included on the final plat and in the deeds for the individual lots or parcels. Maintenance of the flag lot accessway shall be shared between the owners of the properties served by the flag lot accessway and an agreement requiring maintenance of the flag lot accessway shall be recorded in the deeds for the individual lots or parcels.

Sec. 205.051. Middle housing land division.

- (a) Applicability. If land developed or proposed to be developed for middle housing is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a middle housing land division pursuant to this section, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under this chapter.

- (b) Procedure type. Unless an applicant requests that the application be reviewed under the procedures set forth in SRC chapter 300, a middle housing land division shall be processed as provided under ORS 197.360 through ORS 197.380, in-lieu of the procedures set forth in SRC chapter 300. If an applicant requests review of a middle housing land division under the procedures set forth in SRC chapter 300, the application shall be processed as a Type II procedure under SRC chapter 300.
- (c) Submittal requirements. An application for a middle housing land division shall include the following:
- (1) The information required under SRC 300.210;
 - (2) A site plan for the middle housing development as it relates to the existing lot, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) Scale and north arrow;
 - (B) The boundaries, dimensions, and area of the lot;
 - (C) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the lot;
 - (D) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - (E) The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
 - (F) The location of all existing and proposed off-street parking and vehicle use areas;
 - (G) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
 - (H) Driveway locations, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - (I) The location, height, and material of fences, berms, walls, and other existing and proposed screening;
 - (J) 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;
 - (K) The location of all existing trees and vegetation required to be protected under SRC chapter 808; and
 - (L) The location of all existing and proposed street trees required under SRC chapter 86;
 - (3) A tentative plan map for the middle housing development as it relates to the proposed lots, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) A title block on each sheet indicating the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; the date; and the township, range, and section of the subject property;
 - (B) Scale and north arrow;
 - (C) The location of all property lines within 50 feet of the perimeter of the subject property;
 - (D) The boundaries, dimensions, and area of each proposed lot;
 - (E) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;

- (F) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - (G) The location and use of all buildings and accessory structures that will be located on each proposed lot, indicating the distance of such buildings and accessory structures to proposed lot lines and to adjacent structures on abutting lots.
 - (H) The location of all existing and proposed easements necessary to serve the development;
 - (I) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
 - (J) 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;
 - (K) 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
 - (L) For middle housing land divisions proposing the creation of four or more lots, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;
- (4) A current title report for the property;
 - (5) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808, a tree conservation plan;
 - (6) A geological assessment or geo-technical 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;
 - (7) A preliminary grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property is necessary to accommodate the proposed development.
 - (8) A utility plan showing the location of existing and proposed city infrastructure;
 - (9) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;
 - (10) A completed trip generation estimate on forms provided by the City;
 - (11) A traffic impact analysis, if required under SRC chapter 803; and
 - (12) A statement from the County Surveyor approving the name of the subdivision, for middle housing land divisions proposing the creation of four or more lots.
- (d) Criteria. The tentative plan of a middle housing land division shall be approved if all of the following criteria are met:
- (1) The middle housing land division is for an existing or proposed middle housing development.
 - (2) The existing or proposed middle housing development complies with the Oregon residential specialty code and all applicable standards of the UDC, including, but not limited to, the following, as those standards apply to the existing lot prior to division:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
 - (B) City infrastructure standards; and

- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
 - (3) The existing or proposed middle housing development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.
 - (4) The street(s) abutting the middle housing land division conform to the Salem Transportation System Plan.
 - (5) The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.
 - (6) Separate utilities are provided for each dwelling unit.
 - (7) All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:
 - (A) Locating, accessing, servicing, and replacing all utilities;
 - (B) Pedestrian access from the primary entrance of each dwelling unit to a public or private street;
 - (C) Any driveways or off-street parking;
 - (D) Any common use areas or shared building elements; and
 - (E) Any common area.
 - (8) The type of middle housing on the existing lot is not altered by the proposed middle housing land division.
- (e) Conditions of Approval. Notwithstanding SRC 300.820, conditions may not be placed on the approval of a middle housing land division except to:
- (1) Prohibit further division of the resulting lots;
 - (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
 - (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of SRC 803.025(a);
 - (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of SRC 803.025(b); and
 - (5) Require a notation on the final plat indicating that the approval of the land division was given under ORS [Insert State Law Section Number].
- (f) Expiration. Tentative plan approval for a middle housing land division shall expire as provided in SRC 300.850, unless a final plat is approved within the time limits set forth in SRC 300.850.

Sec. 205.065. Property boundary verification.

- ~~(a) Applicability. The purpose of this section is to provide a process whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code.~~
- ~~(b) Procedure type. A property boundary verification 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 property boundary verification shall include:~~
- ~~(1) A copy of the recorded deeds for the existing units of land; and~~

- ~~(2) A copy of the proposed legal description defining the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code.~~
- ~~(d) Criteria. A property boundary verification shall be approved if the following criteria are met:~~
 - ~~(1) The proposed modification does not substantially change the original approval; and~~
 - ~~(1) The proposed property boundary verification involves units of land that are under the same ownership; and~~
 - ~~(2) The proposed legal description accurately defines the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code.~~
- ~~(e) Recording. The approved legal description defining the outside boundary of the units of land to be considered as a single lot for purposes of the Building Code shall be recorded with the county. Prior to issuance of a building permit, a copy of the recorded legal description shall be provided to the Director.~~

Amendments to SRC Chapter 210 (Planned Unit Development)

Sec. 210.010. Uses.

- (a) Except as otherwise provided in this section, uses allowed in the zone or overlay zone are allowed within a PUD; provided, however, certain uses may be restricted in location to convenience service areas or retail service areas as set forth in this chapter.
- (b) Additional permitted uses. The uses set forth in Table 210-1 are additional permitted uses within a PUD regardless of the zone or overlay zone.

TABLE 210-1. ADDITIONAL PERMITTED USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	
Two family	P	
Three family	P	
Four family	P	
Multiple family	P	

Sec. 210.045. Planned unit development standards.

Planned unit developments must comply with the development standards set forth in this section.

- (a) *General development standards.* Planned unit developments shall conform to the general development standards set forth in Table 210-2.

TABLE 210-2. GENERAL DEVELOPMENT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Minimum Number of Dwelling Units within PUD		
RA, RS, RD, and RH zones	No minimum	
RM-I and RM-II zones	Minimum number of dwelling units required in	

	zone where PUD is located	
Pine Street Mixed-Use Overlay Zone	Min. 14 d.u./acre	
Maximum Number of Dwelling Units within PUD		
RA, RS, and RD zones	Max. 20 d.u./acre Maximum number of dwelling units allowed in zone where PUD is located	The maximum number of dwelling units allowed shall be calculated by dividing the net area of the lot by the minimum lot size for single family dwellings in the zone where the PUD is located. For purposes of this standard, "net area" is the total area of the site minus the total area used for streets and flag lot accessways.
RM-I and RM-II zones	Maximum number of dwelling units allowed in zone where PUD is located	
RH zone; and Pine Street Mixed-Use Overlay Zone	No maximum	
Maximum Number of Dwellings Units within a Building		
RA, RS, RD, RM-I, RM-II, and RH zones; and Pine Street Mixed-Use Overlay Zone	No maximum	The number of dwelling units within an individual building shall not exceed the overall maximum number of dwelling units allowed for the entire PUD.

- (b) *Setbacks.* Unless otherwise provide in this chapter, setbacks within a PUD shall be provided as set forth in Table 210-3.

TABLE 210-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
PUD Perimeter Setbacks—Abutting Street		
Buildings		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC chapter 805.
Accessory Structures		
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, accessory structures shall be setback to maintain adequate vision clearance as required under SRC chapter 805.
PUD Perimeter Setbacks—Not Abutting Street		
Interior Side		
Buildings		

All uses	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to all uses	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.
Interior Rear		
Buildings		
All uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or RS zoned lot located outside the PUD.
Accessory Structures		
All uses	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.
PUD Interior Setbacks—Abutting Street		
Buildings		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC chapter 805.
Accessory Structures		
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC chapter 805.
PUD Interior Setbacks—Not Abutting Street		

Interior Front		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Interior Side		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Interior Rear		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Abutting Waterway ⁽¹⁾		
Buildings		
Single family	Min. 100 ft.	Applicable to townhouses constructed after <u>[Insert Effective Date of Ordinance]</u> .
	None	Applicable to all other single family. <u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
Two family, three family, four family, and multiple family	Min. 100 ft.	
All other uses	None	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
Accessory Structures		
	None	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
(1) Waterway setback does not apply to Planned Unit Developments approved prior to <u>[Insert Effective Date of Ordinance]</u> .		

- (c) *Height.* Buildings and accessory structures within a PUD shall conform to the height standards set forth in Table 210-4.

TABLE 210-4. HEIGHT		
Requirement	Standard	Limitations & Qualifications
Height		
Buildings		
All uses	Max. 35 ft.	Applicable within the RA, RS, RD, RM-I, and RM-II zones
	No Maximum	Applicable within the RH zone
	Max. 70 ft.	Applicable within the Pine Street Mixed-Use
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

(d) *Parking.* Except as provided in this subsection, parking within a PUD shall be developed in conformance with the standards set forth in SRC chapter 806.

(1) *Minimum required parking.* Unless otherwise provided in this chapter, parking within a PUD shall be provided in amounts not less than those set forth in Table 210-5.

TABLE 210-5. PARKING		
Zone/Overlay Zone	Minimum Number of Spaces Required	Limitations & Qualifications
RA and RS zones	2 per dwelling unit	<u>Applicable to single family detached dwelling units. One+</u> of the required spaces must be located within a garage or carport; provided, however, an uncovered parking area meeting the standards set forth in subsection (d)(2)(D) of this section may be permitted in lieu of a garage or carport.
	<u>1 per dwelling unit</u>	<u>Applicable to all other dwelling units.</u>
RD, RM-I, RM-II, and RH zones	2.5 <u>2</u> per dwelling unit	<u>Applicable to the first 10 dwelling units</u> single family detached dwelling units.
	2 <u>1</u> per dwelling unit	<u>Applicable to each additional dwelling unit over 10</u> all other dwelling units.
Pine Street Mixed Use Overlay Zone	1 per dwelling unit	There shall be no limit on the maximum number of parking spaces provided.

(2) *Off-street parking development standards.* Parking within a PUD shall conform to the following standards:

(A) *Location.* Required parking spaces shall be located within the planned unit development, and may be either on-street, off-street, or a combination thereof.

(B) *Garage or carport vehicle entrance setback abutting street or flag lot accessway.* The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be set back a minimum of 20 feet from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curblines; or
- (iii) The edge of the sidewalk furthest from the street.

(C) *Dimensions.* On-street parallel parking spaces shall be at least seven feet in width and 22 feet in length.

(D) *Landscaping and screening.* All off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or carport, shall be effectively landscaped, designed to minimize the effect of a large number of cars in one area, and screened with ornamental evergreens or architectural features such as fences and walls.

(e) *Side lot lines.* As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

(f) *Limits on common open space.* Streets, parking areas, traffic circles, and other similar transportation related improvements shall not be considered, or considered to be a part of, common open space.

(g) *Utilities.* Except for stormwater management facilities, all utility services shall be undergrounded.

Amendments to SRC Chapter 220 (Site Plan Review)

Sec. 220.005. Site plan review.

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A) Prior to issuance of ~~the~~ building permit, for any development that requires a building permit; ~~and~~
 - (B) Prior to a change of use, when a building permit is not otherwise required; and
 - ~~(C)(B)~~ Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i) Development of a new off-street parking ~~and~~or vehicle use areas;
 - (ii) Expansion of an existing off-street parking ~~and~~or vehicle use areas, when additional paved surface is added;
 - (iii) Alteration of an existing off-street parking ~~and~~or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv) Paving of an unpaved area; and
 - (v) Restriping of an off-street parking ~~and~~or vehicular use areas, when the layout will be reconfigured.

(2) Exemptions.

- (A) The following development that requires a building permit is exempt from site plan review:
 - (i) ~~The construction~~Development of a single family use, ~~or duplex dwelling~~two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such ~~dwelling~~uses.
 - (ii) Sign installation.
 - (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
 - (iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.
 - (v) Interior construction or tenant improvements that involve no change of use or occupancy.
 - (vi) Demolition permit.
 - (vii) Construction of a fence.
- (B) Any of the activities identified under subsection (a)(1)~~(B)(C)~~ of this section are exempt from site plan review if they are for a single family use, ~~or duplex dwelling~~two family use, three family use, four family use, or cottage cluster 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 under subsection (a)(1) of this section ~~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 either: a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

(A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or

(B) A change of use when a building permit is not otherwise required.

(2) *Class 2 site plan review.* Class 2 site plan review is ~~required~~ site plan review for any development under subsection (a)(1) of this section 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~~ site plan review for any development under subsection (a)(1) of this section 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) Involves the imposition of conditions of approval; or

(G)(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) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.

~~(F)~~(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.

Amendments to SRC Chapter 235 (Manufactured Dwelling Parks)

Sec. 235.030. Standards for manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks.

In addition to the requirements of the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code, manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall comply with the standards set forth in this section.

- (a) *Park perimeter setbacks.* Setbacks from the perimeter boundary of a manufactured dwelling park shall be provided as set forth in Table 235-2.

TABLE 235-2. PARK PERIMETER SETBACKS		
Requirement	Standard	Limitations & Qualifications
Park Perimeter Setbacks—Abutting Street		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Park Perimeter Setbacks—Not Abutting Street		
Interior Side		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II zones	Min. 5 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Min. 5 ft.	
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a park building not more than 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 story in height.
Interior Rear		
Manufactured Dwellings		

RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a manufactured dwelling not more than 1 story in height.
	Min. 20 ft.	For any portion of a manufactured dwelling greater than 1 story in height.
Accessory Structures		
RA, RS, RM-I, and RM-II zones	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.
Park Buildings		
RA, RS, RM-I, and RM-II zones	Min. 14 ft.	For any portion of a park building not more than 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 story in height.

- (b) *Space coverage; height.* Manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall conform to the space coverage and height standards set forth in Table 235-3.

TABLE 235-3. SPACE COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Space Coverage		
Manufactured Dwellings and Accessory Structures		
RA, RS, RM-I, and RM-II zones	Max. 60%	
Park Buildings		
RA and RS zones	Max. 35%	
RM-I and RM-II zones	Max. 50%	
Height		
Manufactured Dwellings		
RA and RS zones	Max. 35 ft.	Applicable to new or replacement manufactured dwellings.
	Max. 28 ft. or existing manufactured dwelling height, whichever is greater	Applicable to existing manufactured dwellings.
RM-I and RM-II zones	Max. 35 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II zones	Max. 15 ft.	
Park Buildings		
RA and RS zones	Max. 50 ft.	
RM-I and RM-II zones	Max. 70 ft.	

- (c) *Decks; patios.* Each space shall be provided with one or more slabs or decks adjacent to the stand that are constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material which, either singly or in combination, total not less than 120 square feet in area and are not less than four feet in width in their smallest dimension.
- (d) *Storage of manufactured dwellings.* A manufactured dwelling shall not remain overnight in a manufactured dwelling park unless it is parked in a manufactured dwelling space.

- (e) ~~Storage of recreational~~ Recreational vehicles. ~~Storage of recreational vehicles is allowed in the following locations:~~
- (1) A recreational vehicle may be occupied as a dwelling within a manufactured dwelling park if the recreation vehicle is:
 - (A) Located in a manufactured dwelling park space; and
 - (B) Lawfully connected to water, sewer, and electricity.
 - (2) Storage of a recreational vehicle is allowed in the following locations:
 - (A)(4) On driveways within a yard adjacent to a street; and
 - (B)(2) Within side or rear yards that are screened from all public areas, public and private rights-of-way, and property that is used for residential purposes by a minimum six-foot-high sight-obscuring fence, wall, or hedge.
- (f) Manufactured home size, design, and materials with RA and RS zones. Manufactured homes located within manufactured dwelling parks less than three acres in size within RA and RS zones shall:
- ~~(1) Be a minimum of 864 square feet in size and a minimum of 24 feet in width;~~
 - (1)(2) Have a pitched roof with a minimum nominal slope of three feet in height for each 12 feet in width; and
 - (2)(3) Have exterior siding and roofing that is similar in color, material, and appearance to the exterior siding and roofing material used on residential dwellings in the community, or which is comparable to the predominant materials used on surrounding dwellings, as determined by the City; and,
 - ~~(4) Have skirting which appears in design, color, and texture to be an integral part of the exterior walls, unless the manufactured home is set on a ground level foundation.~~

Amendments to SRC Chapter 260 (Annexation Procedures)

Sec. 260.005. 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:

Annexation agreement~~contract~~ means an contract agreement between the City and a landowner relating to extraterritorial provision of service and consent to eventual annexation of the property of the landowner.

Contiguous means a lot, parcel, or tract that abuts the current City limits or is separated from the current City limits by only public right-of-way or a body of water. For purposes of this definition abuts means touching along a boundary or point.

Enclave means territory that is completely surrounded by the corporate boundaries of the City, or by the corporate boundaries of the City and a river, stream, lake or other body of water.

Health hazard means a condition which is conducive to the propagation of communicable or contagious disease-producing organisms and which presents a reasonably clear possibility that the public generally is being exposed to disease-caused physical suffering or illness, including impure or inadequate domestic water; inadequate installations for the disposal or treatment of sewage, garbage or other contaminated or putrefying waste; or inadequate improvements for drainage of surface water and other fluid substances.

~~Person means a natural person, corporation, limited liability company, partnership, joint venture, trust, co-operative, association, or any other entity in law or fact.~~

Sec. 260.010. Initiation of a Annexations.

Annexation of territory into the City may be initiated by the Council upon its own motion, or by a petition submitted to the Council by owners of real property in the territory proposed to be annexed

- (a) Applicability. Territory may be annexed to the city as provided in this section.
- (b) Annexation Types.
 - (1) Annexation without minor comprehensive plan map amendment or quasi-judicial zone change. An annexation without a minor comprehensive plan map amendment or quasi-judicial zone change is an annexation where territory is proposed to be annexed into the City without an accompanying request to change the comprehensive plan map and/or equivalent City zoning designation that will automatically apply to the territory upon annexation as provided under SRC 260.045.
 - (2) Annexation with minor comprehensive plan map amendment or quasi-judicial zone change. An annexation with a minor comprehensive plan map amendment or quasi-judicial zone change is an annexation where territory is proposed to be annexed into the City and a new comprehensive plan designation and/or zoning designation is proposed for the territory that is different from the equivalent designation that would otherwise automatically apply to the territory upon annexation as set forth in SRC 260.045.
- (c) Standing to initiate annexation. An annexation may only be initiated by the Council or an owner of property within the territory proposed to be annexed, or that owner's agent.
- (d) Voter Approval. Voter approval is required for annexations as follows:
 - (1) Annexations requiring voter approval. Voter approval is required for annexations if:
 - (A) The annexation includes a valid triple majority petition; or
 - (B) The annexation is initiated by the City.
 - (2) Annexations exempt from voter approval. Voter approval is not required for annexations if:
 - (A) The annexation is being made pursuant to an annexation agreement effective prior to May 16, 2000;
 - (B) The annexation is necessitated by a failing septic system or health hazard; or
 - (C) The annexation, notwithstanding the Salem City Charter, complies with all of the following requirements:
 - (i) The annexation petition request is signed by all owners of the property proposed to be annexed;
 - (ii) The territory proposed for annexation is within the urban growth boundary;
 - (iii) The territory proposed for annexation is subject to an acknowledge comprehensive plan upon annexation; and
 - (iv) At least one lot within the territory proposed for annexation is contiguous to the City limits.
- (e) Procedure type.
 - (1) Annexations without a minor comprehensive plan map amendment or quasi-judicial zone change are processed as a Type III procedure under SRC chapter 300.

(2) Annexations with a minor comprehensive plan map amendment or quasi-judicial zone change are processed as a Type IV procedure under SRC chapter 300.

(f) Submittal requirements.

(1) Annexations without a minor comprehensive plan map amendment or quasi-judicial zone change. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an annexation without a minor comprehensive plan map amendment or quasi-judicial zone change shall include the following:

(A) An annexation petition, when applicable, that has been signed by all property owners within the territory proposed to be annexed;

(B) A valid triple majority petition, when applicable;

(C) For annexations subject to an annexation agreement, a copy of the recorded annexation agreement;

(D) A statement from the Oregon Department of Human Services, the Oregon Department of Environmental Quality, or the county health department or sanitarian, when applicable, attesting to the presence of a failing septic system or health hazard, and which otherwise complies with health hazard abatement law relative to annexations;

(E) Identification of any contiguous territory to the territory that is proposed to be annexed that would qualify to be annexed pursuant to a previously executed annexation agreement;

(F) A completed population questionnaire; and

(G) A consent to the restrictions imposed by City land use regulations, as defined by Ballot Measure 49, in existence on the date of annexation that the territory will become subject to as a result of the annexation process; together with a waiver for claims under Ballot Measure 49 that could arise out of or result from the enactment or enforcement of any ordinance annexing the territory, or arise out of or result from the application or enforcement of land use regulations in existence upon the date of annexation. If there is more than one "owner," as defined by Measure 49, of the territory, the consent and waiver shall be executed by all such owners.

(2) Annexations with a minor comprehensive plan map amendment or quasi-judicial zone change. In addition to the submittal requirements for a Type IV application under SRC chapter 300, an application for an annexation with a minor comprehensive plan map amendment or quasi-judicial zone change shall include the following:

(A) An annexation petition, when applicable, that has been signed by all property owners within the territory proposed to be annexed;

(B) A valid triple majority petition, when applicable;

(C) For annexations subject to an annexation agreement, a copy of the recorded annexation agreement;

(D) A statement from the Oregon Department of Human Services, the Oregon Department of Environmental Quality, or the county health department or sanitarian, when applicable, attesting to the presence of a failing septic system or health hazard, and which otherwise complies with health hazard abatement law relative to annexations;

(E) Identification of any contiguous territory to the territory that is proposed to be annexed that would qualify to be annexed pursuant to a previously executed annexation agreement;

(F) A completed population questionnaire;

(G) A consent to the restrictions imposed by City land use regulations, as defined by Ballot Measure 49, in existence on the date of annexation that the territory will become subject to as a result of

the annexation process; together with a waiver for claims under Ballot Measure 49 that could arise out of or result from the enactment or enforcement of any ordinance annexing the territory, or arise out of or result from the application or enforcement of land use regulations in existence upon the date of annexation. If there is more than one “owner,” as defined by Measure 49, of the territory, the consent and waiver shall be executed by all such owners;

(H) The submittal requirements for a minor comprehensive plan map amendment set forth under SRC 64.025(d), when the annexation includes a concurrent minor comprehensive plan map amendment; and

(I) The submittal requirements for a quasi-judicial zone change set forth under SRC 265.005(d), when the annexation includes a concurrent quasi-judicial zone change.

(g) Approval criteria.

(1) Annexations without a minor comprehensive plan map amendment or quasi-judicial zone change. An annexation petition for an annexation without a minor comprehensive plan map amendment or quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;

(B) The land uses and development densities that will be allowed can be served through the orderly, efficient, and timely extension of key urban facilities and services;

(C) The withdrawal of the territory from any applicable special districts complies with applicable state statutes governing the withdrawal of the territory from those districts; and

(D) The public interest is furthered by the annexation of the territory.

(2) Annexations with a minor comprehensive plan map amendment or quasi-judicial zone change. An annexation petition for an annexation with a minor comprehensive plan map amendment or quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) Annexation approval criteria.

(i) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;

(ii) The land uses and development densities that will be allowed can be served through the orderly, efficient, and timely extension of key urban facilities and services;

(iii) The withdrawal of the territory from any applicable special districts complies with applicable state statutes governing the withdrawal of the territory from those districts; and

(iv) The public interest is furthered by the annexation of the territory; and

(B) Minor comprehensive plan map amendment and quasi-judicial zone change approval criteria.

(i) The proposed minor comprehensive plan map amendment complies with the minor comprehensive plan map amendment approval criteria of SRC 64.025(e)(2), when the annexation includes a minor comprehensive plan map amendment; and

(ii) The proposed quasi-judicial zone change complies with the quasi-judicial zone change approval criteria of SRC 265.005(e), when the annexation includes a quasi-judicial zone change.

Sec. 260.015. ~~Enclave annexations~~ Designation of territory boundary.

~~When a petition for annexation is filed, the~~ The Director may include areas adjacent to the territory proposed to be annexed as part of the proposed annexation subject to the following guidelines: -if the failure to include the

~~additional territory would result in the creation of an enclave and the requirements for consent elections set forth in ORS ch. 222 are met, or if the inclusion of the additional territory would eliminate existing enclaves.~~

- ~~(a) Annexation of partial units of land shall be avoided unless it furthers the public interest;~~
- ~~(b) The territory shall include the adjacent right-of-way unless inclusion will result in a boundary that is not orderly development, or the City does not have the ability to efficiently maintain the right-of-way;~~
- ~~(c) If an annexation will result in the creation of an enclave, the owner(s) of the enclave will be offered the ability to be annexed with the adjacent territory;~~
- ~~(d) Areas adjacent to the territory may be added to the territory if the annexation will create an enclave, however, no territory shall be added by the City which would result in a voter exempt annexation then being required to be voter approved;~~

~~Sec. 260.020. Voter approval of annexations; exempt annexations.~~

- ~~(a) — Except as provided in subsection (b) of this section, all annexations shall be submitted to the voters of the City for their approval.~~
- ~~(b) — Annexations made pursuant to annexation contracts effective prior to May 16, 2000, annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law are exempt from voter approval.~~

Sec. 260.020. Fiscal impact statement.

The City shall prepare a fiscal impact statement, which shall estimate the fiscal impact the proposed annexation would have on the City's general fund. The fiscal impact statement shall be presented to the City Council on all proposed annexations.

~~Sec. 260.025. Annexation elections.~~

~~Annexations may be submitted to the voters at a general election or at a special election.~~

~~Sec. 260.030. Pre-application conference; filing deadline.~~

- ~~(a) — Any person who wishes to petition for the annexation of territory shall participate in a pre application conference not less than 60 days prior to the deadline for filing the petition. The purpose of the pre application conference shall be to inform the person of the process for annexing territory into the City.~~
- ~~(b) — Unless otherwise allowed by the Director, annexation petitions which propose a change to the comprehensive plan or zone designation for the territory pursuant to SRC 260.045(b) shall be filed not less than 315 days prior to the date of the election when the annexation is proposed to be submitted to the voters. Annexation petition which will have the comprehensive plan and zone designations applied pursuant to SRC 260.045(a) shall be filed not less than 240 days prior to the date of the election when the annexation is proposed to be submitted to the voters.~~

~~Sec. 260.035. Annexation petitions; land use determination application; conceptual plan.~~

- ~~(a) — Petitions for annexation and applications for land use designations shall be on forms promulgated by the Director.~~
- ~~(b) — A petition for annexation for which voter approval is required shall be accompanied by:
 - ~~(1) — A legal description of the territory proposed to be annexed, along with documentation of ownership;~~
 - ~~(2) — Notarized signatures of the necessary number of landowners and voters residing on the territory proposed for annexation as required by state law;~~~~

- ~~(3) Identification of any territory that could be annexed pursuant to a previously executed annexation contract; and~~
- ~~(4) An application for land use designations shall contain the following:~~
- ~~(A) A notification list of the owners of all real property which is located within 250 feet of the property proposed to be annexed.~~
 - ~~(B) A county tax assessor's map showing all tax lots located within 250 feet of the property proposed to be annexed.~~
 - ~~(C) A statement demonstrating the availability of water, sewer, drainage, transportation, public safety, park, and school facilities and services needed to serve the proposed development at the maximum density levels allowed or proposed.~~
 - ~~(D) If the petitioner proposes a comprehensive plan or zone designation which is different from the existing or equivalent comprehensive plan designation or equivalent zone designation, as set forth in Table 260-1, the land use designation application shall include:
 - ~~(i) A conceptual plan, drawn to scale, including:
 - ~~(a) The proposed zoning for the territory, and, if more than one zone is proposed for the territory, a legal description for each area with the proposed zoning;~~
 - ~~(b) A site map, showing general circulation patterns, location of land uses by general categories, the anticipated intensity of uses in each category, and approximate acreage for uses in each category. Categories of land uses may be identified by any descriptive system or method generally acceptable by professionals engaged in the production of development master plans;~~
 - ~~(c) The location of all significant trees within the territory as defined in SRC chapter 808;~~
 - ~~(d) The location and proposed changes to any wells, septic tanks, drain fields, and easements within the territory; and~~
 - ~~(e) The location and proposed changes to creeks, drainage ways and courses, and riparian corridors.~~~~
 - ~~(ii) Proposed findings demonstrating why comprehensive plan and zone designation criteria are met.~~~~
- ~~(5) A consent to the restrictions imposed by City land use regulations, as defined by Ballot Measure 49, in existence on the date of annexation, and to which the territory becomes subject as a result of the annexation process, along with a waiver for claims under Ballot Measure 49, that could arise out of or result from the enactment or enforcement of any ordinance annexing the territory, or arise out of or result from the application or enforcement of land use regulations in existence upon the date of annexation. If there is more than one "owner," as defined by Measure 49, of the territory, the consent and waiver shall be executed by all such owners.~~

- (c) ~~A petition for annexation exempt from voter approval under SRC 260.020(b) shall contain the following:~~
- (1) ~~A legal description of the property proposed to be annexed, along with documentation of ownership;~~
 - (2) ~~The notarized signatures of the landowner or owners;~~
 - (3) ~~A statement from the Oregon Department of Human Services, the Oregon Department of Environmental Quality or the county health department or sanitarian attesting to the failing septic system or health hazard and which otherwise complies with health hazard abatement law relative to annexation, a copy of the annexation contract, or documentation that the annexation is otherwise mandated by state law; and~~
 - (4) ~~A consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.~~
- (d) ~~If the Council initiates an annexation at the request of a landowner, and a comprehensive plan or zone designation is proposed which is different from the existing or equivalent comprehensive plan designation or equivalent zone designation, as set forth in Table 260-1, the landowner shall, as a condition of the initiation and within 30 days of the date the Council initiates the annexation, provide a conceptual plan which complies with subsection (b)(4)(D) of this section. In addition, any annexation initiated upon the request of a landowner shall be specifically conditioned upon the execution of a consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.~~

Sec. 260.040. Filing fees and election costs.

- (a) ~~Filing fees. Any person submitting a petition for annexation shall pay a petitioner's application fee at the time the petition is filed, and such other fees that are required for processing any land use actions or special district withdrawals associated with the annexation. The petitioner's application fee shall be set by resolution of the Council. The fees paid pursuant to this subsection shall be non-refundable.~~
- (b) ~~Election costs.~~
- (1) ~~In addition to the petitioner's application fee and any land use fees, the petitioner shall deposit with the Director a sum sufficient to cover any and all other costs incurred by the City in submitting the annexation to the voters. The deposit shall be based on the petitioner's pro rata share of the estimated cost of placing an annexation measure on the ballot, and of publishing notices and other information related to the election. Any unexpended portion of the deposit shall be refunded to the petitioner following the election.~~
 - (2) ~~The deposit shall be made not less than seven business days after the Council adopts the measure referring the annexation proposal to the voters. If the petitioner fails to make such deposit within seven days, the annexation shall not be referred to the voters.~~
 - (3) ~~The petitioner shall execute a consent to lien form to secure payment of all election costs. If the deposit is insufficient to cover the petitioner's pro rata share of the actual costs, an additional sum equal to such amount shall be remitted to the Director no later than 15 days after the election date. If such amount is not paid within the 15 day period, the Director shall file an election cost lien in the City lien docket. The election cost lien shall have priority over all other liens, except liens for the payment of taxes, shall bear interest at the legal rate, and shall remain a lien against the property until fully paid or foreclosed, as provided by law.~~

- ~~(4) If an annexation is initiated by the Council upon the request of any landowner, the landowner shall pay all fees, deposits and costs provided by this subsection, and shall execute a consent to lien form to secure payment of all election costs. If the deposit is insufficient to cover the landowner's pro rata share of the actual costs, an additional sum equal to such amount shall be remitted to the Director no later than 15 days after the election date. If such amount is not paid within the 15 day period, the Director shall file an election cost lien in the City lien docket. The election cost lien shall have priority over all other liens, except liens for the payment of taxes, shall bear interest at the legal rate, and shall remain a lien against the property until fully paid or foreclosed, as provided by law.~~

Sec. 260.045. Land use designations.

- ~~(a) Territory annexed into the City shall be automatically given the City comprehensive plan designation and zoning designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless one or more of the following apply:~~
- ~~(1) The petitioner requests a new comprehensive plan designation, or zone designation other than the equivalent City designation in Table 260-1, in the petition for annexation;~~
 - ~~(2) The Council proposes a new comprehensive plan designation, or zone designation other than the equivalent City designation in Table 260-1, in the resolution initiating the annexation; or~~
 - ~~(3) The equivalent City designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan.~~
- ~~(b) If the new comprehensive plan designation is proposed, or a zoning designation is proposed for the territory that is different from the equivalent designation set forth in Table 260-1, the Planning Commission shall hold a public hearing to review the proposed designation, and shall make a recommendation to the Council whether, in light of the conceptual plan, to adopt the proposed designation, the equivalent designation, or a different designation. The Planning Commission's review shall be based the following criteria:~~
- ~~(1) Whether the comprehensive plan and zone designation provides for the logical urbanization of land;~~
 - ~~(2) Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;~~
 - ~~(3) Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and~~
 - ~~(4) Whether it is in the public interest that the proposed change be made.~~

Sec. 260.050. Modification of conceptual plan after planning commission recommendation.

- ~~(a) Notwithstanding any other provision of this chapter, if the Planning Commission fails to recommend the comprehensive plan or zone designation proposed by a petitioner or requested by a landowner, the petitioner or landowner may elect to:~~
- ~~(1) Modify the conceptual plan prior to hearing before the Council under SRC 260.060, and propose different uses, development standards, or an alternative conceptual plan which conform to the Planning Commission's recommended comprehensive plan and zone designations;~~
 - ~~(2) Choose to proceed with the annexation under the equivalent land use designations set forth in Table 260-1, without a conceptual plan; or~~
 - ~~(3) Present the original conceptual plan to the Council.~~
- ~~(b) Notice of the election of one of the options set forth in subsection (a) of this section shall be provided, in writing, to the Director not less than 60 days prior to the hearing before the Council. If the petitioner or landowner chooses to modify the conceptual plan or to submit an alternative conceptual plan, a copy of the modified or alternative conceptual plan shall be provided with the notice of election, along with proposed~~

~~findings demonstrating that the comprehensive plan and zone designation criteria will be met under the modified or alternative plan.~~

Sec. 260.055. Fiscal impact statement.

- ~~(a) Not less than 14 days prior to the date of the hearing before the Council under SRC 260.060, the Director shall prepare a fiscal impact statement, which shall estimate the fiscal impact the proposed annexation would have on the City's general fund. If the proposed annexation includes a conceptual plan, the Director shall base the estimate on the information provided pursuant to SRC 260.035. The methodology for the preparation of the fiscal impact statement shall be adopted by resolution of the Council.~~
- ~~(b) The Director shall forward the petition to the Salem Keizer School District for its review, and request that the district submit a report on the fiscal impact of the proposed annexation on the district not less than three weeks prior to the date of the hearing before the Council under SRC 260.060.~~

Sec. 260.060. Council review of proposed annexations.

- ~~(a) Hearing. No later than 45 days prior to the date the proposed annexation must be submitted to the county clerk for inclusion on the ballot, the Council shall hold a public hearing on each annexation proposal, including the proposed zoning and any comprehensive plan designation for the territory to be annexed, if such designation is different than that automatically applicable under SRC 260.045(a).~~
- ~~(b) Notice of hearing.
 - ~~(1) At least ten days before the public hearing, notice of the hearing shall be mailed to persons whose property will become an enclave as a result of the approval of the proposed annexation. The notice shall include a description of the proposed annexation, the city and state laws and regulations applicable to enclaved territory, and shall notify the affected property owners of the potential of their property to become an enclave. Failure of a property owner described in this section to receive notice shall not invalidate the annexation of the territory.~~
 - ~~(2) At least ten days before the hearing, notice of the hearing shall be mailed to the person whose property will be annexed, any person who has submitted written or oral evidence or testimony in a timely manner at the Planning Commission evidentiary hearing, any recognized neighborhood organization for the area adjacent to that proposed to be annexed, and persons who requested notice of the Planning Commission's decision.~~~~
- ~~(c) Criteria. The Council shall determine whether the proposed annexation meets the following criteria:
 - ~~(1) The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals;~~
 - ~~(2) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;~~
 - ~~(3) The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;~~
 - ~~(4) The public interest would be furthered by the referral of the annexation to the voters; and~~
 - ~~(5) For annexations that propose a change in the comprehensive plan designation or a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, that:
 - ~~(A) The comprehensive plan and zone designation provides for the logical urbanization of land;~~
 - ~~(B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;~~
 - ~~(C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and~~~~~~

~~(D) It is in the public interest that the proposed change be made.~~

- ~~(d) Decision. Unless the person whose property would be annexed agrees to a longer time period, the Council shall adopt a decision, supported by findings, within 21 days of the hearing. If the annexation proposal would change the comprehensive plan designation or result in a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, the Council shall adopt, modify or reject the Planning Commission's recommendation for land use designations, and approve or reject the conceptual plan.~~
- ~~(e) Notice of decision. Within five days of the decision, the Director shall mail written notice of the decision to the person whose property would be annexed, and to any person who participated in the hearing before the Council, any person who requested notice of the decision, and any recognized neighborhood organization for any area adjacent to the area proposed to be annexed. The notice shall summarize the decision of the Council and explain the appeal rights.~~

Sec. 260.065. Special district withdrawal.

When withdrawal from a special service district is not automatic, the Council shall decide on withdrawal from those special service districts. The withdrawals shall be made according to applicable state statutes governing the specific withdrawal.

Sec. 260.07025. Referral to voters.

- (a) Elections Scheduled. Annexations will be submitted to the voters at the next available general election. However, an applicant may request a special election but shall be responsible for any and all fees and costs associated with the special election.
- ~~The Council may refer a proposed annexation to the voters at the next available election, if it finds that the proposed annexation satisfies the criteria set forth under SRC 260.060(c).~~
- ~~(b) In the event any appeal is filed based on the Council's decision under SRC 260.060(d), then the annexation may not be referred until the next available election occurring after a final decision is rendered on the appeal.~~
- ~~(c) Any measure submitting a petitioner initiated annexation or an annexation that was initiated by the Council at the request of a landowner to the voters shall contain the condition that the annexation is conditioned upon substantial conformance with the conceptual plan approved by the Council under SRC 260.060(d).~~
- (b) Election costs.
- (1) In addition to the petitioner's application fee and any land use fees, the petitioner shall deposit with a sum sufficient to cover any and all other costs incurred by the City in submitting the annexation to the voters. The deposit shall be based on the petitioner's pro rata share of the estimated cost of placing an annexation measure on the ballot, and of publishing notices and other information related to the election. Any unexpended portion of the deposit shall be refunded to the petitioner following the election.
 - (2) The petitioner shall execute a consent to lien form to secure payment of all election costs. If the deposit is insufficient to cover the petitioner's pro rata share of the actual costs, an additional sum equal to such amount shall be remitted to the Director no later than 15 days after the election date. If such amount is not paid within the 15-day period, the Director shall file an election cost lien in the City lien docket. The election cost lien shall have priority over all other liens, except liens for the payment of taxes, shall bear interest at the legal rate, and shall remain a lien against the property until fully paid or foreclosed, as provided by law.
- (c) Effect of appeals on election. In the event any appeal is filed based on the Council's decision the annexation may not be referred until the next available election occurring after a final decision is rendered on the appeal.

(d) Explanatory statement. For any annexation that requires voter approval, the Director shall prepare an explanatory statement, which should include, in addition to any other information required by State of Oregon Elections Law, the following information:

- (1) The location of the territory proposed for annexation;
- (2) The proposed Salem Area Comprehensive Plan designation and zoning for the territory, including the uses permitted and density available under the comprehensive plan and zoning designation; and
- (3) A statement on the adequacy of public facilities to serve the territory and the estimated fiscal impact of the development proposed for territory.

Sec. 260.075. Explanatory statement; fact sheet.

~~(a) For any annexation which requires voter approval, the Director shall prepare an explanatory statement, which should include, in addition to any other information required by State of Oregon Elections Law, the following information:~~

- ~~(1) The location of the territory proposed for annexation;~~
- ~~(2) The proposed Salem Area Comprehensive Plan designation and zoning for the territory, including the uses permitted and density available under the comprehensive plan, zoning designation, and, if applicable, the conceptual plan; and~~
- ~~(3) A statement supporting of the adequacy of public facilities to serve the territory and the estimated fiscal impact of the development proposed for territory.~~

~~(b) The Director shall prepare a fact sheet for each annexation proposal, to be made available to the voters not less than 20 days prior to the election. This fact sheet shall be approved by the Council prior to its public distribution, and shall include an easily understandable summary of all relevant information required by SRC 260.035.~~

Sec. 260.080. Effect of annexation on land use designations.

~~The land use designations which are approved as part of the referral process shall be binding for five years after annexation, unless the landowner can show that substantial changes in the social, economic, and demographic patterns of the nearby vicinity have so altered since the date of the annexation that the current designations are no longer in the public interest, and that such changes could not have been anticipated prior to the time the annexation was referred to the voters.~~

Sec. 260.030. Land Use Designations Upon Annexation

(a) Territory annexed into the city shall be automatically given the City comprehensive plan designation and zoning designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless:

- (1) The applicant requests a new comprehensive plan designation and/or zoning designation for the territory that is different from the equivalent designation set forth in Table 260-1; or
- (2) The Council proposes in the resolution initiating the annexation a new comprehensive plan designation and/or zoning designation for the territory that is different from the equivalent designation set forth in Table 260-1.

(b) Where Table 260-1 identifies more than one equivalent City zoning designation, the applicant shall indicate which zoning designation they are requesting with the application.

(c) When the existing comprehensive plan designation and county zoning designation of a property does not match any of the comprehensive plan designation and county zoning designation combinations identified

under Table 260-1, the applicant shall indicate which comprehensive plan designation and/or zoning designation they are requesting with the application and a minor comprehensive plan map amendment and/or quasi-judicial zone change shall be required.

<u>TABLE 260-1. LAND USE DESIGNATIONS</u>		
<u>POLK COUNTY:</u>		
<u>Polk County/City SACP Designation</u>	<u>Polk County Zone</u>	<u>Equivalent City Zone</u>
<u>Developing residential</u>	<u>SR (Suburban Residential)</u> <u>AR-5 (Acreage Residential - 5 Acres)</u>	<u>RA (Residential Agriculture)</u>
<u>Single family residential</u>	<u>SR (Suburban Residential)</u>	<u>RS (Single Family Residential)</u>
<u>Multifamily residential</u>	<u>SR (Suburban Residential)</u>	<u>RM-I (Multiple Family Residential)</u> <u>RM-II (Multiple Family Residential)</u>
<u>Commercial</u>	<u>SR (Suburban Residential)</u>	<u>CO (Commercial Office)</u> <u>CR (Retail Commercial)</u>
<u>Mixed Use</u>	<u>SR (Suburban Residential)</u>	<u>MU-I (Mixed-Use-I)</u>
<u>Parks, Open Space, Outdoor Recreation</u>	<u>SR (Suburban Residential)</u>	<u>PA (Public Amusement)</u>
<u>Industrial</u>	<u>IP (Industrial Park)</u>	<u>IP (Industrial Park)</u>
<u>MARION COUNTY:</u>		
<u>Marion County/City SACP Designation</u>	<u>Marion County Zone</u>	<u>Equivalent City Zone</u>
<u>Developing residential</u>	<u>UT (Urban Transition)</u> <u>UTF (Urban Transition Farm)</u> <u>UD (Urban Development)</u> <u>RS (Single Family Residential)</u>	<u>RA (Residential Agriculture)</u> <u>RS (Single Family Residential)</u>
<u>Single family residential</u>	<u>RS (Single Family Residential)</u> <u>UD (Urban Development)</u>	<u>RS (Single Family Residential)</u>
<u>Multifamily residential</u>	<u>RL (Limited Multi-Family Residential)</u>	<u>RM-I (Multiple Family Residential)</u>
<u>Multifamily residential</u>	<u>RM (Multiple Family Residential)</u>	<u>RM-I (Multiple Family Residential)</u> <u>RM-II (Multiple Family Residential)</u>
<u>Multifamily residential</u>	<u>UD (Urban Development)</u>	<u>RM-I (Multiple Family Residential)</u> <u>RM-II (Multiple Family Residential)</u>
<u>Mixed Use</u>	<u>CO (Commercial Office)</u> <u>CR (Commercial Retail)</u> <u>CG (Commercial General)</u>	<u>MU-I (Mixed Use-I)</u> <u>MU-II (Mixed Use-II)</u>
<u>Mixed Use</u>	<u>RM (Multiple Family)</u>	<u>MU-II (Mixed-Use-II)</u>
<u>Commercial</u>	<u>CO (Commercial Office)</u>	<u>CO (Commercial Office)</u>
<u>Commercial</u>	<u>CR (Commercial Retail)</u>	<u>CR (Retail Commercial)</u>
<u>Commercial</u>	<u>CG (Commercial General)</u>	<u>CG (General Commercial)</u>
<u>Industrial-commercial</u>	<u>HC (Highway Commercial)</u> <u>IC (Industrial Commercial)</u>	<u>IC (Industrial Commercial)</u>

<u>Industrial</u>	<u>IP (Industrial Park)</u>	<u>IP (Industrial Park)</u>
<u>Industrial</u>	<u>IG (General Industrial)</u>	<u>IG (General Industrial)</u>
<u>Industrial</u>	<u>IH (Heavy Industrial)</u>	<u>II (Intensive Industrial)</u>
<u>Community Service Airport</u>	<u>P (Public)</u>	<u>PS (Public Service)</u>
<u>Community Service Cemetery</u>	<u>P (Public)</u>	<u>PC (Public and Private Cemeteries)</u>
<u>Community Service Education</u>	<u>P (Public)</u>	<u>PE (Public and Private Educational Services)</u>
<u>Community Service Government</u>	<u>P (Public)</u>	<u>PS (Public Service)</u>
<u>Community Service Hospital</u>	<u>P (Public)</u>	<u>PH (Public and Private Health Services)</u>
<u>Community Service Sewage - Solid Waste</u>	<u>P (Public)</u>	<u>PS (Public Service)</u>
<u>Parks, open space, and outdoor recreation</u>	<u>P (Public)</u>	<u>PA (Public Amusement)</u>

Sec. 260.085035. Addition of annexed areas to official map.

When an annexation of territory to the city becomes final and effective, the ~~Director shall add the property shall be added~~ to the official zoning map, along with the zoning and comprehensive plan designations. ~~The official zoning map shall be annotated to the effect that the territory was annexed, and include a citation to the action annexing the property and establishing the designations.~~

Sec. 260.090. Conceptual plan conformance.

- (a) ~~Except as provided in this section, development of the property shall be in substantial conformance with any conceptual plan approved under SRC 260.035. For the purposes of this section, development is in substantial conformance with a conceptual plan if the development:~~
 - (1) ~~Is consistent with the character and intent of the conceptual plan;~~
 - (2) ~~The impacts from the development, including, but not limited to, noise, vibration, dust, odor, or fumes, detectable at the property line will not exceed the maximums typical for the categories of uses proposed in the conceptual plan;~~
 - (3) ~~The number and types of vehicular trips to and from the site will not exceed the maximums typical for the categories of uses proposed in the conceptual plan; and~~
 - (4) ~~That the amount and types of outside storage, loading, and parking will not exceed the maximums typical for the categories of uses proposed in the conceptual plan.~~
- (b) ~~If proposed development of the property is not in substantial conformance with the conceptual plan approved under SRC 260.035, on application the Director shall approve the substitution of a modified or alternative plan if the landowner demonstrates the plan complies with the land use and development regulations applicable to the property, the plan is consistent with the character of, and development patterns in, the surrounding area and the plan minimizes any reasonably likely adverse impacts on the surrounding area.~~
- (c) ~~The Director may approve changes to a conceptual plan, if such changes are necessary to comply with land use and development regulations in effect at the time development occurs, to comply with conditions of approval imposed as part of a land use decision or to comply with any permit or license required for development to occur, and may impose conditions necessary to minimize reasonably likely adverse impacts resulting from revisions to the conceptual plan, or the substitution of a new conceptual plan.~~
- (d) ~~The Director's decision to approve or deny a modified or alternative conceptual plan shall be appealable to the hearings officer, as provided in SRC chapter 300.~~

Sec. 260.095. Effect of failure of annexation proposal on conceptual plan.

A landowner acquires no rights to a conceptual plan, and if the annexation proposal fails to win approval by the voters, any conceptual plan submitted as part of a new proposal to annex the same property shall be treated as a new plan.

TABLE 260-1. LAND USE DESIGNATIONS		
POLK COUNTY:		
Polk County/City SACP Designation	Polk County Zone	Equivalent City Zone
Developing residential	SR (Suburban Residential) AR-5 (Acreage Residential—5 Acres)	RA (Residential Agriculture)
Single family residential	SR (Suburban Residential)	RS (Single Family Residential)
Multifamily residential	SR (Suburban Residential)	RMI (Multiple Family Residential)
Industrial	IP (Industrial Park)	IP (Industrial Park)
MARION COUNTY:		
Marion County/City SACP Designation	Marion County Zone	Equivalent City Zone
Developing residential	UT (Urban Transition) UTF (Urban Transition Farm) UD (Urban Development) RS (Single Family Residential)	RA (Residential Agriculture) RS (Single Family Residential)
Single family residential	RS (Single Family Residential) UD (Urban Development)	RS (Single Family Residential)
Multifamily residential	RL (Limited Multi Family Residential)	RMI (Multiple Family Residential)
Multifamily residential	RM (Multiple Family Residential)	RMI (Multiple Family Residential) RMII (Multiple Family Residential)
Commercial	CO (Commercial Office)	CO (Commercial Office)
Commercial	CR (Commercial Retail)	CR (Retail Commercial)
Commercial	CG (Commercial General)	CG (General Commercial)
Industrial-commercial	HC (Highway Commercial) IC (Industrial Commercial)	IC (Industrial Commercial)
Industrial	IP (Industrial Park)	IP (Industrial Park)
Industrial	IG (General Industrial)	IG (General Industrial)
Industrial	IH (Heavy Industrial)	IH (Intensive Industrial)
Community service	P (Public)	P (Public Use)
Parks, open space and outdoor recreation	P (Public)	P (Public Use)

Amendments to SRC Chapter 270 (Nonconforming Situations)

Sec. 270.010. Nonconforming development.

- (a) *Generally.* Nonconforming development is any development which met the applicable City or county development standards imposed at the time the development was constructed, but which no longer complies

with development standards due to the adoption of, or amendment to, the City's land use regulations, ~~or the~~ annexation of the property into the City, or the acquisition of public right-of-way. A nonconforming development may be continued until the development's nonconforming status is terminated as provided in subsection (d) of this section.

- (b) *Ordinary repairs and maintenance.* Nonconforming development may be repaired and maintained.
- (c) *Alteration and enlargement.* Unless the alteration or enlargement is undertaken in connection with a nonconforming use under 270.005(a) nonconforming development may be altered or enlarged provided such new development complies with all applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.
- (d) *Termination of nonconforming development.*
 - (1) Nonconforming development that is declared a "dangerous building" pursuant to SRC 56.200 to 56.390 shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final.
 - (2) Nonconforming development that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds 60 percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date that such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC 20J.240—20J.430 for contested case proceedings.
 - (3) Nonconforming development that is substantially damaged or destroyed by any cause to the extent that the cost of repair or restoration of the development would exceed 60 percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC 20J.240—20J.430 for contested case proceedings.
 - (4) Nonconforming development which has terminated shall be brought into conformity with the applicable development standards or removed.

Sec. 270.015. Nonconforming lots or parcels of record.

- (a) Nonconforming lot or parcel of record means any unit of land which met the applicable legal requirements for a land division at the time it was created, but which no longer meets the standards due to the adoption of, or amendment to, the UDC, ~~or the~~ annexation of the property into the City, or the acquisition of public right-of-way.
- (b) A nonconforming lot or parcel of record in any residential zone may be used for the construction of a single family dwelling or duplex, provided that the development complies with all applicable standards or criteria of the UDC, other than regardless of lot standards or density.
- (c) A nonconforming lot or parcel of record in any non-residential zone may be used for any use that is allowed in the zone, regardless of lot standards.

Amendments to SRC Chapter 300 (Procedures for Land Use Applications & Legislative Land Use Proposals)

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.

- (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								
Application	Procedure Type	Application Pre-Submittal			Review Authority		Council Review	Applicable Code Chapter(s)
		Pre-App. Required	N.A Contact	Open House	Decision	Appeal		
<u>Adjustment</u>								
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 1 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment	II	N	N	N	PA	HO	<u>N</u> Y ⁽⁴⁾	SRC 250
Class 2 adjustment (modification)	II	N	N	N	PA	HO	<u>N</u> Y ⁽⁴⁾	SRC 250
Airport overlay zone height variance	I	N	N	N	PA	-	N	SRC 602
<u>Annexation</u>								
<u>Annexation without comprehensive plan map amendment and/or zone change</u>	<u>III</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>CC</u>	=	<u>N</u>	<u>SRC 260</u>
<u>Annexation with comprehensive plan map amendment and/or zone change</u>	<u>IV</u>	<u>Y</u>	<u>Y</u> ⁽¹⁾	<u>Y</u> ⁽¹⁾	<u>PC - Recommendation; CC - Decision</u>	=	<u>N</u>	<u>SRC 260</u>

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

Refinement plan amendment (major)	III	Y	N	Y	PC	CC	Y	SRC 530
Floodplain Overlay Zone								
Floodplain development permit	I	N	N	N	BO & PWD	-	N	SRC 601
Floodplain Overlay Zone Variance	III	N	N	N	HO	CC	Y	SRC 601
Historic Review								
Class 1 minor historic design review	I	N	N	N	PA	-	N	SRC 230
Class 2 minor historic design review	II	N	N	N	PA	HLC	N	SRC 230
Class 3 major historic design review	III	N	N	N	HLC	HO	N	SRC 230
Class 3 major historic design review—new construction	III	N	N	N	HLC	HO	Y	SRC 230
Historic resource adaptive reuse	III	N	Y	N	HO	PC	Y	SRC 231
Historic resource adaptive reuse expansion	III	N	Y	N	HO	PC	Y	SRC 231
Determination of historic resource relocation feasibility	I	N	N	N	PA	-	N	SRC 230
Historic resource relocation	III	N	N	N	HLC	CC	Y	SRC 230
Historic resource demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Class 1 historic accessory structure demolition	I	N	N	N	PA	-	N	SRC 230
Class 2 historic accessory	III	N	N	Y	HLC	CC	Y	SRC 230

structure demolition								
Local historic resource designation	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Class 1 local historic resource designation removal	I	N	N	N	PA	-	N	SRC 230
Class 2 local historic resource designation removal	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
<u>Landscaping permit</u>	<u>I</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>-</u>	<u>N</u>	<u>SRC 807</u>
Landslide hazard construction permit	I	N	N	N	PWD	HO	N	SRC 810
Manufactured dwelling park permit	II	Y	N	N	PA	HO	Y <u>N</u>	SRC 235
Manufactured dwelling park permit (modification)	II	N	N	N	PA	HO	Y <u>N</u>	SRC 235
<u>Middle housing land division</u>								
Tentative plan (2)	<u>Per ORS</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>N</u>	<u>SRC 205</u>
	<u>II</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	
Final plat	<u>Exempt</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PA</u>	<u>-</u>	<u>N</u>	<u>SRC 205</u>
Neighborhood center master plan								
Class 1 NCMP	III	Y	Y	N	PC	CC	Y	SRC 215
Class 2 NCMP	III	Y	Y	N	PC	CC	Y	SRC 215
Class 2 NCMP detailed plan (subsequent phases)	II	N	Y	N	PA	PC	Y	SRC 215
Class 3 NCMP (first subarea)	III	Y	Y	N	PC	CC	Y	SRC 215
Class 3 NCMP (subsequent subareas)	III	Y	Y	N	PC	CC	Y	SRC 215
NCMP amendment (minor)	II	N	Y	N	PA	PC	Y	SRC 215
NCMP amendment (major)	III	N	Y	N	PC	CC	Y	SRC 215

Neighborhood plan map amendment	III	Y	Y	N	PC	CC	Y	SRC 64
Nonconforming use extension, alteration, expansion, or substitution	III	Y	Y	N	HO	PC	Y	SRC 270
Partition								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Planned unit development								
Tentative plan	III	Y	Y	N	PC	CC	Y	SRC 210
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 210
Final plan	II	N	N	N	PA	-	N	SRC 210
Final plan (modification)	II	N	N	N	PA	-	N	SRC 210
Property line adjustment	I	N	N	N	PA	-	N	SRC 205
Property boundary verification	I	N	N	N	PA	-	N	SRC 205
Replat								
Tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Signs								
Sign permit	I	N	N	N	CDD-PA	-	N	SRC 900
Sign adjustment	II	N	N	N	CDD-PA	-	N	SRC 900
Sign conditional use permit	III	N	Y	N	HO	PC	Y	SRC 900
Sign variance	III	N	Y	N	HO	PC	Y	SRC 900
Site Plan Review								
Class 1 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 1 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220

Class 3 site plan review	II	N	Y	N	PA	HO	Y ^{(H)(3)}	SRC 220
Class 3 site plan review (modification)	II	N	N	N	PA	HO	Y ^{(H)(3)}	SRC 220
South Waterfront Mixed-Use Zone								
Development phasing plan	II	N	N	N	PA	HO	Y	SRC 531
Development phasing plan (modification)	II	N	N	N	PA	HO	Y	SRC 531
Subdivision								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
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
Urban Growth Preliminary Declaration (Amendment)	II	N	N	N	PA	CC	Y	SRC 200
Validation of unit of land	II	Y	N	N	PA	HO	Y N	SRC 205
Variance	III	Y	Y	N	HO	PC	Y	SRC 245
Variance (modification)	III	N	N	N	HO	PC	Y	SRC 245
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
<p>Limitations and Qualifications</p> <p>(1) <u>Annexation applications with a quasi-judicial zone change are required to provide neighborhood contact pursuant to SRC 300.310. Annexation applications with a comprehensive plan map amendment are required to conduct an open house pursuant to SRC 300.320. Annexation applications with both a comprehensive plan map amendment and zone change are required to only conduct an open house.</u></p> <p>(2) <u>The tentative plan of a middle housing land division shall be reviewed according to the procedures of ORS 197.360 through ORS 197.380 unless an applicant requests the application be reviewed according to the procedures of SRC Chapter 300. If an applicant requests review of the application based on the procedures of SRC Chapter 300, the application shall be processed as a Type II procedure.</u></p>								

(3) (4) Decision eligible for City Council Review only upon receipt of an appeal. See SRC 300.520(f)(34)(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. 300.200. Initiation of applications.

- (a) Type I, Type II, Type III, and Type IV land use applications may be submitted by one or more of the following persons:
 - (1) The owner of the subject property;
 - (2) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (3) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (4) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by subsection (a)(1), (2) or (3) of this section, and accompanied by proof of the agent's authority.
- (b) Type III applications may be initiated by the City where identified in the UDC for specific application type.
- ~~(c)~~(b) Type IV applications may be initiated by the City.

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 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) The Salem Area Mass Transit District

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

(x)~~(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 through~~out~~ the end of 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 as prescribed by the Planning Administrator.
 - (D) The applicant shall remove and return the signs ~~from the subject property~~ within seven days after the end of the comment period~~date the decision is issued~~.
- (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 utilizing the contact information provided by the applicant;
 - (E) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (F) Any group or individual who submitted written comments during the comment period;
 - (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;
 - (I) The Salem Area Mass Transit District;
 - ~~(J)~~ 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
 - ~~(K)~~ 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 of the 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~~ 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, 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, Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 minor historic design review, 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) Exceptions. Notwithstanding any other provision of this subsection:
 - (A) The decision on a Class 3 site plan review or modification of a Class 3 site plan review is not eligible for Council review unless appealed. Upon receipt of an appeal of a decision on a Class 3 site plan review or modification of a Class 3 site plan review, 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, Class 2 adjustment, modification of a Class 2 adjustment, Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 minor historic design review, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign adjustment is not subject to Council review.

~~(5)(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) Applicant initiated. If the Type III application is applicant initiated, the following shall apply:

~~(A)(1)~~ *Application form.* Type III applications shall be made on forms provided by the Planning Administrator.

~~(B)(2)~~ *Submittal requirements.* Type III applications shall include the information required under SRC 300.210.

(2) City initiated. If the Type III application is City initiated, the application shall be initiated by resolution of the Council or Planning Commission.

- (b) *Public notice.* Public notice is required for Type III applications. With the exception of annexation applications, public notice shall be by first class mail and by posting on the subject property. Annexation applications require public notice to be provided by first class mail, posted in a public place, and published.

(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 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) 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;

(v) All property owners whose property will become an enclave notifying them of the potential for their property to become an enclave, for annexation applications resulting in the creation of an enclave;

~~(vi)(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 utilizing the contact information provided by the applicant;

- ~~(vii)(v)~~ Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- ~~(viii)(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;
- ~~(ix)(vii)~~ Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- ~~(x)~~ The Salem Area Mass Transit District;
- ~~(xi)(viii)~~ Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;
- ~~(xii)(ix)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; and
- ~~(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
- ~~(xiii)(xi)~~ All property owners within the historic district, for Class 3 major historic design review, historic resource demolition, Class 2 historic accessory structure demolition, and historic resource relocation applications within a historic district.

(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) Notice posted on subject property. Except for annexation applications, notice for Type III applications shall be posted on the subject property as follows:

~~(i)(A)~~ The applicant, or City, if the 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. ~~The applicant shall file an~~ An affidavit of posting shall be filed 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.

~~(ii)(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.

~~(iii)(C)~~ Posted notice shall be provided on signs as prescribed by the Planning Administrator.

~~(iv)(D)~~ The applicant, or City, if the application is City-initiated, shall remove and return the signs from the subject property within seven days after the close of the public hearing.

(B) Notice posted in public place. Notice for annexation applications shall be posted in a public place as follows:

(i) The applicant, or City, if the application is City-initiated, shall post notice in four public places within the City for two weeks 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. The affidavit shall be made part of the file.

(ii) Notice shall be posted in a conspicuous place that is visible from the public right-of-way.

(iii) Posted notice shall be provided on signs as prescribed by the Planning Administrator.

(iv) The applicant, or City, if the application is City-initiated, shall remove and return the signs within seven days after the close of the public hearing.

(4) Published notice. The City shall cause notice of the public hearing on an annexation application to be published in a newspaper of general circulation within the City at least once a week for two consecutive weeks prior to the hearing. An affidavit of publication from the newspaper shall be obtained and made part of the file.

(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 or, in the case of an annexation application, an ordinance and that shall 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 or ordinance 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 or, in the case of an annexation application, within seven days from the date of adoption of the ordinance. 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 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~~ 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) Exceptions. Notwithstanding any other provision of this subsection: ~~Except for new construction, as defined under SRC chapter 230, the decision on a Class 3 major historic design review application is not subject to Council review. The decision on a Class 3 major historic design review application for new construction, as defined under SRC chapter 230, shall be subject to Council review.~~
 - (A) The decision on a Class 3 major historic design review application is not subject to Council review unless the application is for new construction, as defined under SRC Chapter 230.
 - (B) The Council decision on an annexation application is the final decision of the City.
- (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. With the exception of annexation applications, Public public notice shall be mailed and posted on the subject property prior to each hearing. Annexations applications require public notice to be mailed and posted prior to each hearing and published prior to the hearing before the Council.

- (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) 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.
 - (ee) All property owners whose property will become an enclave notifying them of the potential for their property to become an enclave, for annexation applications resulting in the creation of an enclave;
 - ~~(ff)(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 utilizing the contact information provided by the applicant;
 - ~~(gg)(ee)~~ Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - ~~(hh)(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;
 - ~~(ii)(gg)~~ Addresses, based on the City's current addressing records, within 250 feet of the subject property.
 - (jj) The Salem Area Mass Transit District;
 - ~~(kk)(hh)~~ Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
 - ~~(ll)(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) 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;
- (ee) All property owners whose property will become an enclave notifying them of the potential for their property to become an enclave, for annexation applications resulting in the creation of an enclave;
- ~~(ff)(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 utilizing the contact information provided by the applicant;
- ~~(gg)(ee)~~ Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- ~~(hh)(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;
- ~~(ii)(gg)~~ Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- (jj) The Salem Area Mass Transit District;
- ~~(kk)(hh)~~ Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
- ~~(ll)(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;~~
- (mm)(kk) Any group or individual who submitted testimony for the record prior to the close of the initial public hearing; and
- (nn)(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.
- (cc) 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;
- (dd) All property owners whose property will become an enclave notifying them of the potential for their property to become an enclave, for annexation applications resulting in the creation of an enclave;

- ~~(ee)(ee)~~ Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- ~~(ff)(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;
- ~~(gg)(ee)~~ Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- (hh) The Salem Area Mass Transit District;
- ~~(ii)(ff)~~ Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
- ~~(jj)(gg)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
- ~~(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.
 - (cc) 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;
 - (dd) All property owners whose property will become an enclave notifying them of the potential for their property to become an enclave, for annexation applications resulting in the creation of an enclave;
 - ~~(ee)(ee)~~ Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - ~~(ff)(dd)~~ Property owners of record, as shown on the most recent property tax assessment roll, of properties within 250 feet of the subject property;
 - ~~(gg)(ee)~~ Addresses, based on the City's current addressing records, within 250 feet of the subject property;
 - (hh) The Salem Area Mass Transit District;
 - ~~(ii)(ff)~~ Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City;
 - ~~(jj)(gg)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
 - ~~(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;~~
 - ~~(kk)(ii)~~ Any group or individual who submitted testimony for the record prior to the close of the initial public hearing; and
 - ~~(ll)(jj)~~ 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) Notice posted on subject property. Notice for Type IV applications shall be posted on the subject property as follows:

- (i)(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. The affidavit shall be made a part of the file
- (ii)(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.

~~(iii)(C)~~ Posted notice shall be on signs as prescribed by the Planning Administrator.

~~(iv)(D)~~ The applicant, or City, if the application is City-initiated, shall remove and return the signs from the subject property within seven days after the close of the public hearing.

(B) Notice posted in public place. In addition to the posted notice required under subsection (b)(3)(A) of this subsection, notice of the public hearing before the Council for annexation applications shall be posted in a public place as follows:

(i) The applicant, or City, if the application is City-initiated, shall post notice in four public places within the City for two weeks 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. The affidavit shall be made part of the file.

(ii) Notice shall be posted in a conspicuous place that is visible from the public right-of-way.

(iii) Posted notice shall be provided on signs as prescribed by the Planning Administrator.

(iv) The applicant, or City, if the application is City-initiated, shall remove and return the signs within seven days after the close of the public hearing.

(4) Published notice. The City shall cause notice of the subsequent public hearing before the Council on an annexation application to be published in a newspaper of general circulation within the City at least once a week for two consecutive weeks prior to the hearing. An affidavit of publication from the newspaper shall be obtained and made part of the file.

(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. For annexation applications, the recommendation of the Review Authority shall be limited to only whether the proposed minor comprehensive plan map amendment and/or quasi-judicial zone change included with the application should be approved, approved with conditions, or denied, based on the facts contained in the record and according to the applicable standards and minor comprehensive plan map amendment and/or quasi-judicial zone change approval criteria. In all cases ~~The~~ 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 or, in the case of an annexation application, an ordinance 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 or ordinance 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 or ordinance. 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. 300.840. Issuance; effective date.

- (a) Each decision shall be specific as to the approval granted and shall be subject to the standards and conditions set forth in UDC, including any variances or conditions authorized pursuant to the UDC.
- (b) Decisions on land use actions become effective on:
 - (1) The day the decision is issued, if no appeal is allowed;
 - (2) ~~The later occurring of either: The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed;~~
 - (A) The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed; or
 - (B) The day after the decision appears on the City Council agenda, if the decision is eligible for Council Review pursuant to SRC 300.1050, but Council Review is not initiated;
 - (3) The day the decision is issued by the final appeal body, if an appeal is allowed and notice of appeal is timely filed; ~~or~~

- (4) The day the decision is issued by the Council, if the decision is eligible for Council Review and Council Review is initiated ~~called up for review by the Council~~ pursuant to SRC 300.1050-; or
- (5) The effective date of the ordinance, for annexation applications if the written decision is issued by ordinance.

Sec. 300.850. Expiration and extensions.

(a) *Approval expiration and termination.*

- (1) Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:
 - (A) Development has commenced in compliance with the land use approval;
 - (B) An extension has been granted pursuant to SRC 300.850(b); or
 - (C) The land use approval has been revoked as provided under SRC 300.860 or is otherwise invalidated by an administrative board or court of competent jurisdiction.
- (2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.

(b) *Extensions.*

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.
- (2) Classes.
 - (A) *Class 1 extension.* A Class 1 extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application.
 - (B) *Class 2 extension.* A Class 2 extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.
- (3) Procedure type.
 - (A) A Class 1 extension is processed as a Type I procedure under SRC chapter 300.
 - (B) A Class 2 extension is processed as a Type II procedure under SRC chapter 300.
- (4) Criteria.
 - (A) A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.
 - (B) A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.
- (5) Appeal and review.
 - (A) The decision on a Class 1 extension may not be appealed, and is not subject to Council review.
 - (B) The decision on a Class 2 extension may be appealed, and is subject to Council review pursuant to SRC 300.1050. The Review Authority for an appeal of a Class 2 extension shall be the Hearings Officer.

- (6) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.
- (7) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

TABLE 300-3. EXPIRATION AND EXTENSION OF APPROVALS				
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Type I				
Class 1 design review	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
Class 1 driveway approach permit	4 Years	None	N/A	
Minor historic design review	2 Years	2	2 Years	
Landscaping permit	4 years	None	N/A	
Property line adjustment	2 years	None	N/A	
Sign permit (requiring building permit)	180 Days	1	90 Days	
Sign permits (all others)	90 Days	1	90 Days	
Class 1 site plan review	4 Years	None	N/A	If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later.
Class 2 site plan review				
Property line adjustment	2 years	None	N/A	
All other Type I	No Expiration Period	N/A	N/A	
Type II				
Class 1 adjustment	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
	2 Years	4	2 Years	Applicable if consolidated with an application for a partition, subdivision, or replat.
	2 Years	4	2 Years	Applicable if consolidated with an application for a phased subdivision (first phase).
	10 Years	None	N/A	Applicable if consolidated with an application for a

				<u>phased subdivision (all other phases).</u>
<u>Class 2 adjustment</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>Applicable if consolidated with an application for site plan review.</u>
	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	<u>Applicable if consolidated with an application for a partition, subdivision, or replat.</u>
	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	<u>Applicable if consolidated with an application for a phased subdivision (first phase).</u>
	<u>10 Years</u>	<u>None</u>	<u>N/A</u>	<u>Applicable if consolidated with an application for a phased subdivision (all other phases).</u>
<u>Class 2 design review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>Applicable if consolidated with an application for site plan review.</u>
<u>Class 2 driveway approach permit</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	
<u>Middle housing land division tentative plan</u>	<u>3 years</u>	<u>None</u>	<u>N/A</u>	<u>Three-year expiration period applies regardless of whether the application is reviewed pursuant to ORS 197.360 to ORS 197.380 or the Type II procedure of this Chapter.</u>
<u>Partition tentative plan; tentative replat</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Subdivision tentative plan</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased subdivision tentative plan (first phase)</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased subdivision tentative plan (all other phases)</u>	<u>10 Years</u>	<u>None</u>	<u>N/A</u>	
<u>Class 3 site plan review</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later.</u>
<u>All other Type II</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Type III</u>				
<u>Annexation without minor comprehensive plan map amendment</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	
<u>Class 3 design review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	

	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>Applicable if consolidated with an application for site plan review.</u>
Comprehensive plan map amendment (minor); zone change (quasi-judicial)	No Expiration Period	N/A	N/A	
Planned unit development tentative plan (with land division)	2 Years	4	2 Years	
All other Type III	2 Years	2	2 Years	
Type IV				
All Type IV	No Expiration Period	N/A	N/A	
¹ The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal. ² The extension period is calculated from the date of expiration of the approval.				

Sec. 300.1110. Legislative procedure.

- (a) *Initiation.* Legislative land use proceedings may be initiated by the Council, Planning Commission, Historic Landmarks Commission, or staff.
 - (1) The Council may initiate a legislative land use proceeding by the adoption of a resolution, which shall state whether the matter is to be referred to another Review Authority for public hearing and recommendation.
 - (2) The Planning Commission or Historic Landmarks Commission may initiate a legislative land use proceeding by the adoption of a resolution referring the matter to public hearing for review and recommendation to the Council.
 - (3) Staff may initiate a legislative land use proceeding by preparing an ordinance bill and placing the ordinance on the Council agenda for first reading. The Council may schedule a public hearing on the ordinance bill, may refer the ordinance bill to public hearing before the Planning Commission or Historic Landmarks Commission, as applicable, for its review and recommendation, may refer the ordinance to a subcommittee for further review, prior to holding a public hearing, or may decline to advance the ordinance to second reading.
- (b) *Public hearings; when required.*
 - (1) Except as provided in subsection (b)(2) of this section, at least one hearing shall be held for the purpose of receiving evidence and testimony in a legislative land use proceeding. The hearing may be held by the Planning Commission, the Historic Landmarks Commission, or the Council.
 - (2) No public hearing is required in a legislative land use proceeding if the purpose of the amendment is to conform to new requirements in state land use statutes, statewide land use planning goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or statewide land use planning goals, if the Oregon Department of Land Conservation and Development confirms in writing that the only effect of the proposed change is to conform the Salem Area Comprehensive Plan or City's land use regulations to the new state requirements. The Council, may, in its discretion, hold a public hearing although none is required under this section, in which case the hearing procedures in this section shall be followed.
- (c) *Concurrency requirement.* The comprehensive plan requires concurrent review and action on certain legislative land use proceedings initiated by one jurisdiction sharing the Salem/Keizer Urban Growth

Boundary be coordinated with one or more of the other regional jurisdictions. The regional jurisdictions within the Salem/Keizer Urban Growth Boundary include the City of Salem, the City of Keizer, Marion County, and Polk County. Land use decisions identified by the Salem Area Comprehensive Plan as requiring concurrence are defined as "Regional Planning Actions" and "Non-Regional Planning Actions." The review of regional and non-regional planning actions shall be conducted as provided in the Salem Area Comprehensive Plan.

- (d) *Oregon Department of Land Conservation and Development pre-adoption notice.* Notice to the Oregon Department of Land Conservation and Development is required for legislative land use proceedings, unless state land use statutes, statewide planning goals, or administrative rules of the Oregon Land Conservation and Development Commission implementing state land use statutes or statewide land use planning goals do not apply to the legislative land use proceeding, in which case no notice is required. Where notice of a legislative land use proceeding is required, the City shall provide notice to the Oregon Department of Land Conservation and Development no later than the minimum number of days required by ORS 197.610. An affidavit of submission or affidavit mailing shall be prepared and made part of the file. Notice shall be on forms provided by the Oregon Department of Land Conservation and Development and be accompanied by the information required by ORS 197.610.
- (e) *Public notice.* Public notice is required for public hearings in legislative land use proceedings. The purpose of this notice is to provide citizens, affected property owners, and other interested parties with the opportunity to submit written comments concerning the proposal and to invite participation in the public hearing process.
 - (1) *Mailed notice.*
 - (A) *First evidentiary public hearing.* The City shall mail notice of the first evidentiary public hearing in a legislative land use proceeding not more than 40 days, but not less than 20 days, prior to the first evidentiary hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of the first evidentiary public hearing shall be mailed to:
 - (i) The Boards of Commissioners of Marion and Polk Counties;
 - (ii) All City-recognized neighborhood associations;
 - (iii) The owner(s) or contract purchasers) of record of each property that will be rezoned, as defined by ORS 227.186(9), in order to comply with the proposal, if adopted;
 - (iv) The tenants of manufactured home or mobile home parks for comprehensive plan map and/or zone changes affecting all or part of a manufactured home or mobile home park;
 - ~~(v)~~(iv) The Oregon State Department of Parks and Recreation for all comprehensive plan and zone code text amendments relating to the goals and policies of the Willamette River Greenway and the Willamette Greenway Zone; and for all proposed modifications to the boundaries of such zone;
 - ~~(vi)~~(v) The Oregon State Department of Geology and Mineral Resources for all zone code text amendments relating to mining, quarry operations, or mineral aggregate extraction;
 - ~~(vii)~~(vi) The Capitol Planning Commission for every zone code text amendment relating to a Public zone;
 - ~~(viii)~~(vii) The Federal Insurance Administration, U.S. Department of Housing and Urban Development, for all zone code text amendments relating to the Floodplain Overlay Zones; and for all proposed modifications to the boundaries of such zones;
 - ~~(viii)~~The tenants of manufactured home or mobile home parks for comprehensive plan map and/or zone changes affecting all or part of a manufactured home or mobile home park;
 - (ix) The Salem Area Mass Transit District;

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

~~(xi)(x)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification of legislative land use proceedings.

(B) *Subsequent public hearings.* The City shall mail notice of each subsequent evidentiary public hearing in a legislative land use proceeding a minimum of ten days prior to the evidentiary hearing. Affidavits of mailing shall be prepared and made part of the file. Notice of each subsequent evidentiary hearing shall be mailed to:

(i) Any group or individual who submitted testimony prior to the close of first evidentiary hearing;

(ii) All City-recognized neighborhood associations;

(iii) The Salem Area Mass Transit District;

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

~~(v)(iv)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification of subsequent evidentiary hearings.

(C) ~~To be included.~~ Mailed notice of a public hearing shall include:

(i) A concise description of the proposal;

(ii) A map identifying the property affected by the proposal, if applicable, in relation to major streets or other landmarks;

(iii) A list of the applicable standards or criteria;

(iv) The date, time, and location of the public hearing;

(v) A brief summary of the decision making process;

(vi) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;

(vii) 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;

(viii) The information required under ORS 227.186, if the hearing is the first evidentiary hearing and the final decision by the Council would require the rezoning of land, as defined by ORS 227.186.

(ix) If the hearing is the first evidentiary hearing, and such hearing will be held before the Planning Commission or the Historic Landmarks Commission, a statement that subsequent to the close of the hearing a recommendation will be forwarded to the Council;

(x) For the final public hearing before the Council, if held, a statement that subsequent to the close of the hearing notice of a decision adopting a new land use regulation will be mailed to all neighborhood associations, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice; and

(xi) The name and contact information for the staff case manager.

(2) *Published notice.* The City shall cause notice of each hearing in a legislative land use proceeding to be published in a newspaper of general circulation within the City at least once a week for two consecutive weeks prior to the hearing, with the second notice to be published at least two days

immediately preceding the hearing. An affidavit of publication from the newspaper shall be obtained and made part of the file.

- (f) *Staff report.* Staff shall prepare a staff report summarizing the legislative land use proposal, any comments received, and the relevant issues associated with the proposal; and making recommendation on the proposal.
- (g) *Recommendation.* If the proposal has been referred to the Planning Commission or Historic Landmarks Commission for review and recommendation, the Planning Commission or Historic Landmarks Commission, as the case may be, shall, within any time frame set by the Council, make a recommendation to adopt, to adopt with modifications, or to not adopt the proposal based upon the facts in the record and according to applicable standards or criteria. The recommendation shall be a written order and include:
 - (1) A list of the applicable standards or criteria;
 - (2) A statement of facts relied upon in making the recommendation. The order may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order; and
 - (3) The recommendation.
- (h) *Notice of recommendation.* Notice of the recommendation shall be mailed within seven days from the date the Planning Commission or Historic Landmarks Commission adopts its written order. An affidavit of mailing shall be prepared and made part of the file.
 - (1) Notice of recommendation shall be mailed to:
 - (A) Any group or individual who submitted testimony prior to the close of the public hearing;
 - (B) All City-recognized neighborhood associations;
 - (C) 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 for the record prior to the close of the public hearing; and
 - (D) Any community organizations, agencies, or individuals who submitted written requests for notice of the recommendation to the City.
 - (2) Notice of recommendation shall include:
 - (A) A brief description of the proposal;
 - (B) A brief summary of the recommendation;
 - (C) A brief statement explaining the next steps in the review process; and
 - (D) 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.
- (i) *Decision.* Council action on legislative land use proposals shall, in addition to the requirements of this chapter, conform to the Salem City Charter and Council Rules.
 - (1) Subsequent to receiving a recommendation, the Council may in its sole discretion:
 - (A) Proceed with enactment of an ordinance;
 - (B) Refer the proposal back to the Planning Commission or Historic Landmarks Commission for additional deliberation;
 - (C) Abandon the proposal; or
 - (D) Hold a public hearing on the proposal, and, after the hearing, proceed as provided in subsections (i)(1)(A) through (C) of this section.

- (2) Decisions in legislative land use proceedings may be accompanied by findings demonstrating the proposal's conformance with any applicable standards or criteria.
- (j) *Notice of decision.* Notice of final decision in a legislative land use proceeding shall be mailed within 20 days from the date the ordinance is enacted. An affidavit of mailing shall be prepared and made part of the file. Notice of the final decision shall be provided as follows:
 - (1) Notice of final decision shall be mailed to:
 - (A) Any group or individual who submitted testimony prior to the close of the public hearing;
 - (B) All City-recognized neighborhood associations;
 - (C) 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;
 - (D) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision; and
 - (E) The Oregon Department of Land Conservation and Development, on forms provided by the Oregon Department of Land Conservation and Development.
 - (2) Notice of final decision shall include:
 - (A) A brief description of the proposal;
 - (B) A brief summary of the final decision and any modifications to the proposal;
 - (C) The date, time, and place by which an appeal must be filed and where further information may be obtained concerning the appeal process; and
 - (D) A statement that the complete case file, including findings, conclusions, modifications, 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.
- (k) *Appeals.* Appeals of final decisions in legislative land use proceedings are to the Oregon Land Use Board of Appeals and must be filed with the Oregon Land Use Board of Appeals within 21 days of the mailing date of the notice of enactment of the ordinance as provided pursuant to subsection (j) of this section.

Amendments to SRC Chapter 400 (Use Classifications)

Sec. 400.015. Classification of uses.

- (a) *Use.* The principal activity, or principal activities, that occur upon a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use, and the broader use category the use falls within.
- (b) *Accessory uses.* Accessory activities that are clearly incidental, subordinate to, dependent upon, and conducted in support of one or more principal activities on a property are accessory uses. Accessory uses must be located on the same lot, and must be operated under the same ownership, as the principle activity. To determine whether an activity is clearly incidental, subordinate to, dependent upon, and conducted in support of another activity, the following factors shall be considered:
 - (1) The location and arrangement of the activity on the site, and/or its arrangement within a building, in comparison to other activities on the property;

- (2) The relative amount of site or floor space and equipment devoted to the activity in comparison to other activities on the site and/or in the building;
 - (3) The relative amounts of sales from the activity in comparison to other activities on the property;
 - (4) The relative number of employees for the activity in comparison to other activities on the property;
 - (5) Whether the activity would likely be found independent of the other activities on the property;
 - (6) Whether the activity aids or contributes to other activities on the property or carries on the function of other activities on the property;
 - (7) The relative number of vehicle trips generated by the activity in comparison to other activities on the property;
 - (8) Whether the activity will have its own signage;
 - (9) How the activity advertises itself in comparison to other activities on the property; and
 - (10) The hours of operation of the activity in comparison to other activities on the property.
- (c) *Application of regulations.* When there are multiple uses on a property, each use must comply with the regulations that are specific to that use. Unless otherwise provided under the UDC, accessory uses are considered part of the use and are subject to the same regulations as the use.
- ~~(d) Similar use determination.~~
- ~~(1) Purpose. The purpose of a similar use determination is to provide a process to classify an activity as falling within a particular use when that activity cannot be readily classified as falling within a particular use, or when that activity possesses characteristics of two or more uses.~~
 - ~~(2) Procedure. In lieu of the procedures set forth in SRC chapter 300, similar use determinations shall follow the procedures set forth in this subsection.~~
 - ~~(3) The Planning Administrator may make similar use determinations. Requests for similar use determinations shall be submitted on a form provided by the Planning Administrator. The applicant for a similar use determination shall provide a written explanation why the applicant believes the activity falls within a particular use.~~
 - ~~(A) The Planning Administrator shall issue a written determination identifying the use the proposed activity falls within. Within ten business days after the Planning Administrator has provided notice to the applicant of the adoption of the similar use determination, the applicant may submit a request for review of the Planning Administrator's decision. The review shall be by the Hearings Officer. The Hearings Officer's review shall be based on the application, the written explanation provided by the applicant, and any other material submitted by the applicant to the Planning Administrator. The Hearings Officer may endorse or refute the Planning Administrator's decision. If the Hearings Officer refutes the Planning Administrator's decision, the Hearings Officer shall identify which use the activity falls under. The Hearings Officer's decision shall be issued no later than 15 business days after the request for review was submitted to the Planning Administrator. The Hearings Officer's decision upon review shall be the final decision for the City.~~
 - ~~(B) In lieu of issuing a determination under subsection (d)(3)(A) of this section, the Planning Administrator may refer the request for similar use determination to the Hearings Officer, in which case the Hearings Officer shall make a written determination identifying the use the proposed activity falls within.~~
 - ~~(4) Notice. Notice of adoption of a similar use determination shall be provided within ten days of the date a similar use determination is issued. Notice shall be:~~

- ~~(A) Provided to the applicant, all City recognized neighborhood associations, and anyone who has submitted a written request to receive notification of formal interpretations; and~~
- ~~(B) Posted on the City's website.~~
- ~~(5) Record of similar use determinations. The Planning Administrator shall keep a registry of all similar use determinations. The registry shall be available to the public and shall set forth:~~
 - ~~(A) The street address or other easily understood geographic reference to the property subject to the similar use determination;~~
 - ~~(B) A description of the decision made; and~~
 - ~~(C) The date of the decision.~~

~~(d)(e)~~ *Activities within public right-of-way.* Unless otherwise provided in this chapter, activities allowed within the public right-of-way are not considered a "use" for purposes of classification under this chapter.

Sec. 400.016. Similar use determination

- (a) *Purpose.* The purpose of a similar use determination is to provide a formal interpretation process to classify an activity as falling within a particular use when that activity cannot otherwise be readily classified as falling within a particular use set forth in this chapter, or when that activity possesses characteristics or two or more uses.
- (b) *Procedure.* In-lieu of the procedures set forth in SRC chapter 300, similar use determinations shall follow the procedures set forth in this section.
- (c) *Review authority.* The Planning Administrator is authorized to issue similar use determinations.
- (d) *Submittal requirements.* Requests for similar use determinations shall be submitted on a form provided by the Planning Administrator and shall be accompanied by the following:
 - (1) A written statement:
 - (A) Identifying the proposed activity for which the similar use determination is being requested;
 - (B) Describing the nature and characteristics of the proposed activity; and
 - (C) Identifying the use under this chapter which the applicant feels is most similar in function and characteristics to the activity proposed;
 - (2) Any additional supporting information the applicant deems necessary to provide evidence in support of the activity falling within a particular use;
 - (3) For similar use determinations specific to a particular property that is 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 for the registered agent; and
 - (4) Payment of the applicable application fee pursuant to SRC 110.090.
- (e) *Decision.* Subsequent to the application being deemed complete, the Planning Administrator shall review the request and make a determination classifying the proposed activity within the use set forth in this chapter that the proposed activity is most similar to. The determination shall:
 - (1) Be based on the facts contained within the record and a comparison of the functional characteristics of the proposed activity to the relevant functional characteristics, examples, and exceptions associated with the uses set forth in this chapter; and
 - (2) Be in the form of a written order containing findings stating the facts relied upon in rendering the determination and explaining the justification for the decision.

- (f) Notice of decision. Notice of the decision for a similar use determination shall be mailed. An affidavit of mailing shall be prepared and made part of the file.
- (1) The notice of decision shall be mailed to:
 - (A) The applicant(s) and/or authorized representative(s);
 - (B) All City-recognized neighborhood associations;
 - (C) Anyone who has submitted a written request to receive notification of formal interpretations; and
 - (D) The following, when the similar use determination is specific to a particular property:
 - (i) The owner of record of the subject property;
 - (ii) The address of the subject property, based on the City's current addressing records;
 - (iii) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (iv) Addresses, based on the City's current addressing records, within 250 feet of the subject property; and
 - (v) 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 utilizing the contact information provided by the applicant.
 - (2) The notice of decision shall include:
 - (A) A brief description of the application;
 - (B) A brief summary of the decision;
 - (C) A statement of the facts relied upon;
 - (D) The date the Review Authority's decision becomes effective, unless appealed;
 - (E) 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;
 - (F) A statement that only those persons with standing may appeal the decision; and
 - (G) 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) Appeal.
- (1) Generally. Unless appealed, the decision of the Review Authority on a similar use determination shall be the final decision of the City.
 - (2) Standing to appeal. Only the applicant and anyone entitled to notice of the decision have standing to appeal the decision on a similar use determination.
 - (3) Procedure. Except as otherwise provided in this section, appeals of similar use determinations shall be subject to the procedures set forth under SRC 300.1010 through SRC 300.1045.
 - (4) Review Authority. The review authority for an appeal of a similar use determination shall be the Hearings Officer.

- (5) Public notice. Public notice for an appeal shall be provided as set forth under SRC 300.1040(b) except that posted notice is only required for an appeal of a similar use determination that is specific to a particular property.
- (6) Decision. The appeal body may endorse or refute the decision. If the appeal body refutes the decision, it shall identify which use under this chapter the proposed activity is more appropriately classified within. The decision of the appeal body shall be in the form of a written order containing findings stating the facts relied upon in rendering the determination and explaining the justification for the decision. The written order shall be mailed to:
 - (A) The appellant;
 - (B) The applicant(s) and/or authorized representative(s), if other than the appellant;
 - (C) The owner of record of the subject property, when the similar use determination is specific to a particular property;
 - (D) All City-recognized neighborhood associations;
 - (E) Anyone who appeared either orally or in writing before the close of the public record on the appeal; and
 - (F) Anyone who requested to receive notice of the decision.
- (7) The decision of the Review Authority on appeal shall be the final decision of the City. Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (h) Effect of similar use determination. Similar use determinations which have become final shall control future application and enforcement of the UDC, unless superseded by subsequent similar use determinations. When a similar use determination has been made in reference to a specific particular property, the determination shall apply generally throughout the City and not just to that property.
- (i) Record of similar use determinations. The Planning Administrator shall keep a registry of all similar use determinations. The registry shall be available to the public and shall set forth:
 - (1) A description of the decision made;
 - (2) The date of the decision; and
 - (3) The street address or other easily understood geographic reference to the property subject to the similar use determination, when the similar use determination request is specific to a particular property.

Sec. 400.055. Motor vehicle, trailer, and manufactured dwelling sales and services.

Motor vehicle, trailer, and manufactured dwelling sales and services consists of the sale, rental, and leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory parking and storage of motor vehicles; and vehicles for hire with drivers. Motor vehicles include automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation vehicles, buses, motorized non-road vehicles, and heavy vehicles.

- (a) *Motor vehicle and manufactured dwelling and trailer sales.*
 - (1) *Characteristics.* Motor vehicle and manufactured dwelling and trailer sales is characterized by the sales, leasing, and rental of new and used motor vehicles, other than heavy vehicles and heavy equipment, and the sales, leasing, and rental of manufactured dwellings and trailers. Motor vehicle and manufactured dwelling and trailer sales typically requires extensive indoor and/or outdoor display or storage areas. Customers typically come to the site to view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or trailers.
 - (2) *Examples.* Sales, leasing, and rental of new and used motor vehicles including automobiles, trucks, motorcycles, motorized boats, recreational vehicles, and other personal transportation

vehicles; car rental agencies; manufactured dwelling and pre-fabricated structure sales and display sites; sales, leasing, or rental of trailers.

(3) *Exceptions.*

- (A) Heavy vehicle and heavy equipment sales, leasing, and rental are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer sales.
- (B) Auto supply stores are included in retail sales and services: retail sales.
- (C) Sales of used motor vehicle parts is included in wholesale sales, storage, and distribution: heavy wholesaling.
- (D) Wholesale sales of motor vehicles, manufactured dwellings, and trailers is included in wholesale sales, storage, and distribution: heavy wholesaling or general wholesaling, dependent upon whether the activity occurs entirely within an enclosed building.
- (E) Temporary motor vehicle and recreational vehicle sales are included in temporary uses.

(b) *Motor vehicle services.*

- (1) *Characteristics.* Motor vehicle services are characterized by establishments providing repair, service, testing, maintenance, cleaning, and other services for motor vehicles, other than heavy vehicles and heavy equipment. Vehicles may be brought to the site by customers or by a towing service. If motor vehicle parts are sold, they are typically installed on-site.
- (2) *Examples.* Auto body shops; auto glass repair; automotive paint shops; automotive repair shops; car washes; gasoline stations and unattended card-key stations; motorcycle repair shops; quick lubrication services; testing of cars and trucks, including pollution and safety testing; tire sales and installation shops; towing services; vehicle engine, transmission and muffler repair shops; vehicle upholstery and detailing shops.
- (3) *Exceptions.*
 - (A) Truck stops are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service and storage.
 - (B) Heavy vehicle and heavy equipment repair and service are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service, and storage.
 - (C) Vehicle salvage and wrecking is included in wholesale sales, storage, and distribution: heavy wholesaling.

(c) *Commercial parking.*

- (1) *Characteristics.* Commercial parking is characterized by parking facilities contained within structures or on surface lots, where such parking is available to the public and not exclusively accessory to a specific use or development~~not exclusively accessory to a specific use, or uses, on the same lot.~~ A fee may or may not be charged.
- (2) *Examples.* Commercial shuttle parking; parking structures/garages; public garages; short and long term fee parking garages and surface parking lots; ~~facilities that provide parking accessory to a specific use, or uses, on another lot.~~
- (3) *Exceptions.*
 - (A) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby are not considered commercial parking facilities.
 - (B) Park-and-ride facilities are included in motor vehicle, trailer, and manufactured dwelling sales and services: park-and-ride facilities.

~~(C) Joint use of parking areas, allowed under SRC chapter 806, serving two or more uses are considered accessory to those uses.~~

(d) *Park-and-ride facilities.*

- (1) *Characteristics.* Park-and-ride facilities are characterized by parking spaces owned or leased by a public agency for use by transit riders or ride-share participants. park-and-ride facilities may be located on their own lot or may consist of shared parking spaces associated with another use.
- (2) *Examples.* Parking spaces leased to or shared with a public agency for the exclusive or shared use by transit patrons or ride-share participants; parking lots for the exclusive use of transit riders or ride-share participants.

(e) *Taxicabs and car services.*

- (1) *Characteristics.* Taxicabs and car services are characterized by establishments providing light and medium duty vehicles for hire with drivers. On-site activities are generally limited to storage and maintenance of fleet vehicles, dispatch, and administration. Customers rarely, if ever, come to the site, but typically are picked up from and driven to locations off-site. Services may or may not be scheduled. Services may be provided to the general public or to employees, customers, or clients of one or more businesses or institutions.
- (2) *Examples.* Airport shuttle services; armored car services; companies operating small shuttle busses; dispatch facilities for dial-a-ride and other demand-responsive shuttle services operated by public agencies using light and medium duty vehicles; storage and dispatch facilities for shuttle services serving one or more businesses or institutions where such storage and dispatch takes place on a separate site from the use(s) served; taxicab operators; town car, chauffer, and limousine services.
- (3) *Exceptions.*
 - (A) Facilities for the maintenance, storage, and/or dispatch of vehicles requiring a commercial driver license, including school buses, are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service and storage.
 - (B) Shuttle bus, taxicab, or town car services that serve a particular use, and are located on the same site as the use, are considered accessory to that use.
 - (C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

(f) *Heavy vehicle and trailer sales.*

- (1) *Characteristics.* Heavy vehicle and trailer sales is characterized by establishments providing for the sales, rental, or leasing of heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, come to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.
- (2) *Examples.* Heavy truck rental and leasing; moving truck rental, with or without drivers; sales, rental, and leasing of heavy trucks and heavy equipment, tractors, vehicles requiring a commercial driver license, and heavy-duty trailers
- (3) *Exceptions.*
 - (A) Sales of industrial and farm equipment is included in wholesale sales, storage, and distribution: heavy wholesaling.

(g) *Heavy vehicle and trailer service and storage.*

- (1) *Characteristics.* Heavy vehicle and trailer service and storage is characterized by establishments providing repair, service, testing, maintenance, cleaning, storage, and other services for heavy

vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.

- (2) *Examples.* Storage and maintenance facilities for buses, including those owned and operated by public transit agencies and school transportation service providers; storage and maintenance facilities for establishments that collect solid waste; repair and maintenance of tractors; repair and maintenance services for heavy vehicles and heavy equipment; truck driving and heavy equipment operation training schools; truck stops.
- (3) *Exceptions.*
 - (A) Repair and maintenance of industrial and farm equipment is included in construction contracting, repair, maintenance, and industrial services: industrial services.

Amendments to SRC Chapter 510 (Residential Agriculture – RA Zone)

Sec. 510.001. Purpose.

The purpose of the Residential Agriculture (RA) Zone is to implement the developing residential designation for the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RA zone generally allows single family, ~~two family, three, family, and four family~~ residential uses, and agricultural uses, and other uses that are compatible with and/or provide support and services to the residential area.

Sec. 510.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RA zone are set forth in Table 510-1.

TABLE 510-1. 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. ■ Manufactured dwelling park, subject to SRC chapter 235.
	S	The following single family activities: <ul style="list-style-type: none"> ■ Manufactured home, subject to SRC 700.025. ■ Townhouse, subject to SRC 700.085. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other single family.
Two family	P	The following two family activities: <ul style="list-style-type: none"> ■ Duplex, when located on a corner lot. ■ Duplex, when located on a lot whose side abuts property other than a street or alley in a Commercial (C) or Industrial (I) Zone, and the entire lot is located within 165 feet of the C or I zone.
	S	Two family shared dwelling, subject to SRC 700.090.
	N	All other two family.

Three family	SN	Three family, subject to SRC 700.081.
Four family	SN	Four family, subject to SRC 700.081.
Multiple family	SN	Cottage cluster, subject to SRC 700.011.
	N	All other multiple family.
Group Living		
Room and board	N	
Residential care	C	Residential facility, as defined under ORS 197.660, when located on a lot with frontage on an arterial or collector street.
	N	All other residential care.
Nursing care	C	Nursing care, when located on a lot with frontage on an arterial or collector street.
	N	All other nursing care.
Lodging		
Short-term commercial lodging	C	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Nonprofit shelters	C	Nonprofit shelters serving 5 or fewer persons, when located on a lot with frontage on an arterial or collector street.
	P	Nonprofit shelters servicing <u>for</u> victims of domestic violence for <u>servicing</u> 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	P	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	C	The following personal services activities: <ul style="list-style-type: none"> ■ Beauty salons. ■ Barber shops.
	N	All other personal services.
Postal services and retail financial services	N	
Business and Professional Services		
Office	C	Landscape architects and planners.
	N	All other office.
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	Parking structures.
	S	All other commercial parking, subject to SRC 700.050.
Park-and-ride facilities	N	
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	N	
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	P	Libraries.
	S	Golf courses, subject to SRC 700.015.
	C	All other recreational and cultural community services.
Parks and open space	C	Arboreta and botanical gardens.
	P	All other parks and open space.
Nonprofit membership assembly	C	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	The following day care activities: ■ Child day care home. ■ Adult day care home.
	C	The following day care activities: ■ Child day care center. ■ Adult day care center.
	N	All other day care.
Basic education	S	Basic education, subject to SRC 700.010.
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	S	Social services, subject to SRC 700.080.
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	The following emergency services activities: ■ Ambulance stations. ■ Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	Crematories.
	C	All other funeral and cremation services.
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	C	The following building and grounds services and construction contracting activities:

		<ul style="list-style-type: none"> ■ Landscape, lawn, and garden services. ■ Tree and shrub services.
	N	All other building and grounds services and construction contracting.
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	P	Raising of livestock, fowl, and other animals by residents of the premises for their own private noncommercial use on a lot 10,000 square feet or greater.
	C	All other keeping of livestock and other animals.
Animal services	S	Small animal veterinary services, subject to SRC 700.075.
	C	All other animals services.
Other Uses		
Accessory short-term rentals	S	Accessory short-term rental, subject to SRC 700.006.

Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u> ■ Residential sales/development office, subject to SRC 701.030<u>701.040.</u> ■ Replacement single family dwelling, subject to SRC 701.025<u>701.035.</u>
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.

- (b) Continued uses. Existing cottage housing within the RA zone constructed prior to May 15, 1979, but which would otherwise be made non-conforming by this chapter, is hereby deemed a continued use.
- (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 510.010(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 that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

Sec. 510.010. Development standards.

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

- (a) *Lot standards.* Lots within the RA zone shall conform to the standards set forth in Table 510-2.

TABLE 510-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 4,000 <u>1,500</u> sq. ft.	<u>Applicable to townhouses.</u>
	<u>Min. 4,000 sq. ft.</u>	<u>Applicable to all other single family.</u>
Two family	Min. 4,000 sq. ft.	Applicable to two family shared housing.

	<u>Min. 7,000 sq. ft.</u>	<u>Applicable to all other two family.</u>
<u>Three family</u>	<u>Min. 5,000 sq. ft.</u>	
<u>Four family and multiple family</u>	<u>Min. 7,000 sq. ft.</u>	
Nonprofit shelters	Min. 4,000 sq. ft.	Applicable to nonprofit shelters serving victims of domestic violence.
	Min. 6,000 sq. ft.	Applicable to all other nonprofit shelters.
All other uses	Min. 6,000 sq. ft.	
Infill lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
Lot Width		
<u>Single family and two family</u>	<u>Min. 40-20 ft.</u>	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family.</u>
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 40 ft.</u>	
All other uses	Min. 60 ft.	
Lot Depth		
<u>Single family and two family</u>	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	<u>No Max.</u>	<u>Applicable to townhouses.</u>
	Max. 300% of average lot width	<u>Applicable to all other single family.</u>
<u>Two Family</u>	<u>Min. 70 ft.</u>	
	<u>Min. 120 ft.</u>	<u>Applicable to double frontage lots.</u>
	<u>Max. 300% of average lot width</u>	
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
<u>Single family and two family</u>	<u>Min. 40-20 ft.</u>	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family</u>
	Min. 30 ft.	Applicable to <u>all other single family, excluding townhouses, when located on lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u> In no case shall the lot width be less than 40 ft. at the front building setback line.
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 40 ft.</u>	
	<u>Min. 30 ft.</u>	<u>Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u> <u>In no case shall the lot width be less than 40 ft. at the front building setback line.</u>
All other uses	Min. 60 ft.	

(b) *Setbacks.* Setbacks within the RA zone shall be provided as set forth in Table 510-3.

TABLE 510-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
Multiple family	Min. 10 ft.	
All other uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Multiple family	Min. 10 ft.	
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Interior Front		
Buildings		
Multiple family	Min. 10 ft.	
All other uses	Min. 12 ft.	
Accessory Structures		
Multiple family	Min. 10 ft.	
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.085	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Two family, three family, four family, and multiple family	Min. 5 ft.	Applicable to new buildings.
	Min. 3 ft.	Applicable to existing buildings.
All other uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Infill lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.

	Min. 10 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
Accessory Structures		
Accessory to all uses; infill lot	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.
Interior Rear		
Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 feet.	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.
Abutting Waterway		
Buildings		
<u>Single Family</u>	<u>Min. 100 ft.</u>	<u>Applicable to townhouses constructed after [Insert Effective Date of Ordinance].</u>
	<u>None</u>	<u>Applicable to all other single family.</u> <u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 100 ft.</u>	<u>Applicable to new buildings constructed after [Insert Effective Date of Ordinance]</u> <u>Existing buildings constructed prior to [Insert Effective Date of Ordinance] located within the 100-foot setback may be rebuilt in the same location within the same building footprint.</u>
<u>All other uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
Accessory Structures		
<u>Accessory to all uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>

- (c) *Lot coverage; height.* Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.

TABLE 510-4. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
Single family, and two family, three family, and four family	Max. 60%	
Multiple family	No Max.	
Nonprofit shelters	Max. 60%	Applicable to nonprofit shelters serving victims of domestic violence.
	Max. 35%	Applicable to all other nonprofit shelters.
All other uses	Max. 35%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
Single family, and two family, three family, and four family	Max. 35 ft.	
Multiple family	Max. 25 ft. or two-stories, whichever is greater	Two-story building height shall not exceed 35 ft.
All other uses	Max. 50 ft.	
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

~~(d) — Garages required.~~

- ~~(1) — Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RA zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.~~
- ~~(2) — Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not for profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on-site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.~~

~~(d)~~(e) *Development standards for continued uses.* Buildings 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 following standards:

- (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
- (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
- (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 510-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

Amendments to SRC Chapter 511 (Single Family Residential – RS Zone)

Sec. 511.001. Purpose.

The purpose of the Single Family Residential (RS) Zone is to implement the single family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

Sec. 511.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

TABLE 511-1. 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. ■ Manufactured dwelling park, subject to SRC chapter 235.
	S	The following single family activities: <ul style="list-style-type: none"> ■ Manufactured home, subject to SRC 700.025. ■ Townhouse, subject to SRC 700.085. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other Single Family.
Two family	P	The following two family activities: <ul style="list-style-type: none"> ■ Duplex, when located on a corner lot. ■ Duplex, when located on a lot whose side abuts property other than a street or alley in a Commercial (C) or Industrial (I) Zone, and the entire lot is located within 165 feet of the C or I zone.
	S	Two family shared dwelling, subject to SRC 700.090.

	N	All other two family.
Three family	SN	Three family, subject to SRC 700.081.
Four family	SN	Four family, subject to SRC 700.081.
Multiple family	SN	Cottage cluster, subject to SRC 700.011.
	N	All other multiple family.
Group Living		
Room and board	N	
Residential care	C	Residential facility, as defined under ORS 197.660, when located on a lot with frontage on an arterial or collector street.
	N	All other residential care.
Nursing care	C	Nursing care, when located on a lot with frontage on an arterial or collector street.
	N	All other nursing care.
Lodging		
Short-term commercial lodging	C	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Nonprofit shelters	C	Nonprofit shelters serving 5 or fewer persons, when located on a lot with frontage on an arterial or collector street.
	P	Nonprofit shelters serv ing for victims of domestic violence for <u>serv</u> ing 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	C	The following personal services activities: ■ Beauty salons. ■ Barber shops.
	N	All other personal services.
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	Parking structures.
	S	All other commercial parking, subject to SRC 700.050.
Park-and-ride facilities	N	
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	N	
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	P	Libraries.
	S	Golf courses, subject to SRC 700.015.
	C	Community or neighborhood club buildings, including swimming pools and similar recreation facilities when operated by a nonprofit community club.
	N	All other recreation and cultural community services.
Parks and open space	N	Arboreta and botanical gardens.
	P	All other parks and open space.
Nonprofit membership assembly	C	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	The following day care activities: <ul style="list-style-type: none"> ■ Child day care home. ■ Adult day care home.
	C	The following day care activities: <ul style="list-style-type: none"> ■ Child day care center. ■ Adult day care center.
	N	All other day care.
Basic education	S	Basic education, subject to SRC 700.010.
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	The following emergency services activities: <ul style="list-style-type: none"> ■ Ambulance stations. ■ Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	Crematories.

	C	All other funeral and cremation services.
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	C	Existing wildlife rehabilitation facility.
	N	All other animal services.
Other Uses		
Accessory short-term rentals	S	Accessory short-term rental, subject to SRC 700.006

Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u> ■ Residential sales/development office, subject to SRC 701.030701.040. ■ Replacement single family dwelling, subject to SRC 701.025701.035.
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.

- (b) Continued uses. Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made nonconforming by this chapter, is hereby deemed a continued use.
- (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 511.010(f).
 - (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

Sec. 511.010. Development standards.

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

- (a) *Lot standards.* Lots within the RS zone shall conform to the standards set forth in Table 511-2.

TABLE 511-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 4,000 sq. ft.	<u>Applicable to townhouses.</u>

	<u>Min. 4,000 sq. ft.</u>	<u>Applicable to all other single family.</u>
Two family	Min. 4,000 sq. ft.	<u>Applicable to two family shared housing.</u>
	<u>Min. 7,000 sq. ft.</u>	<u>Applicable to all other two family.</u>
<u>Three family</u>	<u>Min. 5,000 sq. ft.</u>	
<u>Four family and multiple family</u>	<u>Min. 7,000 sq. ft.</u>	
Nonprofit shelters	Min. 4,000 sq. ft.	Applicable to nonprofit shelters serving victims of domestic violence.
	Min. 6,000 sq. ft.	Applicable to all other nonprofit shelters.
All other uses	Min. 6,000 sq. ft.	
Infill lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
Lot Width		
<u>Single family</u> All Uses	Min. 20 40 ft.	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family.</u>
<u>All other uses</u>	<u>Min. 40 ft.</u>	
Lot Depth		
Single family and two family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	<u>No Max.</u>	<u>Applicable to townhouses.</u>
	Max. 300% of average lot width	<u>Applicable to all other single family.</u>
<u>Two family</u>	<u>Min. 70 ft.</u>	
	<u>Min. 120 ft.</u>	<u>Applicable to double frontage lots.</u>
	<u>Max. 300% of average lot width</u>	
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 20 40 ft.	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family.</u>
	Min. 30 ft.	Applicable to <u>all other single family, excluding townhouses, when located on</u> lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet 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.
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 40 ft.</u>	
	<u>Min. 30 ft.</u>	<u>Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u>

		<u>In no case shall the lot width be less than 40 ft. at the front building setback line.</u>
All other uses	Min. 40 ft.	

(b) *Setbacks.* Setbacks within the RS zone shall be provided as set forth in Table 511-3.

TABLE 511-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Interior Front		
Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 12 ft.	
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.085	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
<u>Two family, three family, four family, and multiple family</u>	Min. 5 ft.	<u>Applicable to new buildings.</u>
	Min. 3 ft.	<u>Applicable to existing buildings.</u>
All other uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.

Infill lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA and RS.
	Min. 10 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
Accessory Structures		
Accessory to all uses; infill lot	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.
Interior Rear		
Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	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.
<u>Abutting Waterway</u>		
Buildings		
<u>Single Family</u>	<u>Min. 100 ft.</u>	<u>Applicable to townhouses constructed after [Insert Effective Date of Ordinance]</u>
	<u>None</u>	<u>Applicable to all other single family.</u> <u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 100 ft.</u>	<u>Applicable to new buildings constructed after [Insert Effective Date of Ordinance]</u>

		<u>Existing buildings constructed prior to [Insert Effective Date of Ordinance] located within the 100-foot setback may be rebuilt in the same location within the same building footprint.</u>
<u>All other uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Accessory Structures</u>		
<u>Accessory to all uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>

- (c) *Lot coverage; height.* Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

TABLE 511-4. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
<u>Single family, and two family, <u>three family, and four family</u></u>	Max. 60%	
<u>Multiple family</u>	No Max.	
Nonprofit shelters	Max. 60%	Applicable to nonprofit shelters serving victims of domestic violence.
	Max. 35%	Applicable to all other nonprofit shelters.
All other uses	Max. 35%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
<u>Single family, and two family, <u>three family, and four family</u></u>	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
<u>Multiple family</u>	<u>Max. 25 ft. or two-stories, whichever is greater</u>	<u>Two-story building height shall not exceed 35 ft.</u>
All other uses	Max. 50 ft.	
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

- (d) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.

TABLE 511-5. MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES	
Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less	600 sq. ft.
Greater than 1,200 square feet	1,000 sq. ft. or 50% of main building gross area, whichever is less

~~(e) — Garages required.~~

- ~~(1) — Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RS zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off street parking spaces is maintained.~~
- ~~(2) — Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not for profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.~~

~~(e)(f)~~ *Development standards for continued uses.* Buildings 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 following standards:

- (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC.
- (2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.
- (3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks set forth in Table 511-3. The square footage and height of the rebuilt building or structure shall not exceed the square footage and height of the original building or structure by more than 20 percent.

Amendments to SRC Chapter 512 (Duplex Residential – RD Zone)

Sec. 512.001. Purpose.

The purpose of the Duplex Residential (RD) Zone is to establish the allowed uses and development standards for the RD zone district. The RD zone generally allows two family, ~~and single family,~~ three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

Sec. 512.010. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RD zone are set forth in Table 512-1.

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TABLE 512-1. 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.
	S	The following single family activities: <ul style="list-style-type: none"> ■ Manufactured home, subject to SRC 700.025. ■ Townhouse, subject to SRC 700.085. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other single family.
Two family	P	
Three family	SN	<u>Three family, subject to SRC 700.081.</u>
Four family	SN	<u>Four family, subject to SRC 700.081.</u>
Multiple family	SN	<u>Cottage cluster, subject to SRC 700.011.</u>
	N	<u>All other multiple family.</u>
Group Living		
Room and board	N	
Residential care	S	Residential facility, as defined under ORS 197.660, subject to SRC 700.060.
	N	All other residential care.
Nursing care	S	Nursing care, subject to SRC 700.045.
Lodging		
Short-term commercial lodging	C	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Nonprofit shelters	C	Nonprofit shelters serving 5 or fewer persons.
	P	Nonprofit shelters for <u>servicing</u> victims of domestic violence for <u>servicing</u> 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	

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	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial Entertainment—outdoor	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	Libraries.
	N	All other recreation and cultural community services.
Parks and open space	N	Arboreta and botanical gardens.
	P	All other parks and open space.
Nonprofit membership assembly	N	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	Child day care home.
	C	Child day care center.
	N	All other day care.
Basic education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	The following emergency services activities: ■ Ambulance stations. ■ Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Accessory short-term rentals	S	Accessory short-term rental, subject to SRC 700.006
Temporary uses	P	<u>The following temporary uses:</u> Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u>
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 a 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. 512.015. Development standards.

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

(a) *Lot standards.* Lots within the RD zone shall conform to the standards set forth in Table 512-2.

TABLE 512-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 4,000 sq. ft.	<u>Applicable to townhouses.</u>
	<u>Min. 4,000 sq. ft.</u>	<u>Applicable to all other single family.</u>
Two family	<u>Min. 4,000 sq. ft.</u>	<u>Applicable to duplexes.</u>
	Min. 7,000 sq. ft.	Two family activities constructed on lots less than 7,000 square feet prior to February 1, 2007, shall be considered conforming with respect to lot area and may be continued so long as they remain otherwise lawful.
<u>Three family</u>	<u>Min. 5,000 sq. ft.</u>	
<u>Four family and multiple family</u>	<u>Min. 7,000 sq. ft.</u>	
Nonprofit shelters	Min. 4,000 sq. ft.	Applicable to nonprofit shelters serving victims of domestic violence.
	Min. 6,000 sq. ft.	Applicable to all other nonprofit shelters.
All other uses	Min. 6,000 sq. ft.	
Lot Width		

<u>Single family</u>	<u>Min. 20 ft.</u>	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family.</u>
All other uses	Min. 40 ft.	
Lot Depth		
Single family and two family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	No Max.	Applicable to townhouses.
	Max. 300% of average lot width	Applicable to all other single family.
<u>Two family</u>	<u>Min. 70 ft.</u>	
	<u>Min. 120 ft.</u>	<u>Applicable to double frontage lots.</u>
	<u>Max. 300% of average lot width</u>	
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 20 40 ft.	<u>Applicable to townhouses.</u>
	<u>Min. 40 ft.</u>	<u>Applicable to all other single family.</u>
	Min. 30 ft.	Applicable to all other single family, excluding townhouses, when located on lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet 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.
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 40 ft.</u>	
	<u>Min. 30 ft.</u>	<u>Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u> <u>In no case shall the lot width be less than 40 ft. at the front building setback line.</u>
All other uses	Min. 40 ft.	

(b) *Setbacks.* Setbacks within the RD zone shall be provided as set forth in Table 512-3.

TABLE 512-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		

<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Interior Front		
Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 12 ft.	
Accessory Structures		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.085	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Two family, <u>three family, four family, and multiple family</u>	Min. 5 ft.	<u>Applicable to new buildings.</u>
	<u>Min. 3 ft.</u>	<u>Applicable to existing buildings.</u>
All other uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	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.
Interior Rear		

Buildings		
<u>Multiple family</u>	<u>Min. 10 ft.</u>	
All <u>other</u> uses	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
<u>Multiple family</u>	<u>Min 10 ft.</u>	
Accessory to all <u>other</u> uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 feet.	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.
Abutting Waterway		
Buildings		
<u>Single family</u>	<u>Min. 100 ft.</u>	<u>Applicable to townhouses constructed after [Insert Effective Date of Ordinance]</u>
	<u>None</u>	<u>Applicable to all other single family.</u> <u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Two family, three family, four family, and multiple family</u>	<u>Min. 100 ft.</u>	<u>Applicable to new buildings constructed after [Insert Effective Date of Ordinance].</u>
		<u>Existing buildings constructed prior to [Insert Effective Date of Ordinance] located within the 100-foot setback may be rebuilt in the same location within the same building footprint.</u>
<u>All other uses</u>	<u>None</u>	<u>All other required setbacks still apply.</u>
Accessory Structures		
<u>Accessory to all uses</u>	<u>None</u>	<u>All other required setbacks still apply.</u>

(c) *Lot coverage; height.* Buildings and accessory structures within the RD zone shall conform to the lot coverage and height standards set forth in Table 512-4.

TABLE 512-4. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
<u>Single family, and two family, three family, and four family</u>	Max. 60%	
<u>Multiple family</u>	<u>No Max.</u>	
Nonprofit shelters	Max. 60%	Applicable to nonprofit shelters serving victims of domestic violence.

	Max. 35%	Applicable to all other nonprofit shelters.
All other uses	Max. 35%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family and two family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
	Max. 35 ft.	Applicable to new buildings.
Single family, and two family, <u>three family, and four family</u>	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
<u>Multiple family</u>	<u>Max. 25 ft. or two stories, whichever is greater</u>	<u>Two-story building height shall not exceed 35 ft.</u>
All other uses	Max. 50 ft.	
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

- (d) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 512-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 512-5.

TABLE 512-5. MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES	
Main Building Gross Area	Maximum Total Square Footage for All Accessory Structures
1,200 square feet or less	600 sq. ft.
Greater than 1,200 square feet	1,000 sq. ft. or 50% of main building gross area, whichever is less

(e) ~~Garages required.~~

- (1) ~~Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RD zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this subsection shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off street parking spaces is maintained.~~
- (2) ~~Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not for profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of on site storage within a portion of the dwelling unit, or within a detached accessory structure. Such exemption shall only be made for those dwellings built on lots created through a subdivision.~~

Amendments to SRC Chapter 513 (Multiple Family Residential-I – RM-I Zone)

Sec. 513.001. Purpose.

The purpose of the Multiple Family Residential-I (RM-I) Zone is to implement the multiple family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-I zone generally allows multiple family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

Sec. 513.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-I zone are set forth in Table 513-1.

TABLE 513-1 USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities are permitted: <ul style="list-style-type: none"> ■ Single family detached dwelling. ■ Townhouse. ■ Residential home, as defined under ORS 197.660. ■ Manufactured dwelling park, subject to SRC chapter 235.
	S	The following single family activities: <ul style="list-style-type: none"> ■ Manufactured home, subject to SRC 700.025. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other single family.
Two family	P	
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	<u>S</u>	<u>Cottage cluster, subject to SRC 700.011.</u>
	P	<u>All other multiple family.</u>
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 10 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	N	
Nonprofit shelters	C	Nonprofit shelters serving up to 10 persons.

	P	Nonprofit shelters servicing for victims of domestic violence for servicing 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	P	Commercial parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other commercial parking.
Park-and-ride facilities	P	Park-and-ride facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other park-and-ride facilities.
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	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	Libraries.
	C	All other recreation and cultural community services.
Parks and open space	C	Arboreta and botanical gardens.
	P	All other parks and open space.
Nonprofit membership assembly	N	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		

Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	The following day care activities: <ul style="list-style-type: none"> ■ Child day care home. ■ Adult day care home.
	C	The following day care activities: <ul style="list-style-type: none"> ■ Child day care center. ■ Adult day care center.
	N	All other day care.
Basic education	S	Basic education, subject to SRC 700.010.
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	The following emergency services activities: <ul style="list-style-type: none"> ■ Ambulance stations. ■ Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	
	P	Transit stop shelters.

Passenger ground transportation facilities	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	
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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u> ■ Residential sales/development office, subject to SRC 701.030701.040.
Home occupations	S	Home occupations, subject to SRC 700.020.
Taking of boarders or leasing of rooms by a 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.
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. 513.010. Development standards.

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

- (a) *Land division in the RM-I zone.* Lots subdivided or partitioned in the RM-I zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or more attached dwelling

units per lot, are used for townhouse development, or are used for allowed uses other than household living.

(b) *Lot standards.* Lots within the RM-I zone shall conform to the standards set forth in Table 513-2.

TABLE 513-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 4,000 sq. ft.	Applicable to all other single family.
All other uses	Min. 4,000 sq. ft.	
Lot Width		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
All other uses	Min. 40 ft.	
Lot Depth		
<u>Single family</u>	<u>Min. 70 ft.</u>	
	<u>Min. 120 ft.</u>	<u>Applicable to double frontage lots.</u>
	<u>No Max.</u>	<u>Applicable to townhouses.</u>
	<u>Max. 300% of average lot width</u>	<u>Applicable to all other single family</u>
All <u>other</u> uses	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
	Min. 30 ft.	Applicable to all other single family, <u>excluding townhouses,</u> when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet 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.
<u>Two family, three family, and four family</u>	<u>Min. 40 ft.</u>	
	<u>Min. 30 ft.</u>	<u>Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u>

		<u>In no case shall the lot width be less than 40 ft. at the front building setback line.</u>
<u>Multiple family</u>	<u>Min. 40 ft.</u>	
	<u>Min. 30 ft.</u>	<u>Applicable to cottage clusters, when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</u> <u>In no case shall the lot width be less than 40 ft. at the front building setback line.</u>
All other uses	Min. 40 ft.	

(c) *Dwelling unit density.* Dwelling unit density within the RM-I zone shall conform to the standards set forth in Table 513-3. ~~Maximum dwelling unit density cannot be varied or adjusted.~~

TABLE 513-3. DWELLING UNIT DENSITY			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
<u>Single family</u>	<u>N/A</u>	<u>N/A</u>	<u>Applicable to the replacement of an existing single family detached dwelling.</u>
	<u>6 dwelling units per acre</u>	<u>14 dwelling units per acre</u>	<u>Applicable to manufactured dwelling parks developed pursuant to SRC chapter 235.</u>
	<u>8 dwelling units per acre</u>	<u>25 dwelling units per acre</u>	<u>Applicable to townhouses.</u>
	<u>8 dwelling units per acre</u>	<u>14 dwelling units per acre</u>	<u>Applicable to all other single family.</u>
<u>Two family, three family, and four family</u>	<u>8 dwelling units per acre</u>	<u>No max.</u>	
<u>Single family, two family, three family, four family, and multiple Multiple family</u>	<u>4 dwelling units per acre</u>	<u>No max.</u>	<u>Applicable to cottage clusters.</u>
	<u>8 dwelling units per acre</u>	<u>14 dwelling units per acre</u>	<u>Applicable to all other multiple family.</u>
	<u>6 dwelling unit per acre</u>	<u>14 dwelling units per acre</u>	<u>Applicable to manufactured dwelling parks developed pursuant to SRC chapter 235.</u>

(d) *Setbacks.* Setbacks within the RM-I zone shall be provided as set forth in Tables 513-4 and 513-5.

TABLE 513-4. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		

Single family, two family, three family, and four family	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
<u>Multiple family</u>	<u>Min. 10 ft.</u>	<u>Applicable to cottage clusters.</u>
	<u>Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.</u>	<u>Applicable to all other multiple family.</u>
All other uses	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
<u>Multiple family</u>	<u>Min. 10 ft.</u>	<u>Applicable to accessory structures for cottage clusters.</u>
	<u>None</u>	<u>Applicable to accessory structures, for all other multiple family, not more than 4 ft. in height.</u>
	<u>Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.</u>	<u>Applicable to accessory structures, for all other multiple family, greater than 4 ft. in height.</u>
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Min. 12 ft.	
Interior Front		
Buildings		
Single family, two family, three family, and four family	Min. 12 ft.	
	<u>Min. 10 ft.</u>	<u>Applicable to cottage clusters.</u>
<u>Multiple family</u>	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to all other multiple family.</u>
All other uses	Zone-to-zone setback (Table 513-5)	
Accessory structures		

Accessory to single family, two family, three family, and four family	Min. 5 ft.	
<u>Multiple Family</u>	<u>Min. 10 ft.</u>	<u>Applicable to accessory structures for cottage clusters.</u>
	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to accessory structures for all other multiple family.</u>
Accessory to all other uses	Zone-to-zone setback (Table 513-5)	
Vehicle use areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 513-5)	
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than townhouses and zero side yard dwellings.
	Min. 3 ft.	Applicable to existing buildings, other than townhouses and zero side yard dwellings.
	None	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Two family, three family, and four family	Min. 5 ft.	<u>Applicable to new buildings.</u>
	<u>Min. 3 ft.</u>	<u>Applicable to existing buildings.</u>
<u>Multiple family</u>	<u>Min. 5 ft.</u>	<u>Applicable to new buildings in a cottage cluster.</u>
	<u>Min. 3 ft.</u>	<u>Applicable to existing buildings in a cottage cluster.</u>
	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to all other multiple family.</u>
All other uses	Zone-to-zone setback (Table 513-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four 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.
<u>Multiple family</u>	<u>None</u>	<u>Applicable to accessory structures for cottage clusters having at least 1 wall which is an integral part of a fence.</u>
	<u>Min. 5 ft.</u>	<u>Applicable to all other accessory structures for cottage clusters.</u>
	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to all other multiple family.</u>
Accessory to all other uses	Zone-to-zone setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 513-5)	

Interior Rear		
Buildings		
Single family, two family, three family, and four family	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
<u>Multiple Family</u>	<u>Min. 10 ft.</u>	<u>Applicable to cottage clusters.</u>
	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to all other multiple family.</u>
All other uses	Zone-to-zone setback (Table 513-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four 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.
<u>Multiple family</u>	<u>Min. 10 ft.</u>	<u>Applicable to accessory structures for cottage clusters.</u>
	<u>Zone-to-zone setback (Table 513-5)</u>	<u>Applicable to accessory structures for all other multiple family.</u>
Accessory to all other uses	Zone-to-zone setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 513-5)	
<u>Abutting Waterway</u>		
Buildings		
<u>Single family</u>	<u>Min. 100 ft.</u>	<u>Applicable to townhouses constructed after [Insert Effective Date of Ordinance].</u>
	<u>None</u>	<u>Applicable to all other single family.</u> <u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Two family, three family, and four family</u>	Min. 100 ft.	<u>Applicable to new buildings constructed after [Insert Effective Date of Ordinance].</u>
		<u>Existing buildings constructed prior to [Insert Effective Date of Ordinance] located within the 100-foot setback may be rebuilt in the same location within the same building footprint.</u>
<u>Multiple family</u>	<u>Min. 100 ft.</u>	<u>Applicable to cottage clusters constructed after [Insert Effective Date of Ordinance].</u>
	<u>None</u>	<u>Applicable to all other multiple family.</u>

		<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>All other uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>
<u>Accessory Structures</u>		
<u>Accessory to all uses</u>	<u>None</u>	<u>All other setbacks required abutting streets and interior front, side, and rear property lines still apply.</u>

TABLE 513-5. ZONE-TO-ZONE SETBACKS

Abutting Zone	Type of Improvement	Setback⁽¹⁾	Landscaping & Screening
EFU	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Residential Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Commercial Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Public Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Industrial and Employment Zone	Buildings and accessory structures	Min. 15 ft.	Type C
	Vehicle use areas		
Limitations and Qualifications			
⁽¹⁾ Zone-to-Zone setbacks are not required abutting an alley.			

(e) *Lot coverage; height.* Buildings and accessory structures within the RM-I zone shall conform to the lot coverage and height standards set forth in Table 513-6.

TABLE 513-6. LOT COVERAGE; HEIGHT

Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
<u>Multiple Family</u>	<u>No Max.</u>	<u>Applicable to cottage clusters.</u>
	<u>Max. 60%</u>	<u>Applicable to all other multiple family.</u>
All uses	Max. 60%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		

Accessory to single family, two family, three family, and four family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
Single family, two family, three family, four family, multiple family , residential care, nursing care, and short-term commercial lodging	Max. 35 ft.	
<u>Multiple family</u>	<u>Max. 25 ft. or two stories, whichever is greater</u>	<u>Applicable to cottage clusters.</u> <u>Two-story building height shall not exceed 35 ft.</u>
	<u>Max. 35 ft.</u>	<u>Applicable to all other multiple family.</u>
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max 15 ft.	

- (f) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 513-6, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 513-7.

TABLE 513-7. MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES

Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less	600 sq. ft.
Greater than 1,200 square feet	1,000 sq. ft. or 50% of main building gross area, whichever is less

- (g) *Landscaping.* Landscaping within the RM-I zone shall be provided as set forth in this subsection.
- (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.
- (h) *Outdoor storage.* Within the RM-I zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Sec. 513.015. Design review.

Design review under SRC chapter 225 is required for development within the RM-I as follows:

- (a) Multiple family development, excluding cottage clusters, shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Amendments to SRC Chapter 514 (Multiple Family Residential-II – RM-II Zone)

Sec. 514.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

TABLE 514-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Replacement of existing single family detached dwelling. ■ New single family detached dwelling on a nonconforming lot of record less than 6,000 square feet in area. ■ Townhouse. ■ Residential home, as defined under ORS 197.660. ■ Manufactured dwelling park, subject to SRC chapter 235.
	S	The following single family activities: <ul style="list-style-type: none"> ■ Replacement of existing manufactured home, subject to SRC 700.025. ■ Zero side yard dwelling, subject to SRC 700.095.
	N	All other single family.
Two family	P	
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 10 persons.
	N	All other room and board.
Residential care	P	
Nursing care	S	Nursing care, subject to SRC 700.040.
Lodging		
Short-term commercial lodging	P	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 10 persons.
	P	Nonprofit shelters for serving for victims of domestic violence for serving 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	

Personal services	C	The following personal services activities: ■ Beauty salons. ■ Barber shops.
	N	All other personal services.
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	P	Commercial parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other commercial parking.
Park-and-ride facilities	P	Park-and ride facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other park-and-ride facilities.
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	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	S	Golf courses, subject to SRC 700.015.
	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	Libraries.
	C	All other recreation and cultural community services.
Parks and open space	C	Arboreta and botanical gardens.
	P	All other parks and open space.
Nonprofit membership assembly	C	
Religious assembly	S	Religious assembly, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		

Day care	P	The following day care activities: ■ Child day care home. ■ Adult day care home.
	C	The following day care activities: ■ Child day care center. ■ Adult day care center.
	N	All other day care.
Basic education	S	Basic education, subject to SRC 700.010.
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	Crematories.
	C	All other funeral and cremation services.
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	

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	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u>
Home occupations	S	Home occupations are allowed 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	The 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. 514.010. Development standards.

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

- (a) *Land division in the RM-II zone.* Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.
- (b) *Lot standards.* Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

TABLE 514-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 6,000 sq. ft.	Applicable to all other single family, except new single family detached dwellings on nonconforming lots of record less than 6,000 square feet in area.
All other uses	Min. 6,000 sq. ft.	
Lot Width		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
All Other Uses	Min. 40 ft.	
Lot Depth		
Single family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	No Max.	Applicable to townhouses.
	Max. 300% of average lot width	Applicable to all other single family.
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
	Min. 30 ft.	Applicable to all other single family, when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet 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. 40 ft.	

- (c) *Dwelling unit density.* Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. ~~Maximum dwelling unit density cannot be varied or adjusted.~~

TABLE 514-3. DWELLING UNIT DENSITY			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single family, two family, three family, four family, and multiple family	12 dwelling units per acre	28 dwelling units per acre	
	N/A	N/A	Applicable to <u>the replacement of an existing single family detached dwelling; and a new single family detached dwelling on</u>

			nonconforming lot of record less than 6,000 square feet in area.
	6 dwelling units per acre	28 dwelling units per acre	Applicable to manufactured dwelling parks developed pursuant to SRC chapter 235.

(d) *Setbacks.* Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

TABLE 514-4. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
Single family, two family, three family, and four family	Min. 12 ft. Min. 20 ft.	Applicable along collector or arterial streets.
All other uses	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Min. 12 ft.	
Interior Front		
Buildings		
Single family, two family, three family, and four family	Min. 12 ft.	
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four family	Min. 5 ft.	
Accessory to all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		

All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than townhouses and zero side yard dwellings.
	Min. 3 ft.	Applicable to existing buildings, other than townhouses and zero side yard dwellings.
	None	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Two family, three family, and four family	Min. 5 ft.	
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four 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 all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	
Interior Rear		
Buildings		
Single family, two family, three family, and four family	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four 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 all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	

TABLE 514-5. ZONE-TO-ZONE SETBACKS

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Residential Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Commercial Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Public Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Industrial and Employment Zone:	Buildings and accessory structures	Min. 15 ft.	Type C
	Vehicle use areas		
Limitations and Qualifications			
⁽¹⁾ Zone-to-Zone setbacks are not required abutting an alley.			

- (e) *Lot coverage; height.* Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.

TABLE 514-6. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	Max. 60%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family, two family, three family, and four family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
Single family, two family, three family, and four family	Max. 35 ft.	
Multiple family, residential care, nursing care, and short-term commercial lodging	Max. 50 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max 15 ft.	

- (f) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

TABLE 514-7. MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES	
Main Building Gross Area	Maximum Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.

Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.
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- (g) *Landscaping.* Landscaping within the RM-II zone shall be provided as set forth in this subsection.
- (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.
- (h) *Outdoor storage.* Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Amendments to SRC Chapter 515 (Multiple Family High-Rise Residential – RH Zone)

Sec. 515.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RH zone are set forth in Table 515-1.

TABLE 515-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Replacement of single family detached dwelling existing on October 23, 2013. ■ Residential home, as defined under ORS 197.660.
	C	New single family detached dwelling, other than the replacement of a single family detached dwelling existing on October 23, 2013.
	N	All other single family.
Two family	P	
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	Room and board serving 6 to 10 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 10 persons.
	P	Nonprofit shelters servicing <u>servicing</u> for victims of domestic violence for <u>for</u> serving <u>10</u> or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	C	The following personal services activities: <ul style="list-style-type: none"> ■ Beauty salons. ■ Barber shops.
	N	All other personal services.
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	P	Commercial parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other commercial parking.
Park-and-ride facilities	P	Park-and ride facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other park-and-ride facilities.
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	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	C	Membership sports and recreation clubs.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	Libraries.
	C	All other recreation and cultural community services.
Parks and open space	C	Arboreta and botanical gardens.
	P	All other parks and open space.

Nonprofit membership assembly	C	
Religious assembly	S	Religious Assembly is allowed, subject to SRC 700.055.
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	The following day care activities: <ul style="list-style-type: none"> ■ Child day care home. ■ Adult day care home.
	C	The following day care activities: <ul style="list-style-type: none"> ■ Child day care center. ■ Adult day care center.
	N	All other day care.
Basic education	S	Basic education, subject to SRC 700.010.
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	Ambulance service facilities.
	P	All other emergency services.
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ <u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u> ■ <u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u> ■ Residential sales/development office, subject to SRC 701.030<u>701.040</u>.
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 a resident family	P	The 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.
Nonresidential uses in a mixed-use project	S	Nonresidential uses in a mixed-use project, subject to SRC 700.040.

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.

Amendments to SRC Chapter 520 (Neighborhood Commercial – CN Zone)

Sec. 520.015. Uses.

(a) *General.* Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CN zone are set forth in Table 520-1.

TABLE 520-1. USES		
Use	Status	Limitations and Qualifications
Household Living		
Single family	P	1 dwelling unit for each business use on a lot.
	N	All other single family.
Two family	P	1 dwelling unit for each business use on a lot.
	N	All other two family.
Three family	P	1 dwelling unit for each business use on a lot.
	N	All other three family.
Four family	P	1 dwelling unit for each business use on a lot.
	N	All other four family.
Multiple family	P	1 dwelling unit for each business use on a lot.
	N	All other multiple family.
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	N	All other room and board.
Residential care	P	
Nursing care	N	
Lodging		
Short-term commercial lodging	P	Short-term rentals.
	N	All other short-term commercial lodging.
Long term commercial lodging	N	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer 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	N	Bars and taverns, where the sale of alcohol is a primary use.
	P	All other eating and drinking establishments, subject to subsection (c) of this section.
Retail sales	P	Retail sales, subject to SRC 520.015(c).
Personal services	P	Personal services, subject to SRC 520.015(c).
Postal services and retail financial services	P	Postal and retail financial services, subject to SRC 520.015(c).
Business and Professional Services		

Office	P	Office, subject to SRC 520.015(c).
Audio/visual medial production	N	
Laboratory research and testing	P	Laboratory research and testing, subject to SRC 520.015(c).
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
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	The following commercial entertainment—indoor activities, subject to SRC 520.015(c): <ul style="list-style-type: none"> ■ Dance studios and schools for the instruction of children 18 years and under. ■ Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	P	Membership sports and recreation clubs, subject to SRC 520.015(c).
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	Recreational and cultural community services, subject to SRC 520.015(c).
Parks and open space	P	
Nonprofit membership assembly	P	Nonprofit membership assembly, subject to SRC 520.015(c).
Religious assembly	P	Religious assembly, subject to SRC 520.015(c).
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	Outpatient medical services and laboratories, subject to SRC 520. 015(c).
Education Services		
Day care	P	Day care, subject to SRC 520. 015(c).
Basic education	P	Basic education, subject to SRC 520.015(c).
Post-secondary and adult education	P	Post-secondary and adult education, subject to SRC 520.015(c).
Civic Services		
Governmental services	N	
Social services	P	Social services, subject to SRC 520.015(c).
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		

Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	P	Lawn and garden services, subject to SRC 520.015(c).
	N	All other building and grounds services and construction contracting.
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ Emergency shelter, subject to SRC 701.025.

		■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.

- (b) *Additional prohibited uses.* Notwithstanding Table 520-1, eating and drinking establishments otherwise permitted within the CN zone shall be a prohibited use within the CN zone if developed with a drive-through.
- (c) *Limitations on uses.* Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:
- (1) Establishments under the following uses shall be limited to no more than 2,000 square feet of total floor area per establishment:
 - (A) Personal services.
 - (B) Postal services and retail financial services.
 - (C) Office.
 - (D) Laboratory research and testing.
 - (E) Outpatient medical services and laboratories.
 - (F) Building and grounds services and construction contracting.
 - (2) Establishments under the following uses shall be limited to no more than 4,000 square feet of total floor area per establishment.
 - (A) Retail sales.
 - (3) Establishments under the following uses shall be limited to no more than 5,000 square feet of total floor area per establishment.
 - (A) Eating and drinking establishments.
 - (B) Commercial entertainment—indoor.
 - (C) Commercial entertainment—outdoor.
 - (D) Recreational and cultural community services.
 - (E) Nonprofit membership assembly.
 - (F) Religious assembly.
 - (G) Day care.
 - (H) Basic education.
 - (I) Post-secondary and adult education.
 - (J) Social services.

Amendments to SRC Chapter 521 (Commercial Office – CO Zone)

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	The following single family activities: <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: <ul style="list-style-type: none"> ■ 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.
Three family	S	Subject to SRC 700.081.
Four Family	S	Subject to SRC 700.081.
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 for serving victims of domestic violence for serving 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: <ul style="list-style-type: none"> ■ 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: <ul style="list-style-type: none"> ■ Beauty salons. ■ 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	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	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	The following temporary uses: <ul style="list-style-type: none"> ■ Christmas tree sales, subject to SRC 701.015. ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
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.

Amendments to SRC Chapter 522 (Retail Commercial – CR Zone)

Sec. 522.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

TABLE 522-1. 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 SRC 522.005(b).
	S	Secondary dwellings and guest rooms, subject to SRC 700.070.
	N	All other single family.
Two family	N	
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
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	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	C	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters for serving for victims of domestic violence for serving 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.
	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	C	
Motor vehicle services	P	Gasoline service stations.
	C	All other motor vehicle services.
Commercial parking	P	
Park-and-ride facilities	P	
Taxicabs and car services	P	
Heavy vehicle and trailer sales	C	Truck rental and leasing.
	N	All other heavy vehicle and trailer sales.
Heavy vehicle and trailer service and storage	P	Truck stops.
	C	The following heavy vehicle and trailer service and storage activities: <ul style="list-style-type: none"> ■ Heavy vehicle and equipment operation instruction. ■ Tire retreading and tire repair shops.
	N	All other heavy vehicle and trailer service and storage.
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	Privately owned camps, campgrounds, and recreational vehicle parks.
	N	The following commercial entertainment—outdoor activities:

		<ul style="list-style-type: none"> ■ Amusement parks. ■ Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	C	
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	The following buildings and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Landscape, lawn, and garden services. ■ Tree and shrub services.
	C	Carpet and upholstery cleaning establishments.
	N	All other building and grounds services and construction contracting.
Cleaning plants	N	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	C	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	N	
Passenger ground transportation facilities	P	<u>The following passenger ground transportation facilities:</u> <ul style="list-style-type: none"> ■ Transit centers. ■ Transit stop shelters.
	C	The following passenger ground transportation facilities: <ul style="list-style-type: none"> ■ Local and suburban passenger transportation. ■ Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial.
	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	C	The following waste-related facilities are allowed conditionally: <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.

	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	New wildlife rehabilitation facility.
	P	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030. ■ Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.045.
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 CR 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 522.010(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.

Amendments to SRC Chapter 523 (General Commercial – CG Zone)

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	
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
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 for serving for victims of domestic violence for serving 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: <ul style="list-style-type: none"> ■ Nursery stock wholesalers. ■ Tractor and farm equipment wholesalers.
	C	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Firearms wholesalers. ■ Wood products and timber wholesalers.
	N	All other heavy wholesaling.
Warehousing and distribution	P	The following warehousing and distribution activities: <ul style="list-style-type: none"> ■ 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: <ul style="list-style-type: none"> ■ Industrial and institutional food service contractors.

		<ul style="list-style-type: none"> ■ 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	C	Marijuana production, when conducted indoors with an air filtration system to minimize odor impacts upon neighboring properties.
	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	<p>The following temporary uses:</p> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.0.30</u> ■ <u>Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035/701.045.</u>
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.

Amendments to SRC Chapter 524 (Central Business District – CB Zone)

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.
Three family	P	
Four family	P	
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: <ul style="list-style-type: none"> ■ Nonprofit shelters serving 6 to 75 persons.

		<ul style="list-style-type: none"> ■ 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, except for retail sales of cannabidiol (CBD) products.
	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	N	Mobile home dealers.
	P	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	P	
Commercial parking	P	<u>Commercial parking within a parking structure.</u>
	C	<u>All other commercial parking.</u>
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	NS	<u>Self-service storage within a building existing on [Insert Effective Date of Ordinance] located outside the Salem Downtown Historic District, subject to SRC 700.071.</u>
	N	<u>All other self-service storage.</u>
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.
	P	All other agriculture.
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary Uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025.

		■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007

(b) Notwithstanding Table 524-1, any permitted, special, or conditional use within the CB zone shall be a prohibited use within the zone if developed with a drive-through. 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. 524.010. Development standards.

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

(a) *Lot standards.* Lots within the CB zone shall conform to the standards set forth in Table 524-2.

TABLE 524-2. LOT STANDARDS		
Requirement	Standard	Limitations and Qualifications
Lot Area		
All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
Single family	Min. 40 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet 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.
	Min. 30 ft.	
All other uses	Min. 16 ft.	

(b) *Development density.* Development density within the CB zone shall conform to the standards set forth in table 524-3.

TABLE 524-3. DEVELOPMENT DENSITY			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Dwelling Unit Density			

<u>Two family, three family, four family, and multiple family</u>	<u>20 dwelling units per acre</u>	<u>None</u>	<u>Applicable to development that is exclusively residential.</u>
Floor Area Ratio			
<u>All uses</u>	<u>2.0 FAR</u>	<u>None</u>	

(c)(b) *Setbacks.* Setbacks within the CB zone shall be provided as set forth in Table 524-34.

TABLE 524-34. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or <u>Max.</u> 10 ft.	<u>Maximum 10-foot setback applies to those portions of a building where a plaza or other outdoor space open to the public is provided between the building and the street right-of-way.</u> <u>Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.</u>
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	<u>0 ft. or 10 ft. Min. 10 ft.</u>	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	<u>0 ft. or 10 ft. Min. 10 ft.</u>	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Front		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Side		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Rear		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	

~~(d)~~(e) *Lot coverage; height; building frontage.* Buildings and accessory structures within the CB zone shall conform to the lot coverage, ~~and height, and building frontage~~ standards set forth in Table 524-45.

TABLE 524-45. 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	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
Height		
Buildings		
All uses	<u>Min. 2 stories</u>	
	No Max.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	No Max.	
Building Frontage		
Buildings		
<u>All uses</u>	<u>Min. 90%</u>	<p><u>For corner lots, this standard applies to the street with the highest street classification. Where both streets have the same street classification, this standard shall apply to the street designated by the applicant.</u></p> <p><u>For the intersecting street, the building frontage standard shall be a minimum of 75%.</u></p>

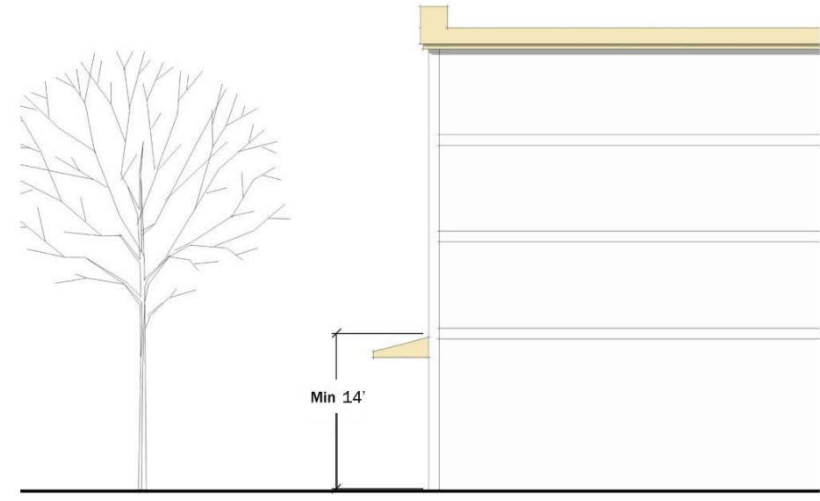
~~(e)~~(4) *Landscaping.* Landscaping within the CB zone shall be provided as set forth in this subsection.

- (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.

(f) *Design.* Development within the CB zone shall conform to the design standards set forth in this subsection; provided, however, 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 and any development within an overlay zone shall only be subject to the design standards set forth in this subsection in-lieu of the design review standards or the design review guidelines of the overlay zone. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

- (1) Ground floor building height. The ground floors of buildings shall be a minimum of 14 feet in height (see Figure 524-1). For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

FIGURE 524-1. GROUND FLOOR BUILDING HEIGHT



- (2) Building façade articulation. The ground floor facades of buildings shall be distinguished from their upper floor facades through incorporation of at least one of the following architectural detailing techniques identified in this subsection (see Figure 524-2). This standard does not apply to the repainting of the façade of an existing building.

- (A) Change in materials;
- (B) Change in color; or
- (C) Molding or other horizontally-articulated transition piece.

FIGURE 524-2. BUILDING FAÇADE ARTICULATION



- (3) Building entrances. Primary building entrances shall be provided for each building façade facing a street as follows:
- (A) For non-residential uses on the ground floor, a primary building entrance shall be provided for each non-residential ground floor tenant space facing a street. If a non-residential ground floor tenant space within a building has frontage on more than one street, a single primary building entrance for the non-residential ground floor tenant space may be provided at the corner of the building where the streets intersect.
 - (B) For residential uses on the ground floor, a primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect.
- (4) Separation of residential ground floor entrances from street. When a residential entrance is located on the ground floor of a building adjacent to a street, the entrance shall be vertically or horizontally separated from the public right-of-way as follows:
- (A) Vertical separation. Where vertical separation is provided between the residential entrance and the public right-of-way, the vertical separation shall be a minimum of 1.5 feet but not more than three feet and shall take the form of steps or a ramp to a porch, stoop or terrace (see Figure 524-3).
 - (B) Horizontal separation. Where horizontal separation is provided between the residential entrance and the public right-of-way, the horizontal separation shall be a minimum of five feet but not more than 10 feet and shall take the form of a landscaped area, such as private open space, or a hardscaped area, such as a plaza (see Figure 524-3).

FIGURE 524-3. RESIDENTIAL GROUND FLOOR ENTRANCE SEPRATION FROM STREET



- (5) Windows. Windows shall be provided throughout building facades as follows:
- (A) Ground floor windows.

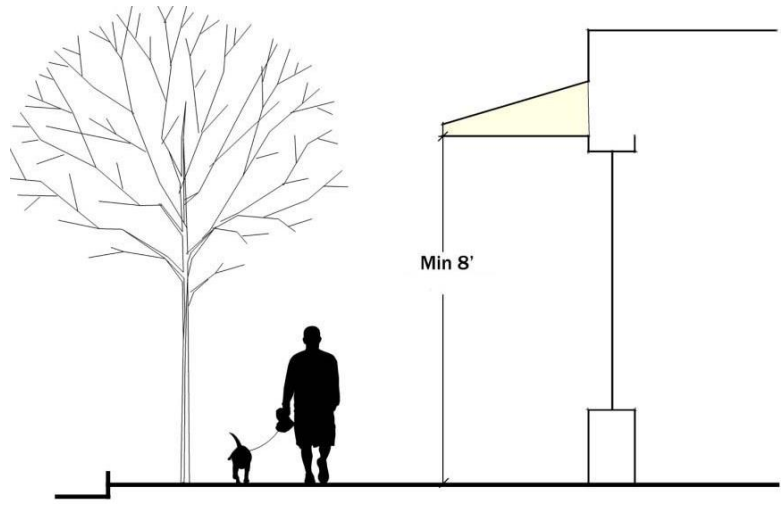
- (i) Ground floor building facades facing a street shall include transparent windows on a minimum of 65 percent of the ground floor façade (see Figure 524-4). The windows shall not be mirrored or treated in such a way to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
 - (ii) Alternative standard for existing buildings. Notwithstanding subsection (f)(5)(A)(i) of this section, where a building existing on [Insert Effective Date of Ordinance] does not include ground floor windows as required under this subsection, the percentage of transparent windows existing on the ground floor façade shall not be reduced and additional windows meeting the transparency requirements of subsection (f)(5)(A)(i) may be added without meeting the minimum 65 percent standard.
- (B) Upper floor windows. Upper floor building facades facing streets and open space shall include windows along a minimum of 30 percent of each building floor length, and on a minimum of 30 percent of the overall exterior wall area, of the upper floor façade.

FIGURE 524-4. GROUND FLOOR WINDOWS



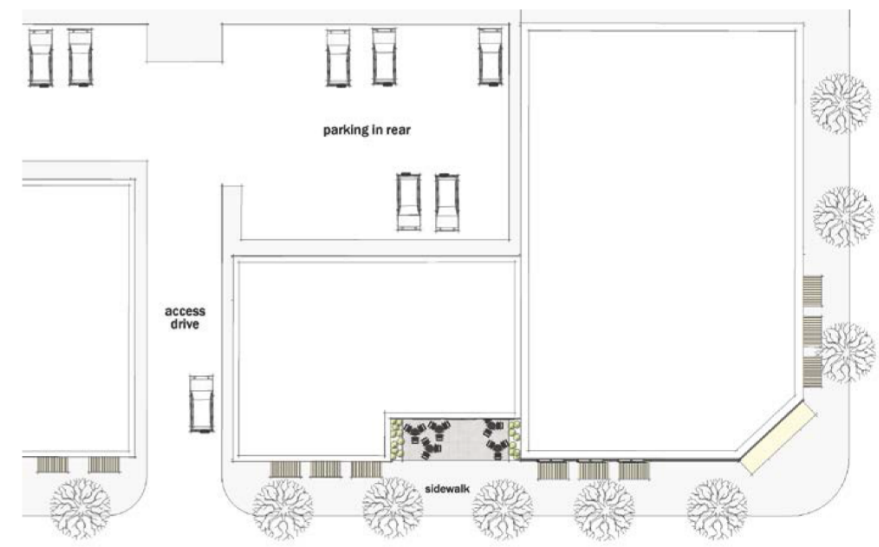
- (6) Weather protection.
- (A) Building facades facing a street shall include weather protection, in the form of awnings or canopies, along a minimum of 90 percent of the length of the ground floor building façade adjacent to a street. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet and may encroach into the public street right-of-way as provided in SRC 76.160 (see Figure 524-5).
 - (B) Alternative standard for existing buildings. Notwithstanding subsection (f)(6)(A) of this section, where a building existing on [Insert Effective Date of Ordinance], does not include weather protection as required under this subsection, the percentage of weather protection existing along the ground floor façade shall not be reduced and additional weather protection meeting the sidewalk clearance requirements of subsection (f)(6)(A) may be added without meeting the minimum 90 percent standard.

FIGURE 524-5. WEATHER PROTECTION



- (7) Balconies. Building facades facing Front Street shall provide upper floor balconies for residential units. Balconies shall be a minimum of 48 square feet in size, have no dimension less than six feet, and shall be directly accessible from each dwelling unit through a doorway.
- (8) Off-street parking location. 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 (see Figure 524-6).

FIGURE 524-6. OFF-STREET PARKING LOCATION



(9) Mechanical and service equipment. Mechanical and service equipment shall conform to the following standards:

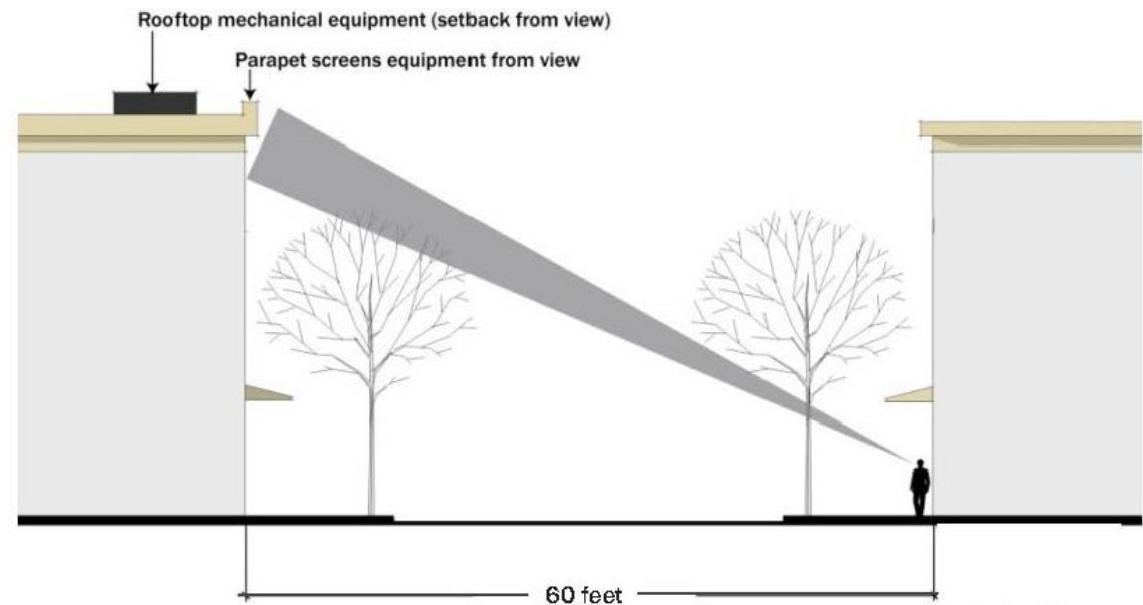
(A) Ground level mechanical and service equipment. Ground level mechanical and service equipment shall be screened with landscaping and/or a sight-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings (see Figure 524-7).

(B) Rooftop mechanical and service equipment. Rooftop mechanical and service equipment, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building. (see Figure 524-8).

FIGURE 524-7. GROUND LEVEL MECHANICAL AND SERVICE EQUIPMENT



FIGURE 524-8. ROOFTOP MECHANICAL AND SERVICE EQUIPMENT



- (10) Pedestrian walkways. Above grade pedestrian walkways may be provided, except that no above grade pedestrian walkway shall be provided to property located within the Salem Downtown Historic District.

Amendments to SRC Chapter 525 (West Salem Central Business District – WSCB Zone)

Sec. 525.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the WSCB zone are set forth in Table 525-1.

**TABLE 525-1
USES**

Table 525-1: Uses		
Use	Status	Limitations and Qualifications
Household living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	P	
Three family	P	
Four family	P	
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	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	P	
Non-profit shelters	P	The following non-profit shelter activities: <ul style="list-style-type: none"> ■ Non-profit shelters serving 5 or fewer persons. ■ Non-profit shelters for victims of domestic violence serving 10 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
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	N	
Motor vehicle services	N	
Commercial parking	P	
Park-and-ride facilities	P	
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	
Commercial entertainment—outdoor	P	The following commercial entertainment—outdoor activities: ■ Outdoor swimming pools
	N	All other commercial entertainment—outdoor
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Non-profit 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	N	
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	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.
	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	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	C	The following waste-related facilities: ■ 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
	P	All other agriculture
Forestry	P	

Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	Wildlife rehabilitation facility
	P	
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.

- (b) Prohibited uses. Notwithstanding Table 525-1, any permitted, special, or conditional use within the WSCB District shall be a prohibited use if developed with a drive-through.
- (c) Continued uses. Land uses existing within the WSCB zone prior to June 13, 2018, which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 525.010(a).
 - (2) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.
 - (3) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the WSCB zone.

Amendments to SRC Chapter 530 (Fairview Mixed-Use – FMU Zone)

Sec. 530.001. Purpose.

The purpose of the Fairview Mixed-Use (FMU) Zone is to implement the mixed-use designation of the Salem Area Comprehensive Plan by establishing a master planning process through which allowed uses are identified and ~~development standards are~~ for development within the zone are -established that:

- (a) Encourage innovative planning resulting in mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
- (b) Encourage the innovative integration of park and school uses;
- (c) Encourage developments that recognize the relationship between buildings, their use, open space, and infrastructure; providing varied opportunities for innovative and diversified living environments in line with the principles of sustainable development and sustainable business practices;
- (d) Support affordable housing options and mixed-income neighborhoods;

- (e) Facilitate the resourceful use of land through the arrangement of land uses, buildings, circulation systems, open space, and infrastructure;
- (f) Encourage economic opportunity;
- (g) Preserve, to the greatest extent possible, existing natural areas and open space that may not otherwise be protected through conventional development;
- (h) Recognize and preserve the historical and archeological significance of buildings, structures, and sites, and encourage historic resource designation of those buildings, structures, and sites that merit official recognition; and
- (i) Encourage energy conservation and improved air and water quality.

Sec. 530.005. 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:

Building footprint means the total area enclosed by the exterior walls of a building at ground level, exclusive of courtyards.

Development means the construction or demolition of a building or structure; or alterations or improvements to the land, including, but not limited to, grading, for the purposes of enhancing its economic value or productivity.

Master plan means a comprehensive long-range plan intended to guide the growth and development of a region and that includes analysis, recommendations, and proposals for the region's population, economy, housing, transportation, community facilities, natural resources, and land use.

Mixed-use building means a single building containing a combination of residential and non-residential uses more than one type of land use such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

Natural open space means open space consisting of natural landscape set aside for the purpose of preservation or conservation of natural resources, natural features, habitat, or scenic/aesthetic values. Natural open space may include paths and trails.

Sec. 530.015. Development within the FMU zone.

All development within the FMU zone shall be undertaken pursuant to the ~~fairview~~ Fairview plan, a refinement plan, and the development standards set forth in this chapter.

Sec. 530.020. Fairview plan.

The ~~fairview~~ Fairview plan is a master plan that identifies the goals and policies, ~~and serves as the guiding document,~~ for development within the FMU zone. ~~Unless otherwise provided in this chapter, the fairview plan controls all development proposed to be undertaken within the FMU zone.~~

- (a) *Applicability.* An approved ~~fairview~~ Fairview plan shall be required prior to the approval of any refinement plan.
- (b) *Procedure type.* An application for the ~~fairview~~ Fairview 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 the ~~fairview~~ Fairview plan shall include the following in the form of map(s), text, or both, as applicable:
 - (1) A description of the purpose, main concepts, goals, policies, and general development guidelines for development within the FMU zone in light of the purpose of this chapter.

- (2) A conceptual open space plan for the entire FMU zone identifying an integrated network of open spaces for the purpose of preserving and enhancing identified natural drainage patterns, significant trees and vegetation, and wetlands; responding to significant topographical features; and providing opportunities for active and passive recreation.
- (3) A conceptual transportation and mobility plan for the entire FMU zone addressing the integration of pedestrian, transit, and vehicular use on the site and providing safe and efficient pedestrian, bicycle, and other non-single occupancy vehicle (SOV) mobility; promoting transit; and reducing SOV trips.
- (4) A transportation impact analysis (TIA) of the major transportation and circulation elements intended to serve the FMU zone.
- (5) A site analysis, which shall include the following:
 - (A) Identification of significant natural and built constraints of the site and surroundings;
 - (B) Identification of existing and potential transit connections;
 - (C) Identification of adjacent parcels and structures within 150 feet of the FMU zone boundary;
 - (D) On-site open space, recreational facilities, parks, and trails;
 - (E) Identification and delineation of existing natural resources, including, but not limited to, wetlands, as identified on the Local Wetlands Inventory, perennial and intermittent streams, and significant tree stands or groves. Proposed methods for the preservation or conservation of these resources shall be identified, with attention given to the Natural Resource Guidelines under 530.065;
 - (F) Identification of existing structures, roads, and other development;
 - (G) Identification of existing provisions for city infrastructure and utilities;
 - (H) Identification of area hydrology and water resources;
 - (I) Identification of existing topography and slope;
 - (J) General geologic character of the site;
 - (K) Identification of general soil types on the site;
 - (L) Identification and visual analysis of area viewsheds; and
 - (M) An inventory of buildings, structures, sites, objects, and known archeological sites which possess the criteria for historic resource designation under SRC chapter 230. The inventory shall identify any buildings, structures, sites, objects, or known archeological sites for which official historic resource designation will be sought. The inventory may identify any buildings, structures, or sites designated by the applicant as "historically significant" that may be adaptively reused or renovated, but for which historic resource designation will not be sought.
- (d) *Criteria.* The ~~fairview~~ Fairview plan shall be approved if all of the following criteria are met:
 - (1) The plan conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (2) The plan is compatible with adjoining land uses.
 - (3) The plan is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (4) The plan conforms to the following goals:

- (A) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
- (B) Encourage the innovative integration of park and school uses;
- (C) Encourage the principles of sustainable development and sustainable business practices;
- (D) Support affordable housing options and mixed-income neighborhoods;
- (E) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
- (F) Encourage economic opportunities that comply with and support business practices;
- (G) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
- (H) Encourage energy conservation and improved air and water quality.

Sec. 530.025. Amendments to the ~~fairview~~ Fairview plan.

(a) *Applicability.* An amendment to the Fairview plan is an amendment to the text and/or supporting documents of the plan. Except as provided under SRC 530.030 for the approval of refinement plans, No-no amendment to the ~~fairview~~ Fairview plan shall be made without receiving approval as set forth in this section.

~~(b) Classes.~~

~~(1) Minor amendment. A minor amendment is any amendment to the fairview plan that does not result in a substantial change to the fairview plan.~~

~~(2) Major amendment. A major amendment is any amendment to the fairview plan that results in a substantial change to the fairview plan. A substantial change to the fairview plan includes, but is not limited to, one that:~~

~~(A) Varies or changes a fairview plan policy;~~

~~(B) Increases or decreases the number of proposed residential units per acre by more than 20 percent or exceeds the maximum number of dwelling units permitted within the FMU zone;~~

~~(C) Changes designated buffers, perimeter landscaping, or significant natural resource areas delineated in the fairview plan that were established to adapt the FMU zone to specific site characteristics or mitigate development impacts on the site and surrounding area;~~

~~(D) Varies the building height, FAR, lot coverage, or building setbacks by more than 20 percent of that delineated in the adopted fairview plan;~~

~~(E) Results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the fairview plan;~~

~~(F) Cumulatively results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the fairview plan as a consequence of more than one non-substantial change submitted concurrently; or~~

~~(G) Results in a significant change in pedestrian or vehicular traffic circulation within the FMU zone or in the surrounding area.~~

(b) *Standing to initiate Fairview plan amendment.* An amendment to the Fairview plan may only be initiated by an owner of property within the FMU zone, or that owner's agent, the Council, or the Planning Commission.

- (c) *Procedure type.* An amendment to the Fairview plan is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. An amendment to the Fairview plan initiated by the City is processed as a Type IV procedure under SRC chapter 300.
- (1) ~~Minor amendment. A minor amendment is processed as a Type II procedure under SRC chapter 300.~~
- (2) ~~Major amendment. A major amendment is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. A major amendment initiated by the City is processed as a Type IV procedure under SRC chapter 300.~~
- (d) *Submittal requirements.* In addition to the submittal requirements for a ~~Type II or~~ Type III application under SRC chapter 300, an application for an ~~minor or major~~ amendment to the ~~fairview~~ Fairview plan shall include:
- (1) The specific amendment proposed; and
 - (2) A statement documenting the need for the amendment.
- (e) *Criteria.*
- (1) ~~Minor amendment. A minor amendment shall be approved if all of the following criteria are met:~~
- (A) ~~The proposed amendment does not substantially change the fairview plan.~~
 - (B) ~~The proposed amendment will not unreasonably impact surrounding existing or potential uses or development.~~
- (2) ~~Major amendment. An major amendment to the Fairview plan shall be approved if all of the following criteria are met:~~
- (1)(A) The proposed amendment conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (2)(B) The proposed amendment is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - (3)(C) The proposed amendment is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (4)(D) The proposed amendment conforms to the following goals:
 - (A)(i) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - (B)(ii) Encourage the innovative integration of park and school uses;
 - (C)(iii) Encourage the principles of sustainable development and sustainable business practices;
 - (D)(iv) Support affordable housing options and mixed-income neighborhoods;
 - (E)(v) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
 - (F)(vi) Encourage economic opportunities that comply with and support business practices;
 - (G)(vii) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
 - (H)(viii) Encourage energy conservation and improved air and water quality.

Sec. 530.030. Refinement plans.

Refinement plans are detailed regulatory plans that further refine and implement the fairview-Fairview plan in specific areas of the FMU zone based on more detailed site planning, design, and engineering than was conducted with the Fairview Plan. Refinement plans act as amendments to the Fairview plan for the specific affected area of the FMU zone and become the controlling document for development within the refinement plan area. Standards and processes stipulated in an approved refinement plan supersede the standards and processes of the UDC and shall be used as review criteria for any specific development proposal within the area covered by the refinement plan.

- (a) *Applicability.* An approved refinement plan shall be required prior to development within the FMU zone.
- (b) *Minimum refinement plan area.* The area subject to a refinement plan shall contain no less than 40 acres.
- (c) *Procedure type.* An application for a refinement plan is processed as a Type III procedure under SRC chapter 300.
- (d) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a refinement plan shall include the following in the form of map(s), text, or both, as applicable:
 - (1) An illustrative site plan;
 - (2) An identification of those land uses allowed under SRC 530.040 that are proposed to be allowed in the refinement plan area;
 - (3) A general allocation and identification of major proposed land uses, including residential by density range, nonresidential, open space, and recreational land uses;
 - (4) The name, location, and width of existing streets located within the refinement plan area;
 - (5) The name, location, and width of proposed streets located within the refinement plan area;
 - (6) Typical street cross-sections;
 - (7) Detailed standards governing development within the refinement plan area, such as performance standards and standards for development densities, building and accessory structure height, floor area and FAR, open space, lot area and lot coverage, parking, landscaping, and other site improvements;
 - (8) Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
 - (9) An identification and inventory of all wetland and riparian resources and all intermittent and perennial waterways;
 - (10) An identification and inventory of all trees regulated under SRC chapter 808;
 - (11) Where applicable, the proposed methods of protection or conservation of natural features, historic structures, and view sheds;
 - (12) Proposed method for the perpetual maintenance of any common open space and common facilities;
 - (13) Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is to be public or private;
 - (14) Standards for phasing and construction of streets proposed within the refinement plan area, or needed for servicing the area, as identified in the required studies submitted with the refinement plan;

- (15) Location and extent of proposed provision for sewage disposal, effluent use, stormwater drainage, and utilities;
 - (16) Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities, as identified in the required studies submitted with the refinement plan;
 - (17) A phasing plan for the following, as applicable:
 - (A) The preservation of site features established by the ~~fairview~~Fairview plan;
 - (B) The development of the refinement plan area; and
 - (C) The construction, dedication, and provision of infrastructure and public services;
 - (18) A draft form of financial assurances to be recorded prior to refinement plan approval;
 - (19) A detailed explanation of how and to what extent the refinement plan is to supplement or supersede city standards;
 - (20) Standards for the interpretation of the refinement plan regulations and requirements;
 - (21) Development design guidelines and applicable approval process;
 - (22) General landscape plan;
 - (23) General drainage plan;
 - (24) An update to the traffic impact analysis (TIA) approved for the ~~fairview~~Fairview plan that includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development;
 - (25) Impacts on existing structures and other development;
 - (26) Impacts on existing infrastructure and public services; and
 - (27) Location of any buildings, structures, sites, objects, or known archeological sites identified in the ~~fairview~~Fairview plan inventory of buildings, structures, sites, objects, or known archeological sites which possess the criteria for historic resource designation under SRC chapter 230, or which have been designated as "historically significant" in the ~~fairview~~Fairview plan inventory pursuant to SRC 530.020(c)(5)(M).
- (e) *Criteria.* A refinement plan shall be approved if all of the following criteria are met:
- (1) The refinement plan substantially conforms ~~is consistent~~ with the ~~fairview plan~~*Fairview Training Center Redevelopment Master Plan*, provided that any plans or drawings depicting the layout of the development, including, but not limited to, the location of streets, City utilities, paths/trails, open space, buildings, or specific uses are conceptual in nature and may be revised by the refinement plan in substantial conformance with the applicable sustainable land use principles of the plan.
 - (2) The refinement plan conforms with the applicable provisions of the Salem Area Comprehensive Plan.
 - (3) The refinement plan is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - (4) The refinement plan is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (5) The refinement plan conforms to all applicable standards of the UDC, except where alternative standards are proposed.

- (6) The refinement plan conforms to the following goals:
 - (A) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - (B) Encourage the innovative integration of park and school uses;
 - (C) Encourage the principles of sustainable development and sustainable business practices;
 - (D) Support affordable housing options and mixed-income neighborhoods;
 - (E) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
 - (F) Encourage economic opportunities that comply with and support business practices;
 - (G) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
 - (H) Encourage energy conservation and improved air and water quality.

Sec. 530.035. Amendments to refinement plans.

- (a) *Applicability.* An amendment to a refinement plan is an amendment to the text and/or supporting documents of a refinement plan. No amendment to a refinement plan shall be made without receiving approval as set forth in this section. An amendment to a refinement plan does not include an application requesting a variance or adjustment to deviate from the development standards of a refinement plan for a particular property.
- (b) *Classes.*
 - (1) *Minor amendment.* A minor amendment is any amendment to ~~a the text and/or supporting documents of a refinement plan~~ that does not result in a substantial change to the ~~refinement~~ plan.
 - (2) *Major amendment.* A major amendment to a refinement plan is any amendment to ~~a the text and/or supporting documents of a refinement plan~~ that results in a substantial change to the ~~refinement~~ plan. A substantial change to a refinement plan ~~includes, but is not limited to,~~ is one that:
 - (A) Changes the uses allowed within the refinement plan;
 - (B) Varies or changes a ~~fairview-refinement~~ plan policy;
 - (C) Increases or decreases the number of proposed residential units per acre by more than 20 percent or exceeds the maximum number of dwelling units permitted within the FMU zone;
 - (D) Changes designated buffers, perimeter landscaping, or significant natural resource areas that were established to adapt the ~~FMU zone~~ refinement plan to specific site characteristics or mitigate development impacts on the site and surrounding area;
 - (E) ~~Varies the~~ Changes building height, FAR, lot coverage, building setbacks, or other development standards by more than 20 percent of that delineated in the refinement plan;
 - (F) Cumulatively results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines and standards of the refinement plan, as a consequence of more than one non-substantial change submitted concurrently; or
 - (G) Results in a significant change in pedestrian or vehicular traffic circulation within the ~~FMU zone~~ refinement plan or in the surrounding area.
- (c) Standing to initiate refinement plan amendment. A minor amendment or major amendment to a refinement plan may only be initiated by an owner of property within the refinement plan, or that owner's agent, the Council, or the Planning Commission.

- (c) *Procedure type.*
 - (1) *Minor amendment.* A minor amendment is processed as a Type II procedure under SRC chapter 300.
 - (2) *Major amendment.* A major amendment is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. A major amendment initiated by the City is processed as a Type IV procedure under SRC chapter 300.
- (d) *Submittal requirements.* In addition to the submittal requirements for a Type II or Type III application under SRC chapter 300, an application for a minor or major amendment to a refinement plan shall include:
 - (1) The specific amendment proposed; and
 - (2) A statement documenting the need for the amendment.
- (e) *Criteria.*
 - (1) *Minor amendment.* A minor amendment shall be approved if all of the following criteria are met:
 - (A) The proposed amendment does not substantially change the refinement plan.
 - (B) The proposed amendment will not unreasonably impact surrounding existing or potential uses or development.
 - (2) *Major amendment.* A major amendment shall be approved if all of the following criteria are met:
 - (A) The proposed amendment conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (B) The proposed amendment is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - (C) The proposed amendment is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (D) The proposed amendment conforms to the following goals:
 - (i) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - (ii) Encourage the innovative integration of park and school uses;
 - (iii) Encourage the principles of sustainable development and sustainable business practices;
 - (iv) Support affordable housing options and mixed-income neighborhoods;
 - (v) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
 - (vi) Encourage economic opportunities that comply with and support business practices;
 - (vii) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
 - (viii) Encourage energy conservation and improved air and water quality.

Sec. 530.040. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the FMU zone are set forth in Table 530-1.

TABLE 530-1. USES		
Use	Status	Limitations & Qualifications

	LI	MI	AU	VC	
Household Living					
Single family	P	P	P	P	The following single family activities: ■ Single family detached dwelling. ■ Residential home, as defined under ORS 197.660.
	N	P	P	P	Townhouse.
	N	P	P	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	S	S	S	Manufactured home, subject to SRC 700.025.
	N	N	N	N	All other single family.
Two family	N	P	P	P	
Three family	N	P	P	P	
Four family	N	P	P	P	
Multiple family	N	P	P	P	
Group Living					
Room and board	N	P	P	P	Room and board serving 5 or fewer persons.
	N	N	N	N	All other room and board.
Residential care	N	P	P	P	Residential facility, as defined under ORS 197.660.
	N	N	P	P	All other residential care.
Nursing care	N	P	P	P	
Lodging					
Short-term commercial lodging	N	P	P	P	Short-term rentals.
	N	N	P	P	All other short-term commercial lodging.
Long-term commercial lodging	N	P	P	P	
Nonprofit shelters	N	N	N	N	
Retail Sales and Service					
Eating and drinking establishments	N	P	P	P	
Retail sales	N	P	P	P	
Personal services	N	P	P	P	
Postal services and retail financial services	N	P	P	P	
Business and Professional Services					
Office	N	P	P	P	
Audio/visual media production	N	P	P	P	
Laboratory research and testing	N	P	P	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services					
Motor vehicle and manufactured dwelling and trailer sales	N	N	N	N	Manufactured dwelling and prefabricated structure sales.
	N	N	P	P	Motor vehicle, recreational vehicle, and trailer rental.
	N	N	C	C	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	N	N	P	P	
Commercial parking	N	N	P	P	

Park-and-ride facilities	N	N	P	P	
Taxicabs and car services	N	N	P	P	
Heavy vehicle and trailer sales	N	N	C	N	
Heavy vehicle and trailer service and storage	N	N	P	N	
Recreation, Entertainment, and Cultural Services and Facilities					
Commercial entertainment—indoor	N	C	C	C	Nightclubs, located within 200 feet of a residential zone.
	N	P	P	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	P	P	P	
Major event entertainment	N	N	N	N	
Recreational and cultural community services	N	P	P	P	
Parks and open space	P	P	P	P	
Nonprofit membership assembly	N	P	P	P	
Religious assembly	N	P	P	P	
Health Services					
Medical centers/hospitals	N	N	N	N	
Outpatient medical services and laboratories	N	P	P	P	
Educational Services					
Day care	N <u>P</u>	P	P	P	The following day care activities: ■ Child day care home. ■ Adult day care home.
	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Adult day care home.</u>
	N	N	P	P	All other day care.
Basic education	N	P	P	P	
Post-secondary and adult education	N	N	P	P	
Civic Services					
Governmental services	N	P	P	P	
Social services	N	N	P	P	
Governmental maintenance services and construction	N	N	N	N	
Public Safety					
Emergency services	N	N	P	P	The following emergency services activities: ■ Ambulance station. ■ Ambulance service facility.
	N	P	P	P	All other emergency services.
Detention facilities	N	N	N	N	
Military installations	N	P	P	P	
Funeral and Related Services					
Cemeteries	N	P	P	P	
Funeral and cremation services	N	N	P	P	
Construction Contracting, Repair, Maintenance, and Industrial Services					
General repair services	N	N	P	P	
Building and grounds services and construction contracting	N	N	P	N	

Cleaning plants	N	P	P	P	
Industrial services	N	N	P	N	
Wholesale Sales, Storage, and Distribution					
General wholesaling	N	N	P	N	
Heavy wholesaling	N	N	N	N	
Warehousing and distribution	N	N	P	P	
Self-service storage	N	N	P	P	
Manufacturing					
General manufacturing	N	C	P	C	
Heavy manufacturing	N	N	N	N	
Printing	N	C	P	C	
Transportation Facilities					
Aviation facilities	N	N	N	N	
Passenger ground transportation facilities	P	P	P	P	Transit stop shelters.
	N	N	P	P	All other passenger ground transportation facilities.
Marine facilities	N	N	N	N	
Utilities					
Basic utilities	P	P	P	P	
Wireless communication facilities	Allowed				Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	N	N	N	
Power generation facilities	N	N	N	N	
Data center facilities	N	N	P	N	
Fuel dealers	N	N	P	N	
Waste-related facilities	N	P	P	P	Recycling depot.
	N	N	N	N	All other waste-related facilities.
Mining and Natural Resource Extraction					
Petroleum and natural gas production	N	N	N	N	
Surface mining	N	N	N	N	
Farming, Forestry, and Animal Services					
Agriculture	N	N	N	N	Marijuana production.
	P	P	P	P	All other agriculture.
Forestry	N	P	P	N	
Agriculture and forestry services	N	N	P	N	
Keeping of livestock and other animals	N	N	N	N	
Animal services	N	P	P	P	Small animal veterinary services.
	N	N	N	N	All other animal services.
Other Uses					
Accessory short-term rentals	S	-	-	-	Accessory short-term rental, subject to SRC 700.006
Temporary uses	N	P	P	P	Residential sales/development office, subject to SRC 701.030.
	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Managed temporary village, subject to SRC 701.030, when located on the site of a religious assembly use.</u>

	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>Managed temporary village, subject to SRC 701.030, when not located on the site of a religious assembly use.</u>
	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Emergency shelter, subject to SRC 701.025, when located on the site of a religious assembly use.</u>
	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>Emergency shelter, subject to SRC 701.025, when not located on the site of a religious assembly use.</u>
Home occupations	S	S	S	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	P	P	P	P	
Taking of boarders or leasing of rooms by a resident family	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>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.</u>

- (b) *Additional prohibited uses.* Notwithstanding Table 530-1, eating and drinking establishments otherwise permitted within the FMU zone shall be a prohibited use within the FMU zone if developed with a drive-through.

Amendments to SRC Chapter 531 (South Waterfront Mixed-Use – SWMU Zone)

Sec. 531.010. Uses.

- (a) *General.* The permitted (P), special (S), conditional (C), and prohibited (N) uses in the SWMU zone are set forth in Table 531-1.

TABLE 531-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	P	Duplex.
	N	All other two family.
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	N	
Residential care	P	The following residential care activities: <ul style="list-style-type: none"> ■ Residential facility, as defined under ORS 197.660. ■ Assisted living.

	N	All other residential care.
Nursing care	P	In-patient rehabilitation and recuperative care.
	N	All other nursing care.
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	N	All other nonprofit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	Eating and drinking establishments, subject to SRC 531.010(c).
Retail sales	P	Retail sales, subject to SRC 531.010(c).
Personal services	P	Personal services, subject to SRC 531.010(c).
Postal services and retail financial services	P	Postal services and retail financial services, subject to SRC 531.010(c).
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	Laboratory research and testing, subject to SRC 531.010(c).
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	P	Indoor sales and leasing, subject to SRC 531.010(c).
	N	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	N	
Commercial parking	N	Commercial parking on surface parking lots.
	P	All other commercial parking, subject to SRC 531.010(c).
Park-and-ride facilities	P	
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	N	Firing ranges.
	P	All other commercial entertainment—indoor is permitted.
Commercial entertainment—outdoor	N	The following commercial entertainment—outdoor activities: <ul style="list-style-type: none"> ■ Recreational vehicle parks. ■ Firing ranges.
	P	All other commercial entertainment—outdoor.
Major event entertainment	N	
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	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	General repair services, subject to SRC 531.010(c).
Building and grounds services and construction contracting	N	The following building and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Lawn and garden services. ■ Exterminators.
	P	All other building and grounds services and construction contracting, subject to SRC 531.010(c).
Cleaning plants	P	Cleaning plants, subject to SRC 531.010(c).
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	P	General manufacturing, subject to SRC 531.010(c).
Heavy manufacturing	N	
Printing	P	Printing, subject to SRC 531.010(c).
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	
Marine facilities	P	
Utilities		
Basic utilities	P	

Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.

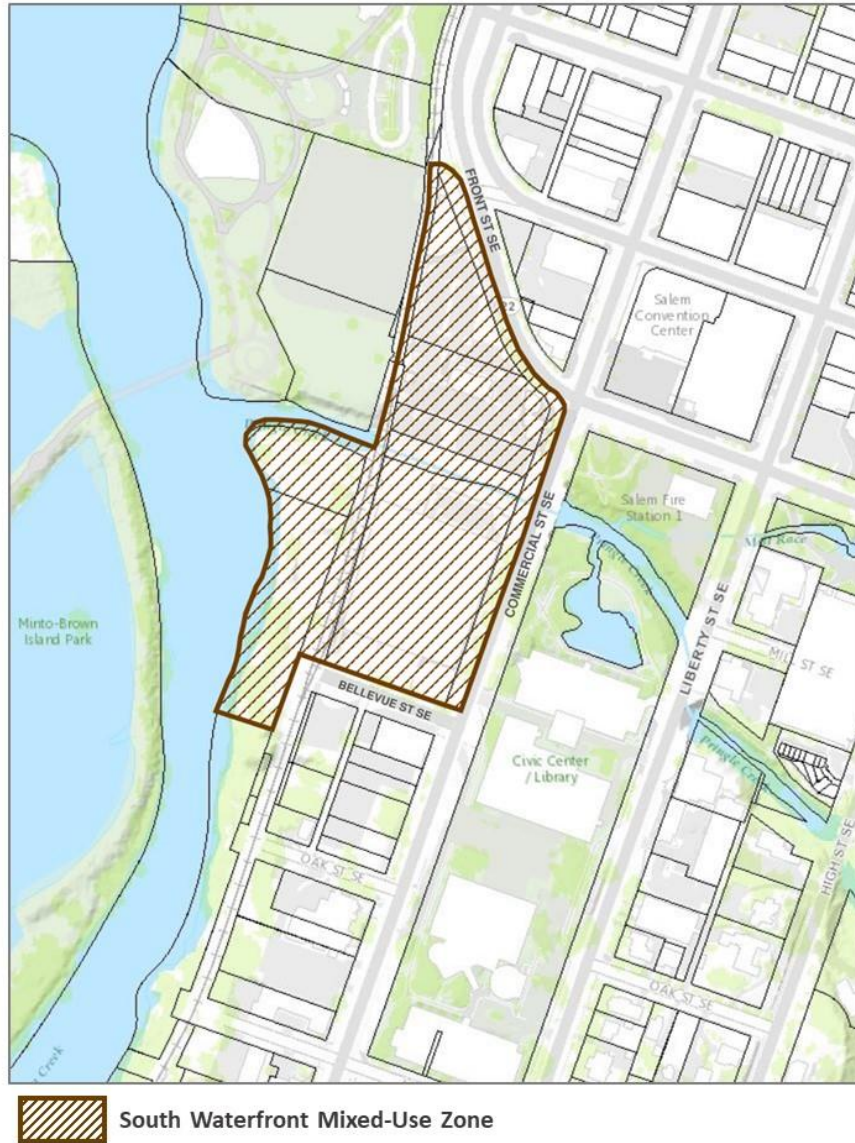
- (b) *Additional prohibited uses.* Notwithstanding Table 531-1, any permitted, special, or conditional use within the SWMU zone less than 10,000 square feet in total floor shall be a prohibited use within the SWMU zone if developed with a drive-through.
- (c) *Limitations on uses.* Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:
- (1) Establishments under the following uses shall be limited to no more than 10,000 square feet of total floor area per establishment:
 - (A) Laboratory research and testing.
 - (B) Building and grounds services and construction contracting.
 - (C) Cleaning plants.
 - (D) General manufacturing.
 - (E) Printing.
 - (2) The total floor area of all establishments falling under motor vehicle and manufactured dwelling and trailer sales shall be limited to a maximum of 20,000 square feet.
 - (3) Buildings for establishments under the following uses shall be limited to no more than 40,000 square feet of ground floor area:
 - (A) Retail sales, with the exception of grocery stores. Grocery stores shall be limited to buildings with no more than 60,000 square feet of ground floor area.

- (B) Personal services.
 - (C) Postal services and retail financial services.
 - (D) General repair services.
 - (E) Animal services.
- (4) Buildings for establishments under the following uses shall be limited to no more than 60,000 square feet of ground floor area:
- (A) Eating and drinking establishments.
 - (B) Commercial entertainment—indoor.
 - (C) Commercial entertainment—outdoor.
- (5) Commercial Parking shall be limited to the following locations:
- (A) Structures existing as of January 7, 2009, that have been rehabilitated or remodeled to allow for the use of the structure for parking.
 - (B) Underground parking structures.
 - (C) Any other structures, provided:
 - (i) No more than 25 percent of the parking spaces within an individual structure shall be used for commercial parking.
 - (ii) The total number of parking spaces within the structures shall not exceed the maximum number of parking spaces allowed for each use pursuant to SRC chapter 806.
- (d) *Mix of uses required.*
- (1) Within the SWMU zone a minimum of 15 percent of each development site shall be household living and a minimum of 15 percent of each development site shall be other than household living. The percentage shall be calculated by determining the percentage of total habitable building floor area devoted to household living activities and the total habitable building floor area devoted to activities other than household living, relative to the total habitable building floor area, exclusive of parking structures and other non-habitable space. Total habitable building floor area used for short-term commercial lodging may be substituted for up to 25 percent of the required household living area.
 - (2) The required mix of uses may be reduced to a minimum of five percent provided the following are met:
 - (A) There is a vertical mix of uses in one or more mixed-use buildings. The mix shall include space for activities other than household living on at least a portion of the ground floor and household living activities on one or more upper floors; and
 - (B) All ground floor household living activities facing a public street shall maintain a minimum structural ceiling height of 12 feet to provide the opportunity for future conversion to activities other than household living.

Sec. 531.035. Design review guidelines and design review standards.

- (a) *Pedestrian-oriented building design: general.* The design review guidelines and design review standards set forth in this subsection apply to buildings throughout the entire south waterfront mixed-use zone (see Figure 531-1); provided, however, the design review guidelines and design review standards do not apply to building facades that are both facing and located within 80 feet of the railroad right-of-way.

FIGURE 531-1. SOUTH WATERFRONT MIXED-USE ZONE



- (1) *Building facades.*
 - (A) *Design review guidelines.*
 - (i) Architectural detailing shall be incorporated that visually divides and breaks up the building's vertical mass in a manner that is complimentary to Downtown Salem's existing building stock.
 - (B) *Design review standards.*
 - (i) All buildings, regardless of height or number of stories, shall divide vertical mass into three clear and distinct zones: a base, middle, and top (see Figure 531-2). The base must at least encompass the first full building floor above grade. Vertical building mass shall be divided by using one or more of the following architectural detailing techniques to differentiate the base, middle, and top of the building:
 - (aa) Horizontal bands, such as string courses or projecting cornices. Horizontal bands shall be a minimum of eight inches in height and must project a minimum of three-fourth inch from the building facade. Cornices must project a minimum of one foot, but not more than five feet, from the facade of the building.
 - (bb) Changes in building form/massing through the use of building offsets or projections measuring a minimum of three feet in depth.
 - (cc) Changes in color, pattern, and/or material. If changes in color, pattern, and/or material are utilized as an architectural detailing technique, it must be used in combination with one or more of the other identified architectural detailing techniques.

FIGURE 531-2. DIVISION OF VERTICAL BUILDING MASS (BASE, MIDDLE, AND TOP)



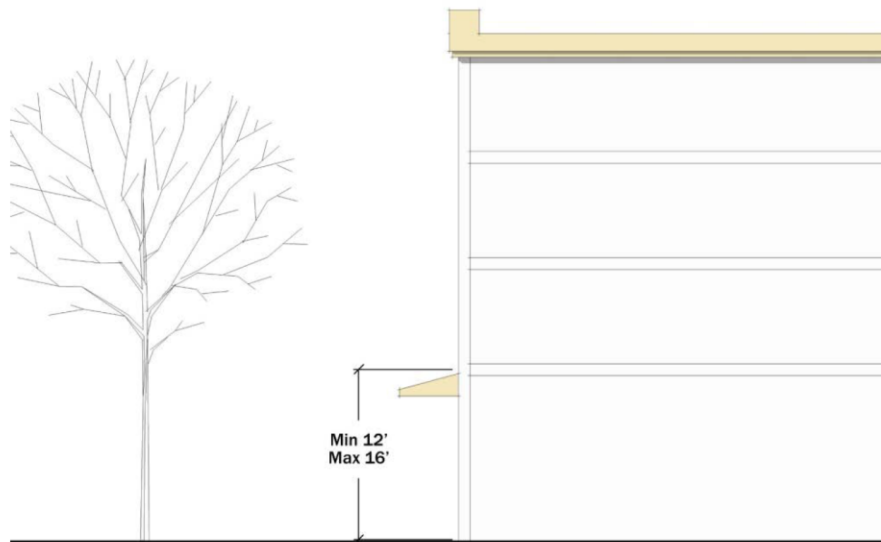
- (2) *Ground floor height.*
 - (A) *Design review guidelines.*
 - (i) The ground floors of buildings along streets, or facing open space, shall be of sufficient height to be easily converted to commercial use. If a raised foundation or one-half story of visible below grade parking is provided, this level shall enhance the pedestrian environment along

the sidewalk through landscaping or other techniques to ensure a pedestrian-friendly environment.

(B) *Design review standards.*

- (i) The ground floors of buildings along streets, or facing open space, shall be a minimum of 12 feet, but not more than 16 feet, in height (see Figure 531-3). For the purposes of this standard, ground floor height is measured from the top of the building foundation to the ceiling of the first floor.

FIGURE 531-3. GROUND FLOOR HEIGHT



(3) *Building transparency.*

(A) *Design review guidelines.*

- (i) Ground floor building facades facing streets and open space shall include large transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.
- (ii) Windows on ground floor and upper floor building facades shall be provided to ensure that public and private open spaces are safe and secure at all times by providing sufficient "eyes" on streets, courtyards, forecourts, plazas, and parks.

(B) *Design review standards.*

- (i) Ground floor building facades facing streets and open space shall include transparent windows along a minimum of 60 percent of the length, and on a minimum of 60 percent of the overall area, of the ground floor facade (see Figure 531-4). This includes ground floor facades facing streets, Pringle Creek, public open spaces, and private open spaces such as forecourts or plazas. For purposes of this standard, ground floor facade area includes exterior wall areas up to 12 feet above finished grade. Loading and service areas, ground floor parking, one-half story below grade visible parking, above grade raised foundations, and ground floor residential dwelling units are exempt from this requirement.
- (ii) Ground floor windows shall have a minimum visible transmittance (VT) of 60 percent; provided, however, medical and dental offices may have tinted windows.
- (iii) Upper floor building facades facing streets and open space shall include vertically-oriented windows along a minimum of 30 percent of each building floor length, and on a minimum of 30 percent of the overall exterior wall area, of the upper floor facade.

FIGURE 531-4. BUILDING TRANSPARENCY



- (4) *Primary building entries.*
 - (A) *Design review guidelines.*
 - (i) Primary building entries shall be inviting to pedestrians and promote a sense of interaction between the public and private realms. Opaque doors shall be avoided.
 - (ii) Building entries shall create a "transition zone" between the public realm on the sidewalk and the private realm within the building.
 - (B) *Design review standards.*
 - (i) Primary building entries shall be comprised of a minimum of 40 percent transparent glass (see Figure 531-5). The glass shall have a minimum visible transmittance (VT) of 60 percent.

Opaque doors are not permitted. Entries opening directly into individual residential dwellings are exempt from this requirement.

(ii) Primary building entries shall:

- (aa) Include weather protection, in the form of awnings or canopies. Awnings and canopies shall have a minimum depth of five feet, and shall have a minimum clearance height above the sidewalk of eight feet and a maximum clearance height above the sidewalk of 13 feet six inches (see Figure 531-6); or
- (bb) Be recessed into the building facade a minimum depth of three feet (see Figure 531-7).

FIGURE 531-5. TRANSPARENT BUILDING ENTRIES



FIGURE 531-6. PRIMARY ENTRY AWNING/CANOPY DIMENSIONS

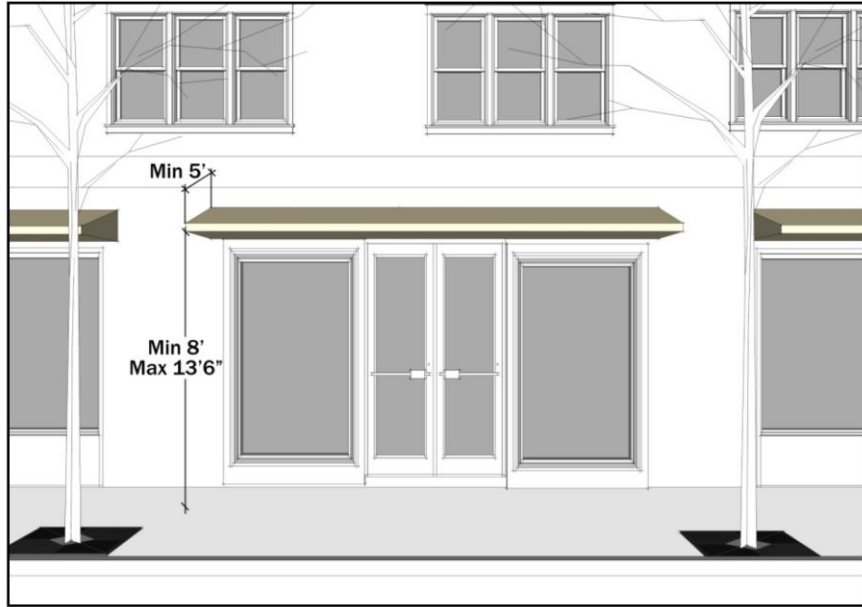


FIGURE 531-7. RECESSED ENTRY DIMENSIONS



(5) *Mechanical and service equipment.*

(A) *Design review guidelines.*

- (i) Ground level and rooftop mechanical and service equipment shall be visually screened and, whenever possible, located so it is not visible from public sidewalks and open spaces.
- (ii) Maximize opportunities to incorporate sustainable energy measures, such as solar panels and wind generators, into buildings.

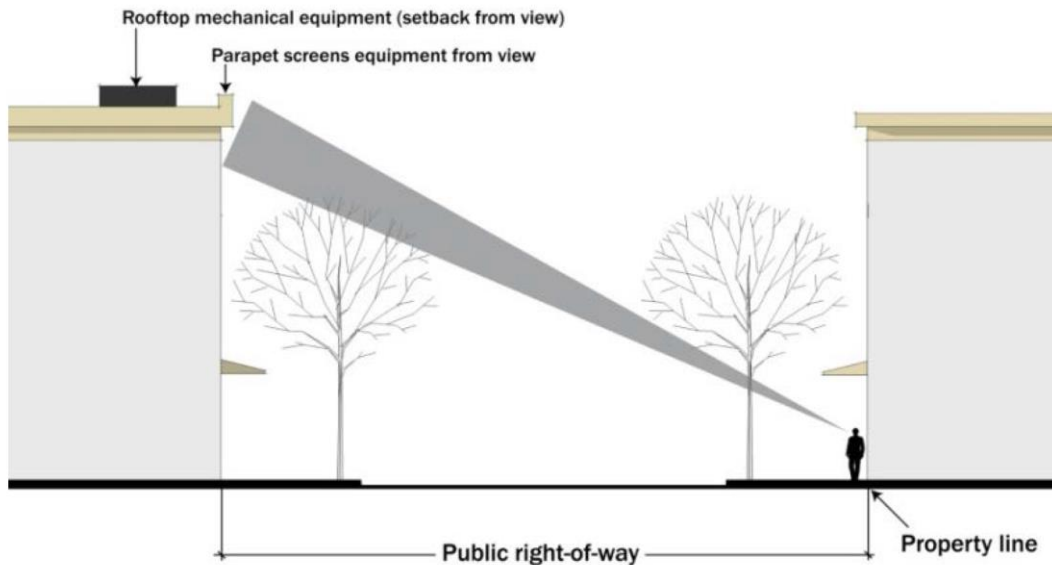
(B) *Design review standards.*

- (i) Ground level mechanical and service equipment, such as garbage collection areas, recycling collection areas, and mechanical equipment, shall be screened with landscaping or a site obscuring fence or wall (see Figure 531-8). Ground level mechanical and service equipment and its associated screening shall be located so as to not be visible from public sidewalks and open spaces.
- (ii) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be setback and screened so as to not be visible to a person standing on the property line on the far side of any adjacent, at-grade public street (see Figure 531-9). All rooftop mechanical equipment shall be setback and screened so as to not be visible to a person standing 60 feet from the building within any adjacent public open space.

FIGURE 531-8. SCREENING OF GROUND LEVEL MECHANICAL AND SERVICE EQUIPMENT






FIGURE 531-9. SCREENING OF ROOFTOP MECHANICAL EQUIPMENT



- (b) *Pedestrian-oriented building design: specific.* The design review guidelines and design review standards set forth in this subsection apply to buildings located along the north side of Pringle Creek, along Commercial Street, and at the corner of Commercial Street and Front Street (see Figure 531-10). The design review guidelines and design review standards applicable to parking included under subsection (b)(2) of this section apply to all of the above frontages, and to the frontage along Front Street, as shown in Figure 531-10.

FIGURE 531-10. APPLICABILITY OF REQUIREMENTS FOR PEDESTRIAN-ORIENTED BUILDING DESIGN: SPECIFIC



-  South Waterfront Mixed-Use Zone
-  Subsection (b) requirements for pedestrian-oriented building design apply
-  Only parking standards apply (see Subsection (b)(2))

- (1) *Building setbacks and frontages.*
 - (A) *Design review guidelines.*

- (i) Buildings shall create well-defined "edges" to the public realm by minimizing setbacks from the street right-of-way. Zero lot line buildings are encouraged. Buildings may be sited so as to create opportunities for well-designed public or civic spaces between buildings and the sidewalk.
 - (ii) A comfortable, inviting, and well-framed open space environment shall be created along Pringle Creek by establishing a well-defined building wall "edge" along the north bank of the creek.
 - (iii) Pringle Creek, the site's principal natural asset, shall be preserved by setting buildings back a sufficient distance from the north bank of the creek.
 - (iv) Buildings and primary building entries shall be oriented to and easily accessible from sidewalks and public open space.
- (B) *Design review standards.*
- (i) Except along Pringle Creek, buildings shall be oriented to the right-of-way, and shall be built to the front lot line contiguous with the right-of-way (see Figure 531-11). This standard applies to the first 25 feet or two stories of building height only. Above 25 feet or two stories in height, a building may be setback from the right-of-way.
 - (ii) Along Front Street, or at identified "Gateway" corners, buildings may be set back up to 50 feet, provided the area within the setback is developed as a public plaza. In other locations, buildings may be setback up to 20 feet for not more than 50 percent of the length of the building facade, provided the area within the setback is developed as public or private gathering space, such as forecourts or plazas (see Figure 531-12).
 - (iii) Buildings that are chamfered at the corner may be set back to the extent necessary to accommodate the chamfered corner.
 - (iv) Upon redevelopment, and to the extent appropriate permitting agencies authorize, existing buildings over Pringle Creek shall be removed. Construction of new buildings over Pringle Creek is prohibited.
 - (v) Along the north bank of Pringle Creek, buildings shall be set back a minimum of 20 feet from the creek.
 - (vi) Lots fronting on Commercial Street or abutting Pringle Creek shall provide continuous building frontage along the public right-of-way and/or the creek face for a minimum of 75 percent of the width of the lot (see Figure 531-13).
 - (vii) Primary building entrances shall be located either along Commercial Street, Front Street, or the north bank of Pringle Creek, or oriented to public street intersections or street corners. Primary building entrances shall be directly connected to the sidewalk.

FIGURE 531-11. BUILDINGS CONSTRUCTED CONTIGUOUS TO FRONT PROPERTY LINE

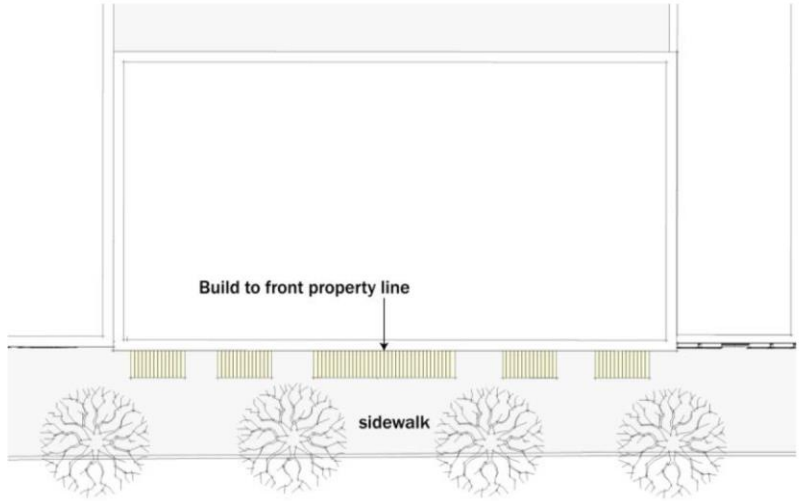


FIGURE 531-12. ADDITIONAL FRONT SETBACK FOR GATHERING SPACE

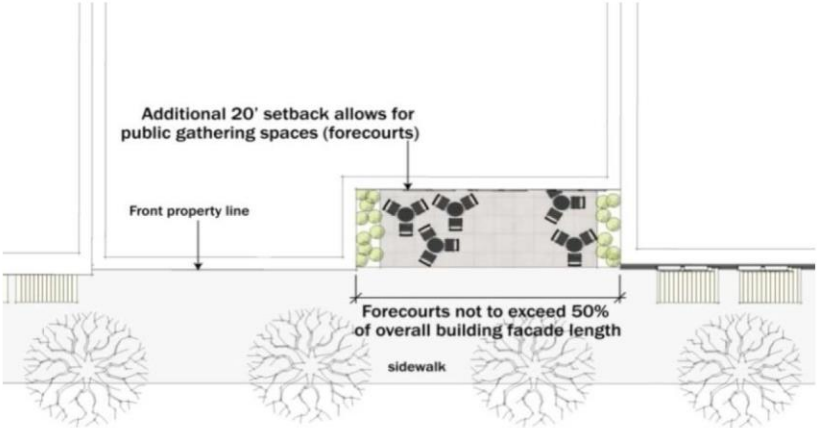
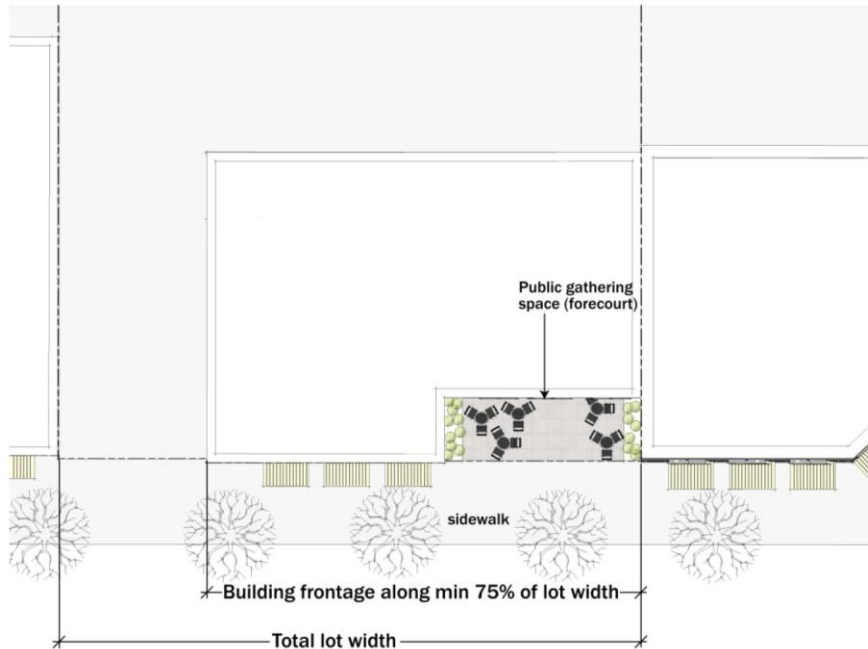


FIGURE 531-13. REQUIRED BUILDING FRONTAGE ALONG COMMERCIAL STREET AND PRINGLE CREEK



(2) *Parking.*

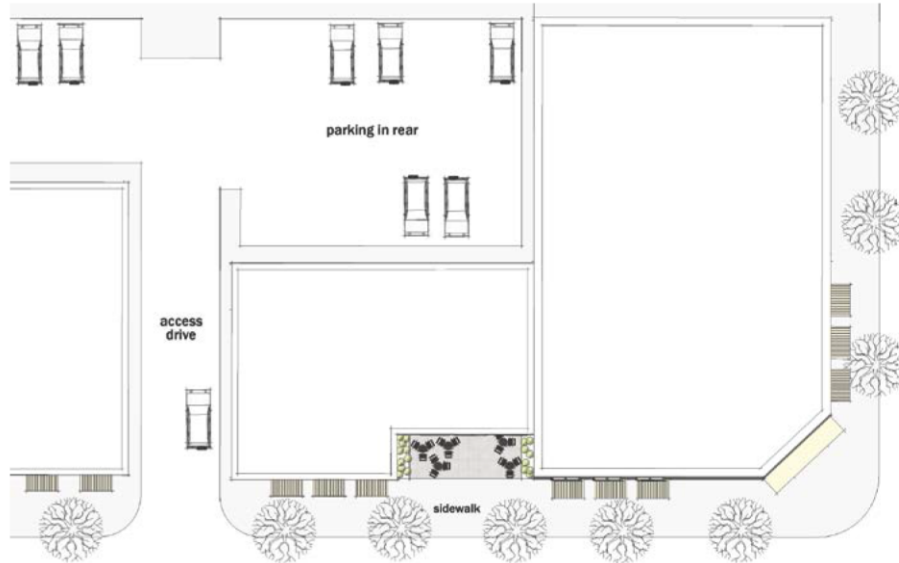
(A) *Design review guidelines.*

- (i) Surface parking lots along buildings facing public streets shall be buffered from view by pedestrians on the sidewalk. Whenever possible, surface parking lots shall be placed behind buildings.
- (ii) Parking structures fronting on public streets shall include space for ground floor commercial and/or household living uses along their public street facing facades in order to create an active and engaging pedestrian environment.

(B) *Design review standards.*

- (i) Off-street parking is prohibited between buildings and the street, except along Front Street (see Figure 531-14). Along Front Street, disabled parking and passenger loading and unloading zones are permitted between buildings and the street.
- (ii) Parking structures fronting on Commercial Street or Front Street shall include space for ground floor commercial and/or household living uses along a minimum of 70 percent of their Commercial Street or Front Street facing facades.

FIGURE 531-14. SURFACE PARKING LOCATED BEHIND BUILDING



(3) *Weather protection.*

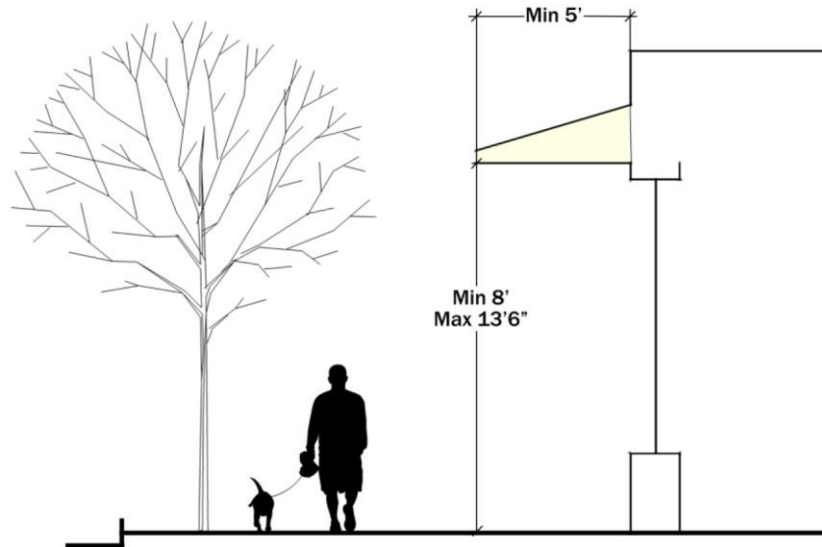
(A) *Design review guidelines.*

- (i) Weather protection, in the form of awnings, canopies, arcades, or galleries appropriate to the design of the building, shall be provided along ground floor building facades facing streets and public space in order to create a comfortable and inviting pedestrian environment.

(B) *Design review standards.*

- (i) Weather protection, in the form of awnings, canopies, arcades, or galleries, shall be provided along a minimum of 50 percent of the length of the ground floor building facade facing streets and public space.
- (ii) Awnings and canopies shall have a minimum depth of five feet, and shall have a minimum clearance height above the sidewalk of eight feet and a maximum clearance height above the sidewalk of 13 feet six inches (see Figure 531-15).

FIGURE 531-15. AWNING/CANOPY DIMENSIONS



(c) ~~Relationship to Riverfront Park. The design review guidelines and design review standards set forth in this subsection apply to buildings located on lots immediately adjacent to Riverfront Park (see Figure 531-16).~~

FIGURE 531-16. APPLICABILITY OF REQUIREMENTS FOR RELATIONSHIP TO RIVERFRONT PARK

~~(1) Park facing ground floors.~~

~~(A) Design review guidelines.~~

~~(i) The park facing ground floors of buildings located along Riverfront Park shall be highly integrated and responsive to the park and shall enhance the public environment. If~~

structured parking is provided, the park-facing ground floor of the parking structure shall include space for commercial and/or household living uses to the extent practicable in order to activate the ground floor and provide "eyes" on the park.

~~(B) — Design review standards.~~

- ~~(i) — Buildings located along Riverfront Park shall include space for ground floor commercial and/or household living uses along a minimum of 70 percent of their park-facing facades. Commercial uses must provide pedestrian access to and from the park. If household living uses are provided on the ground floor, building entries to individual dwelling units must provide pedestrian access to and from the park. Fences, privacy hedges, or other partitions may be used to separate private outdoor household living space from public space, but may be no more than 48 inches in height (see Figure 531-17).~~
- ~~(ii) — Parking structures shall include space for ground floor commercial and/or household living uses along a minimum of 70 percent of their park-facing facades, unless the parking is "tucked" beneath the building one-half story below grade. When parking is "tucked" beneath the building one-half story below grade, the ground floor of the building must be accessed via a stoop that is a minimum of three feet, but not more than four feet six inches, in height (see Figure 531-18). Parking levels must provide a minimum vertical clearance of eight feet (see Figure 531-18). Any exposed parking ventilation areas visible from the pedestrian level must be screened with landscaping. A stoop may be counted toward the minimum ground floor height required under subsection (a)(2) of this section.~~

~~FIGURE 531-17. PRIVATE OUTDOOR SPACE SEPARATED FROM PUBLIC SPACE~~

~~FIGURE 531-18. PARKING "TUCKED" BENEATH BUILDING WITH STOOP~~

~~(2) — Building shadows. Conformance with the design review guidelines and design review standards set forth in this subsection shall be demonstrated through conducting a shadow study.~~

~~(A) — Design review guidelines.~~

- ~~(i) — Buildings shall be sited adjacent to Riverfront Park in a manner that minimizes shadows on the playground.~~

~~(B) — Design review standards.~~

- ~~(i) — Buildings shall be sited adjacent to Riverfront Park so that shadows are not cast on the playground as follows:
 - ~~(aa) — No shadow shall be cast on the playground on March 21 (vernal equinox) at 3:00 p.m. (see Figure 531-19); and~~
 - ~~(bb) — No shadow shall be cast on the playground on December 21 (winter solstice) at 3:00 p.m. (see Figure 531-20).~~~~

~~FIGURE 531-19. SHADOW STUDY ILLUSTRATING SHADOW IMPACTS AT 3:00 P.M. ON MARCH 21ST~~

~~FIGURE 531-20. SHADOW STUDY ILLUSTRATING SHADOW IMPACTS AT 3:00 P.M. ON DECEMBER 21ST~~

~~(c)~~ *Gateways*. The design review guidelines and design review standards set forth in this subsection apply only to corner or "Gateway" locations identified in Figure ~~531-21~~531-16.

FIGURE ~~531-21~~531-16. APPLICABILITY OF REQUIREMENTS FOR GATEWAYS



-  South Waterfront Mixed-Use Zone
-  "Gateway" Locations

- (1) *Corner treatments.*
- (A) *Design review guidelines.*

- (i) Buildings located at corners and gateways shall incorporate architectural or site planning design elements that visually emphasize the corner of the building. One or more of the following techniques may be used to meet this guideline:
 - (aa) Prominent architectural elements that emphasize the corner of the building, such as increased building height or massing, cupolas or turrets, pitched roofs at the corner of the building, special window treatments, etc. (see Figure ~~531-22531-17~~).
 - (bb) Special "signature" signage located at the corner of the building (see Figure ~~531-24531-19~~).
 - (cc) Public gathering spaces, such as plazas, located at the corner that incorporate special paving materials, site furnishings, and/or landscaping treatments (see Figure ~~531-25531-20~~).
- (B) *Design review standards.*
 - (i) Buildings located at corners and gateways shall provide primary building entries located at chamfered corners (see Figure ~~531-23531-18~~).

FIGURE ~~531-22531-17~~. ARCHITECTURAL ELEMENTS THAT EMPHASIZE BUILDING CORNERS



FIGURE ~~531-23531-18~~. PRIMARY BUILDING ENTRY LOCATED AT CHAMFERED BUILDING CORNER



FIGURE 531-24531-19. "SIGNATURE" SIGNAGE AT BUILDING CORNER



FIGURE 531-25531-20. PUBLIC GATHERING SPACES AT BUILDING CORNERS



~~(d)~~ *Pedestrian connections.* The design review guidelines and design review standards set forth in this subsection apply to developments along the north bank of Pringle Creek ~~and to developments at the western and northern edges of the site abutting Riverfront Park~~, as identified in Figure 531-26531-21.

FIGURE 531-26531-21. REQUIRED PEDESTRIAN CONNECTIONS



-  South Waterfront Mixed-Use Zone
-  Required Pedestrian Connection

(1) *Required pedestrian connections.*

- (A) *Design review guidelines.*
- (i) An easement or public dedication shall be provided promoting connectivity for non-vehicular traffic along the north bank of Pringle Creek. The connection shall be accessible from the sidewalk along Commercial Street, and shall connect to Riverfront Park.
 - ~~(ii) Convenient pedestrian access and connectivity shall be provided from the northwestern portion of the site to pedestrian facilities in Riverfront Park.~~
- (B) *Design review standards.*
- (i) At least one public pedestrian connection shall be provided along the north bank of Pringle Creek (see Figure 531-26~~531-21~~). The pedestrian connection shall connect to the sidewalk along Commercial Street at street level.
 - ~~(ii) At least two pedestrian connections shall be provided from the site to the established pedestrian paths in Riverfront Park as follows:~~
 - ~~(aa) One connection to Riverfront Park shall be provided at the western edge of the site (see Figure 531-26).~~
 - ~~(bb) One connection to Riverfront Park shall be provided at the northern edge of the site (see Figure 531-26).~~
 - ~~(ii)(iii)~~ A pedestrian connection shall be provided to connect the west sidewalk along Commercial Street to established pedestrian paths in Riverfront Park.
 - ~~(iii)(iv)~~ Required pedestrian connections along the north bank of Pringle Creek shall be a minimum width of ten feet.

Amendments to SRC Chapter 532 (Neighborhood Center Mixed Use – NCMU Zone)

Sec. 532.015. Uses allowed with neighborhood center master plan.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the NCMU zone with a neighborhood center master plan are set forth in Table 532-1. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a neighborhood center master plan, approved in accordance with SRC chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the master plan.

TABLE 532-1. NCMU ZONE USES WITH MASTER PLAN			
Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Household Living			
Single family	N	P	The following single family activities: <ul style="list-style-type: none"> ■ Single family detached dwelling. ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	S	Manufactured home, subject to SRC 700.025.
	N	N	All other single family.
Two family	N	P	Duplex.

	N	N	All other two family.
Three family	P	N	Three family, located in a mixed-use building above ground floor nonresidential uses.
	N	N	All other three family.
Four family	P	N	Three family, located in a mixed-use building above ground floor nonresidential uses.
	N	N	All other four family.
Multiple family	P	N	Multiple family, located in a mixed-use building above ground floor nonresidential uses.
	N	N	All other multiple family.
Group Living			
Room and board	N	N	
Residential care	P	N	Residential care, located in a mixed-use building above ground floor nonresidential uses.
	P	C	Assisted living.
	N	N	All other residential care.
Nursing care	N	N	
Lodging			
Short-term commercial lodging	P	N	Short-term commercial lodging with 5 or fewer guest rooms.
	N	N	All other short-term commercial lodging.
Long-term commercial lodging	N	N	
Nonprofit shelters	N	N	
Retail Sales and Services			
Eating and drinking establishments	P	N	
Retail sales	P	N	
Personal services	P	N	
Postal services and retail financial services	P	N	Retail financial services.
	P	C	Postal services.
Business and Professional Services			
Office	P	N	
Audio/visual media production	N	N	
Laboratory research and testing	N	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor vehicle and manufactured dwelling and trailer sales	P	N	Indoor sales and leasing.
	N	N	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	N	N	
Commercial parking	N	N	
Park-and-ride facilities	N	N	
Taxicabs and car services	N	N	
Heavy vehicle and trailer sales	N	N	
Heavy vehicle and trailer service and storage	N	N	
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial entertainment—indoor	N	N	The following commercial entertainment—indoor

			activities: <ul style="list-style-type: none"> ■ Firing ranges. ■ Theaters greater than 5,000 square feet. ■ Pool halls. ■ Continuous entertainment activities, such as bowling alleys, ice rinks, and game arcades.
	P	N	All other commercial entertainment - indoor.
Commercial entertainment— outdoor	N	N	
Major event entertainment	N	N	
Recreational and cultural community services	P	C	
Parks and open space	P	P	
Nonprofit membership assembly	P	N	
Religious assembly	P	C	
Health Services			
Medical centers/hospitals	N	N	
Outpatient medical services and laboratories	P	N	
Educational Services			
Day care	P	CP	<u>Child day care home.</u>
	P	C	<u>All other day care.</u>
Basic education	P	C	
Post-secondary and adult education	P	C	
Civic Services			
Governmental services	P	C	
Social services	P	N	
Governmental maintenance services and construction	N	N	
Public Safety			
Emergency services	P	C	
Detention facilities	N	N	
Military installations	N	N	
Funeral and Related Services			
Cemeteries	N	N	
Funeral and cremation services	N	N	
Construction Contracting, Repair, Maintenance, and Industrial Services			
General repair services	P	N	
Building and grounds services and construction contracting	N	N	
Cleaning plants	N	N	
Industrial services	N	N	
Wholesale Sales, Storage, and Distribution			
General wholesaling	N	N	
Heavy wholesaling	N	N	
Warehousing and distribution	N	N	
Self-service storage	N	N	
Manufacturing			

General manufacturing	N	N	
Heavy manufacturing	N	N	
Printing	N	N	
Transportation Facilities			
Aviation facilities	N	N	
Passenger ground transportation facilities	P	P	Transit stop shelters.
	N	N	All other passenger ground transportation facilities.
Marine facilities	N	N	
Utilities			
Basic utilities	C	C	The following basic utilities: <ul style="list-style-type: none"> ■ Pump stations. ■ Reservoirs. ■ Radio microwave relay stations. ■ Telephone substations. ■ Electric substations.
	P	P	All other basic utilities.
Wireless communication facilities	Allowed	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	N	
Power generation facilities	N	N	
Data center facilities	N	N	
Fuel dealers	N	N	
Waste-related facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and natural gas production	N	N	
Surface mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	N	N	
Forestry	N	N	
Agriculture and forestry services	N	N	
Keeping of livestock and other animals	N	N	
Animal services	N	N	Kennels.
	P	N	All other animal services.
Other Uses			
Temporary uses	<u>P</u>	<u>N</u>	<u>Emergency shelter, subject to SRC 701.025.</u>
	<u>P</u>	<u>N</u>	<u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	S	Home occupations, subject to SRC 700.020.
Accessory dwelling unit	N	S	Accessory dwelling units, subject to SRC 700.007.

Sec. 532.020. Uses allowed in-lieu of neighborhood center master plan.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the NCMU zone in-lieu of a neighborhood center master plan are set forth in Table 532-2. The uses set forth in Table 532-2 are allowed in the

NCMU zone in-lieu of development pursuant to a neighborhood center master plan, and are subject to the development standards set forth in SRC 532.035.

TABLE 532-2. NCMU ZONE USES IN-LIEU OF MASTER PLAN		
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.
	S	Manufactured home, subject to SRC 700.025.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Services		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
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	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	P	

Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	NP	<u>Child day care home.</u>
	N	<u>All other day care.</u>
Basic education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	N	
Marine facilities	N	
Utilities		
Basic utilities	C	The following basic utilities: <ul style="list-style-type: none"> ■ Pump stations. ■ Reservoirs. ■ Radio microwave relay stations.

		<ul style="list-style-type: none"> ■ Telephone substations. ■ Electric substations.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling unit	S	Accessory dwelling units, subject to SRC 700.007.

Amendments to SRC Chapter 533 (Mixed Use-I – MU-I Zone)

Sec. 533.010. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

**TABLE 533-1
USES**

Table 533-1: Uses		
	Status	
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> • Townhouse. • Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	N	
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	N	

Residential care	P	The following residential care activities: <ul style="list-style-type: none"> • Residential facility, as defined under ORS 197.660. • Assisted living.
	N	All other residential care.
Nursing care	N	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Non-profit shelters	P	Non-profit shelters serving 5 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
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	N	
Motor vehicle services	N	
Commercial parking	N	Standalone surface parking lots
	P	All other commercial parking
Park-and-ride facilities	N	
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	N	Firing ranges
	P	All other commercial entertainment—Indoor.
Commercial entertainment—Outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Non-profit 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		
Government services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and ground 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	P	General manufacturing, provided the manufacturing does not exceed 5,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	N	All other general manufacturing.
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	N	Reservoirs; water storage facilities; electric substation.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	N	

Mining and natural resource extraction	N	
Petroleum and natural gas	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Prohibited uses.* Notwithstanding Table 533-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Existing uses within the MU-I zone established prior to September 12, 2018, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 533.015(g).
 - (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
 - (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Amendments to SRC Chapter 534 (Mixed Use-II – MU-II Zone)

Sec. 534.010. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-II zone are set forth in Table 534-1.

**TABLE 534-1
USES**

Table 534-1: Uses		
	Status	

Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> • Townhouse. • Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	N	
Three family	P	
Four family	P	
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	The following residential care activities: <ul style="list-style-type: none"> • Residential facility, as defined under ORS 197.660. • Assisted living.
	N	All other residential care.
Nursing care	N	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Non-profit shelters	P	Non-profit shelters serving 5 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
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	N	
Motor vehicle services	N	
Commercial parking	N	Standalone surface parking lots
	P	All other commercial parking
Park-and-ride facilities	N	
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	N	Firing ranges
	P	All other commercial entertainment—Indoor.

Commercial entertainment— Outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Non-profit 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		
Government services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and ground 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	P	General manufacturing, provided the manufacturing does not exceed 5,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	N	All other general manufacturing.
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	N	Reservoirs; water storage facilities; electric substation.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	N	
Mining and natural resource extraction	N	
Petroleum and natural gas	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Prohibited uses.* Notwithstanding Table 534-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Existing uses within the MU-II zone established prior to September 12, 2018, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 534.015(g).
 - (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
 - (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Sec. 535.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the ESMU zone are set forth in Table 535-1.

**TABLE 535-1
USES**

Table 535-1: Uses		
Use	Status	Limitations and Qualifications
Household Living		
Single family	P	
Two family	P	
Three family	P	
Four family	P	
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	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	P	
Non-profit shelters	P	The following non-profit shelter activities: <ul style="list-style-type: none"> ■ Non-profit shelters serving 5 or fewer persons. ■ Non-profit shelters for victims of domestic violence serving 10 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters. L
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
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	N	

Motor vehicle services	N	
Commercial parking	P -N	
Park-and-ride facilities	P	
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	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	Privately owned camps, campgrounds, and recreational vehicle parks.
	C	The following commercial entertainment—outdoor activities: <ul style="list-style-type: none"> ■ Amusement parks. ■ Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Non-profit 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	N	
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	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.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	The following passenger ground transportation facilities: <ul style="list-style-type: none"> ■ Local and suburban passenger transportation. ■ Intercity and rural highway passenger transportation
	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	
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	Wildlife rehabilitation facility
	P	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025.

		■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations are allowed subject to SRC 700.020; provided however, notwithstanding SRC 700.020(d), onsite sales associated with professional services, artists, and craftspeople is permitted.
Accessory dwelling unit	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Prohibited uses.* Notwithstanding Table 535-1, any permitted, special, or conditional use within the ESMU zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Land uses existing within the ESMU zone prior to June 13, 2018, which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 535.010(a).
 - (2) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.
 - (3) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the ESMU zone.

Amendments to SRC Chapter 540 (Public Amusement – PA Zone)

Sec. 540.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PA zone are set forth in Table 540-1.

TABLE 540-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: ■ Dwelling unit for a caretaker on the premises being cared for or guarded. ■ Houseboats, when developed in conjunction with a marina.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.
Two family	N	
Three family	N	

Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	P	Mobile food units.
	N	All other eating and drinking establishments.
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
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	
Commercial entertainment—outdoor	N	The following commercial entertainment—outdoor activities: ■ Camps. ■ Recreational vehicle parks.
	P	All other commercial entertainment—indoor.
Major event entertainment	P	
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		

Day care	N	
Basic education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
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	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	P	Marinas.
	N	All other marine facilities.
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	C	Wildlife rehabilitation facilities.
	N	All other animal services.
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	N	

Amendments to SRC Chapter 542 (Public & Private Educational Services – PE Zone)

Sec. 542.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PE zone are set forth in Table 542-1.

TABLE 542-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	P	

Retail Sales and Service		
Eating and drinking establishments	P	Mobile food units.
	N	All other eating and drinking establishments.
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	P	The following office activities: <ul style="list-style-type: none"> ■ Distance education and distance learning. ■ Home health care services.
	N	All other office.
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
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	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	P	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Governmental services	N	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	

Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	N	
Keeping of livestock and other animals	N	
Animal services	C	Wildlife rehabilitation facilities.
	N	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.

Home occupations	N	
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Amendments to SRC Chapter 543 (Public & Private Health Services – PH Zone)

Sec. 543.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PH zone are set forth in Table 543-1.

TABLE 543-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	P	Conversion or rehabilitation of a historic contributing building or local historic resource for multiple family residential use, when owned and managed by a public agency or a public/private partnership.
	N	All other multiple family.
Group Living		
Room and board	N	
Residential care	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	P	
Retail Sales and Service		
Eating and drinking establishments	P	Mobile food units.
	N	All other eating and drinking establishments.
Retail sales	P	Drug stores and pharmacies.
	N	All other retail sales.
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	P	Home health care services.
	C	Distance education and distance learning.
	N	All other office.

Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
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	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	P	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	C	
Post-secondary and adult education	C	
Civic Services		
Governmental services	P	Administration of public health programs.
	N	All other governmental services.
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	P	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	P	General warehousing and storage, when operated by a public entity.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	N	
Heavy manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation facilities	P	Helicopter landing areas.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	P	Compost facility for yard debris franchise haulers and government entities, when located on the site of, and in compliance with, the Oregon State Corrections Area Plan.
	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.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	C	Wildlife rehabilitation facilities.
	N	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
Home occupations	N	

Amendments to SRC Chapter 544 (Public Service – PS Zone)

Sec. 544.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PS zone are set forth in Table 544-1.

TABLE 544-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	P	
Nursing care	P	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	P	
Retail Sales and Service		
Eating and drinking establishments	P	
retail sales	P	Caterers.
	N	All other retail sales.
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	P	The following office activities: <ul style="list-style-type: none"> ■ Distance education and distance learning. ■ Home health care services. ■ Information technology services.
	N	All other office.
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	P	
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	

Heavy vehicle and trailer service and storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	P	
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	P	
Public Safety		
Emergency services	P	
Detention facilities	P	
Military installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
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	P	Major post offices and postal distributions centers.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	N	
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	P	Helicopter landing areas.

	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	P	
Power generation facilities	P	
Data center facilities	P	
Fuel dealers	N	
Waste-related facilities	C	Solid waste disposal sites.
	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.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	C	Wildlife rehabilitation facility.
	N	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
Home occupations	N	

Amendments to SRC Chapter 545 (Capitol Mall – PM Zone)

Sec. 545.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PM zone are set forth in Table 545-1.

TABLE 545-1. 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. ■ Dwelling unit for a caretaker on the premises being cared for or guarded.
	N	All other single family.
Two family	P	Two family, when located on a corner lot.

	N	All other two family.
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	P	
Group Living		
Room and board	P	
Residential care	P	
Nursing care	N	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	P	
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	P	Caterers.
	N	All other retail sales.
Personal services	N	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	N	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	P	
Park-and-ride facilities	P	
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	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
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	N	The following outpatient medical services and laboratories activities: <ul style="list-style-type: none"> ■ Medical laboratories. ■ Dental laboratories. ■ Outpatient care facilities.

		<ul style="list-style-type: none"> ■ Kidney dialysis centers. ■ Commercial blood banks, plasma centers. ■ Commercial reproductive services.
	P	All other outpatient medical services and laboratories.
Educational Services		
Day care	P	
Basic education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	P	
Social services	P	
Governmental maintenance services and construction	P	
Public Safety		
Emergency services	N	The following emergency services activities: <ul style="list-style-type: none"> ■ Ambulance station. ■ Ambulance service facility.
	P	All other emergency services.
Detention facilities	P	
Military installations	P	
Funeral and Related Services		
Cemeteries	P	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	P	The following building and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Disinfecting and pest control services. ■ Building cleaning and maintenance services.
	N	All other building and grounds services and construction contracting.
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	P	Helicopter landing areas.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	N	

Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	P	
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	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Accessory short-term rentals	S	Accessory short-term rental, subject to SRC 700.006
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
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.
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.

Amendments to SRC Chapter 550 (Employment Center – EC Zone)

Sec. 550.010. Uses.

(a) *EC zone.* The permitted (P), special (S), conditional (C), and prohibited (N) uses in the EC zone are set forth in Table 550-1.

TABLE 550-1. EC ZONE USES		
Use	Status	Limitations & Qualifications
Household Living		

Single family	P	Dwelling unit for a caretaker or watchperson on the premises being cared for or guarded.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	N	
Retail sales	N	
Personal services	N	
Postal services and retail financial services	N	
Business and Professional Services		
Office	N	Public utility offices.
	P	All other office.
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	N	
Motor vehicle services	N	
Commercial parking	N	
Park-and-ride facilities	N	
Taxicabs and car services	N	
Heavy vehicle and trailer sales	P	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	N	
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	

Educational Services		
Day care	N P	Child day care services.
	N	All other day care
Basic education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	N	Public utility service and storage yards.
	P	All other building and grounds services and construction contracting.
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	N	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Salvage or wrecking yards. ■ Scrap dealers.
	P	All other heavy wholesaling.
Warehousing and distribution	N	The following warehousing and distribution activities: <ul style="list-style-type: none"> ■ Stockpiling of sand, gravel, or other aggregate materials. ■ Storage of weapons and ammunition.
	P	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	P	
Heavy manufacturing	N	The following heavy manufacturing activities: <ul style="list-style-type: none"> ■ Animal slaughtering and processing. ■ Cement, concrete, and asphalt product manufacturing. ■ Nonmetallic mineral product manufacturing. ■ Lumber mills, pulp and paper mills, and other similar wood products manufacturing.
	P	All other heavy manufacturing.
Printing	P	
Transportation Facilities		
Aviation facilities	N	
	P	Transit stop shelters.

Passenger ground transportation facilities	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	P	
Data center facilities	P	
Fuel dealers	N	Solid fuel dealers.
	P	All other fuel dealers are permitted.
Waste-related facilities	P	Recycling operations.
	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.
	P	All other agriculture.
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
Home occupations	N	

- (b) *EC Retail-Service Center Subzone.* The permitted (P), special (S), conditional (C), and prohibited (N) uses in the EC Retail-Service Center Subzone are set forth in Table 550-2. Such uses are the only uses allowed within the EC Retail-Service Center Subzone.

TABLE 550-2. EC RETAIL-SERVICE CENTER SUBZONE USES		
Use	Status	Limitations and Qualifications
Household Living		
Single family	N	
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		

Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	P	
Personal services	P	
Postal and retail financial services	P	
Business and Professional Services		
Office	P	
	N	
Audio/visual media production	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	P	The following motor vehicle services: <ul style="list-style-type: none"> ■ Gasoline service stations. ■ Car washes. ■ Quick lubrication services.
	N	All other motor vehicle services.
Commercial parking	N	
Park-and-ride facilities	N	
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	N	Theaters.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	The following commercial entertainment—outdoor activities: <ul style="list-style-type: none"> ■ Recreational vehicle parks. ■ Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	N	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	N	

Post-secondary and adult education	P	The following post-secondary and adult education activities: <ul style="list-style-type: none"> ■ Business schools. ■ Vocational schools.
	N	All other post-secondary and adult education.
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	N	
Detention facilities	N	
Military installations	N	
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	
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 services.
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	P	Recycling depots.
	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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
Home occupations	N	

Amendments to SRC Chapter 551 (Industrial Commercial – IC Zone)

Sec. 551.005. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the IC zone are set forth in Table 551-1.

TABLE 551-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Residential home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to SRC 551.005(b). ■ Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	C	The following single family activities: <ul style="list-style-type: none"> ■ Single family detached dwelling. ■ Residential home, as defined under ORS 197.660. ■ Manufactured home.
	N	All other single family.
Two family	C	Duplex.
	N	All other two family.
Three family	S	Subject to SRC 700.081.
Four family	S	Subject to SRC 700.081.
Multiple family	C	
Group Living		
Room and board	C	Room and board serving up 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	C	
Nonprofit shelters	C	Nonprofit shelters serving up 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	P	
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	Night clubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	P	
Major event entertainment	N	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	P	
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	C	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Firearms wholesalers. ■ Wood products and timber wholesalers.
	N	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Chemicals and allied products wholesalers. ■ Scrap dealers.
	P	All other heavy wholesaling.
Warehousing and distribution	P	
Self-service storage	P	
Manufacturing		
General manufacturing	P	The following general manufacturing activities: <ul style="list-style-type: none"> ■ Industrial and institutional food service contractors. ■ Sign manufacturing. ■ Fabrics, leather goods, footwear, and apparel manufacturing. Except rubber and plastic footwear manufacturing. ■ General food manufacturing. ■ Beverage and related products manufacturing. ■ Tobacco products manufacturing. ■ Cabinetry. ■ Aircraft and aircraft parts manufacturing. ■ Motor vehicles and motor vehicle equipment manufacturing. ■ Computer and electronics manufacturing. ■ Paperboard containers and boxes manufacturing.
	C	The following general manufacturing activities: <ul style="list-style-type: none"> ■ Rubber and plastic footwear manufacturing. ■ Rubber and plastics products manufacturing. ■ Costume jewelry and precious metals

		metalsmithing. <ul style="list-style-type: none"> ■ Furniture manufacturing. ■ Fabricated metal products manufacturing. ■ Wood product manufacturing. ■ Engineered wood product manufacturing. ■ Wood preservation. ■ Plastics and rubber products manufacturing. ■ General chemical manufacturing. ■ Leather tanning. ■ Metal coating and engraving. ■ Battery manufacturing. ■ Ship and boat building. ■ Commercial and service industry machinery manufacturing. ■ Metalworking machinery manufacturing. ■ Sawmill and woodworking machinery manufacturing.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	P	
Utilities		
Basic utilities	P	
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	P	
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	C	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	C	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	C	The following keeping of livestock and other animal activities: <ul style="list-style-type: none"> ■ Animal shelters.

		<ul style="list-style-type: none"> ■ Boarding kennels. ■ Animal training facilities.
	N	All other keeping of livestock and other animals.
Animal services	C	Wildlife rehabilitation facilities.
	P	All other animal services.
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling unit	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 IC 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 551.010(g).
 - (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.

Amendments to SRC Chapter 552 (Industrial Business Campus – IBC Zone)

Sec. 552.005. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IBC zone are set forth in Table 552-1.

TABLE 552-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	N	
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	P	Short-term commercial lodging, subject to SRC 552.005(b).
Long-term commercial lodging	N	

Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	P	Eating and drinking establishments are permitted, unless noted below, subject to SRC 552.005(b).
	N	Drive-in or drive-through facilities.
Retail sales	P	The following retail sales activities, subject to SRC 552.005(b): <ul style="list-style-type: none"> ■ Photocopying and blueprinting. ■ Office supplies.
	N	All other retail sales.
Personal services	N	
Postal services and retail financial services	P	Postal services and retail financial services are permitted, subject to SRC 552.005(b).
Business and Professional Services		
Office	P	
Audio/visual media production	P	Audio/visual media production, provided it is conducted within an enclosed building.
Laboratory research and testing	P	Laboratory research and testing, provided it is conducted within an enclosed building.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	P	Gasoline service stations, subject to SRC 552.005(b).
	N	All other motor vehicle services.
Commercial parking	N	
Park-and-ride facilities	N	
Taxicabs and car services	N	
Heavy vehicle and trailer sales	P	Heavy equipment rental and leasing, subject to SRC 552.005(b).
	N	All other heavy vehicle and trailer sales.
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	Health clubs, gyms, and membership sports and recreation clubs, subject to SRC 552.005(b).
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	Outpatient medical services and laboratories, subject to SRC 552.005(b).
Educational Services		
Day care	P	Child day care services, subject to SRC 552.005(b).
	N	All other day care.

Basic education	N	
Post-secondary and adult education	P	Post-secondary and adult education, subject to SRC 552.005(b).
Civic Services		
Governmental services	P	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	Emergency services, subject to SRC 552.005(b).
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	General repair services, subject to SRC 522.005(b).
Building and grounds services and construction contracting	P	Buildings and grounds services and construction contracting, subject to SRC 552.005(b).
Cleaning plants	N	
Industrial services	P	Industrial services, subject to SRC 552.005(b).
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	General wholesaling, provided it is conducted within an enclosed building.
Heavy wholesaling	P	Heavy wholesaling, provided it is conducted within an enclosed building.
Warehousing and distribution	P	Warehousing and distribution, provided it is conducted within an enclosed building.
Self-service storage	P	Self-service storage, provided it is conducted within an enclosed building.
Manufacturing		
General manufacturing	P	General manufacturing, provided it is conducted within an enclosed building. Retail sales of products manufactured on the site are permitted.
Heavy manufacturing	N	
Printing	P	Printing, provided it is conducted within an enclosed building. Retail sales of products produced on the site are permitted.
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	P	
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	P	Data center facilities, provided they are conducted within an enclosed building.
Fuel dealers	P	Fuel dealers, subject to SRC 552.005(b).
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	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
Home occupations	N	

- (b) Limitations on uses. Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:
- (1) The use shall be limited to no more than 10,000 square feet of total floor area per development site; provided, however:
 - (A) Short-term commercial lodging may accommodate up to 100 guest rooms per development site, regardless of total floor area.
 - (B) Health clubs, gyms, and membership sports and recreation clubs may occupy up to 50,000 square feet of total floor area per development site.

Amendments to SRC Chapter 553 (Industrial Park – IP Zone)

Sec. 553.005. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IP zone are set forth in Table 553-1.

TABLE 553-1. USES		
Use	Status	Limitations and Qualifications
Household Living		
Single family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.

Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	P	Retail sales is permitted, provided that the total building floor area devoted to retail sales does not exceed 30 percent of the total floor area of all buildings on the development site and the products sold are primarily products manufactured on-site.
		Notwithstanding the above paragraph, the following retail sales activities are permitted without the above limitation and qualification: <ul style="list-style-type: none"> ■ News dealers and newsstands. ■ Tobacco stores and stands. ■ Caterers.
	N	All other retail sales.
Personal services	N	
Postal services and retail financial services	P	Banks, credit unions, and other customer oriented facilities for financial institutions.
	N	All other postal services and retail financial services.
Business and Professional Services		
Office	P	The following office activities: <ul style="list-style-type: none"> ■ Photofinishing laboratories. ■ Headquarters of banks and other financial institutions. ■ Insurance carriers and brokers. ■ Real estate. ■ Communication services. ■ Engineering, architectural, and surveying services. ■ Accounting services. ■ Management and public relations services. ■ Technical services provided by independent authors and artists. ■ Research. ■ Music publishing. ■ Actuarial consulting. ■ Environmental consultants.

		<ul style="list-style-type: none"> ■ Call centers. ■ Vocational trade schools.
	N	All other office.
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	P	The following motor vehicle services activities: <ul style="list-style-type: none"> ■ Motorcycle repair. ■ Gasoline service stations.
	N	All other motor vehicle services.
Commercial parking	P	
Park-and-ride facilities	P	
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	Health clubs, gyms, and membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	Child day care services.
	N	All other day care.
Basic education	N	
Post-secondary and adult education	P	Vocational trade schools.
	N	All other post-secondary and adult education.
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	P	
Public Safety		
Emergency services	P	
Detention facilities	N	

Military installations	N	
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	P	
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	C	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Petroleum and petroleum products wholesalers. ■ Chemicals and allied products wholesalers. ■ Firearms wholesalers. ■ Wood products and timber wholesalers.
	N	All other heavy wholesaling.
Warehousing and distribution	P	
Self-service storage	P	
Manufacturing		
General manufacturing	P	
Heavy manufacturing	N	The following heavy manufacturing activities: <ul style="list-style-type: none"> ■ Petroleum and coal products manufacturing. ■ Primary metal manufacturing. ■ Cement and concrete product manufacturing. ■ Lime and gypsum product manufacturing.
	C	All other heavy manufacturing activities.
Printing	P	
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		
Basic utilities	P	
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	P	
Fuel dealers	N	
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	C	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	C	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	N	
Keeping of livestock and other animals	C	
Animal services	C	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
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 IP 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 553.010(g).
 - (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.

Amendments to SRC Chapter 554 (General Industrial – IG Zone)

Sec. 554.005. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IG zone are set forth in Table 554-1.

TABLE 554-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family.
Two family	N	

Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	P	Short-term rentals.
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	P	The following retail sales activities: <ul style="list-style-type: none"> ■ Photocopying, duplicating, and blueprinting services. ■ Retail nurseries and lawn and garden supply stores. ■ Lumber and other building materials dealers.
	N	All other retail sales.
Personal services	P	The following personal services activities are permitted: <ul style="list-style-type: none"> ■ Laundromats. ■ Drycleaners.
	N	All other personal services.
Postal services and retail financial services	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.
	N	All other postal services and retail financial services.
Business and Professional Services		
Office	P	The following office activities are permitted: <ul style="list-style-type: none"> ■ Headquarters of banks and other financial institutions. ■ Direct mail advertising services. ■ Commercial art and photography. ■ Secretarial and court reporting services. ■ Photo finishing laboratories. ■ Management and public relations services. ■ Outdoor advertising services. ■ Professional, business, or political membership organizations. ■ Arrangement of transportation. ■ Vocational trade schools. ■ Research. ■ Telecommunication services.
	N	All other office.
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	The following motor vehicle and manufactured dwelling and trailer sales activities:

		<ul style="list-style-type: none"> ■ Automobile sales. ■ Manufactured dwelling sales. ■ Recreational vehicle sales, when the sales display area is greater than 5 acres in size.
	P	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	N	Gasoline service stations.
	P	All other motor vehicle services.
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	N	Truck stops.
	P	All other heavy vehicle and trailer service and storage.
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	Health clubs, gyms, and membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	
Major event entertainment	C	Race tracks.
	N	All other major event entertainment.
Recreational and cultural community services	N	
Parks and open space	P	
Nonprofit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	Child day care services.
	N	All other day care.
Basic education	N	
Post-secondary and adult education	P	Vocational trade schools.
	N	All other post-secondary and adult education.
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	P	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
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	P	
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	S	Scrap and waste material wholesalers, subject to SRC 700.065.
	C	Chemicals and allied products wholesalers.
	P	All other heavy wholesaling.
Warehousing and distribution	P	
Self-service storage	P	
Manufacturing		
General manufacturing	P	
Heavy manufacturing	C	
Printing	P	
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	P	The following marine facilities: <ul style="list-style-type: none"> ■ Water transportation of passengers. ■ Services incidental to water transportation services.
	N	All other marine facilities.
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	P	
Power generation facilities	P	
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	C	
Surface mining	C	
Farming, Forestry, and Animal Services		
Agriculture	S	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	C	
Animal services	P	

Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
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 IG 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 554.010(f).
 - (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.

Amendments to SRC Chapter 555 (Intensive Industrial – II Zone)

Sec. 555.005. Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the II zone are set forth in Table 555-1.

TABLE 555-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	C	Dwelling unit for a caretaker on the premises being cared for or guarded.
	N	All other single family.
Two family	N	
Three family	N	
Four family	N	
Multiple family	N	
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	N	
Long-term commercial lodging	N	
Nonprofit shelters	N	
Retail Sales and Service		

Eating and drinking establishments	C	
Retail sales	N	
Personal services	N	
Postal services and retail financial services	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.
	N	All other postal services and retail financial services.
Business and Professional Services		
Office	P	The following office activities: <ul style="list-style-type: none"> ■ Headquarters of banks and other financial institutions. ■ Telecommunication services.
	N	All other office.
Audio/visual media production	P	
Laboratory research and testing	N	
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	
Park-and-ride facilities	P	
Taxicabs and car services	N	
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	Night clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	N	
Parks and open space	P	
Nonprofit membership assembly	N	
Religious assembly	N	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	N	
Educational Services		
Day care	P	Child day care services.
	N	All other day care.
Basic Education	N	
Post-secondary and adult education	N	
Civic Services		
Governmental services	N	
Social services	N	
Governmental maintenance services and construction	N	
Public Safety		

Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	N	
Building and grounds services and construction contracting	P	Utility storage yards.
	N	All other buildings and grounds services and construction contracting.
Cleaning plants	N	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	P	
Warehousing and distribution	N	
Self-service storage	N	
Manufacturing		
General manufacturing	P	
Heavy manufacturing	P	
Printing	P	
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities, are allowed conditionally.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	P	The following marine facilities: <ul style="list-style-type: none"> ■ Water transportation of passengers. ■ Services incidental to water transportation services.
	N	All other marine facilities.
Utilities		
Basic Utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	P	
Power generation facilities	P	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	P	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	C	
Surface mining	C	
Farming, Forestry, and Animal Services		
Agriculture	S	Marijuana production.
	P	All other agriculture
Forestry	P	

Agriculture and forestry services	N	
Keeping of livestock and other animals	P	Wholesaling of livestock, including operation of livestock auction markets.
	N	All other keeping of livestock and other animals.
Animal services	P	
Other Uses		
<u>Temporary uses</u>	<u>P</u>	<u>The following temporary uses:</u> <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	N	

Amendments to SRC Chapter 556 (Second Street Craft Industrial Corridor – SCI Zone)

Sec. 556.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the SCI zone are set forth in Table 556-1.

**TABLE 556-1
USES**

Table 556-1: Uses		
Use	Status	Limitations and Qualifications
Household Living		
Single family	P	Single family is permitted, provided that it is: <ul style="list-style-type: none"> ■ A dwelling unit for a caretaker on the premises being cared for or guarded; or ■ Part of a live-work development. For purposes of this qualification, live-work development means a dwelling unit that is located in the same building with a commercial or industrial use allowed in the SCI zone, is occupied by at least one person engaged in that commercial or industrial use, and each commercial or industrial business on the site is paired with no more than one live-work dwelling unit.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other single family
Two family	P	Two family is permitted, provided that it is part of a live-work development. For purposes of this qualification, live-work development means that each dwelling unit located in the same building with a commercial or industrial use allowed in the SCI zone is occupied by at least one person engaged in that commercial or industrial use,

		and each commercial or industrial business on the site is paired with no more than one live-work dwelling unit.
	N	All other two family
Three family	P	Three family is permitted, provided that it is part of a live-work development. For purposes of this qualification, live-work development means that each dwelling unit located in the same building with a commercial or industrial use allowed in the SCI zone is occupied by at least one person engaged in that commercial or industrial use, and each commercial or industrial business on the site is paired with no more than one live-work dwelling unit.
	N	All other three family
Four family	P	Four family is permitted, provided that it is part of a live-work development. For purposes of this qualification, live-work development means that each dwelling unit located in the same building with a commercial or industrial use allowed in the SCI zone is occupied by at least one person engaged in that commercial or industrial use, and each commercial or industrial business on the site is paired with no more than one live-work dwelling unit.
	N	All other four family
Multiple family	P	Multiple family is permitted, provided that it is part of a live-work development. For purposes of this qualification, live-work development means that each dwelling unit located in the same building with a commercial or industrial use allowed in the SCI zone is occupied by at least one person engaged in that commercial or industrial use, and each commercial or industrial business on the site is paired with no more than one live-work dwelling unit.
	N	All other multiple family
Group Living		
Room and board	N	
Residential care	N	
Nursing care	N	
Lodging		
Short-term commercial lodging	P	Short term rentals
	N	All other short-term commercial lodging.
Long-term commercial lodging	N	
Non-profit shelters	N	
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	Retail sales is permitted, provided that the total building floor area of all retail sales establishments on any one development site may

		not exceed 30 percent of the total floor area of all buildings on the development site. In addition, individual retail sales establishments must meet one of the following standards: 1) Do not exceed 10,000 square feet in building floor area; or 2) The establishment may exceed 10,000 square feet in building floor area, provided that the products sold are primarily products manufactured on-site.
Personal services	P	Personal services is permitted, provided that: ■ The total building floor area of all personal services establishments on any one development site may not exceed 30 percent of the total floor area of all buildings on the development site; and ■ In no case may a single personal services establishment exceed 10,000 square feet in building floor area.
Postal services and retail financial services	P	Postal services and retail financial services is permitted, provided that: ■ The total building floor area of all postal services and retail financial services establishments on any one development site may not exceed 30 percent of the total floor area of all buildings on the development site; and ■ In no case may a single postal services and retail financial services establishment exceed 10,000 square feet in building floor area.
Business and Professional Services		
Office	P	Office is permitted, provided that: ■ The total building floor area of all office establishments on any one development site may not exceed 30 percent of the total floor area of all buildings on the development site; and ■ In no case may a single office establishment exceed 10,000 square feet in building floor area.
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	N	
Motor vehicle services	N	Gasoline service stations
	P	All other motor vehicle services.
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	Truck stops
	P	All other heavy vehicle and trailer service and storage.

Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	The following commercial entertainment—indoor activities: <ul style="list-style-type: none"> ■ Health clubs and gyms ■ Entertainment establishments. ■ Membership sports and recreation clubs.
	N	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	P	The following commercial entertainment—outdoor activities: <ul style="list-style-type: none"> ■ Membership sports and recreation clubs.
	N	All other commercial entertainment—outdoor.
Major event entertainment	N	
Recreational and cultural community services	P	The following recreational and cultural community services activities: <ul style="list-style-type: none"> ■ Art museums and art centers ■ Museums
	N	All other recreational and cultural community services
Parks and open space	P	
Non-profit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	Child day care services
	N	All other day care
Basic education	N	
Post-secondary and adult education	P	Vocational trade schools
	N	All other post-secondary and adult education
Civic Services		
Governmental services	P	
Social services	N	
Governmental maintenance services and construction	P	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
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 buildings and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Disinfecting and pest control services ■ Building cleaning and maintenance services.
	P	All other buildings and grounds services and

Construction Contracting		
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	N	The following heavy wholesaling activities: <ul style="list-style-type: none"> ■ Scrap and waste materials. ■ Chemicals and allied products
	P	All other heavy wholesaling
Warehousing and distribution	P	
Self-service storage	P	
Manufacturing		
General manufacturing	N	The following general manufacturing activities are prohibited: <ul style="list-style-type: none"> ■ Paperboard containers and boxes. ■ Paper bag and coated and treated paper manufacturing. ■ Drugs, cleaning agents, and personal care products. ■ Batteries. ■ Sign manufacturing
	P	All other general manufacturing.
Heavy manufacturing	N	The following heavy manufacturing activities are prohibited: <ul style="list-style-type: none"> ■ Animal slaughtering and processing. ■ Pulp, paper, and paperboard mills. ■ Sawmills. ■ Chemical manufacturing. ■ Petroleum and coal products. ■ Cement and concrete products. ■ Foundries, smelting, and other similar activities. ■ Ordnance, small arms, and ammunition.
	C	All other heavy manufacturing.
Printing	P	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	P	
Power generation facilities	P	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	P	Recycling depots
	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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
Temporary uses	P	<p>The following temporary uses:</p> <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.

- (b) *Prohibited uses.* Notwithstanding Table 556-1, any permitted, special, or conditional use within the SCI zone shall be a prohibited use if developed with a drive-through.

Amendments to SRC Chapter 602 (Airport Overlay Zone)

Sec. 602.005. 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:

Airport elevation means the highest point of an airport’s usable runways measured in feet above mean sea level~~an elevation that is 210 feet above mean sea level.~~ Airport elevation for McNary Field Airport is 213.4 feet.

Approach surface means a surface longitudinally centered on the extended runway centerline, and extending outward and upward from the end of the primary surface at the same slope as the approach area height limitation slope set forth in SRC 602.020(a). The perimeter of the approach surface coincides with the perimeter of the approach area.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet.

Federal Aviation Administration (FAA) means ~~the Federal Aviation Administration~~ the Federal regulatory authority on airports, airspace, aircraft, and pilots in the U.S. FAA policy is created in Washington D.C. and administered by local regional and district offices.

Federal Regulations Part 77 means the part of Federal Aviation Regulations (FAR) as set forth in Title 14, Code of Federal Regulations, Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace, that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions. Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace.

Hazard to air navigation means an obstruction determined by the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Horizontal surface means a horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal area.

Larger than utility runway means a runway that is constructed for, and intended to be used by, any aircraft of greater than 12,500 pounds maximum gross weight.

McNary Field means the Salem Municipal Airport, which is owned and operated by the City of Salem.

Non-precision instrument runway means a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved by FAA.

Obstruction means any building, structure, object, including mobile objects, or vegetative growth, that exceeds the height limitations in SRC 602.020(a).

Precision instrument runway means a runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR), for which a precision approach system has been approved by FAA.

Primary surface means a surface longitudinally centered on a runway, and having the width set forth in SRC 602.010. When a runway has a specially prepared hard surface, the primary surface extends a distance of 200 feet beyond each end of ~~the that~~ runway. When a runway does not have a specially prepared hard surface, or is a military runway, the primary surface ends at each end of ~~the that~~ runway. The elevation of any point on the primary surface is the same as the elevation ~~as of~~ the nearest point on the runway centerline.

Runway means the area of an airport prepared for the takeoff and landing of aircraft along its entire length. McNary Field includes two runways, Runway 16/34 and Runway 13/31.

Transitional surfaces means the surfaces that extend outward and upward at ~~90-degree~~ 90-degree angles ~~from~~ to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot vertically from the sides of the primary surface and the sides of the approach surfaces to the point of intersection with the horizontal surface and conical surface. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet, measured horizontally from the edge of the approach surface at ~~a 90-degree~~ 90-degree angles to the extended runway centerline.

Utility runway means a runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.

Sec. 602.010. Airport Overlay Zone boundary.

The boundaries of the Airport Overlay Zone are shown in Figure 602-1. The Airport Overlay Zone is divided into the following ~~seven~~ areas that apply to land beneath, upon, and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces of McNary Field:

~~(a) Utility runway visual approach (URVA) area. The inner boundary of the URVA area lies along the end of the primary surface and is 250 feet wide. The URVA area expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the URVA area is the continuation of the centerline of proposed runway 16-34.~~

~~(a) Approach area. The approach area consists of the following:~~

~~(1)(b) Runway ~~larger other than utility~~ runway with only visual approach (RLUVA) area. The inner boundary of the ~~RLUVA~~ runway other than utility runway with only visual approach area lies along the end of the primary surface and is 500 feet wide. The ~~RLUVA~~ area expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the ~~RLUVA~~ area is the continuation of the centerline of ~~runway~~ Runway 16-34.~~

- (2)(e) ~~Non-precision instrument Runway~~ ~~runway larger than utility having a non-precision instrument approach with a visibility minimums as low as three-quarter mile~~ ~~non-precision instrument approach (RLUVM) area.~~ The inner boundary of the RLUVM non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile area lies along the end of the primary surface and is 1,000 feet wide. The RLUVM-area expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of the RLUVM-area is the continuation of the centerline of ~~runway~~ Runway 13.
- (3)(d) ~~Precision instrument runway approach (PIRA) area.~~ The inner boundary of the PIRA precision instrument runway approach area lies along the end of the primary surface and is 1,000 feet wide. The PIRA-area expands outward uniformly to a width of 16,000 feet at a horizontal distance of ~~50,000~~10,000 feet from the primary surface and thereafter to a horizontal distance of 50,000 feet from the primary surface. The centerline of the PIRA-area is the continuation of the centerline of ~~runway~~ Runway 31.
- (b)(e) *Transitional areas.* The transitional areas are those areas that lie beneath the transitional surfaces of each runway.
- (c)(f) *Horizontal area.* The boundary of the horizontal area is established by swinging arcs with 5,000 feet radii, for all utility or visual runways, and 10,000 feet radii, for all other runways, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal area does not include the approach and transitional areas.
- (d)(g) *Conical surface area.* The conical surface area commences at the periphery of the horizontal area and extends outward a horizontal distance of 4,000 feet.

Sec. 602.020. Development standards.

Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

- (a) *Height.* Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.
- (1) ~~Utility runway visual approach (URVA) area. In the URVA area, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerline of runway 16-34.~~
- (1)(2) ~~Runway other than a utility runway with only visual approaches larger than utility visual approach (RLUVA) area. In the RLUVA area, no~~ No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerline of ~~runway~~ Runway 16-34.
- (2)(3) ~~Non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile. larger than utility with a visibility minimum as low as three quarter mile non-precision instrument approach (RLUVM) area. In the RLUVM area, no~~ No building, structure, object, or vegetative growth shall have a height greater than that

established by a plane sloping 34 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of ~~runway~~ Runway 13.

~~(3)~~(4) *Precision instrument runway approach (PIRA) area.* In ~~the PIRA area, no~~No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 50 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of ~~runway~~ Runway 31; thence sloping 40 feet outward for each one foot upward to an additional horizontal distance of 40,000 feet along the extended centerline of ~~runway~~ Runway 31.

~~(4)~~(5) *Transitional surface areas.* In ~~the transitional surface areas,~~ no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, in ~~the transitional areas surface~~ there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach PIRA area projects beyond the conical area, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending a horizontal distance of 5,000 feet measured at ~~90-degree~~90-degree angles to the extended runway centerline.

~~(5)~~(6) *Horizontal surface area.* In the horizontal surface area, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

~~(6)~~(7) *Conical surface area.* In the conical surface area, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal surface area, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

- (b) *Development compatibility.* Uses within the Airport Overlay Zone shall not be developed, conducted, or maintained in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract wildlife, or endanger or interfere in any other manner with landing, takeoff, or maneuvering of aircraft using or intending to use McNary Field.
- (c) *Marking and lighting.* Marking and lighting necessary to indicate the presence of buildings, structures, or vegetation to operators of aircraft in the vicinity of the airport shall be provided as required by the FAA.

Amendments to SRC Chapter 604 (Pine Street Mixed-Use Overlay Zone)

Sec. 604.015. Uses.

- (a) *General.* Except as otherwise provided in this section, the uses set forth in Table 604-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Pine Street Mixed-Use Overlay Zone.

TABLE 604-1. USES

Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Household Living			
Single family	P	C	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	P	Dwelling unit for a caretaker or watchperson on the premises being cared for or guarded.
	N	N	All other single family.
Two family	N	C	
Three family	P	S	Three family, constructed as part of a mixed-use development, subject to SRC 700.081.
	S	S	All other three family, subject to SRC 700.081.
Four family	P	S	Four family, constructed as part of a mixed-use development, subject to SRC 700.081.
	S	S	All other four family, subject to SRC 700.081.
Multiple family	P	C	Multiple family, constructed as part of a mixed-use development.
	C	C	All other multiple family.
Group Living			
Room and board	P	C	Room and board serving 5 or fewer persons.
	C	N	Room and board serving 6 to 75 persons.
	N	N	All other room and board.
Residential care	C	C	
Nursing care	P	P	
Lodging			
Short-term commercial lodging	P	P	
Long-term commercial lodging	N	C	
Nonprofit shelters	C	C	Nonprofit shelters serving 5 or fewer persons.
	N	N	All other nonprofit shelters.
Retail Sales and Services			
Eating and drinking establishments	P	P	
Retail sales	N	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	N	P	The following retail sales activities: <ul style="list-style-type: none"> ■ Auto supply stores. ■ Meat and seafood markets where live animals are sold or processed.
	P	P	All other retail sales.
Personal services	P	P	
Postal services and retail financial services	P	P	
Business and Professional Services			
Office	P	P	

Audio/visual media production	P	P	
Laboratory research and testing	P	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor vehicle and manufactured dwelling and trailer sales	C	C	
Motor vehicle services	C	C	
Commercial parking	P	P	
Park-and-ride facilities	P	P	
Taxicabs and car services	N	P	
Heavy vehicle and trailer sales	N	N	
Heavy vehicle and trailer service and storage	N	N	
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial entertainment—indoor	C	C	Nightclubs, located within 200 feet of a residential zone.
	P	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	N	
Major event entertainment	N	N	
Recreational and cultural community services	P	P	
Parks and open space	P	P	
Nonprofit membership assembly	P	P	
Religious assembly	P	P	
Health Services			
Medical centers/hospitals	N	N	
Outpatient medical services and laboratories	P	P	
Educational Services			
Day care	P	P	
Basic education	P	P	
Post-secondary and adult education	P	P	
Civic Services			
Governmental services	P	P	
Social services	P	P	
Governmental maintenance services and construction	N	N	
Public Safety			
Emergency services	P	P	
Detention facilities	N	N	
Military installations	P	P	
Funeral and Related Services			
Cemeteries	N	N	
Funeral and cremation services	P	P	
Construction Contracting, Repair, Maintenance, and Industrial Services			
General repair services	P	P	

Building and grounds services and construction contracting	N	N	
Cleaning plants	N	N	Industrial laundries.
	P	P	All other cleaning plants.
Industrial services	N	N	
Wholesale Sales			
General wholesaling	P	P	General wholesaling, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy wholesaling	N	N	
Warehousing and distribution	N	N	
Self-service storage	N	N	
Manufacturing			
General manufacturing	C	P	General manufacturing, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy manufacturing	N	N	
Printing	P	P	
Transportation Facilities			
Aviation facilities	N	N	
Passenger ground transportation facilities	P	P	
Marine facilities	N	N	
Utilities			
Basic utilities	P	P	
Wireless communication facilities	Allowed	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	C	
Power generation facilities	N	N	
Data center facilities	N	N	
Fuel dealers	N	N	
Waste-related facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and natural gas production	N	N	
Surface mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	N	N	
Forestry	N	N	
Agriculture and forestry services	N	N	
Keeping of livestock and other animals	N	N	
Animal services	P	P	Small animal veterinary services.
	C	C	Wildlife rehabilitation facility.

	N	N	All other animal services.
Other Uses			
Temporary uses	P	P	The following temporary uses: <ul style="list-style-type: none"> ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030.
Home occupations	S	S	Home occupations are allowed, subject to SRC 700.020.

- (b) *Additional conditional uses.* In addition to the uses set forth in Table 604-1, any permitted, special, or conditional use within the Pine Street Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:
- (1) Drive-through;
 - (2) Outside storage and parking of professional and commercial equipment; or
 - (3) Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.
- (c) *Continued uses.* Uses existing within the Pine Street Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.
- (1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.
 - (2) A continued use may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.
 - (3) A continued use may be changed to any use that is allowed in the Pine Street Mixed-Use Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.
 - (4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.

Amendments to SRC Chapter 605 (Northgate Mixed-Use Overlay Zone)

Sec. 605.015. Uses.

- (a) *General.* Except as otherwise provided in this section, the uses set forth in Table 605-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Northgate Mixed Use Overlay Zone.

TABLE 605-1. USES		
Use	Status	Limitations & Qualifications
Household Living		

Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	C	Duplex, not constructed as part of a mixed-use development.
	N	All other two family.
Three family	P	Three family, constructed as part of a mixed-use development.
	C	All other three family.
Four family	P	Four family, constructed as part of a mixed-use development.
	C	All other four family.
Multiple family	P	Multiple family, constructed as part of a mixed-use development.
	C	All other multiple family.
Group Living		
Room and board	C	Room and board serving 5 or fewer persons.
	N	All other room and board.
Residential care	C	Residential facility, as defined under ORS 197.660.
	N	All other residential care.
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	C	Long-term commercial lodging, not constructed as part of a mixed-use development.
	N	All other long-term commercial lodging.
Nonprofit shelters	C	Nonprofit shelters serving 5 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	N	The following retail sales activities: <ul style="list-style-type: none"> ■ Meat and seafood markets, where live animals are sold or processed. ■ Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	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 Services		
Motor vehicle and manufactured dwelling and trailer sales	C	
Motor vehicle services	C	
Commercial parking	P	
Park-and-ride facilities	P	

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	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	N	The following commercial entertainment—outdoor activities: <ul style="list-style-type: none"> ■ Amusement parks. ■ Drive-in movie theaters. ■ Golf courses. ■ Sporting and recreational camps. ■ Recreational vehicle parks and campsites.
	P	All other commercial entertainment—outdoor.
Major event entertainment	N	
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	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	C	
Building and grounds services and construction contracting	C	Carpet and upholstery cleaning establishments.
	N	All other building and grounds services and construction contracting.
Cleaning plants	N	
Industrial services	N	

Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	C	Online, mail order, and catalog sales.
	N	All other warehousing and distribution.
Self-service storage	N	
Manufacturing		
General manufacturing	C	The following general manufacturing activities: <ul style="list-style-type: none"> ■ Costume jewelry and precious metals metalsmithing. ■ Sundries and notions. ■ Sign manufacturing.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	Transit stop shelters.
	C	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	Small animal veterinary services.
	N	All other animal services.
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u>
Home occupations	S	Home occupations are allowed, subject to SRC 700.020.

- (b) *Additional conditional uses.* In addition to the uses set forth in Table 605-1, any permitted, special, or conditional use within the Northgate Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:

- (1) Drive-through;
 - (2) Outside storage and parking of professional and commercial equipment; or
 - (3) Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.
- (c) *Continued uses.* Uses existing within the Northgate Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.
- (1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.
 - (2) A continued use may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant lots under the same ownership must comply with all applicable standards in the underlying zone.
 - (3) A continued use may be changed to any use that is allowed in the Northgate Mixed Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Northgate Mixed-Use Overlay Zone.
 - (4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Northgate Mixed-Use Overlay Zone.

Amendments to SRC Chapter 617 (Riverfront Overlay Zone)

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.
- (d) Development within the Central Business District (CB) zone shall only be subject to the design standards of the CB zone set forth in SRC 524.010(f) and not the design review standards or the design review guidelines set forth in SRC 617.030.

Amendments to SRC Chapter 626 (Commercial High-Density Residential Overlay Zone)

Sec. 626.015. Uses.

- (a) *General.* Except as otherwise provided in this section, the uses set forth in Table 626-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Commercial/High Density Residential Overlay Zone.

TABLE 626-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	N	
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer 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	
Long-term commercial lodging	P	
Nonprofit shelters	P	
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	N	The following retail sales activities: <ul style="list-style-type: none"> ■ Lumber and building materials dealers. ■ Hardware stores. ■ Lawn and garden supply stores. ■ Auto supply stores. ■ Meat and seafood markets, where live animals are sold or processed. ■ Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	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	N	
Laboratory research and testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	Gas stations.
	C	All other motor vehicle services.

Commercial parking	P	
Park-and-ride facilities	N	
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	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	P	
Major event entertainment	N	
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	The following day care activities: <ul style="list-style-type: none"> ■ Child day care home. ■ Adult day care home. ■ <u>Child day care center.</u>
	C	The following day care activities: <ul style="list-style-type: none"> ■ Child day care center. ■ Adult day care center.
	N	All other day care.
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	N	
Cleaning plants	N	

Industrial services	N	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	The following general wholesaling activities: <ul style="list-style-type: none"> ■ Automobile, and other motor vehicle, and trailer wholesalers. ■ Manufactured dwelling wholesalers. ■ Motor vehicle supplies and parts wholesalers. ■ Non-consumer electronics and electrical supplies wholesalers. ■ Heating and cooling equipment and supplies wholesalers. ■ Industrial and commercial supplies wholesalers. ■ Toys and sporting goods wholesalers. ■ Meat, fish, and poultry product wholesalers. ■ Farm supplies wholesalers. ■ Paint and varnish wholesalers. ■ Tobacco product wholesalers.
	P	All other general wholesaling.
Heavy wholesaling	N	
Warehousing and distribution	P	
Self-service storage	P	
Manufacturing		
General manufacturing	N	
Heavy manufacturing	N	
Printing	P	
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	P	
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
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	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Temporary uses	P	<u>The following temporary uses:</u>

		<ul style="list-style-type: none"> ■ <u>Emergency shelter, subject to SRC 701.025.</u> ■ <u>Managed temporary village, subject to SRC 701.030.</u> ■ <u>Replacement single family dwelling-is permitted, subject to SRC 701.020/701.035.</u>
Home occupations	S	Home occupations are allowed, subject to SRC 700.020
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

- (b) *Additional conditional uses.* In addition to the uses set forth in Table 626-1, any permitted, special, or conditional use within the Commercial/High Density Residential Overlay Zone shall be a conditional use within the overlay zone if developed with the following:
- (1) Drive-through.
- (c) *Continued uses.* Uses existing within the Commercial/High Density Residential Overlay Zone that were allowed as permitted, special, or conditional uses on November 30, 1998, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.
- (1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.
 - (2) A continued use may be extended onto other properties within the Commercial/High Density Residential Overlay Zone. The extension of a continued use onto other properties within the Commercial/High Density Residential Overlay Zone must comply with all applicable standards in the underlying zone.
 - (3) A continued use may be changed to any use that is allowed in the Commercial/High Density Residential Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Commercial/High Density Residential Overlay Zone.
 - (4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Commercial/High Density Residential Overlay Zone.

Additional Proposed Revisions to SRC Chapter 631 (Compact Development Overlay Zone)

Sec. 631.010. Uses.

~~Except as otherwise provided in this section, a~~Any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Compact Development Overlay Zone.

- ~~(a) Continued uses. Four family uses and multiple family uses existing within the Compact Development Overlay Zone on January 1, 1999, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.~~

- (1) ~~A continued use may be intensified or expanded, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, expansion, enlargement, rebuilding, or exterior alteration complies with all applicable standards of the Multiple Family Residential I (RM I) Zone.~~
- (2) ~~Abandonment shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Compact Development Overlay Zone. For purposes of this subsection, the term "abandonment" means the cessation of the use or structure for a continuous period of one year.~~
- (3) ~~A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Compact Development Overlay Zone.~~
- (4) ~~Continued uses are exempt from the development standards and the design review guidelines and design review standards of this chapter. Upon termination of continued use status, the development standards and the design review guidelines and design review standards of this chapter shall apply.~~
- (b) ~~Additional permitted uses. The uses set forth in Table 631-1 are additional permitted (P) uses in the Compact Development Overlay Zone.~~

TABLE 631-1. ADDITIONAL PERMITTED USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	
Two family	P	
Three family	S	Subject to SRC 700.081.
Four family	N	
Multiple family	N	

Sec. 631.015. Development standards.

Development within the Compact Development Overlay Zone must comply with the development standards applicable in the underlying zone, and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

- (a) ~~Lot standards. Lots within the Compact Development Overlay Zone shall conform to the standards set forth in Table 631-2.~~

TABLE 631-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 3,000 sq. ft.	Applicable to all other single family.

Two family and three family	Min. 3,000 sq. ft. per dwelling unit	
Lot Width		
Single family, two family, and three family	Min. 20 ft.	
Lot Depth		
Single family, two family, and three family	Min. 65 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
Street Frontage		
Single family, two family, and three family	Min. 20 ft.	

- (b) Dwelling unit density. Dwelling unit density within the Compact Development Overlay Zone shall conform to the standards set forth in this subsection. Dwelling unit density cannot be varied or adjusted.
- (1) Minimum density. There is no minimum dwelling unit density.
 - (2) Maximum density. The maximum dwelling unit density shall be 14 dwelling units per acre; provided, however:
 - (A) Not more than three dwelling units shall be permitted on an individual lot; and
 - (B) Not more than five townhouse dwelling units shall be attached in a single structure.
- (c) Setbacks. Setbacks within the Compact Development Overlay Zone shall be provided as set forth in Table 631-3.

TABLE 631-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
Single family (other than townhouses), two family, and three family	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to single family, two family, and three family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height when located in a yard adjacent to a collector or arterial street.
Interior Front		
Buildings		
Single family (other than townhouses), two family, and three family	Min. 12 ft.	
Accessory Structures		
Accessory to single family, two family, and three family	None	Applicable to accessory structures not more than 4 ft. in height.

	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
Interior Side		
Buildings		
Single family (other than townhouses)	Min. 3 ft.	Applicable to existing buildings.
	Min. 5 ft.	Applicable to new building.
Two family and three family	Min. 5 ft.	
Accessory Structures		
Accessory to single family, two family, and three 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.
Interior Rear		
Buildings		
Single family (other than townhouses), two family, and three family	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
Accessory to single family, two family, and three 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.

(d) Lot coverage; height. Buildings and accessory structures within the Compact Development Overlay Zone shall conform to the lot coverage and height standards set forth in Table 631-4.

TABLE 631-4. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
Single family, two family, and three family	Max. 60%	
Rear Yard Coverage		
Accessory Structures		
Accessory to single family, two family, and three family	Max. 25%	
Height		
Buildings		
Single family, two family, and three family	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
	Max. 35 ft.	Applicable to new buildings.

Accessory Structures		
Accessory to single family, two family, and three family	Max. 15 ft.	

- ~~(e) Building separation. A minimum ten-foot separation shall be provided between individual buildings containing dwelling units located on the same lot.~~
- ~~(f) Access.~~
 - ~~(1) Where a property abuts an alley, access to parking for single family, two family, and three family uses shall be taken from the alley.~~
 - ~~(2) Within front yards abutting streets, no driveway serving single family, two family, or three family uses shall be more than one-half the width of the property frontage on the street or 20 feet, whichever is less. Flag lot accessways shall comply with the standards set forth in SRC 800.025.~~

Sec. 631.020. Design review.

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

- ~~(a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.~~
- ~~(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.~~

Amendments to SRC Chapter 700 (Special Use Provisions)

Sec. 700.005. Special uses, generally.

- (a) A special use is a use that, while allowed in certain zones and overlay zones, has the potential for creating impacts that merit special standards beyond those that would otherwise apply to uses generally in that zone or overlay zone. A use that is designated as a special use in one zone or overlay zone may be a permitted use in another zone or overlay zone.
- (b) The special use standards set forth in this chapter apply only where a use is designated as a special use.
- (c) A special use that complies with the standards set forth in this chapter and with the applicable standards of the UDC does not require approval beyond that required for a use that is a permitted use.
- (d) Except as specifically provided in this section, a project may only deviate from the special use standards in this chapter through conditional use approval as provided in SRC chapter 240, and not through an adjustment or variance.
- (e) Notwithstanding subsection (d) of this section, deviation from a special use standard for the following uses~~accessory dwelling units and three family and four family uses~~ shall be made pursuant to adjustment approval, as provided in SRC chapter 250, or variance approval, as provided in SRC chapter 245:
 - (1) Accessory dwelling units;
 - (2) Cottage clusters;
 - (3) Self-service storage within an existing building; and

(4) Three family and four family uses.

Sec. 700.006. Accessory short-term rentals.

Where designated as a special use, accessory short-term rentals shall comply with the additional standards set forth in this section. The standards in this section cannot be modified through conditional use approval.

- (a) *Operated as accessory use.* An accessory short-term rental shall only be operated as an accessory use to a single family or two family use on the same lot. In order to qualify as an accessory use:
 - (1) The accessory short-term rental must be operated by the resident family who resides in the dwelling unit; and
 - (2) The resident family must reside in the dwelling unit for a minimum of 270 days during each calendar year.
- (3) For purposes of this subsection, the resident family must be:
 - (A) The owner of the dwelling unit; or
 - (B) A tenant of the dwelling unit, provided there are no more than five existing tenants within the dwelling unit.
- (b) *Structure type.* An accessory short-term rental shall be located within a lawfully-built single family dwelling unit, two family dwelling unit, or guest house, that meet building code requirements. For purposes of this subsection, a dwelling unit within a condominium is considered a single family dwelling unit. An accessory short-term rental shall not be allowed in:
 - (1) An accessory dwelling unit (ADU);
 - (2) A tent or other temporary enclosure or shelter;
 - (3) A recreational vehicle, travel trailer, or similar structure;
 - (4) A motor vehicle; or
 - (5) Any structure not intended for ongoing human occupancy;
- (c) *Relationship to other accessory uses on lot.* In order to minimize the cumulative impacts of multiple accessory uses located on one lot, an accessory short-term rental shall not be allowed if any of the following accessory uses are being conducted on the lot:
 - (1) Accessory dwelling unit (ADU); ~~and~~
 - ~~(2) Taking of boarders or leasing of rooms by a resident family.~~
- (d) *Number of guest rooms.*
 - (1) *Hosted rental.* When the resident family is present as a host, the maximum number of guest rooms, including those within a guest house, that may be rented shall not exceed three.
 - (2) *Non-hosted rental.* When the resident family is not present as a host, the entire dwelling unit, and if applicable guest house, may be rented; there is no maximum limit on the number of guest rooms that may be used.
- (e) *Number of guests.*
 - (1) Hosted rental. The maximum number of guests shall not exceed two per guest room.
 - (2) Non-hosted rental. When the resident family is not present as a host, the maximum number of guests shall not exceed two per guest room, but in no case shall the total number of guests exceed ten.

- (3) For purposes of this subsection, children under 12 years of age do not count toward the maximum number of guests.
- (f) *Length of stay.* The maximum length of stay for any guest shall not exceed 29 consecutive days.
- (g) *Booking limits.*
 - (1) *Hosted rental.*
 - (A) There is no maximum limit on the number of days within a calendar year an accessory short-term rental may be rented when the resident family is present as a host.
 - (B) Multiple bookings at any given time by more than one group of guests are allowed.
 - (2) *Non-hosted rental.*
 - (A) The total number of days within a calendar year an accessory short-term rental may be rented without the resident family being present as a host shall not exceed a maximum of 95 days.
 - (B) Rental of the accessory short-term rental shall be limited to a maximum of one booking at any given time. Multiple bookings at any given time by more than one group of guests are not allowed.
- (h) *Activities allowed.* Accessory short-term rentals shall be limited to the provision of lodging. Activities other than lodging, such as events, gatherings, luncheons, banquets, parties, weddings, meetings, fundraising, or commercial or advertising activities, are prohibited.

Sec. 700.011. Cottage clusters.

Where designated as a special use, cottage clusters shall comply with the additional standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard.

- (a) *Dwelling unit density.*
 - (1) The minimum required dwelling unit density for cottage clusters is four dwelling units per acre.
 - (2) There is no maximum dwelling unit density for cottage clusters.
- (b) *Maximum building footprint.* No dwelling unit within a cottage cluster shall have a building footprint that is greater than 900 square feet. Where a dwelling unit within a cottage cluster has an attached garage or carport, up to 200 square feet of the attached garage or carport may be excluded from the maximum building footprint calculation for that unit. For purposes of this subsection, building footprint means the horizontal area of the building, measured from outside of all exterior walls and supporting columns. It includes the dwelling, garage, and carport, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered porches, or projections which do not have a post touching the ground or ramps and stairways required for access.
- (c) *Common courtyard.* Cottage clusters shall include a common courtyard. The common courtyard shall:
 - (1) Be a single, contiguous area;
 - (2) Be a minimum size of 150 square feet per dwelling unit;
 - (3) Have no dimension less than 15 feet;
 - (4) Be developed with one or more of the following, provided that any impervious elements shall not exceed 75 percent of the total common courtyard area:
 - (A) Landscaping;

- (B) Lawn area;
- (C) Paved courtyard area; or
- (D) Recreational amenities; and

(5) Abut dwelling units on at least two sides.

(d) Cottage orientation.

(1) A minimum of 50 percent of the dwelling units within a cottage cluster shall be oriented to the common courtyard and shall:

- (A) Have a main entrance facing the common courtyard;
- (B) Be located within 10 feet of the common courtyard, as measured from the nearest point on the dwelling unit to the nearest edge of the common courtyard; and
- (C) Be connected to the common courtyard by a pedestrian path.

(2) Dwelling units within 20 feet of a property line abutting a street may have their main entrances facing the street.

(3) Each dwelling unit within the cottage cluster that is not oriented to the common courtyard or does not have their main entrance facing the street shall have its main entrance facing a pedestrian path that is directly connected to the common courtyard.

(e) Pedestrian access.

(1) An accessible pedestrian path shall be provided that connects the main entrance of each dwelling unit within the cottage cluster to the following:

- (A) The common courtyard;
- (B) Shared parking areas;
- (C) The community building, if one is included within the development; and
- (D) All streets abutting the development site.

(2) The pedestrian path shall be a hard-surface material, and shall be a minimum of four feet in width.

(f) Off-street parking and vehicle use area location and setbacks. Off-street parking, vehicle storage, vehicle maneuvering areas, and driveways shall be located and setback as follows:

(1) Except as otherwise provided in this section, off-street parking, vehicle storage, and vehicle maneuvering areas:

- (A) Shall not be located between the front property line abutting a street and those dwelling units within the cottage cluster that are located closest to the front property line abutting a street;
- (B) Shall be setback a minimum of 20 feet from the property line abutting a street; and
- (C) Shall be setback a minimum of 10 feet from all other property lines, except property lines abutting an alley where there is no minimum required setback.

(2) When a cottage cluster is located on a corner lot or double frontage lot, off-street parking, vehicle storage, and vehicle maneuvering areas shall conform to the location and setback requirements included under subsection (f)(1) of this section, except that such areas may be located between the dwelling units and a property line abutting a street on the side or rear of the lot, but shall be setback a minimum of 10 feet from the property line abutting such street.

(3) Driveways shall conform to the location and setback requirements included under subsection (f)(1) of this section, except that they:

- (A) Shall be setback a minimum of 10 feet from the property line abutting a street on the side or rear of a lot;
 - (B) May be located within 10 feet of a property line which does not abut a street; and
 - (C) May be located within a required setback where the driveway provides direct access to the street.
- (g) Existing single-family detached dwellings. When an existing single family detached dwelling is located on a lot that is proposed to be developed as a cottage cluster, the existing single-family dwelling:
- (1) May remain on the lot regardless of whether it conforms to the standards of this section and the underlying zone;
 - (2) Shall count as a dwelling unit within the cottage cluster; and
 - (3) May be expanded, provided:
 - (A) It does not exceed the maximum building footprint established in this section and the maximum building height of the underlying zone; and
 - (B) The expansion conforms to the applicable standards of this section and the applicable standards of the underlying zone.
- (h) Community Building. Cottage clusters may include a community building for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings shall meet the following standards:
- (1) No more than one community building is allowed;
 - (2) The footprint of the community building shall not exceed 900 square feet; and
 - (3) The community building shall meet the applicable standards of this section and the applicable standards of the underlying zone.

Sec. 700.050. Commercial parking.

~~Where designated as a special use, commercial parking shall comply with the additional standards set forth in this section.~~

- ~~(a) Location. The parking area shall be located on a lot whose side abuts property, other than a street, alley, or creek, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.~~
- ~~(b) Size. The parking area shall not exceed a maximum of 10,000 square feet or 24 parking spaces, whichever is smaller.~~
- ~~(c) Setbacks. The parking area shall be setback a minimum of ten feet from abutting residentially zoned property or property used for a residential use. The setback shall be landscaped according to the Type C standard set forth in SRC chapter 807.~~
- ~~(d) Access. Access to the parking area shall be limited to the street that provides access to the abutting commercial or industrial zoned property.~~

Sec. 700.071. Self-service storage within an existing building.

Where designated as a special use, self-storage within an existing building shall comply with the additional standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard.

- (a) Location. Self-service storage shall only be located within a building existing on [Insert Effective Date of Ordinance].

(b) Ground floor active uses required. In order to ensure that when an existing building is used for self-surface storage that it will continue to contribute to a vibrant and active pedestrian environment along the street and avoid situations where low activity levels detract from the vitality and desired interaction among the uses in the area, any existing building used for self-service storage shall include ground floor active uses other than storage. Ground floor active uses:

- (1) Shall occupy the entire ground floor of the building, except for those portions of the ground floor where loading docks and service elevators are allowed pursuant to subsection (c)(2)(B) of this section; and
- (2) Shall include one or more uses, other than storage, that are allowed within the zone except for any use within the following use categories which shall not be allowed:
 - (A) Motor vehicle, trailer, and manufactured dwelling sales and service.
 - (B) Construction contracting, repair, maintenance, and industrial services.
 - (C) Wholesale sales, storage, and distribution.
 - (D) Manufacturing.
 - (E) Utilities.

(c) Maximum floor area and location of storage within building.

- (1) Not more than 50 percent of the total floor area of the existing building shall be occupied by self-service storage; provided, however:
 - (A) If the building is expanded to add additional floors, storage may be located within the new additional floors but only when the storage space within the new floors is surrounded by perimeter uses facing the street other than storage.
 - (B) Non-storage perimeter uses are not required for those portions of new floors facing an interior side property line, an interior rear property line, or an alley.
- (2) Storage shall not be located on the ground floor of the building; provided, however:
 - (A) A leasing office and other non-storage customer service areas associated with the use may be located on the ground floor; and
 - (B) Loading docks and service elevators associated with the use may be located on the ground floor provided they are located at the rear of the building and do not occupy any portion of the ground floor space within the building abutting a street.
- (3) Access to individual storage spaces shall be provided from within the building.

(d) Building appearance and design.

- (1) No alteration, regardless of whether a building permit is required, shall be made to the existing building that would result in the building either being made nonconforming or having its degree of nonconformance increased with respect to the following design standards of the Central Business District (CB) zone included under SRC 524.010(f):
 - (A) Ground floor building height;
 - (B) Building façade articulation;
 - (C) Building entrances;
 - (D) Ground floor and upper floor windows;
 - (E) Weather protection; and
 - (F) Balconies.

(e) Outdoor storage not allowed. Outdoor storage of any type, including, but not limited to, commercial vehicles, recreational vehicles, boats, and moving vans is prohibited.

(f) Loading and service area location.

(1) Any loading and service area associated with the self-service storage use must be located behind the building and accessed either from an alley at the rear of the lot or a side street.

(2) Any loading and service area associated with the self-service storage use must be completely screened from view from the street and abutting properties. Screening may be satisfied by either a minimum eight-foot-tall decorative masonry wall architecturally finished to match the building or by locating the loading and service area within the building.

Sec. 700.081. Three family and four family uses.

Where designated as a special use, three family and four family uses shall comply with the additional standards set forth in this section.

(a) Buildings shall be constructed with at least one primary entrance that is articulated with a differentiated roof, awning, or porch. *Main entrance orientation.* At least one main entrance for each building within a three family or four family use must meet the following standards:

(1) The entrance must be located within 8 feet of the longest street-facing wall of the dwelling unit and either:

(A) Face the street;

(B) Be at an angle of up to 45 degrees from the street;

(C) Face a common open space that is adjacent to the street; or

(D) Open onto a porch that:

(i) Is at least 25 square feet in area; and

(ii) Has at least one entrance facing the street or has a roof.

(2) The standards of this subsection shall not apply to any detached structure for which more than 50 percent of its street-facing façade is separated from the property line abutting the street by a dwelling.

~~(b) Each building shall have at least one primary building entrance oriented toward a street, front lot line, or common open space that is adjacent to the street.~~

~~(c) Buildings shall have a pitched roof with a slope of not less than three feet in height for each 12 feet in width.~~

(b)(d) Off-street vehicle use areas shall not exceed 50 percent of the buildable width along each street. *Off-street parking location.* Garages and off-street parking areas shall not be located between a building and a street, except in compliance with the following standards:

(1) The garage or off-street parking area is separated from the property line abutting the street by a dwelling; or

(2) The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed 50 percent of the street frontage.

(c) *Exception for existing single-family detached dwelling conversions.* A triplex or quadplex that is created through a conversion of, or addition to, an existing single-family detached dwelling shall not be required to comply with the standards of this section.

Sec. 700.085. Townhouses.

Where designated as a special use, townhouses shall comply with the additional standards set forth in this section.

- (a) *Permitted development.*
 - (1) Within the Residential Agriculture (RA), Single Family Residential (RS), and Duplex Residential (RD) Zones, not more than ~~three~~four townhouses, each on a separate platted lot, may be attached.
 - (2) Within any zone, other than the Residential Agriculture (RA), Single Family Residential (RS), and Duplex Residential (RD) Zones, not more than six townhouses, each on a separate platted lot, may be attached.
- (b) *Interior side setback.* Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet for new townhouses or three feet for existing townhouses; otherwise, the interior side setback requirements of the UDC shall not apply. The provisions of this subsection shall also apply to accessory structures.
- (c) ~~Maintenance easement. No building permit shall be issued for a townhouse unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the townhouse providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.~~

Sec. 700.090. Two family shared dwellings.

~~Where designated as a special use, two family shared dwellings shall comply with the additional standards set forth in this section.~~

- ~~(a) The building to be converted to a two family shared dwelling must have been constructed as a single family dwelling and must have been occupied as such by an owner for a continuous six month period between the date of its first occupancy and the date of its conversion to a two family shared dwelling.~~
- ~~(b) The building shall contain no more than two dwelling units after conversion.~~
- ~~(c) One dwelling unit within the building must be occupied by the owner of the building.~~
- ~~(d) There shall be no more than two dwelling units per lot.~~
- ~~(e) A minimum of 60 percent of the building's habitable space prior to conversion must be included within one of the dwelling units.~~
- ~~(f) Each dwelling unit shall contain a minimum of 600 square feet of floor area.~~
- ~~(g) No more than 60 square feet of floor area shall be added to the building; provided, however, conversion of unfinished areas to habitable space shall not count toward the 60 square foot limitation.~~
- ~~(h) A two family shared dwelling shall not be separated in ownership under ORS ch. 94 or any other law or ordinance allowing ownership of a portion of a building or the space therein.~~

Sec. 700.095. Zero side yard dwellings.

Where designated as a special use, zero side yard dwellings shall comply with the additional standards set forth in this section.

- (a) *Permitted development.* Any number of zero side yard dwellings, each on a separate platted lot, may be developed under this section in any zone.

- (b) *Interior side setback.* Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet; otherwise, the interior side setback requirements of the UDC shall not apply.
- (c) ~~Maintenance easement. No building permit shall be issued for a zero side yard dwelling unless the applicant provides a copy of a recorded easement from the owner of the property which abuts the zero side yard dwelling providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.~~

Amendments to SRC Chapter 701 (Temporary Uses)

Sec. 701.001. – Purpose.

The purpose of the chapter is to establish standards and a review procedure for uses allowed as temporary uses under the UDC.

Sec. 701.005. 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:

Construction storage yard means a storage area for construction supplies, materials, and/or equipment, located on a site other than the construction site itself, for use only during the actual construction of a project.

Emergency shelter means a temporary facility that provides safe and habitable shelter and supporting services to individuals without shelter or in need of temporary relief from adverse environmental conditions during periods of time when authorized by the City’s Emergency Program Manager.

Managed temporary village means an area providing temporary living accommodations to unhoused individuals in a managed and secure environment within temporary non-permanent structures, such as micro shelters, tents, and vehicles, and with consistent access to on-site restrooms, storage, garbage removal, and additional services.

Replacement single family dwelling means a new single family dwelling constructed to replace an existing owner occupied, site-built, single family dwelling on the same lot.

Residential sales/development office means a building or structure within a subdivision, planned unit development (PUD), condominium development, apartment complex, or manufactured dwelling park whose principal use is for the sale, rent, lease, and/or development of lots, units, and/or structures within the subdivision, PUD, condominium development, apartment complex, or manufactured dwelling park.

Shelter unit means an individual structure within a managed temporary village providing living and sleeping accommodations.

Temporary and seasonal gravel off-street parking and loading area means a gravel off-street parking or loading area utilized to meet a need for parking or loading that is temporary or seasonal in nature, and which is restricted to a limited duration.

Temporary motor vehicle and recreational vehicle sales means the use of property for the sale of cars, light trucks, or recreational vehicles by a commercial dealer for a period that does not exceed four consecutive days.

Sec. 701.010. Temporary use permit.

- (a) *Applicability.* No building, structure, or land shall be used or developed for any use which is allowed as a temporary use under the UDC unless a temporary use permit has been granted pursuant to this chapter.
- (b) *Classes.*
 - (1) *Class 1 temporary use permit.* A Class 1 temporary use permit is a temporary use permit for the following:
 - (A) Christmas tree sales;
 - (B) Construction storage yard;
 - (C) Emergency shelter;
 - (D) Managed temporary village with ten or fewer shelter units;
 - (E) Replacement single family dwelling;
 - (F) Residential sales/development office; and
 - (G) Temporary motor vehicle and recreational vehicle sales.
 - (2) *Class 2 temporary use permit.* A Class 2 temporary use permit is a temporary use permit for the following:
 - (A) Managed temporary village with eleven to forty shelter units; and
 - (B) Temporary and seasonal gravel parking and loading areas.
- (c) *Procedure type.*
 - (1) A Class 1 temporary use permit is processed as a Type I procedure under SRC chapter 300.
 - (2) A Class 2 temporary use permit is processed as a Type II procedure under SRC chapter 300.

Sec. 701.015. – Christmas tree sales.

Christmas tree sales shall comply with the following:

- (a) *Temporary use permit required.* Christmas tree sales shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* An application for a Class 1 temporary use permit for Christmas tree sales shall include the submittal requirements for a Type I application under SRC chapter 300.
- (c) *Standards.* Christmas tree sales shall comply with the standards set forth in this subsection.
 - (1) *Period of use.* Christmas tree sales may be conducted in the location authorized under a temporary use permit only during the months of November and December.
- (d) *Criteria.* A Class 1 temporary use permit for Christmas tree sales shall be granted if the applicable standards set forth in this section are met.

Sec. 701.020. Construction storage yard.

Construction storage yards shall comply with the following:

- (a) *Temporary use permit required.* Construction storage yards shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for a construction storage yard shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The location of the proposed temporary construction storage yard in relation to the construction site it will serve.
 - (c) *Standards.* Temporary construction storage yards shall comply with the standards set forth in this subsection.
 - (1) *Period of use.* A construction storage yard may operate in the location authorized under a temporary use permit for a period not to exceed six consecutive months; provided, however, such permit may be extended for additional six-month periods for active projects.
 - (2) *Location.* A construction storage yard shall be located within 500 feet of the construction site it serves. For purposes of this subsection, the term "construction site" means the property subject to an active building permit.
 - (3) *Prohibited storage.* No demolition debris or other waste may be stored or processed on the site.
 - (d) *Criteria.* A Class 1 temporary use permit for a construction storage yard shall be granted if the applicable standards set forth in this section are met.

Sec. 701.025. Emergency Shelters.

Emergency shelters shall comply with the following:

- (a) *Temporary use permit required.* Emergency shelters shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for an emergency shelter shall include the following:
 - (1) The proposed duration of the use;
 - (2) The number of individuals proposed to be served;
 - (3) Building floor plans, drawn to scale, for each building floor proposed to be used for emergency shelter identifying:
 - (A) Floor area;
 - (B) The location and square footage of all sleeping rooms, and the use of adjacent rooms;
 - (C) Common gathering areas;
 - (D) Restrooms; and
 - (E) Required exiting to meet Building Code and fire and life safety requirements.
 - (4) Identification of the types of sleeping accommodations that will be provided such as cots, bunk beds, etc..;
 - (5) An emergency evacuation plan for the evacuation of all visitors and staff in an emergency event. The emergency evacuation plan shall contain the following:
 - (A) A plan showing the path of egress from the proposed shelter spaces and from the building; and
 - (B) Safety and evacuation instructions to be provided to occupants each evening before sleeping that includes a prohibition on smoking and directions to exits and other escape routes; and
 - (6) A completed emergency shelter fire and life safety checklist, on a form provided by the Director.
- (c) *Standards.* Emergency shelters shall comply with the standards set forth in this subsection.
 - (1) An emergency shelter is authorized to operate under an emergency declaration or a determination from the City's Emergency Program Manager that weather or other conditions

exist that create an urgent need for temporary shelter. For purposes of this subsection qualifying conditions include, but are not limited to, conditions which pose a potential risk of injury or death or result in the displacement of individuals from their homes as a result of extreme temperatures, fire, smoke, floods, geologic events, or other adverse conditions or events that threaten human health and safety.

(2) *Period of use.*

(A) An emergency shelter may operate at the location approved under a temporary use permit for a period not to exceed 180 days within any 12-month period, subject to applicable Building Code and fire and life safety requirements.

(B) The temporary use permit may be renewed, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed and the shelter has maintained conformance with the standards set forth in this section. A maximum of one renewal is allowed.

(3) *Location.*

(A) An emergency shelter shall only be located:

(i) In a zone where the use is allowed;

(ii) On property owned by a public, non-profit, religious, or commercial entity; and

(iii) Within an existing building, or space within an existing building, that is approved for conformance with applicable fire, life safety, and Building Code requirements.

(B) Notwithstanding subsection (c)(3)(A) of this section, an emergency shelter shall not be located on property abutting a residential zone, except when the emergency shelter is on the property of a religious assembly use.

(4) *Maximum occupancy.* The maximum number of individuals an emergency shelter may accommodate shall be the maximum number of people the building, or space within the building, is allowed to accommodate as determined by the Building Official.

(5) *Operational standards.*

(A) *Operation and management.* An emergency shelter must be operated by:

(i) A local government, as defined in ORS 174.116;

(ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:

(aa) A local housing authority, as defined in ORS 456.375;

(bb) A religious corporation, as defined in ORS 65.001; or

(cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or

(iii) A non-profit corporation partnering with any other entity described in this subsection.

(B) *Staffing.* An on-site manager shall be present at all times when the shelter is in operation.

(C) *Required support services and facilities.* An emergency shelter shall include a minimum of two restrooms.

(D) *Fees for accommodations and services.* The operator of an emergency shelter may not charge a fee for any of the accommodations or services provided.

- (6) *Fire, life safety, and Building Code review and inspection required.*
 - (A) An emergency shelter with a proposed period of use of 90 days or less shall be reviewed by the Fire Department for conformance with applicable fire and life safety requirements.
 - (B) An emergency shelter with a proposed period of use of more than 90 days but not more than 180 days shall require the approval of a temporary use through the Building and Safety Division.
 - (C) An emergency shelter shall be inspected for conformance with applicable fire, life safety, and Building Code requirements prior to the approval of the temporary use permit.
- (d) *Criteria.* A Class 1 temporary use permit for an emergency shelter shall be granted if the applicable standards set forth in this section are met.

Sec. 701.030. Managed temporary village.

Managed temporary villages shall comply with the following:

- (a) *Temporary use permit required.* Managed temporary villages shall require either a Class 1 or Class 2 temporary use permit.
 - (1) A Class 1 temporary use permit shall be required for a managed temporary village with ten or fewer shelter units.
 - (2) A Class 2 temporary use permit shall be required for a managed temporary village with eleven to forty shelter units.
- (b) *Submittal requirements.* In addition to the submittal requirements set forth under SRC chapter 300, an application for a Class 1 or Class 2 temporary use permit for managed temporary village shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total size area, dimensions, and orientation relative to north;
 - (B) The proposed layout of the site, including the location of all proposed shelter units and structures, the separation between shelter units, and the setbacks of all shelter units and structures to perimeter property lines;
 - (C) The location of the following as applicable:
 - (i) Space for on-site manager;
 - (ii) Restroom, handwashing, and shower facilities;
 - (iii) Food preparation and dining facilities;
 - (iv) Laundry facilities, or, if laundry services will not be provided on-site, an explanation of how laundry services will be provided in the operation and management plan;
 - (v) Trash collection area(s);
 - (vi) Secured covered storage area(s) for resident’s personal belongings;
 - (vii) Common gathering area(s);
 - (viii) The area where residents can receive medical care, casework, counseling, and other support services;
 - (ix) Secured storage area for any flammable or explosive materials, such as propane tanks used in food preparation, that will be used in the operation of the shelter;

- (x) The location, height, and material of required perimeter fencing and screening; and
 - (xi) The location of proposed off-street parking and vehicle use areas, driveway approaches, and driveways.
 - (D) Written authorization from the owner of the property to use it as a managed temporary camping area.
 - (E) Proof of management entity's experiencing operating non-profit shelters.
 - (F) An operation and management plan setting for the rules for shelter use and provisions for facility operation and maintenance.
 - (G) For publicly owned sites or publicly funded projects on private property within a known archaeological resource, proof that the proposed use has received an archaeological Certificate of Clearance.
- (c) *Standards.* Managed temporary villages shall comply with the standards set forth in this subsection.
- (1) *Period of use.*
 - (A) A managed temporary village may operate at the location approved under a temporary use permit for a period not to exceed one year.
 - (B) The temporary use permit may be renewed annually, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed and the shelter has maintained conformance with the standards set forth in this section. The maximum cumulative total period for all renewals shall not exceed four years.
 - (2) *Location.*
 - (A) A managed temporary village shall only be located:
 - (i) In a zone where the use is allowed; and
 - (ii) On property abutting an arterial or collector street or on property abutting a street and located within one-half mile of a transit route.
 - (B) Notwithstanding subsection (c)(2)(A) of this section, a managed temporary village shall not be located:
 - (i) On property used for residential use;
 - (ii) On property abutting a school;
 - (iii) Within a mapped flood plain or floodway, or an area with moderate or high landslide hazard risk pursuant to SRC chapter 810;
 - (iv) Within a wetland or riparian corridor; or
 - (v) On property with a known archaeological resource, except as otherwise approved under SRC chapter 230.
 - (3) *Maximum number and types of shelter units allowed.*
 - (A) The maximum total number of shelter units within a managed temporary village shall not exceed 40.
 - (B) Any of the following, either individually or in combination, are allowed as shelter units within a managed temporary village provided the maximum number of allowed shelter units is not exceeded:
 - (i) Pre-fabricated, non-permanent, portable structures such as tiny homes, yurts, Conestoga huts, and similar structures;

- (ii) Tents and similar non-permanent portable structures designed specifically for camping; and
 - (iii) Vehicles such as cars, trucks, vans, motorized or towable recreational vehicles, and similar conveyances.
- (C) Improvised camps are not allowed.
- (4) *Maximum number of residents per shelter unit.* Except for vehicles, not more than two adults, eighteen years of age or older, shall be allowed per shelter unit. Within a vehicle, either a family consisting of an individual or two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship or not more than two unrelated adults, eighteen years of age or older, shall be allowed per vehicle.
- (5) *Operational standards.*
 - (A) *Operation and management.* A managed temporary village must be operated and managed by:
 - (i) A local government, as defined in ORS 174.116;
 - (ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:
 - (aa) A local housing authority, as defined in ORS 456.375;
 - (bb) A religious corporation, as defined in ORS 65.001; or
 - (cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or
 - (iii) A non-profit corporation partnering with any other entity described in this subsection.
 - (B) *Staffing.* An on-site manager shall be present at all times when the shelter is in operation.
 - (C) *Required support services and facilities.* A managed temporary village shall include the following on-site support services and facilities for the health, safety, and support of residents:
 - (i) *Support services and facilities required for all managed temporary villages.* All managed temporary villages shall provide at a minimum the following support services and facilities:
 - (aa) A minimum of two restrooms;
 - (bb) Handwashing facilities;
 - (cc) A secure covered storage area for resident's personal belongings; and
 - (dd) A solid waste collection and servicing area, meeting the vehicle operation area requirements of SRC 800.055(f), that includes at least one solid waste receptacle a minimum of six cubic yards in in size.
 - (ii) *Additional support services and facilities required for managed temporary villages with more than ten shelter units.* Managed temporary villages with more than ten shelter units shall provide the following additional support services and facilities:
 - (aa) A minimum of two showers or, if showers will not be provided on-site, an explanation of how access to off-site showers will be provided;
 - (bb) A designated covered dining area;

- (cc) A laundry facility or, if laundry service will not be provided on-site, an explanation of how access to off-site laundry service will be provided;
 - (dd) A designated common area for gathering;
 - (ee) A designated area where residents can meet with social workers and health care professionals to receive case management, counseling, and support services, as well as needed medical treatment or examinations; and
 - (ff) A secure covered storage area for supplies needed to operate the shelter.
- (D) *Fees for accommodations and services.* The operator of a managed temporary village may not charge residents a fee for any of the accommodations or services required under this section.
- (E) *Operation and management plan.* A managed temporary village shall include an operation and management plan that shall at a minimum identify:
 - (i) Rules for shelter use and a code of conduct for governing resident behavior.
 - (ii) Provisions for supervision, safety, and security.
 - (iii) The proposed operational period for the shelter.
 - (iv) The hours that people may stay at the site.
 - (v) The number of continuous days an individual may reside at the shelter.
 - (vi) Provisions for shelter operation and maintenance including:
 - (aa) Garbage pickup and disposal;
 - (bb) Sewage and grey water pickup and disposal;
 - (cc) Pest control services; and
 - (dd) How the site will be kept free of trash and debris.
 - (vii) The support services and facilities that will be provided to shelter residents.
- (6) *Development standards.* A managed temporary village shall conform to the following development standards:
 - (A) *Perimeter setback.* A minimum 15-foot perimeter setback shall be required from all property lines. No shelter units, off-street parking and vehicle use areas, storage areas, sanitary facilities, or any other structures or shelter use areas shall be located within the required perimeter setback area.
 - (B) *Height.* No structure within a managed temporary village shall exceed a maximum height of 15 feet. Maximum structure height does not apply to vehicles.
 - (C) *Permitted structure type.* All structures within a managed temporary village shall be portable non-permanent structures.
 - (D) *Shelter unit standards.*
 - (i) Shelter units shall not exceed a maximum 120 square feet in size. Maximum shelter unit size shall not apply to vehicles.
 - (ii) A minimum 8-foot clear open area/separation shall be maintained around each shelter unit to promote privacy and allow for unobstructed pedestrian access throughout the shelter and to individual shelter units.

- (iii) Except for vehicles, shelter units may be located on either a paved or unpaved surface. Vehicles shall be located on a paved surface.
 - (iv) Shelter units shall only be located on areas of a site that are flat and well drained.
 - (v) All shelter units shall be numbered and arranged sequentially on-site in order to facilitate efficient emergency response.
 - (vi) When shelter units are provided in tents or similar non-permanent portable structures designed specifically for camping, they shall be located under a separate canopy or similar structure in order to provide weather protection from the sun and rain.
 - (vii) When shelter units are provided in vehicles, the vehicles must be operable and any vehicles possessing a septic system must be emptied and free of leaks prior to admittance to the site.
- (E) *Bicycle parking.* A minimum of one bicycle parking space shall be provided per shelter unit. Bicycle parking is exempt from the bicycle parking development standards included under SRC 806.060.
 - (F) *Vehicle use area surfacing.* All areas of the site used for vehicle access and maneuvering shall be paved with a hard surface material meeting the Public Works Design Standards.
 - (G) *Perimeter fencing/screening.* A minimum 6-foot-tall sight-obscuring fence with gate shall be provided around the perimeter of the managed temporary village.
 - (H) Managed temporary villages shall not be located in a manner which obstructs required pedestrian connections, fire lanes or emergency access areas, or required vision clearance areas; or in a manner that reduces the off-street parking for any other use on the property below the minimum required number of spaces.
 - (I) *Alterations to existing property.*
 - (i) Existing trees and existing landscaping within required setbacks shall not be removed in order to accommodate a proposed managed temporary village.
 - (ii) If an existing off-street parking or vehicle use area is proposed to be expanded to accommodate a proposed managed temporary village, the expanded off-street parking or vehicle use area shall comply with the applicable standards of SRC Chapter 806.
- (7) *Additional applicable codes and standards.* In addition to all other applicable laws and regulations, a managed temporary village shall be developed, maintained, and operated in compliance with the applicable provisions of the following:
 - (A) SRC chapter 50 (Property Maintenance);
 - (B) SRC chapter 56 (Building Code);
 - (C) SRC chapter 58 (Fire Prevention Code);
 - (D) SRC chapter 93 (Noise);
 - (E) SRC chapter 97 (Human Rights)
 - (d) *Criteria.* A Class 1 or Class 2 temporary use permit for a managed temporary village shall be granted if all of the applicable standards set forth in this section are met.

Sec. 701.35. Replacement single family dwelling.

Replacement single family dwellings shall comply with the following:

- (a) *Temporary use permit required.* Replacement single family dwellings shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for a replacement single family dwelling shall include the following:
 - (1) A bond and removal agreement, in conformance subsection (c)(3) of this section.
- (c) *Standards.* Replacement single family dwellings shall comply with the standards set forth in this subsection.
 - (1) *Period of use.* The existing single family dwelling shall be removed within six months from date of issuance of the building permit for the replacement single family dwelling; provided, however, the Planning Administrator may grant the owner one extension for up to six months to remove the existing family dwelling if the owner proves that unusual circumstances beyond their control, and not financial circumstances, have delayed construction of the replacement single family dwelling.
 - (2) *Demolition permit required.* A demolition permit for the existing single family dwelling shall be obtained by the owner at the time the building permit for the replacement single family dwelling is issued.
 - (3) *Bond and removal agreement required.* The owner of the existing single family dwelling shall post a \$7,500.00 bond and enter into an agreement with the City granting the City authority to remove the existing single family dwelling if the owner fails to remove the structure in compliance with subsection (c)(1) of this section.
- (d) *Criteria.* A Class 1 temporary use permit for a replacement single family dwelling shall be granted if the applicable standards set forth in this section are met.

Sec. 701.040. Residential sales/development office.

Residential sales/development offices shall comply with the following:

- (a) *Temporary use permit required.* Residential sales/development offices shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for a residential sales/development office shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) The location, distance to property lines, and height of the proposed building or structure to be used as a residential sales/development office.
- (c) *Standards.* Residential sales/development offices shall comply with the standards set forth in this subsection.
 - (1) *Period of use.* A residential sales/development office may operate in the location authorized under a temporary use permit until the later of the following:
 - (A) Completion of the subdivision, PUD, condominium, apartment complex, or manufactured dwelling park; or
 - (B) The sale, rent, or lease of all lots and/or structures within the subdivision, PUD, condominium, apartment complex, or manufactured dwelling park.

- (2) *Building or structure to be sited and constructed to accommodate a permitted use.* The building or structure to be used as a residential sales/development office shall be constructed and sited for the ultimate purpose of a legally permitted use. A mobile home that is being used as a temporary residential sales/development office shall be removed when its use as a residential sales/development office has ceased.
 - (3) *Appearance; maintenance.* The exterior of a residential sales/development office shall be finished and the site shall be landscaped and maintained while being used as a residential sales/development office. All plant material that dies or is diseased while the structure is being used as a residential sales/development office shall be replaced.
 - (4) *Hours of operation.* The hours of operation of a residential sales/development office shall be limited to between 8:00 a.m. and 8:00 p.m.
 - (5) *Restoration to residential use.* Upon termination of the use of the building or structure as a temporary residential sales/development office, the property shall be restored to its residential condition and use.
- (d) *Criteria.* A Class 1 temporary use permit for a residential sales/development office shall be granted if the applicable standards set forth in this section are met.

Sec. 701.45. Temporary motor vehicle and recreational vehicle sales.

Temporary motor vehicle and recreational vehicle sales shall comply with the following:

- (a) *Temporary use permit required.* Temporary motor vehicle and recreational vehicle sales shall require a Class 1 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for temporary motor vehicle or recreational vehicle sales shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The location of the proposed temporary motor vehicle or recreational vehicle sales area.
- (c) *Standards.* Temporary motor vehicle and recreational vehicle sales shall comply with the standards set forth in this subsection.
 - (1) *Period of use.* Temporary motor vehicle and recreation vehicle sales may be conducted in the location authorized under a temporary use permit for a period not to exceed four consecutive days and shall not be held more than three times per calendar year.
- (d) *Criteria.* A Class 1 temporary use permit for temporary motor vehicle and recreational vehicle sales shall be granted if the applicable standards set forth in this section are met.

Sec. 701.50. Temporary and seasonal gravel parking and loading areas.

Temporary and seasonal gravel off-street parking and loading areas shall comply with the following:

- (a) *Temporary use permit required.* Temporary and season gravel off-street parking and loading areas shall require a Class 2 temporary use permit.
- (b) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 2 temporary use permit for a temporary or seasonal gravel off-street parking or loading area shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location, total area, distance to property lines, and layout of the proposed temporary or seasonal gravel off-street parking or loading area, including the size, number, and dimensions of proposed parking or loading spaces, and the location of wheel barriers;
 - (C) The proposed thickness of the gravel improvement;
 - (D) The location of proposed driveways and driveway approaches;
 - (E) The location of proposed landscaping; and
 - (F) The location, height, and material of proposed screening.
- (c) *Standards.* Temporary and seasonal gravel off-street parking and loading areas shall comply with the standards set forth in this subsection.
- (1) *Period of use.*
 - (A) A seasonal gravel off-street parking or loading area may be approved at the location authorized under a temporary use permit for a period not to exceed six consecutive months within any 12-month period.
 - (B) A temporary gravel off-street parking or loading area may be approved at the location authorized under a temporary use permit for a period not to exceed one year.
 - (C) A temporary use permit for a temporary or seasonal gravel off-street parking or loading area may be renewed annually, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed. The maximum cumulative total period for all such renewals shall not exceed five years.
 - (2) *Location.* No temporary or seasonal gravel off-street parking or loading area shall be located within the Central Business District (CB) Zone or within 500 feet of a residential zone.
 - (3) *Size.* The temporary or seasonal gravel off-street parking or loading area shall not exceed 15,000 square feet; provided, however, that any other more restrictive size requirement established by state or federal laws or rules shall be met.
 - (4) *Improvement.* Temporary and seasonal gravel off-street parking and loading areas shall be improved with a minimum of four inches of base rock covered by a minimum of two inches of three-quarter inch or smaller crushed rock as a leveling course; provided, however, temporary and seasonal gravel off-street parking and loading areas used exclusively by passenger cars need only be improved with a minimum of three inches of base rock.
 - (5) *Landscaping.* A landscaped area a minimum of five feet in depth shall be provided around the perimeter of the temporary or seasonal gravel off-street parking or loading area.
 - (6) *Screening.* Temporary and seasonal gravel off-street parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or hedge. Screening may be located within the perimeter landscaping required in subsection (c)(5) of this section.
 - (7) *Wheel barriers.* Wheel barriers shall be provided to designate each parking space.
 - (8) *Paving upon expiration or termination.* Upon expiration or termination of the temporary use permit, the temporary or seasonal gravel off-street parking or loading area shall be paved, in accordance with SRC chapter 806, or closed to vehicle access by a physical barrier.
- (d) *Criteria.* A Class 2 temporary use permit for a temporary or seasonal gravel off-street parking or loading area shall be granted if all of the following criteria are met:
- (1) The temporary or seasonal parking or loading need cannot otherwise be reasonably and economically met.

- (2) The use of the gravel off-street parking or loading area will be, in fact, temporary or seasonal.
- (3) The temporary or seasonal gravel off-street parking or loading area complies with the applicable standards set forth in this section.

Amendments to SRC Chapter 702 (Multiple Family Design Review Standards)

Sec. 702.005. Multiple family design review.

- (a) Except as provided under subsection (b) of this section, and unless otherwise provided in the UDC, design review under SRC chapter 225 is required for all multiple family development.
- (b) Exceptions. Multiple family design review is not required for:
 - (A) Cottage clusters, when allowed as a special use.
 - (B)~~(A)~~ Multiple family development within a mixed-use building.
 - (C)~~(B)~~ Multiple family development within:
 - (i) The Central Business District (CB) Zone.
 - (ii) The South Waterfront Mixed-Use (SWMU) Zone.
 - (iii) The Neighborhood Center Mixed-Use (NCMU) Zone.
 - (iv) The Broadway/High Street Retail Overlay Zone
 - (v) The Broadway/High Street Housing Overlay Zone.
 - ~~(vi) The General Retail/Office Overlay Zone.~~
 - ~~(vii) The Front Street Overlay Zone.~~
 - (vi)~~(viii)~~ The Riverfront High Density Residential Overlay Zone.
 - (vii)~~(ix)~~ The Riverfront Overlay Zone.
 - (viii)~~(x)~~ The Salem Downtown Historic District.
 - (ix)~~(xi)~~ The Public and Private Health Services (PH) Zone.
 - (x)~~(xii)~~ The Mixed Use-I (MU-I) Zone.
 - (xi)~~(xiii)~~ The Mixed Use-II (MU-II) Zone.
 - (xii)~~(xiv)~~ The West Salem Central Business District (WSCB) Zone.

Sec. 702.015 Design review standards for multiple family development with five to twelve units.

(a) *Open space standards.*

- (1) To encourage the preservation of natural open space qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 20 percent of the gross site area as designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.
 - (A) To ensure usable open space, at least one common open space area shall be provided within the development that is at least 500 square feet in size and has a minimum dimension of 20 feet for all sides.
 - (B) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-1, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-1.

TABLE 702-1. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq. ft.	6 ft.

- (C) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 500-square-foot improved open space area may count as 1,000 square feet toward the open space requirement.
 - (i) Be a minimum 500 square feet in size with a minimum dimension of 20 feet for all sides; and
 - (ii) Include at least one of the following types of features:
 - a. Covered pavilion.
 - b. Ornamental or food garden.
 - c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
 - d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
 - e. Swimming pool or wading pool.
- (D) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a publicly-owned urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

(b) *Landscaping standards.*

- (1) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the

multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

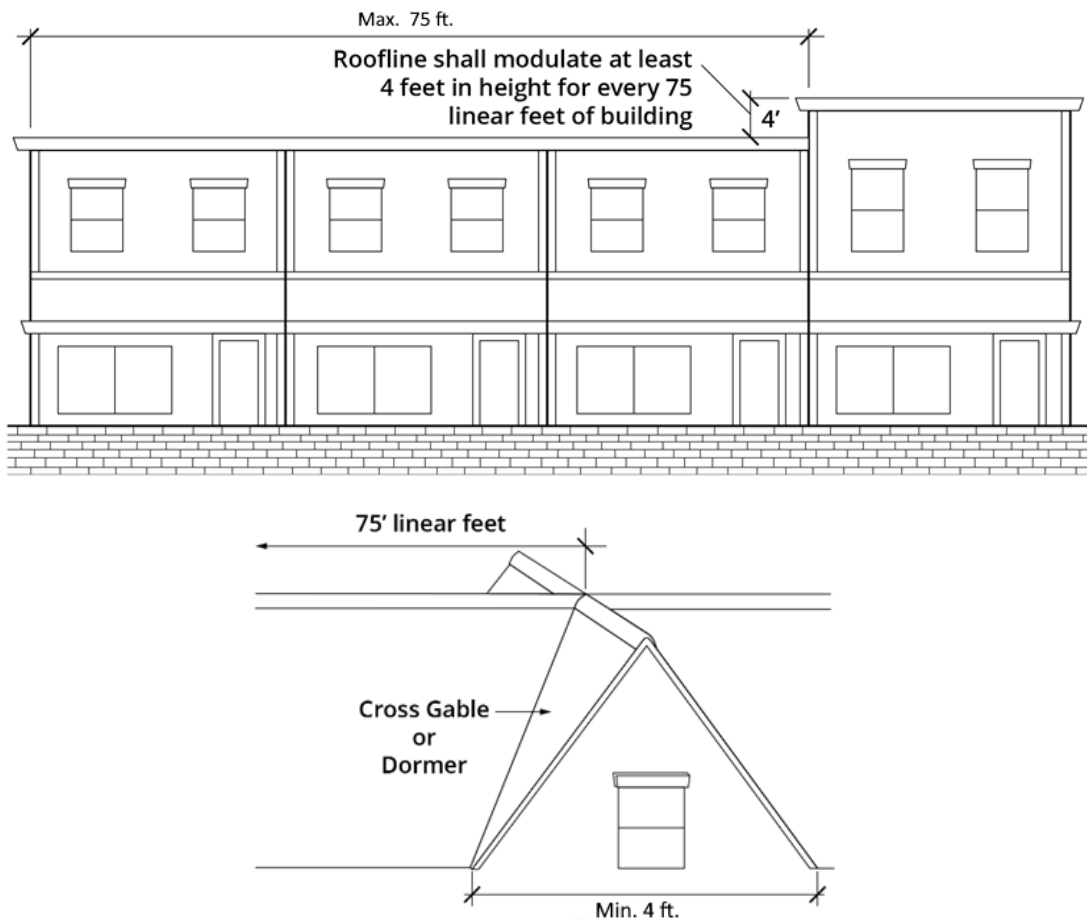
- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall not be allowed to satisfy this standard.
- (2) Multiple family developments shall comply with the landscaping standards applicable in the underlying zone in which such developments are located.
- (c) *Site safety and security.*
- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.
 - (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.
- (d) *Parking and site design.*
- (1) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, 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.
 - (2) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width.
- (e) *Façade and building design.*
- (1) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-2 to provide appropriate transitions between new buildings and structures on-site and existing buildings and structures on abutting sites.

TABLE 702-2. SETBACKS ABUTTING PROPERTY ZONED RA AND RS		
Building Dimension Adjacent to Property Zoned RA and RS	Number of Building Stories	Minimum Setback
80 feet or less	1 or 2	10 feet
	3 or more	20 feet
Greater than 80 feet	1	Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.
	2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

- (A) A 5-foot reduction is permitted to each required setback in Table 702-2 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

- (2) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.
- (3) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.
- (4) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.
- (5) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.
- (6) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 75 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-1)

FIGURE 702-1. MULTIPLE FAMILY ROOFLINE MODULATION OPTIONS



Sec. 702.020 Design review standards for multiple family development with thirteen or more units.

(a) *Open space standards.*

(1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

(A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.

TABLE 702-3. COMMON OPEN SPACE AREA SIZE AND DIMENSIONS		
Number of Dwelling Units	Minimum Open Space Area Size	Minimum Horizontal Dimension
13 to 20	750 sq. ft.	25 ft.
More than 20	1,000 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	25 ft.

(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

(C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

TABLE 702-4. PRIVATE OPEN SPACE SIZE AND DIMENSIONS		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft.
More than 5 feet above finished grade	48 sq. ft.	6 ft.

(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

(i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and

(ii) Include at least one of the following types of features:

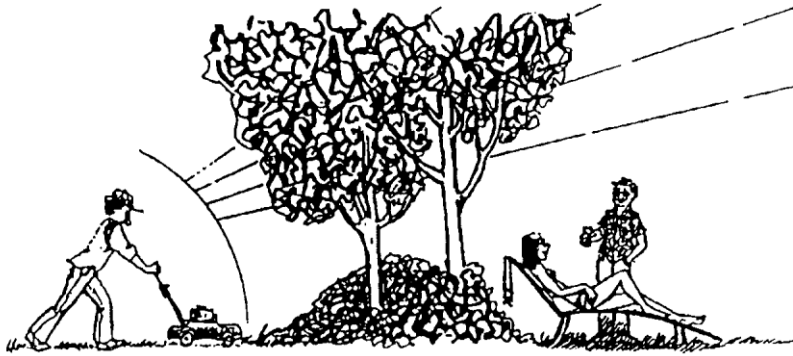
- a. Covered pavilion.
- b. Ornamental or food garden.
- c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.
- d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).
- e. Swimming pool or wading pool.

(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

(b) *Landscaping standards.*

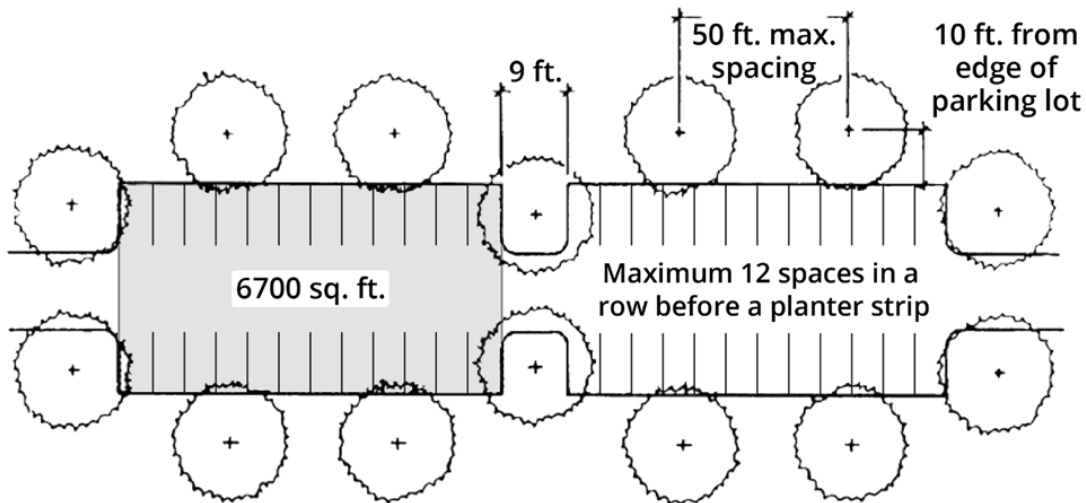
- (1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.
- (2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:
 - (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and
 - (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.
- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.
- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.
- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.
- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.

FIGURE 702-2. SEPARATION OF PRIVATE AND COMMON OPEN SPACE



- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).
- (A) A minimum of one canopy tree shall be planted within each planter bay.
- (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).

FIGURE 702-3. CONCEPTUAL PARKING AREA LAYOUT



- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.
- (c) *Site safety and security.*
- (1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.
 - (2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.
 - (3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the

street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

- (4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

(d) *Parking and site design.*

- (1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).
- (2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, 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.
- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.
- (4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks. Pedestrian pathways shall be a minimum of five feet in width

(e) *Facade and building design.*

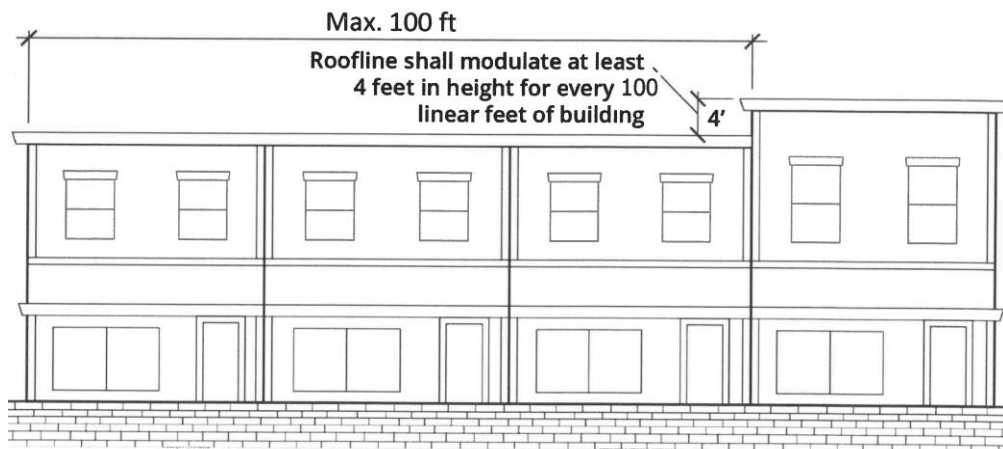
- (1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.
- (2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between new buildings and structures on site and existing buildings and structures on abutting sites.

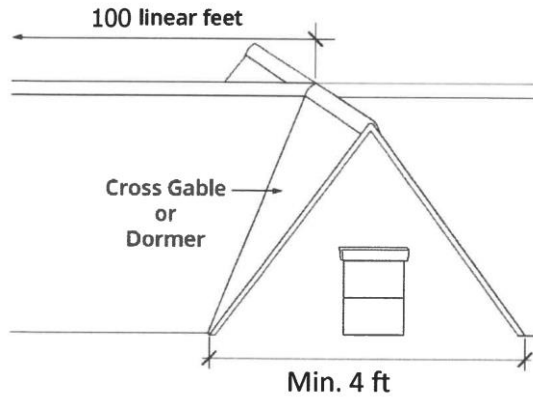
TABLE 702-5. SETBACKS ABUTTING PROPERTY ZONED RA AND RS	
Number of Building Stories	Minimum Setback
1	Min. 1 foot for each 1 foot of building height, but in no case less than 14 ft.
2 or more	Min. 1 foot for each 1 foot of building height, but in no case less than 20 ft.

- (A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.
- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.
- (4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.

- (5) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.
- (6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.
- (7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.
- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)

FIGURE 702-4. MULTIPLE FAMILY ROOFLINE MODULATION OPTIONS





- (9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.
- (A) Offsets (recesses and extensions).
 - (B) Covered deck.
 - (C) Covered balcony.
 - (D) Cantilevered balcony, provided at least half of its depth is recessed.
 - (E) Covered entrance.

FIGURE 702-5. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION





- (10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):
- (A) Change in materials.
 - (B) Change in color.
 - (C) Molding or other horizontally-distinguishing transition piece.

FIGURE 702-6. EXAMPLE OF DESIGN ELEMENTS FOR ARTICULATION



Amendments to SRC Chapter 800 (General Development Standards)

Sec. 800.015. Lot standards, generally.

- (a) Lot shape and size. In addition to meeting all applicable lot standards of the UDC, all lots intended for development, as far as practicable, shall be of a size and configuration so that their net remaining area exclusive of required setbacks, easements, riparian corridors, and mapped floodplain/floodway boundaries and wetlands is buildable.
- ~~(b)(a)~~ Buildings to be on a lot. Every building or structure shall be entirely located on an individual lot. ~~Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC.~~ Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.
- ~~(c)(b)~~ Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.

Sec. 800.031. Maintenance easements for dwelling units.

No building permit shall be issued for a townhouse, zero side yard dwelling, or any other dwelling unit which is constructed contiguous to a property line unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the dwelling unit providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.

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; and gutters	24 in.	One third the width of the interior side setback or 3 ft., whichever is less. <u>24 in., provided in no case shall such projection</u>	24 in.

		<u>come closer than 2 ft. to the side property line.</u>	
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	Not limited	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Wheelchair ramps	Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and (2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.	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.
Porches and decks—covered, but unenclosed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 10 ft. to the property line.	Not allowed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.
Porches and decks—uncovered	Not limited, provided: (1) The floor area of the porch or deck does not exceed 3 ft. above grade; (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 (3) A landscaped area 4 ft. in depth is maintained between the property line and the porch or deck.	Not limited, provided the floor area of the porch or deck does not exceed 3 ft. above grade.	Not limited, provided the floor area of the porch or deck does not exceed 4 ft. above grade. 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.

Patios—covered, but enclosed	Not limited, provided: (1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 10 ft. to the property line.	Not allowed	Not limited, provided: (1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 8 ft. to the rear property line.
Patios—uncovered	Not limited, provided: (1) The floor area of the patio does not exceed 3 ft. above grade; and (2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.	Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.	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>			
(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.			

(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 facing, and 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, and any zone where the fence will be used to enclose an electrical substation.
 - (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; enclosure of electrical substations.* 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, or enclosing an electrical substation 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, and unless otherwise provided in this section, all developments, other than development of ~~than~~ single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

- (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) Except as otherwise provided in this subsection, 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 800-11).
 - (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 800-12).
 - (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
 - (i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
 - (ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

FIGURE 800-11. PEDESTRIAN CONNECTIONS BETWEEN BUILDING ENTRANCES AND

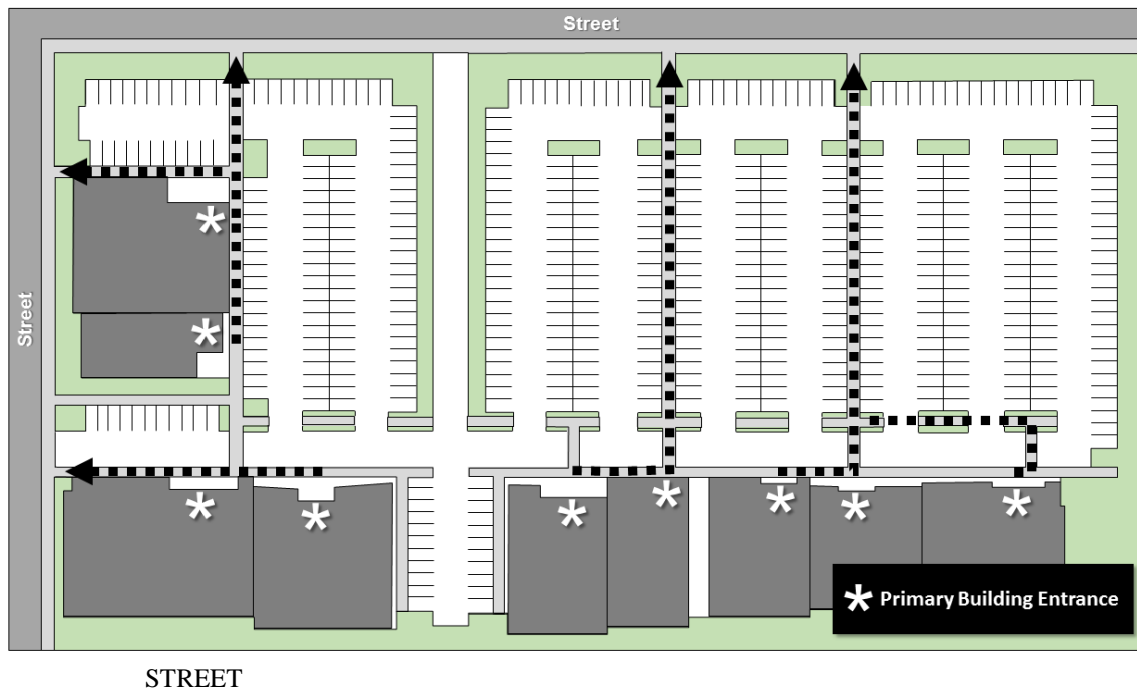
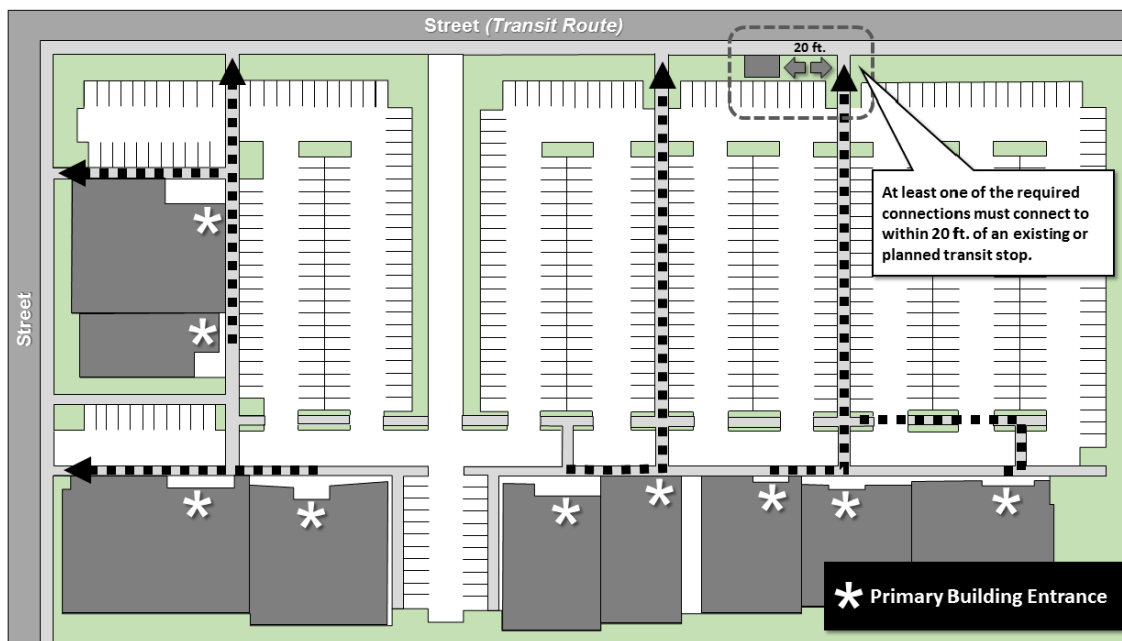


FIGURE 800-12. PEDESTRIAN CONNECTIONS ABUTTING TRANSIT ROUTE



(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.~~

(A) Except as otherwise provided in this subsection, 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.

(B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:

(i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and

(ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or

(iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

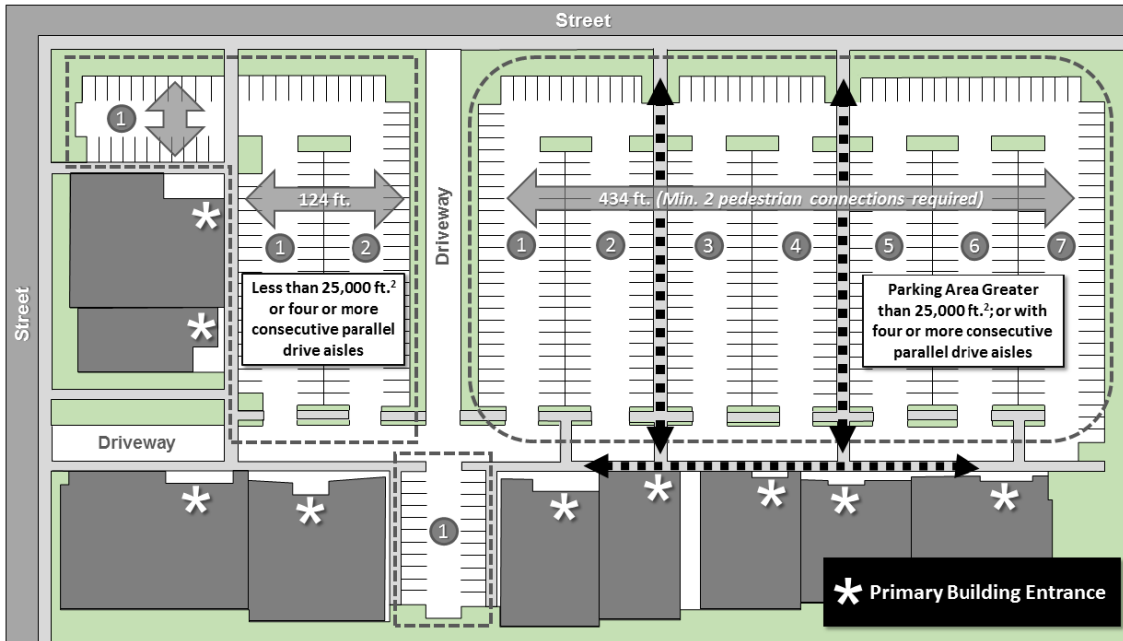
(3) *Connection through off-street parking areas.*

(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 or where there is no building, through the parking area as provided in this subsection.

(i) The pedestrian connections shall be:

- (aa) Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); 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) Spaced a minimum of two drive aisles apart; and
 - (cc) Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.
- (ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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 800-13. 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. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.
- (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.
- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*
- (1) When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.
 - (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

Amendments to SRC Chapter 803 (Streets & Right-of-Way Improvements)

Sec. 803.035. Street standards.

All public and private streets shall be improved as follows:

- (a) *Connectivity.* Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
 - (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
 - (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
 - (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.
- (b) *Improvements.* All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- (c) *Alignment and grade.* All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.
- (d) *Dead-end streets.* When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.
- (e) *Reserve blocks.* Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:
 - (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
 - (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
 - (3) To prevent access to land abutting a street of the development, but not within the development itself.
 - (4) To prevent access to land unsuitable for development.
 - (5) To prevent access prior to payment of street improvement assessments or connection charges.
 - (6) To prevent access to an arterial or collector street.
- (f) *Cul-de-sacs.*
 - (1) Cul-de-sacs shall not exceed 800 feet in length.

- (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
 - (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.
- (g) *Intersections; property line radius.*
- (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.
 - (2) The property line radius at intersections shall be not less than the curblines radius as set forth in the Public Works Standards.
- (h) *Cut and fill slopes.* Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.
- (i) *Slope easements.* Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.
- (j) *Street alignment.* Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.
- (k) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.
- (l) *Sidewalks.*
- (1) *Sidewalk construction required.* Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.
 - (2) *Sidewalk location; width.*
 - (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.
 - (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.
 - (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.
- (m) *Bicycle facility standards.* Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.

- (n) *Utility easements.* Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.
- (o) *Street lights.* All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.
- (p) *Landscape strips.* Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.
- (q) *Landscaping.* Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.
- (r) *Transit facilities.* Transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Where a transit stop is required, on-street parking shall be restricted in the area of the stop as defined by the Transit District in order to ensure unobstructed access by transit.
- ~~(s)~~ *Urban growth area street improvements.* Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

Sec. 803.040. Boundary streets.

- (a) *General.* Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
 - (1) Subdivisions;
 - (2) Partitions;
 - (3) Planned unit developments;
 - (4) Manufactured dwelling parks; and
 - (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.
- (b) *Three-quarter street improvement.* If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.
- (c) *Additional right-of-way and improvements.* Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:
 - (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
 - (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
 - (3) Additional area is required for stormwater facilities located within the right-of-way.

- (d) *Exceptions.* Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:
- (1) Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;
 - (2) The ~~erection or~~ construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;
 - (3) The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;
 - (4) The ~~erection, construction,~~ or enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales; ~~or~~
 - (5) The conversion of, or addition to, an existing single-family detached dwelling to create a duplex, triplex, or quadplex; or
 - ~~(6)(5)~~ The ~~erection, construction,~~ or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.
- (e) *Improvement.*
- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
 - (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.
 - (3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:
 - (A) Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.
 - (B) Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:
 - (i) $\text{Frontage of Required Street Improvement} = \frac{\text{Proposed Area of Development}}{\text{Area of Undeveloped Site}} \times \text{Total Street Frontage of Entire Development Site or Complex}$.
 - (C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

Amendments to SRC Chapter 804 (Driveway Approaches)

Sec. 804.020. Class 1. Driveway approach permit.

- (a) *Required.* A Class 1 driveway approach permit is required for:
- (1) A driveway approach onto a local or collector street providing access to a single family, two family, three family, or four family use.
 - (2) A driveway approach onto an arterial street providing access to an existing single family, two family, three family, or four family use.
 - (3) A driveway approach onto an arterial street providing access to a proposed single family, two family, three family, or four family use on an existing lot created prior to [Insert Effective Date of Ordinance].
 - ~~(4)(2)~~ A driveway approach for any land-locked lot or parcel providing access onto a local or collector street, unless the driveway is part of an existing shared access.
 - ~~(3)~~ ~~A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the lower street classification.~~
 - ~~(5)(4)~~ Maintenance, repair, or replacement of an existing permitted driveway approach, other than maintenance, repair, or replacement that is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 1 driveway approach permit is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 driveway approach permit shall include the following:
- (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) The location of all utilities;
 - (D) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (E) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (F) The location of any street trees adjacent to the location of the proposed driveway approach.
 - (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
 - (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) *Criteria.* A Class 1 driveway approach permit shall be granted if the proposed driveway approach meets the standards of this chapter and the Public Works Design Standards.

Sec. 804.025. Class 2 driveway approach permit.

- (a) *Required.* A Class 2 driveway approach permit is required for:
- ~~(1) A driveway approach onto a parkway, major arterial, or minor arterial;~~
 - ~~(1)(2)~~ A driveway approach onto a local, ~~or~~ collector, minor arterial, major arterial, or parkway street providing access to a use other than single family, two family, three family, or four family;

- ~~(3) A driveway approach providing access to a corner lot that abuts only local or collector streets, where the driveway approach will provide access onto the street with the higher street classification; or~~
- (2)~~(4)~~ Maintenance, repair, or replacement of an existing permitted driveway approach, which is part of, or needed for, redevelopment of commercial or industrially zoned property.
- (b) *Procedure type.* A Class 2 driveway approach permit is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 2 driveway approach permit shall include the following:
- (1) A completed application form.
 - (2) A site plan, of a size and form and in the number of copies meeting the standards established by the Director, containing the following information:
 - (A) The location and dimensions of the proposed driveway approach;
 - (B) The relationship to nearest street intersection and adjacent driveway approaches;
 - (C) Topographic conditions;
 - (D) The location of all utilities;
 - (E) The location of any existing or proposed buildings, structures, or vehicular use areas;
 - (F) The location of any trees and vegetation adjacent to the location of the proposed driveway approach that are required to be protected pursuant to SRC chapter 808; and
 - (G) The location of any street trees adjacent to the location of the proposed driveway approach.
 - (3) Identification of the uses or activities served, or proposed to be served, by the driveway approach.
 - (4) Any other information, as determined by the Director, which may be required to adequately review and analyze the proposed driveway approach for conformance with the applicable criteria.
- (d) *Criteria.* A Class 2 driveway approach permit shall be granted if:
- (1) The proposed driveway approach meets the standards of this chapter and the Public Works Design Standards;
 - (2) No site conditions prevent placing the driveway approach in the required location;
 - (3) The number of driveway approaches onto an arterial are minimized;
 - (4) The proposed driveway approach, where possible:
 - (A) Is shared with an adjacent property; or
 - (B) Takes access from the lowest classification of street abutting the property;
 - (5) The proposed driveway approach meets vision clearance standards;
 - (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;
 - (7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;
 - (8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and
 - (9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Sec. 804.030. Access onto local and collector streets.

- (a) *Number of driveway approaches.* Except as otherwise provided in this chapter, a lot or parcel is entitled to one driveway approach onto a local or collector street. Additional driveway approaches from a single family, two family, three family, or four family use onto a local or collector street may be allowed through Class 1 driveway permit approval.
- (b) *Permitted access.*
 - (1) Driveway approaches onto local and collector streets shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - ~~(2) For a corner lot that abuts only local or collector streets, the driveway approach shall provide access to the street with the lower street classification. No access shall be provided onto a local or collector street from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.~~
- (c) *Spacing.* Driveway approaches providing direct access to a collector street shall be located no less than 200 feet from intersections with major arterials or minor arterials, measured from centerline to centerline.
- (d) *Vision clearance.* Driveway approaches onto local and collector streets shall comply with the vision clearance requirements set forth in SRC chapter 805.

Sec. 804.035. Access onto major and minor arterials.

- (a) *Number of driveway approaches.*
 - (1) Except as otherwise provided in this chapter, a complex ~~shall be~~ is entitled to one driveway approach onto a major or minor arterial. Additional driveway approaches for a complex may be allowed where:
 - (A) A complex has more than 370 feet of frontage abutting a major or minor arterial;
 - (B) There is a shared access agreement between two or more complexes; or
 - (C) It is impracticable to serve the complex with only one driveway approach.
 - (2) ~~Development that is not a complex, and is other than a single family, two family, three family, or four family use, is entitled to one driveway approach onto a major or minor arterial where. No driveway approach is allowed onto a major or minor arterial for development that is not a complex, unless:~~
 - (A) The driveway approach provides shared access;
 - (B) The development does not abut a local or collector street; or
 - (C) The development cannot be feasibly served by access onto a local or collector street.
 - (3) ~~A single family, two family, three family, or four family use is entitled to one driveway approach onto a major or minor arterial where:~~
 - ~~(A) The driveway approach provides access to an existing single family, two family, three family, or four family use; or~~
 - ~~(B) The driveway approach provides access to a proposed single family, two family, three family, or four family use on a lot created prior to [Insert Effective Date of Ordinance].~~
- (b) *Traffic volume threshold.* No driveway approach onto a major or minor arterial shall be allowed unless the development generates 30 or more vehicle trips per day or the driveway approach provides access to a city park or a single family, two family, three family, or four family use.
- (c) *Permitted access.*

- (1) Driveway approaches onto major and minor arterials shall only provide access to a permitted parking or vehicular use area, except where the driveway approach will provide access to a site controlled by a franchised utility service provider or a governmental entity.
 - (2) For a corner lot that abuts a local or collector street, the driveway approach shall provide access to the street with the lower street classification.
 - (3) No access shall be provided onto a major or minor arterial from a proposed new single family, two family, three family, or four family use on an existing lot abutting an alley.
 - (4)(3) No access shall be provided onto a major or minor arterial from a single family, ~~or two family,~~ three family, or four family use constructed as part of a subdivision or partition.
 - (5)(4) Only forward in/forward out access shall be allowed onto a major or minor arterial.
- (d) *Spacing.* Except for driveway approaches providing access to a single family, two family, three family, or four family use, Driveway driveway approaches providing direct access onto a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.
- (e) *Vision clearance.* Driveway approaches onto major and minor arterials shall comply with the vision clearance requirements set forth in SRC chapter 805.

Amendments to SRC Chapter 806 (Off-Street Parking Loading, & Driveways)

Sec. 806.005. Off-street parking; when required.

- (a) *General applicability.* Except as otherwise provided in this section, Offoff-street parking shall be provided and maintained as required under this chapter for:
- (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to Downtown Parking District.* Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.
- (c) *Applicability to nonconforming off-street parking areas.*
- (1) When off-street parking is required to be added to an existing off-street parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.
 - (2) Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:
 - (A) Accessory dwelling unit.

Sec. 806.010. Proximity of off-street parking to use or activity served.

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

- (a) *Residential zones.* Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.
- (b) *Nonresidential zones.* Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.
- (c) *Central business district zone.* Within the Central Business (CB) Zone:
 - (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
 - (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.
- (d) *South waterfront mixed-use zone.* Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.
- (e) *Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone.* Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (f) *West Salem Central Business District Zone.* Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II).* Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (h) *Exception.* Notwithstanding subsections (a) through (g) of this section, where required off-street parking for non-residential uses is to be located off-site from the use or activity it serves, it shall only be located within a non-residential zone or in a zone where the use or activity it serves is allowed, or where commercial parking is allowed. Parking located off-site from the use or activity it serves cannot be used to exceed maximum parking requirements set forth under SRC 806.015(d).

Sec. 806.015. Amount off-street parking.

- (a) *Minimum required off-street parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

TABLE 806-1. MINIMUM OFF-STREET PARKING		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Household Living		
Single family	None	<u>Applicable to townhouses.</u>
	1	<u>Applicable to single family, other than townhouses, located within the CSDP area.</u>

	2	Applicable to all <u>other</u> single family, unless noted below.
	4	Applicable to single family located within the CSDP area.
Two family	2 per dwelling unit <u>None</u>	Applicable to all two family, unless noted below.
	1 per dwelling unit	Applicable to two family located within the CSDP area.
	3	Applicable to two family shared dwellings.
Three family	None	Applicable to three family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other three family.
Four family	None	Applicable to four family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other four family.
Multiple family ⁽²⁾	<u>None</u>	Applicable to cottage clusters.
	None	Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other multiple family consisting of 5 to 12 dwelling units.
	1 per studio unit or dwelling unit with 1 bedroom	Applicable to all other multiple family consisting of 13 or more dwelling units.
	1.5 per dwelling unit with 2 or more bedrooms	
	1 per dwelling unit	Applicable to all other multiple family consisting of 13 or more dwelling units located within the MU I zone or MU II zone.
	1 per 4 dwelling units	Applicable to low income elderly housing.
Group Living		
Room and board facilities	None	
Residential care	1 per 350 sq. ft.	
Nursing care	1 per 3 beds	
Lodging		
Short-term commercial lodging	1 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	<u>None</u>	Applicable to non-profit shelters located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per guest room or suite	Applicable to nonprofit Shelters shelters serving for victims of

		domestic violence <u>servicing 10 or fewer persons.</u>
	1 per 350 sq. ft. <u>10 persons served</u>	Applicable to all other nonprofit shelters
Retail Sales and Service		
Eating and drinking establishments	1 per 250 sq. ft.	
Retail sales	1 per 900 sq. ft.	Applicable to the following retail sales activities: <ul style="list-style-type: none"> ■ Building materials, hardware, nurseries, and lawn and garden supply stores. ■ Auto supply stores. ■ Furniture and home furnishing stores. ■ Household appliance and radio, television, music, and consumer electronics stores.
	1 per 400 sq. ft.	Applicable to all other retail sales located within the MU-I zone or MU-II zone.
	1 per 250 sq. ft.	Applicable to all other retail sales located within all zones except the MU-I zone or MU-II zone.
Personal services	1 per 1,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.
	1 per 350 sq. ft.	Applicable to all other personal services.
Postal services and retail financial services	1 per 500 sq. ft.	
Shopping center	1 per 250 sq. ft.	
Business and Professional Services		
Office	1 per 350 sq. ft.	
Audio/visual media production		
Laboratory research and testing		
Office complex		
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	1 per 900 sq. ft.	
Motor vehicle services		

Taxicabs and car services		
Heavy vehicle and trailer sales		
Heavy vehicle and trailer service and storage		
Commercial parking	N/A	
Park-and-ride facilities		
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	1 per 5 seats or 10 feet of bench length	Applicable to theaters.
	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.
	1 per 300 sq. ft.	Applicable to all commercial entertainment—indoor.
Commercial entertainment—outdoor	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.
	4 per tee	Applicable to golf courses.
	1 per 2,000 sq. ft. of gross site area	Applicable to all other commercial entertainment—outdoor.
Major event entertainment	The greater of the following: 1 per 5 seats or 10 feet of bench length; or 1 per 25 sq. ft. of floor area of assembly space.	
Recreational and cultural community services	4 per tee	Applicable to golf courses.
	1 per 350 sq. ft.	Applicable to all other indoor Recreational and cultural community services.
	1 per 2,000 sq. ft. of gross site area	Applicable to all other outdoor Recreational and cultural community services.
Parks and open space	None	
Nonprofit membership assembly	1 per 350 sq. ft.	
Religious assembly	1 per 5 seats or 10 feet of bench length within the principle worship area; or 1 per 80 sq. ft. within the principal worship area, when no fixed seating or benches are provided.	
Health Services		
Medical centers/hospitals	1.5 per bed	
Outpatient medical services and laboratories	1 per 350 sq. ft.	

Education Services			
Day care	1	Day Care serving 1 to 12 persons	Parking requirement applies in addition to spaces required for any dwelling.
	2	Day Care serving 13 to 18 persons	
	3	Day Care serving 19 to 26 persons	
	4	Day Care serving 27 or more persons	
Basic education	2 per classroom		Applicable to elementary schools.
	1 per 6 students		Applicable to secondary schools. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Post-secondary and adult education	1 per 350 sq. ft.		Applicable to vocational and trade schools.
	1 per 4 students		Applicable to all other post-secondary and adult education. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Civic Services			
Governmental services	1 per 500 sq. ft.		
Social services	1 per 350 sq. ft.		
Governmental maintenance services and construction	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Public Safety			
Emergency services	1 per employee, plus 1 additional space per ambulance		Applicable to ambulance stations.
	1 per 500 sq. ft.		Applicable to all other emergency services.
Detention facilities	1 per 2,000 sq. ft.		
Military installations	1 per 500 sq. ft.		
Funeral and Related Services			
Cemeteries	1 per 350 sq. ft.		
Funeral and cremation services	1 per 5 seats or 10 feet of bench length in the chapel		
Construction Contracting, Repair, Maintenance, and Industrial Services			
Building and grounds services	The greater of the following: 0.75 per employee; or		

and construction contracting	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)	
Industrial services	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
General repair services	1 per 350 sq. ft.	
Cleaning plants	1 per 1,000 sq. ft.	
Wholesale Sales, Storage, and Distribution		
General wholesaling	1 per 1,500 sq. ft.	
Heavy wholesaling		
Warehousing and distribution	The greater of the following: 0.75 per employee; or	
Self-service storage	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Manufacturing		
General manufacturing	The greater of the following: 0.75 per employee; or	
Heavy manufacturing	1 per 5,000, sq. ft. (Less than 50,000 sq. ft.)	
Printing	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Transportation Facilities		
Aviation facilities	The greater of the following: 0.75 per employee; or	
Passenger ground transportation facilities;	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Marine facilities	1 per boat berth or docking space. The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	Applicable to marinas. Applicable to all other marine facilities.
Utilities		

Basic utilities	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Drinking water treatment facilities		
Power generation facilities		
Data center facilities		
Waste related facilities		
Wireless communication facilities	None	
Fuel dealers	1 per 200 sq. ft.	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Surface mining		
Farming, Forestry, and Animal Services		
Agriculture	5	Applicable when retail sales are involved.
Forestry		
Agriculture and forestry services	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Keeping of livestock and other animals	1 per 400 sq. ft.	
Animal services	1 per 400 sq. ft.	
Other Uses		
Accessory short-term rentals	None	
Temporary uses	Per SRC chapter 701	
Home occupations	1 per nonresident employee	Parking requirement applies in addition to spaces required for the dwelling unit.
Accessory dwelling units	None	

(1) Unless otherwise provided, when required off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.

(2) The minimum number of spaces per dwelling unit may be reduced by 25 percent for dwelling units that are affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the development is built or for the state, whichever income is greater.

(3) The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.

- (b) *Compact parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- (c) *Carpool and vanpool parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *Maximum off-street parking.*
 - (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.

TABLE 806-2A. MAXIMUM OFF-STREET PARKING

Minimum Number of Off-Street Parking Spaces Required(<i>From Table 806-1</i>)	Maximum Number of Off-Street Parking Spaces Allowed
20 spaces or less	2.5 times minimum number of spaces required.
More than 20 spaces	1.75 times minimum number of spaces required.

- (2) *Maximum off-street parking where no minimum off-street parking is required.* Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, maximum off-street parking shall be determined based on the assumed minimum off-street parking set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

TABLE 806-2B. MAXIMUM OFF-STREET PARKING WHERE NO MINIMUM OFF-STREET PARKING IS REQUIRED

No Minimum Off-Street Parking Required:	Maximum Off-Street Parking	Limitations & Qualifications
Based on requirements of Table 806-1	1.75 per dwelling unit	Applicable to three family, four family, and multiple family located within the CSDP area or one quarter-mile of the Core Network
	1 per 900 sq. ft.	Applicable to all other uses
Because activity is located in area where no minimum	The maximum off-street parking otherwise allowed	

off-street parking is required for the activity	for the activity if it were located in an area where minimum off-street parking was required.	
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(e) *Reductions to required off-street parking through alternative modes of transportation.*

- (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
- (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

(f) *Reductions to required off-street parking for multiple family developments.*

- (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
 - (A) *Transit access.* The minimum number of required off-street parking spaces may be reduced by:
 - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
 - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
 - (B) *Covered bicycle parking.* The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.
 - (C) *Shared car or van.* The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

Sec. 806.025. Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

- (a) *Location within yards.*
 - (1) *Front yard abutting street.* Within a front yard abutting a street, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport; ~~or~~

- (B) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area; or
- (C) On a circular driveway meeting the standards set forth in SRC 806.030(e).
- (2) *Side and rear yards abutting street.* Within side and rear yards abutting a street, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport;
 - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
 - (C) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area; or
 - (D) On a circular driveway meeting the standards set forth in SRC 806.030(e).
- (3) *Interior front, side, and rear yards.* Within interior front, side, and rear yards, off-street parking and vehicle storage shall be allowed only:
 - (A) Within a garage or carport;
 - (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
 - (C) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area.
- (b) *Garage or carport vehicle entrance setback abutting street or flag lot accessway.* The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be setback a minimum of 20 feet.
- (c) *Dimensions.* Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-3.

TABLE 806-3. MINIMUM OFF-STREET PARKING SPACE DIMENSIONS		
Type of Space	Width	Depth
Compact	8 ft.	15 ft.
Standard	9 ft.	19 ft.

- (d) *Maneuvering.* Where access to off-street parking is taken from an alley, a minimum maneuvering depth of 24 feet shall be provided between the back of the parking space and the opposite side of the alley.
- (e) *Surfacing.* ~~Any area that is used for off-street~~ Off-street parking areas and vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards. ~~Vehicle storage areas are not required to be paved.~~
- (f) *Screening.* Off-street parking areas and vehicle storage areas shall be screened as follows:
 - (1) Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.
 - (2) Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.

Sec. 806.030. Driveway development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, driveways for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

- (a) *Location.* Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route and circular driveways meeting the standards set forth in subsection (e) of this section shall be permitted within yards abutting streets.
- (b) *Dimensions.* Driveways shall conform to the minimum dimensions set forth in Table 806-4. The minimum width of a driveway serving more than one parking space must meet the standard set forth in Table 806-4 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to ten feet.

TABLE 806-4. MINIMUM DRIVEWAY DIMENSIONS		
Number of Parking Spaces Served	Width	Depth⁽¹⁾
1 space	10 ft.	20 ft.
2 spaces	16 ft.	20 ft.
3 or more spaces	22 ft.	20 ft.
<u>Limitations and Qualifications</u>		
(1) <u>Minimum driveway depth does not apply to parking spaces located within a screened off-street parking area.</u>		

- (c) *Surfacing.*
 - (1) All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.
 - (2) Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards ~~when such access is being utilized for parking.~~

(d) Turnaround. Where a driveway is allowed onto an arterial street, the driveway shall be configured as a circular driveway or an on-site hammer-head turnaround shall be provided.

(e) Circular driveways. Circular driveways are allowed subject to the following additional standards:

- (1) The driveway shall provide access to a lot that abuts an arterial or collector street;
- (2) The driveway shall be a minimum width of 10 feet and shall not exceed a maximum width of 15 feet; and
- (3) The area of the lot located on the inside curve of the driveway between the driveway and the street shall be landscaped.

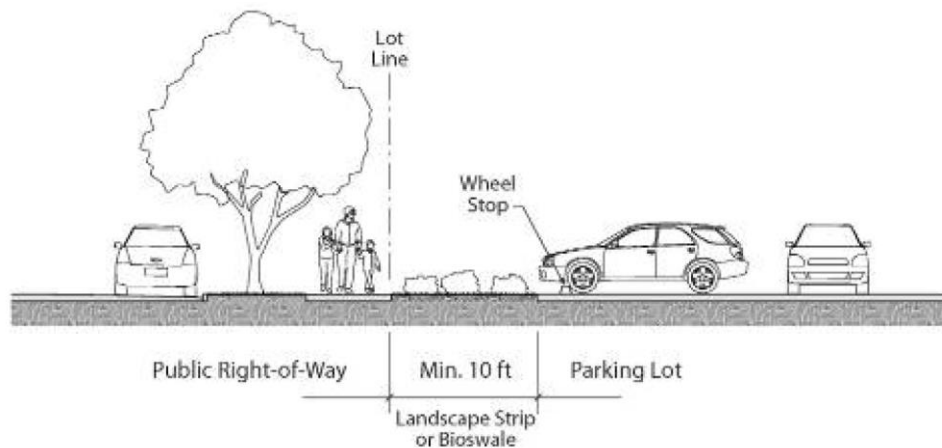
Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:
 - (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.
- (b) *Location.*
 - (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.
 - (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.
- (c) *Perimeter setbacks and landscaping.*
 - (1) *Perimeter setbacks and landscaping, generally.*
 - (A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.
 - (ii) Vehicle storage areas within the IG zone.

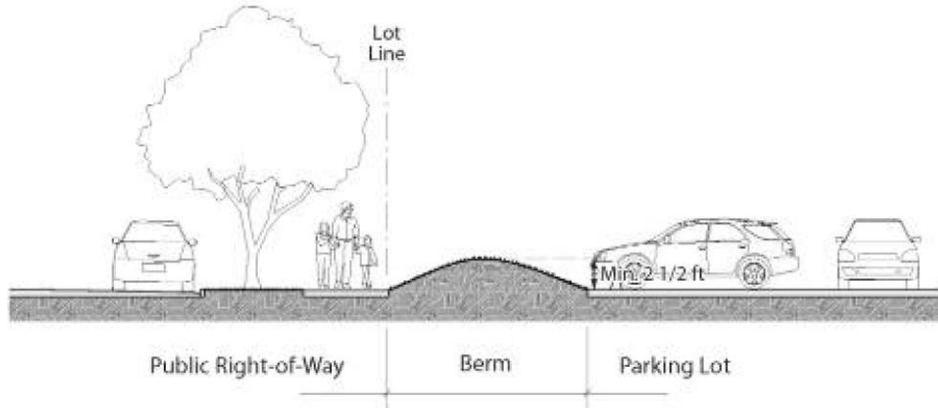
- (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
- (B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.
- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



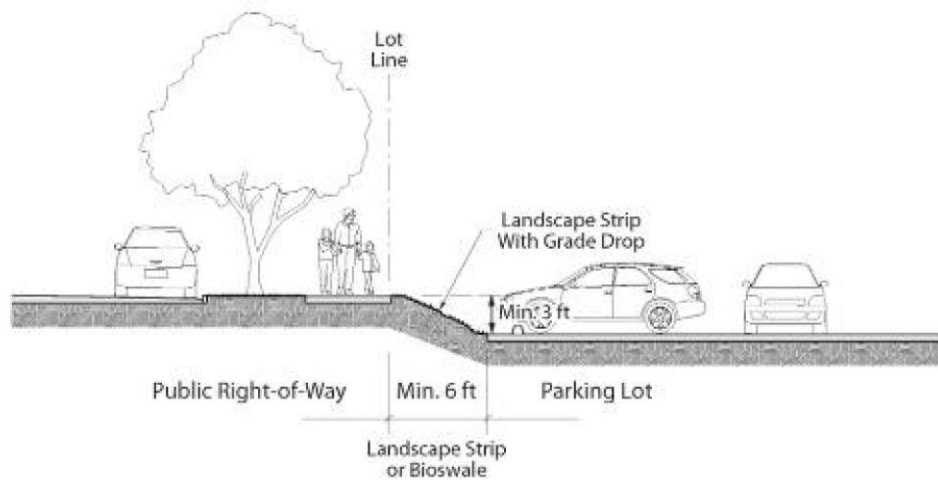
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-2. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS- METHOD B



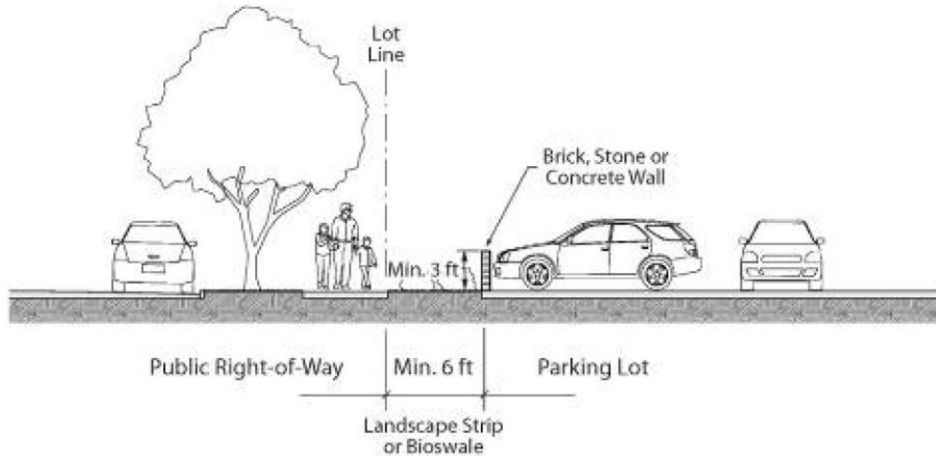
(C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-3. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD C



(D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

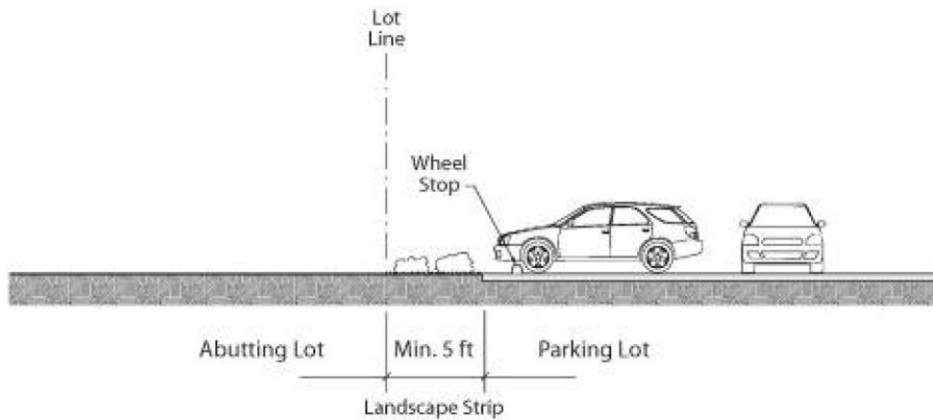
FIGURE 806-4. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD D



(E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

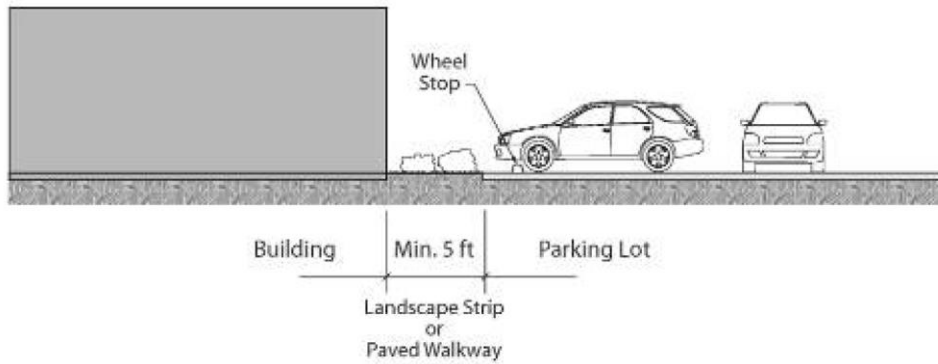
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-5. LANDSCAPING ADJACENT TO AN ADJACENT LOT



- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



(5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:

- (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
- (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
- (C) Any parking garage abutting an alley.

(d) *Interior landscaping.*

(1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:

- (A) Vehicle storage areas.
- (B) Vehicle display areas.
- (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (D) Gravel off-street parking areas, approved through a conditional use permit.
- (E) Underground parking.
- (F) Parking garages.

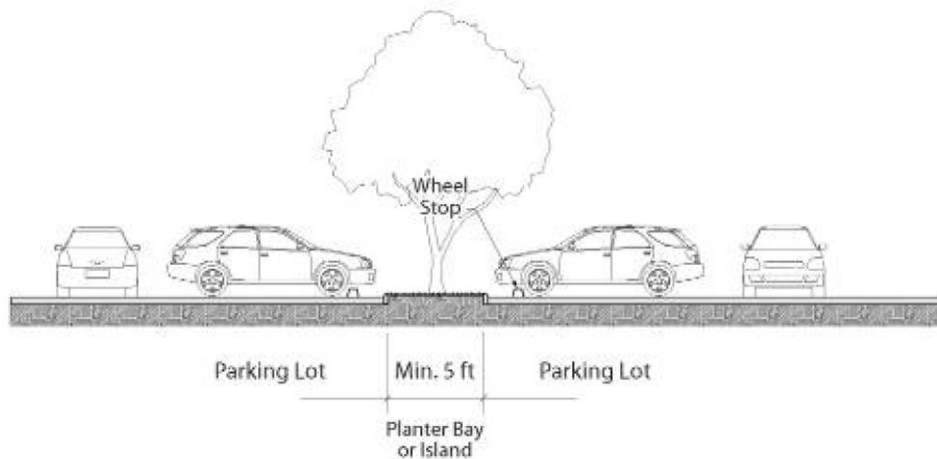
(2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

TABLE 806-5. INTERIOR OFF-STREET PARKING AREA LANDSCAPING

Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.
- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



- (e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:
 - (1) Vehicle storage areas.
 - (2) Vehicle display areas.

TABLE 806-6. MINIMUM OFF-STREET PARKING AREA DIMENSIONS

Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ^{(1),(2)} D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
0° (Parallel)	Compact	8'0"	8.0	12.0	22.0	28.0	-
	Standard	8'0"	8.0	12.0	22.0	28.0	-
20°	Compact	8'0"	12.6	11.0	23.4	36.2	28.7

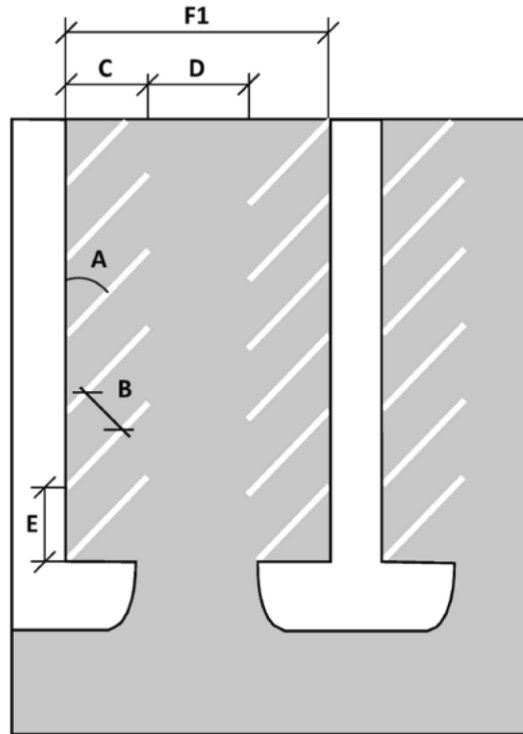
	Standard	8'6" (4)	14.5	11.0	24.9	40.0	32.0
		9'6"	15.5	11.0	27.8	42.0	33.1
		10'0"	15.9	11.0	19.2	42.8	33.4
30°	Compact	8'0"	14.4	11.0	16.0	39.8	32.9
	Standard	8'6" (4)	16.9	11.0	17.0	44.8	37.4
		9'0"	17.3	11.0	18.0	45.6	37.8
		9'6"	17.8	11.0	19.0	46.6	38.4
		10'0"	18.2	11.0	20.0	47.4	38.7
40°	Compact	8'0"	15.8	12.0	12.4	43.6	37.5
	Standard	8'6" (4)	18.7	12.0	13.2	49.4	42.9
		9'0"	19.1	12.0	14.0	50.2	43.3
		9'6"	19.5	12.0	14.8	51.0	43.7
		10'0"	19.9	12.0	15.6	51.8	44.1
45°	Compact	8'0"	16.3	13.5	11.3	46.1	40.5
	Standard	8'6" (4)	19.4	13.5	12.0	52.3	46.3
		9'0"	19.8	13.0	12.7	52.6	46.2
		9'6"	20.1	13.0	13.4	53.2	46.5
		10'0"	20.5	13.0	14.1	54.0	46.9
50°	Compact	8'0"	16.6	15.5	10.4	48.7	43.6
	Standard	8'6" (4)	20.0	15.5	11.1	55.5	50.0
		9'0"	20.4	15.0	11.7	55.8	50.0
		9'6"	20.7	15.0	12.4	56.4	50.3
		10'0"	21.0	15.0	13.1	57.0	50.6
60°	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
	Standard	8'6" (4)	20.7	18.5	9.8	59.9	55.6
		9'0"	21.0	18.0	10.4	60.0	55.7
		9'6"	21.2	18.0	11.0	60.4	55.6
		10'0"	21.5	18.0	11.5	61.0	56.0
70°	Compact	8'0"	16.8	19.5	8.5	53.1	50.4
	Standard	8'6" (4)	20.8	19.5	9.0	61.1	58.2
		9'0"	21.0	19.0	9.6	61.0	57.9
		9'6"	21.2	18.5	10.1	60.9	57.7
		10'0"	21.2	18.0	10.6	60.4	57.0
80°	Compact	8'0"	16.2	22.0	8.1	56.4	55.0
	Standard	9'0"	20.3	24.0	9.1	64.3	62.7
		9'6"	20.4	24.0	9.6	64.4	62.7
		10'0"	20.5	24.0	10.2	65.0	63.3
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" ⁽⁵⁾	15.0	22.0	8.0	54.0	-
	Standard	9'0"	19.0	24.0	9.0	62.0	-
		9'6"	19.0	24.0	9.5	62.0	-
		10'0"	19.0	24.0	10.0	62.0	-

Limitations and Qualifications

- (1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.
- (2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.
- (3) See Figure 806-8 for corresponding off-street parking area layout requirements.

- (4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.
 (5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.

FIGURE 806-8. OFF-STREET PARKING AREA LAYOUT REQUIREMENTS



- (f) Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND

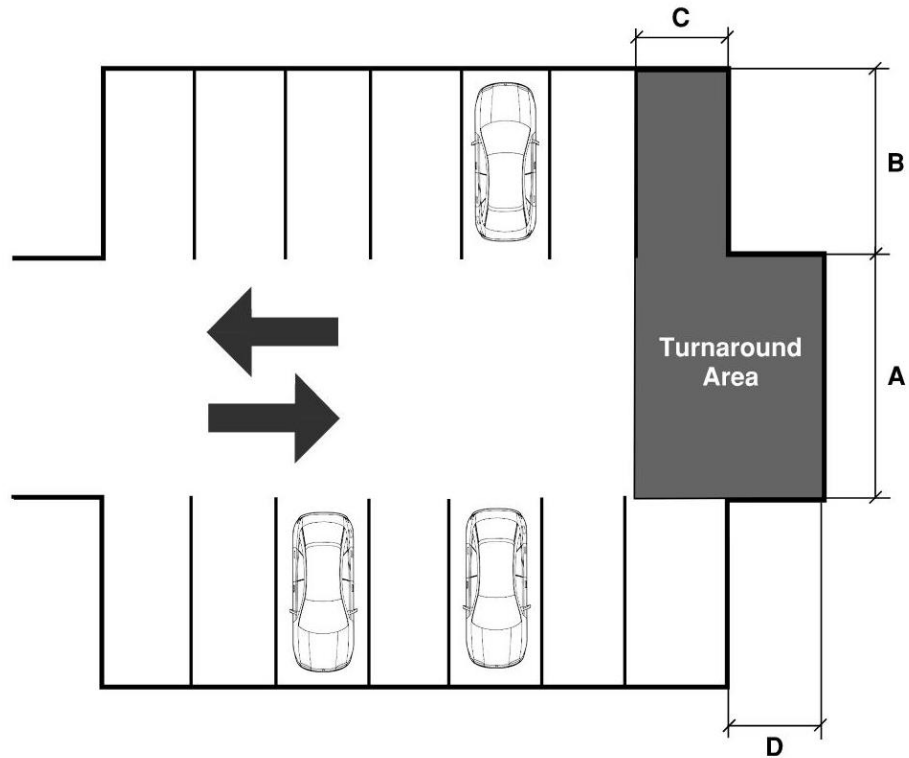


TABLE 806-7. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

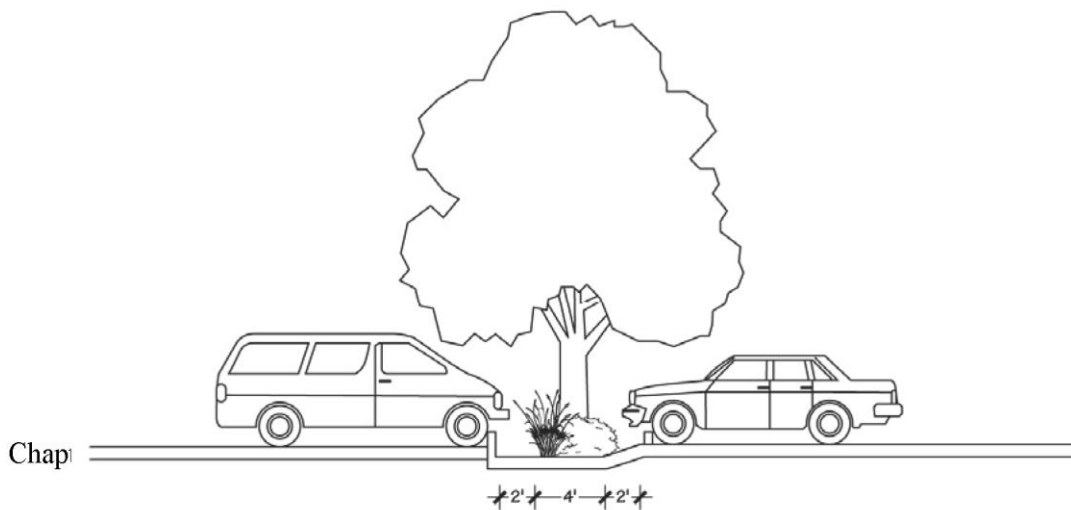
<u>Aisle Width</u> A	<u>Turnaround Dimensions</u>		
	B	C	D
<u>24 ft. or less</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>6 ft.</u>
<u>25 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>5 ft.</u>
<u>26 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>4 ft.</u>
<u>27 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>3 ft.</u>
<u>28 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>2 ft.</u>
<u>29 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>1 ft.</u>
<u>30 ft. or more</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>0 ft.</u>

(g)(f) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

~~(h)~~(g) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure ~~806-9~~806-10). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

FIGURE ~~806-9~~806-10. LANDSCAPED FRONT PORTION OF PARKING STALL



~~(i)~~(h) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

~~(j)~~(i) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.

~~(k)~~(j) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (4) Gravel off-street parking areas, approved through a conditional use permit.

~~(l)~~(k) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
- (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.
- ~~(m)~~(4) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.
- ~~(n)~~(m) *Off-street parking area screening.* Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

Sec. 806.040. Driveway development standards for uses or activities other than single family, two family, three family, or four family.

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.
- (b) *Location.* Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Setbacks and landscaping.*
 - (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table ~~806-7806-8~~.

TABLE 806-7806-8. MINIMUM DRIVEWAY WIDTH		
Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

- (e) *Surfacing.* All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.
- (f) *Drainage.* Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) *"No Parking" signs.* Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Sec. 806.045. Bicycle parking; when required.

- (a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:
- (1) Each proposed new use or activity.
 - (2) Any change of use or activity, ~~when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.~~
 - (3) Any intensification, expansion, or enlargement of a use or activity.
- (b) Applicability to change of use of existing building in Central Business District (CB) zone. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- ~~(c)~~(b) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Sec. 806.050. Proximity of bicycle parking to use or activity served.

Except as otherwise provided in this chapter, ~~Bicycle~~ bicycle parking shall be located on the same development site as the use or activity it serves.

Sec. 806.055. Amount of bicycle parking.

(a) Minimum required bicycle parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table ~~806-8806-9~~.

TABLE 806-8806-9, MINIMUM BICYCLE PARKING			
Use	Minimum Number of Spaces Required ^{(1),(2)}	Maximum Percentage of Long-Term Spaces Allowed ⁽³⁾	Limitations & Qualifications
Household Living			
Single family	None	<u>N/A</u>	
Two family			
Three family			
Four family			
Multiple family	<u>None</u>	<u>N/A</u>	<u>Applicable to cottage clusters.</u>
	<u>1 space per dwelling unit</u>	<u>100%</u>	<u>Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network ⁽⁴⁾</u>
	The greater of 4 spaces or 0.1 spaces per dwelling unit.	<u>100%</u>	<u>Applicable to all other multiple family.</u>
Group Living			
Room and board facilities	The greater of 4 spaces or 1 space per 50 rooms.	<u>100%</u>	
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.	<u>100%</u>	
Nursing care	1 per 30 beds	<u>75%</u>	
Lodging			
Short-term commercial lodging	The greater of 4 spaces or 1 space per 50 rooms.	<u>75%</u>	
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.;	<u>75%</u>	

	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.	<u>25%</u>	
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.	<u>25%</u>	
Personal services	1 per 10,000 sq. ft.	<u>25%</u>	Applicable to laundry, dry cleaning, and garment services.
	The greater of 4 spaces or 1 space per 3,500 sq. ft.	<u>25%</u>	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.	<u>25%</u>	
Shopping center	The greater of 4 spaces or 1 space per 5,000 sq. ft. 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.	<u>25%</u>	

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 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.	<u>25%</u>	
Laboratory research and testing			
Office complex			
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.	<u>25%</u>	Applicable to broadcasting studios.
	The greater of 4 spaces or 1 per 3,500 sq. ft.	<u>25%</u>	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	1 per 9,000 sq. ft.	<u>0%</u>	
Motor vehicle services			
Taxicabs and car services			
Heavy vehicle and trailer sales			
Heavy vehicle and trailer service and storage			
Commercial parking	1 per 30 vehicle parking spaces	<u>75%</u>	
Park-and-ride facilities			
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	<u>25%</u>	Applicable to theaters.

	The greater of 4 spaces or 1 space per court.	<u>25%</u>	Applicable to tennis, racquetball, and handball courts.
	The greater of 4 spaces or 1 space per 500 sq. ft.	<u>25%</u>	Applicable to all other commercial entertainment—indoor.
Commercial entertainment—outdoor	The greater of 4 spaces or 1 space per court	<u>25%</u>	Applicable to tennis, racquetball, and handball courts.
	4	<u>25%</u>	Applicable to golf courses.
	None	<u>N/A</u>	Applicable to drive-in movie theaters.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces	<u>25%</u>	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	<u>25%</u>	
Recreational and cultural community services	4	<u>25%</u>	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 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.	<u>25%</u>	Applicable to all other indoor recreational and cultural community services.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	<u>25%</u>	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.	<u>0%</u>	
Nonprofit membership assembly	1 per 30 vehicle parking spaces.	<u>0%</u>	
Religious assembly			
Health Services			
Medical centers/hospitals	The greater of 4 spaces or 1 per 30 beds	<u>75%</u>	
Outpatient medical services and laboratories	The greater of 4 spaces or 1 per 3,500 sq. ft.	<u>75%</u>	
Education Services			
Day care	4	<u>100%</u>	
Basic education	2 per classroom	<u>25%</u>	

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.	<u>25%</u>	Applicable to vocational and trade schools.
	The greater of 4 spaces or 1 per 10,000 sq. ft.	<u>25%</u>	Applicable to all other post-secondary and adult education.
Civic Services			
Governmental services	1 per 5,000 sq. ft.	<u>25%</u>	
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.	<u>25%</u>	
Governmental maintenance services and construction	4	<u>100%</u>	
Public Safety			
Emergency services	None	<u>N/A</u>	Applicable to ambulance stations.
	1 per 5,000 sq. ft.	<u>25%</u>	Applicable to all other emergency services.
Detention facilities	1 per 50 beds	<u>75%</u>	
Military installations	1 per 5,000 sq. ft.	<u>100%</u>	
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.;	<u>0%</u>	

	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	<u>75%</u>	
Construction Contracting, Repair, Maintenance, and Industrial Services			
Building and grounds services and construction contracting	4	<u>100%</u>	
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.	<u>50%</u>	
Cleaning plants	1 per 10,000 sq. ft.	<u>100%</u>	
Industrial services	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.	<u>100%</u>	
Wholesale Sales, Storage, and Distribution			
General wholesaling	1 per 15,000 sq. ft.	<u>100%</u>	
Heavy wholesaling			
Warehousing and distribution	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	<u>100%</u>	

	50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.		
Self-service storage	None	<u>N/A</u>	
Manufacturing			
General manufacturing	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.	<u>75%</u>	
Heavy manufacturing			
Printing			
Transportation Facilities			
Aviation facilities	<u>None</u>		
Passenger ground transportation facilities	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.	<u>75%</u>	
Marine facilities	2	<u>0%</u>	Applicable to marinas.
	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	<u>75%</u>	Applicable to all other marine facilities.

	footage over 100,000 sq. ft.		
Utilities			
Basic utilities	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.	<u>100%</u>	
Drinking water treatment facilities			
Power generation facilities			
Data center facilities			
Waste related facilities			
Fuel dealers			
Wireless communication facilities	None	<u>N/A</u>	
Mining and Natural Resource Extraction			
Petroleum and natural gas production	4	<u>100%</u>	
Surface mining			
Farming, Forestry, and Animal Services			
Agriculture	2	<u>50%</u>	Applicable when retail sales are involved.
Forestry			
Agriculture and forestry services	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.	<u>100%</u>	
Keeping of livestock and other animals	2	<u>50%</u>	Applicable when retail sales are involved.
Animal services			
Other Uses			
Accessory short-term rentals	None	<u>N/A</u>	
Temporary uses	None Per SRC chapter <u>701</u>	<u>Per SRC chapter 701</u>	
Home occupations	None	<u>N/A</u>	

Accessory dwelling unit	None	<u>N/A</u>	
<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> <p>(2) <u>The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.</u></p> <p>(3) <u>The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.</u></p> <p>(4) <u>The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.</u></p>			

(b) Long-term bicycle parking. Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. *(Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).*

Sec. 806.060. Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section~~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.*

(1) Short-term bicycle parking. ~~Except as otherwise provided in this section, Short-term bicycle parking shall be located outside a building within a convenient distance of, and 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.~~

~~(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.~~

(2) Long-term bicycle parking.

(A) Generally. Long-term bicycle parking may be located:

(i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or

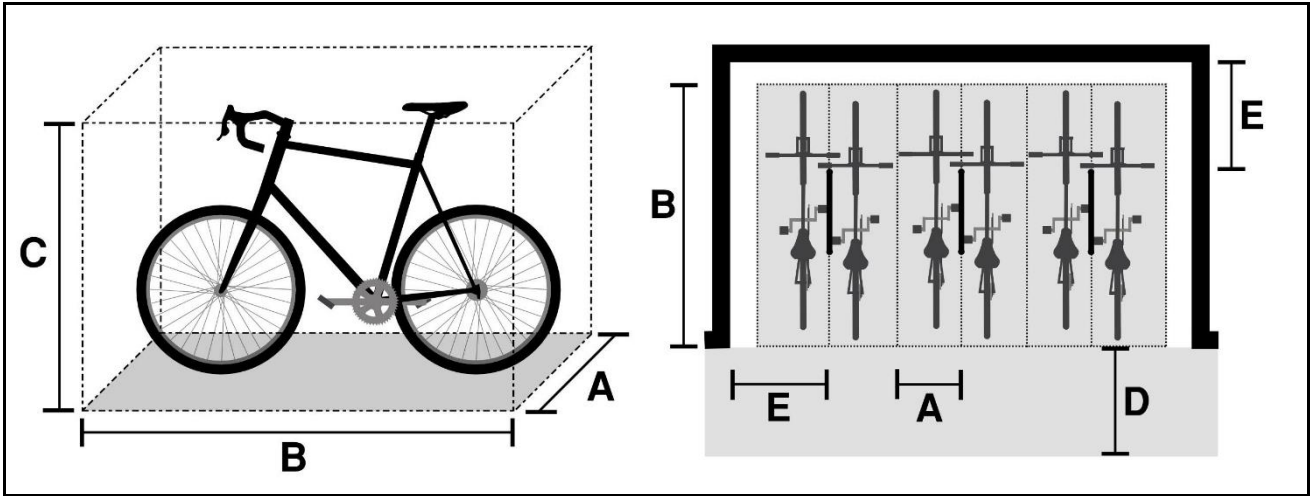
(ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:

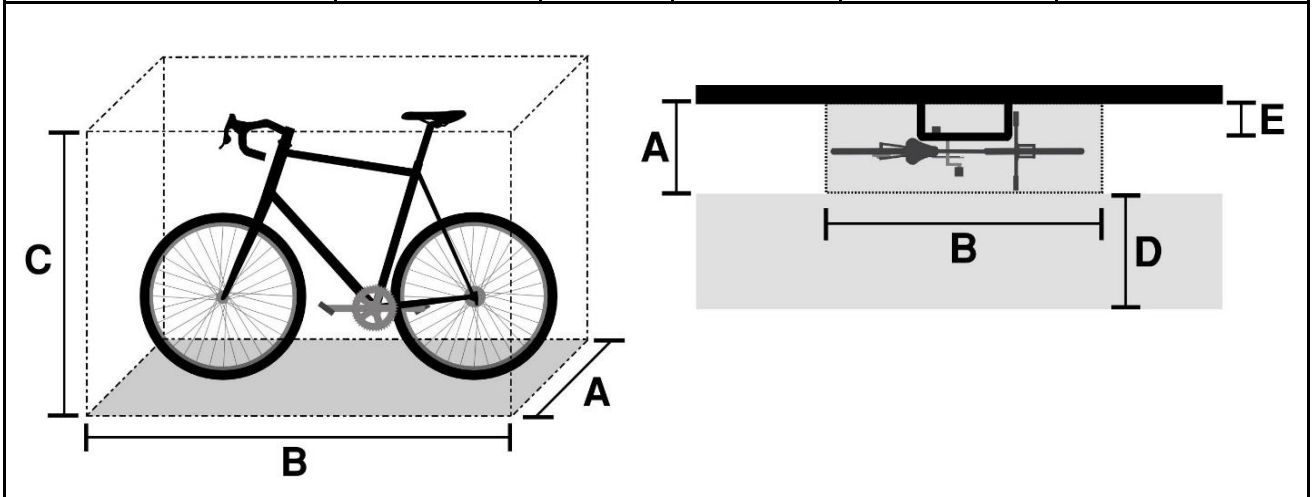
(i) A residential dwelling unit;

- (ii) A lockable garage;
 - (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
 - (iv) A lockable bicycle enclosure; or
 - (v) A bicycle locker.
- (C) Long-term bicycle parking for non-residential uses. Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;
 - (ii) A lockable bicycle enclosure; or
 - (iii) A bicycle locker.
- (b) *Access.* ~~All bicycle~~ 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.
- (c) *Dimensions.* ~~Except as provided in subsection (f) of this section, bicycle~~ All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10. ~~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 aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

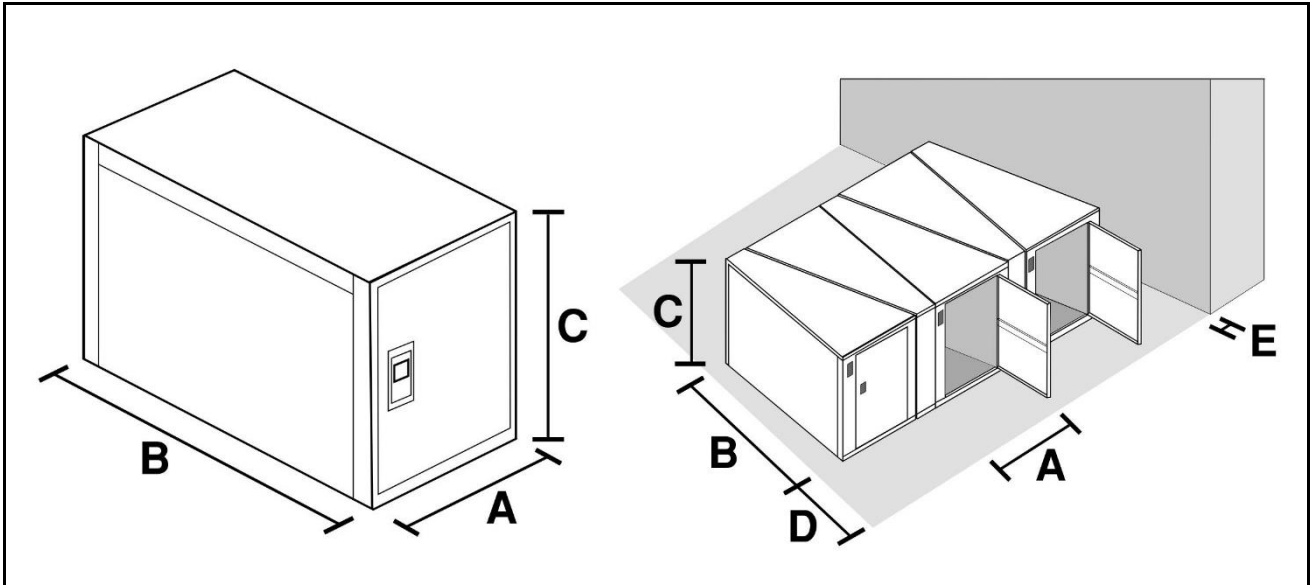
TABLE 806-10. MINIMUM BICYCLE PARKING SPACE & ACCESS DIMENSIONS					
<u>Space Type</u>	<u>Space Width</u> <u>A</u>	<u>Space Length</u> <u>B</u>	<u>Space Height</u> <u>C</u>	<u>Access Aisle Width</u> <u>D</u>	<u>Clearance Between Rack & Wall</u> <u>E</u>
Horizontal Spaces ⁽¹⁾					
<u>Standard</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>2 ft.</u>
<u>Side-by-side ⁽²⁾</u>	<u>1.5 ft.</u>				



Wall mounted	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>1 ft.</u>
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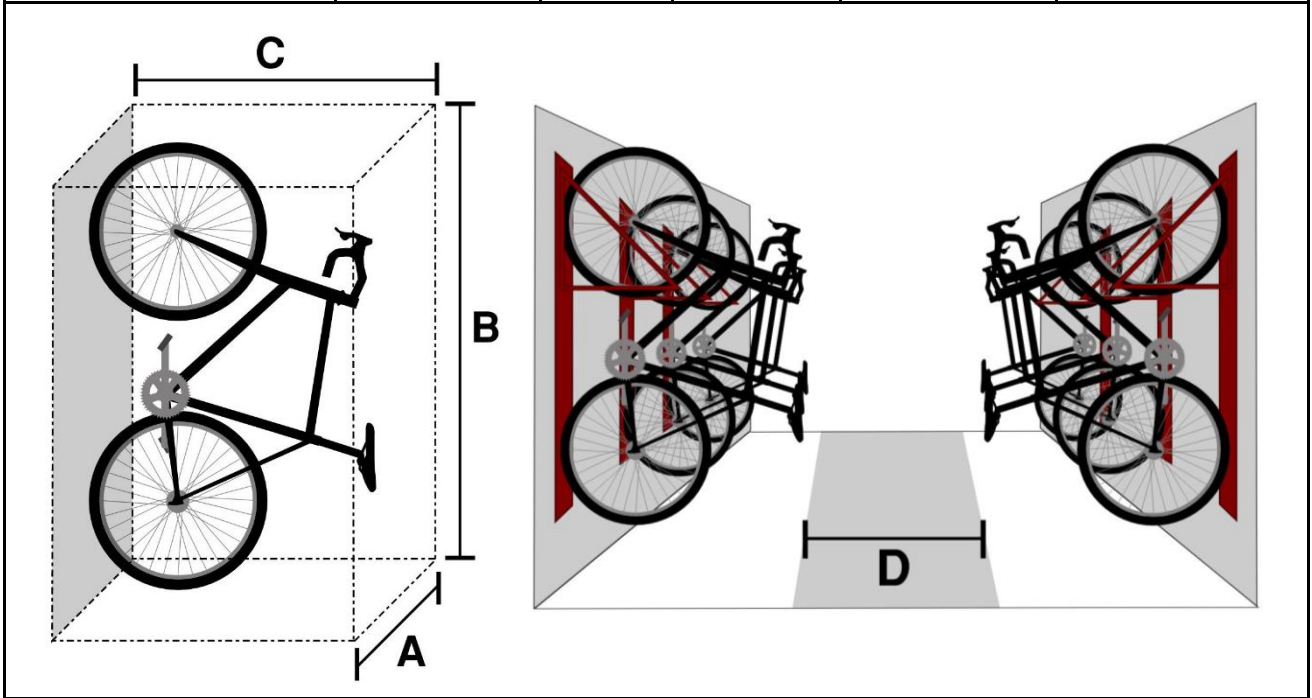


Bicycle locker (standard)	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>N/A</u>
Bicycle locker (pie shaped)	<u>30 in.</u> (at widest end)				



Vertical Spaces

<u>Standard</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>5 ft.</u>	<u>N/A</u>
<u>Side-by-side (2)</u>	<u>1.5 ft.</u>				

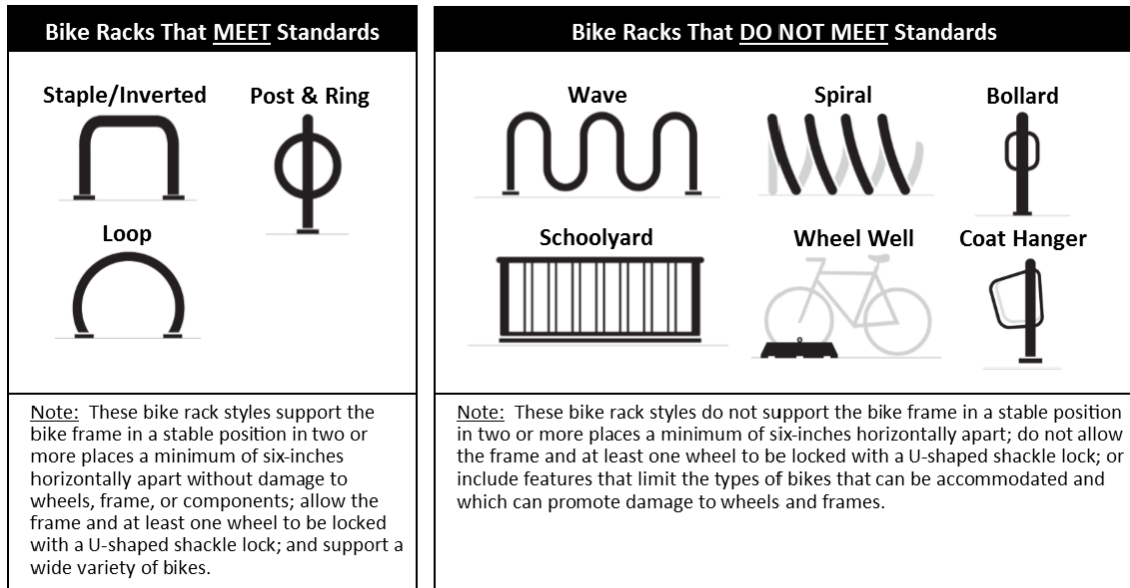


Limitations and Qualifications

- (1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.
- (2) Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.

- (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.
- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall, or ceiling racks. Bicycle racks shall meet the following standards-;
- (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.~~
 - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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 ~~806-10~~806-11.
- (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 shall conform to the minimum dimensions set forth in Table 806-10.;~~
 - ~~(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;~~
 - ~~(2)(3)~~ Lockers shall be served by an minimum four foot wide access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening. ~~Access aisles may be located within the public right of way; and~~
 - ~~(3)(4)~~ Lockers shall be securely anchored.

FIGURE 806-10806-11. EXAMPLES OF BIKE RACKS THAT DO AND DO NOT MEET STANDARDS



Sec. 806.075. Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9806-11.

TABLE 806-9806-11. MINIMUM OFF-STREET LOADING; DIMENSIONS					
Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾	Dimensions			Limitations & Qualifications
		Width	Length	Height	
<p><u>Use:</u></p> <ul style="list-style-type: none"> ■ Single family ■ Two family ■ Three family ■ Four family ■ Commercial parking ■ Park-and-ride facility ■ Parks and open space ■ Cemeteries ■ Basic utilities ■ Wireless communication facilities ■ Agriculture ■ Forestry ■ Accessory short-term rentals ■ Temporary uses ■ Home occupations ■ Accessory dwelling units 	None	N/A	N/A	N/A	

Use: ■ Temporary uses	<u>Per SRC chapter 701</u>		=	=	=	
Use: ■ Multiple family	None	5 to 49 dwelling units	N/A	N/A	N/A	
	1	50 to 99 dwelling units	12 ft.	19 ft.	12 ft.	If a recreational or service building is provided, at least 1 of the required loading spaces shall be located in conjunction with the recreational or service building.
	2	100 to 199 dwelling units	12 ft.	19 ft.	12 ft.	
	3	200 or more dwelling units	12 ft.	19 ft.	12 ft.	
Use Category: ■ Business and professional services Use: ■ Outpatient medical services and laboratories ■ Governmental services ■ Social services ■ Keeping of livestock and other animals ■ Animal services	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 60,000 sq. ft.	12 ft.	19 ft.	12 ft.	
	2	60,001 to 250,000 sq. ft.	12 ft.	19 ft.	12 ft.	
	Additional spaces required	Greater than 250,000 sq. ft.	12 ft.	19 ft.	12 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 250,000 sq. ft., 1 additional loading space is required.
Use Category: ■ Group living ■ Lodging ■ Retail sales and service ■ Education services Use: ■ Commercial entertainment indoor ■ Commercial entertainment— outdoor ■ Major event entertainment ■ Recreation and cultural community services	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 60,000 sq. ft.	12 ft.	30 ft.	14 ft.	
	2	60,001 to 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	
	Additional Spaces Required	Greater than 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 250,000 sq. ft., 1 additional loading space is required.

<ul style="list-style-type: none"> ■ Nonprofit membership assembly ■ Religious assembly ■ Medical centers/hospitals ■ Emergency services ■ Funeral and cremation services ■ General repair services ■ Agriculture and forestry services 						
<p>Use Category:</p> <ul style="list-style-type: none"> ■ Wholesale sales, storage, and distribution ■ Manufacturing facilities ■ Mining and natural resource extraction <p>Use:</p> <ul style="list-style-type: none"> ■ Motor vehicle and manufactured dwelling and trailer sales; ■ Motor vehicle services ■ Taxicabs and car services ■ Heavy vehicle and trailer sales ■ Heavy vehicle and trailer service and storage ■ Governmental maintenance services and construction ■ Detention facilities ■ Military installations ■ Building and grounds services and construction contracting ■ Cleaning plants ■ Industrial services ■ Drinking water treatment ■ Power generation facilities 	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 100,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	3	100,001 to 240,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	5	240,001 to 320,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	6	320,001 to 400,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	7	400,000 to 490,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	8	490,001 to 580,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	9	580,001 to 670,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	10	670,001 to 760,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	Additional Spaces Required	Buildings greater than 760,000 sq. ft.	12 ft.	40 ft.	14 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 760,000 sq. ft., 1 additional loading space is required.

<ul style="list-style-type: none"> ■ Data center facilities ■ Fuel dealers ■ Waste-related facilities 						
⁽¹⁾ Unless otherwise provided, when required loading is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.						

- (a) *Off-street parking used for loading.* An off-street parking area meeting the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.

Sec. 806.080. Off-street loading development standards.

Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

- (a) *Location.* Off-street loading areas shall not be located within required setbacks.
- (b) *Perimeter setbacks and landscaping.* Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.
 - (1) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).
 - (2) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A landscaping standard of SRC chapter 807.
- (c) *Dimensions.* Loading areas shall conform to the minimum dimensions set forth in Table 806-9.
- (d) *Maneuvering.* Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.
- (e) *Surfacing.* All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:
 - (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
 - (2) Gravel loading areas, approved through a conditional use permit.
- (f) *Drainage.* Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) *Lighting.* Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Amendments to SRC Chapter 807 (Landscaping and Screening)

Sec. 807.015. Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) *Landscaping types.* Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

TABLE 807-1. LANDSCAPING TYPES		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

- (b) *Plant materials and corresponding plant unit values.* Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

TABLE 807-2. PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 mature tree	15 PU	
1 shade tree	10 PU	1.5 in. to 2 in. caliper
1 evergreen/conifer tree	5 PU	6 ft. to 8 ft. height
1 ornamental tree	2 PU	1 in. to 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.
- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
 - (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.
- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
- (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
 - (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.
- (f) *Berm.* Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.
- (g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Sec. 807.020. Landscaping plan and landscaping permit.

- (a) *Landscaping plan.* A landscaping plan is required for ~~All~~ all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section shall include a landscaping plan.
- ~~(b)~~ Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:
- (1) Scale and north arrow.
 - (2) Lot dimensions and footprint of structure(s).
 - (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
 - (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
 - (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.

- (6) Fence or wall materials, when screening is required under the UDC.
- (7) Abutting land uses.
- (8) The type, size, and location of:
 - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
- (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
- (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
- (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

(b) Landscaping permit.

- (1) Applicability. When development subject to the landscaping requirements in this chapter requires site plan review but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.
- (2) Procedure type. A landscaping permit is processed as a Type I procedure under SRC chapter 300.
- (3) Submittal requirements. In lieu of submittal requirements for a Type I application under SRC chapter 300, an application for a landscaping permit shall include the following:
 - (A) A completed application form containing the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application;
 - (vi) A brief description of the proposal; and
 - (vii) 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; and
 - (B) A landscaping plan in conformance with subsection (a) of this section.
- (4) Criteria. A landscaping permit shall be approved if the application meets all the applicable landscaping and irrigation standards set forth in this chapter.

Amendments to SRC Chapter 808 (Preservation of Trees and Vegetation)

Sec. 808.005. 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:

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture, the American Society of Consulting Arborists, or similar professional organization, and maintains accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree.

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).

Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

~~*Significant tree* means: rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater.~~

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon white oak (*Quercus garryana*) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, excluding Douglas fir.

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

~~*Waterway means any river, perennial stream, or creek within the City as designated by the Director.*~~

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

Sec. 808.030. Tree and vegetation removal permits.

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
 - (C) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;
 - ~~(D)(C)~~ Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
 - ~~(E)(D)~~ Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;
 - ~~(F)(E)~~ Removal of invasive non-native or nuisance vegetation in riparian corridors;
 - ~~(G)(F)~~ Necessary for public trail or public park development and maintenance;
 - ~~(H)(G)~~ Necessary to conduct flood mitigation;
 - ~~(I)(H)~~ Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to

prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;

(J) Removal of a hazardous tree pursuant to an order issued by the City;

~~(K)~~ ~~(H)~~ A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;

~~(L)~~ ~~(F)~~ Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750—517.955;

~~(K)~~ ~~Removal of Oregon white oaks (Quercus garryana) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. For the purposes of this section, the term "undeveloped" means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005;~~

~~(L)~~ ~~Removal of Oregon white oaks (Quercus garryana) where the removal is necessary in connection with construction of a commercial or industrial facility;~~

(M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;

(N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:

(i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;

(ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and

(iii) Removal of heritage trees, significant trees, and trees in riparian corridors;

(O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, ~~or two family uses,~~ three family uses, four family uses, or ~~activities~~ cottage clusters, approved under SRC 808.035;

(P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or

(Q) Undertaken pursuant to a tree variance granted under SRC 808.045.

(b) *Procedure type.* A tree and vegetation removal permit 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 tree and vegetation removal permit shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
 - (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
 - (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
 - (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.
- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
- (1) *Hazardous tree.* The condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.
 - (2) *Repair, alteration, or replacement of existing structures.* The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of structures existing as of June 21, 2000, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.
 - (3) *Water-dependent activities.* The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.

- (4) *Restoration activity within riparian corridor.* The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:
 - (A) The short-term impacts of the restoration activity will be minimized;
 - (B) Effective erosion control measures will be implemented;
 - (C) All necessary permits have been applied for or obtained; and
 - (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.
- (5) Removal of significant tree in connection with the construction of a multiple family, mixed-use, commercial, or industrial development. The removal of the significant tree is necessary for the construction of a multiple family, mixed-use, commercial, or industrial development and:
 - (A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment;
 - (B) There are no reasonable design alternatives that would enable preservation of the tree; and
 - (C) Not more than five significant trees or 15 percent of the significant trees, whichever is greater, on contiguous lots or parcels under the same ownership are proposed for removal.
- (e) *Conditions of approval.*
 - (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
 - (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Sec. 808.035. Tree conservation plans.

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, or two family uses, three family uses, four family uses, or cottage clusters, ~~if the development proposal will result in the removal of trees.~~
- (b) *Procedure type.* A tree conservation plan 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 tree conservation plan shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at two-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, ~~and~~ location, and critical root zone of all existing trees on the property;

- (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.
- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
- (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.
- (d) *Approval criteria.* An application for a tree conservation plan shall be granted if the following criteria are met:
- (1) No heritage trees are designated for removal;
 - (2) No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees;
 - (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation;
 - (4) Not less than ~~25~~ 30 percent of all trees located on the property are designated for preservation; provided, however, if less than ~~25-30~~ percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.
- (e) *Conditions of approval.*
- (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.
 - (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall ~~be marked and protected during construction as set for in SRC 808.046. Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a notice of final completion for the single family dwelling or two family dwelling.~~ be marked and protected during construction as set for in SRC 808.046.
 - (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.
- (f) *Expiration.* A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Sec. 808.040. Tree conservation plan adjustments.

- (a) *Applicability.*

- (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.
- (2) Exceptions. A tree conservation plan adjustment is not required for:
 - (A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
 - (B) Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
 - (C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).
- (b) *Procedure type.* A tree conservation plan 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 tree conservation plan adjustment shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) Identification of the type, size, and location of those trees proposed for removal under the tree conservation plan adjustment.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree conservation plan adjustment shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan; and
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the tree conservation plan adjustment.
- (d) *Approval criteria.* A tree conservation plan adjustment shall be approved if the following criteria are met:
 - (1) There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.
 - (2) When the tree conservation plan adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.
 - (3) When the tree conservation plan adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.
 - (4) When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below ~~25~~30 percent, only those trees reasonably necessary to accommodate the proposed development are designated for removal.
- (e) *Conditions of approval.* Conditions may be imposed on the approval of a tree conservation plan adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original tree conservation plan, including requiring additional plantings on or off site.

Sec. 808.046. Tree protection measures during construction.

Except where specific tree protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

- (a) All trees and native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
 - (1) For trees, the above ground silt fence shall encompass 100 percent of the critical root zone of the tree.
 - (2) For native vegetation, the above ground silt fence shall be located around the perimeter of the native vegetation.
 - (3) Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; there shall be no grading, placement of fill, storage of building materials, or parking of vehicles; and native vegetation shall not be removed.
 - (4) Notwithstanding SRC 808.046(a)(3), grading may be allowed up to a maximum of 30 percent of the area protected by the above ground silt fence in order to accommodate development of the property when a report from a certified arborist is submitted documenting that such grading will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.
- (b) Protection measures shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot.

Sec. 808.050. Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, ~~or two family uses~~, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.
- (c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.

TABLE 808-1. TREE PLANTING REQUIREMENTS	
Lot or Parcel Size	Minimum Trees Required
<u>Less than 4,000 ft.²</u>	<u>1</u>
<u>4,000 ft.² to 6,000 ft.² or less</u>	<u>2</u>
<u>6,001 ft.² to 7,000 ft.²</u>	<u>3</u>
<u>7,001 ft.² to 8,000 ft.²</u>	<u>4</u>
<u>8,001 ft.² to 9,000 ft.²</u>	<u>5</u>
<u>Greater than 9,000 ft.²</u>	<u>6</u>

Sec. 808.060. Tree canopy preservation fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, of which 95 percent of ~~which such~~ funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:
 - (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or

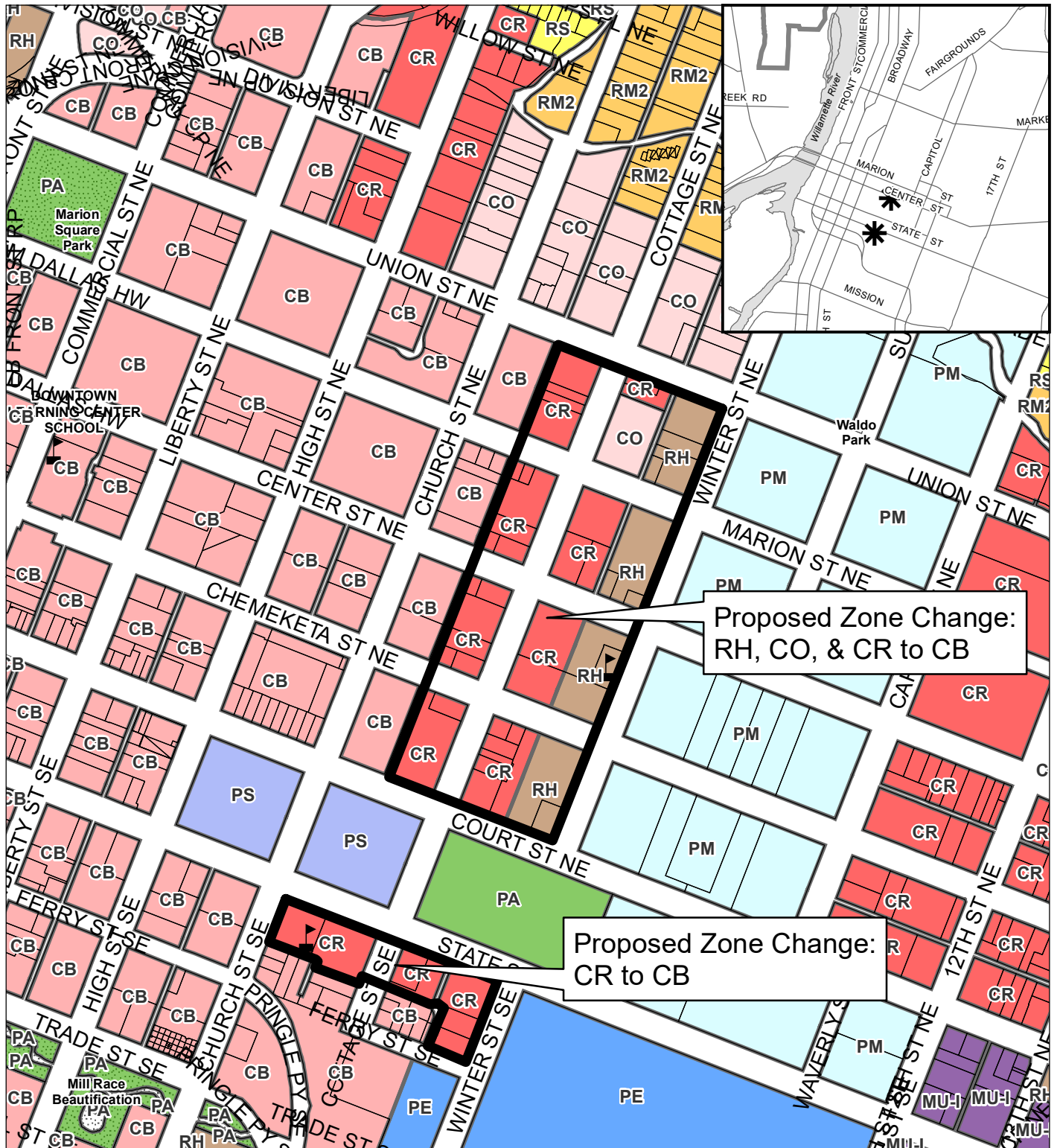
- (3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

Sec. 808.065. Enforcement.

In any action brought under SRC 110.110 to enforce this chapter, the following shall apply:

- (a) *Stop work order.* If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
- (b) *Permit revocation.* In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
- (c) ~~*Replanting and Restoration.* Persons violating this chapter, or any permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Planning Administrator which provides for repair of any environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a qualified professional. Costs of restoration shall be not less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).~~
 - (1) Persons violating this chapter, or any permit issued hereunder, shall be responsible for providing mitigation for trees and/or native vegetation removed and restoring damaged areas through implementation of a replanting and restoration plan approved by the Planning Administrator. The plan shall require replanting for the trees and/or native vegetation removed and provide for the repair of any environmental or property damage in order to restore the site to a condition which, to the greatest extent practicable, would have existed had the violation not occurred, as verified by a qualified professional.
 - (2) The planting and restoration costs included in the plan shall not be less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).
 - (3) Notwithstanding SRC 808.065(c)(2), when it is not possible to replant enough trees and/or native vegetation in the area to equal the appraised value of the trees and/or native vegetation unlawfully removed, the net remaining balance required to equal the appraised value of the trees and/or native vegetation unlawfully removed shall be assessed as a fee which shall be paid into the Salem City Tree Fund established under SRC chapter 86.
- (d) *Prohibition of further approvals.* The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

Proposed Zone Changes



Proposed Zone Change:
RH, CO, & CR to CB

Proposed Zone Change:
CR to CB

Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- 🏫 Schools

0 50 100 200 Feet



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EXHIBIT C

FACTS AND FINDINGS FOR ORDINANCE BILL NO. 13-21 CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01 (2021 UNIFIED DEVELOPMENT CODE UPDATE)

SUBSTANTIVE FINDINGS

1. Approval Criteria for Amendments to the Unified Development Code (UDC)

Salem Revised Code (SRC) 110.085 sets forth the following criteria that must be met in order for an amendment to the code to be approved. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria.

(1) ***The amendment is in the best interest of the public health, safety, and welfare of the City.***

Finding: The proposed amendments are in the best interest of the public health, safety, and welfare of the City because they update and clarify various land use procedures and development standards throughout the development code which helps to create greater certainty for applicants, stakeholders, and the broader community; they update the development code to comply with new requirements resulting from recent changes in State law, thereby ensuring the development code is kept current and up-to-date; and they incorporate various improvements to the code identified by staff and the community.

The proposed amendments establish increased tree preservation and protection measures associated with development which will help the City maintain its urban tree canopy. The amendments increase the variety of housing types allowed within the City's residential zones, as required under State House Bill 2001, which will help to provide for greater housing choice, diversity, and affordability within residential neighborhoods. The amendments establish an approval process and associated development standards for the siting of managed temporary camping areas in order to help address homelessness within the City by providing temporary living accommodations to individuals in a managed and secure environment with consistent access to on-site restrooms, storage, garbage removal, and additional services. This approval criterion is met.

(2) ***The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed amendments reviewed for conformance with the applicable goals and policies of the SACP. The following SACP goals and policies relate to the proposed amendments:

- **Urban Growth Policy C.4 – Infill:** *Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.*
- **Growth Management Policy D.6 – Infill Development:** *New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.*
- **Growth Management Policy D.9 – Infill on Facilities:** *New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.*

The proposed amendments are consistent with the above SACP policies relating to infill development because they implement State House Bill 2001 which requires middle housing in existing residential neighborhoods. The inclusion of provisions in the development code that allow for a greater variety of housing types and densities in residential neighborhoods helps to promote greater efficiency in the use of the land; thereby helping to meet the City’s housing needs in the existing urban area before converting urbanizable land to urban use.

The amendments help to ensure that new development makes better use of available land area. The amendments also promote opportunities for new and infill housing development in areas that are currently served with public facilities which requires the least public costs to provide needed facilities and services.

- **Residential Development Goal:** *To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*
- **Residential Policy E.9 – Alternative Housing Patterns:** *Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:*
 - a. The use of all modes of transportation;*
 - b. Reduction in vehicle miles traveled and length of auto trips; and*
 - c. Efficiency in providing public services.*

As with the SACP policies related to infill development, the proposed amendments are consistent with the above SACP residential development goal because it implements House Bill 2001, which requires cities to allow middle housing in residential zones, and Senate Bill 458, which requires cities to establish a process whereby land which has been, or is proposed to be, developed for middle housing can be further divided into individual lots.

The proposed amendments implementing House Bill 2001 specifically amend the City’s RA, RS, RD, and RM-I zones to allow two family uses, three family uses, four family uses, cottage clusters and townhouses and establish minimum lot size and development standards for these uses in the zones.

The proposed amendments implementing Senate Bill 458 establish a new middle

housing land division application type with a review process, submittal requirements, and approval criteria that are distinct from that of a normal partition or subdivision. The new land division process allows land developed for middle housing to be divided with greater latitude in lot size, street frontage, and setbacks in order to allow for each middle housing dwelling to be located on its own separate lot.

The proposed amendments implementing House Bill 2001 and Senate Bill 458 update the City's zoning and land division regulations to allow for a greater variety of residential housing types, increased housing densities, and alternative housing patterns in residential zones; thereby promoting greater housing opportunities for all income levels consistent with the SACP residential goal and policies.

- **Transportation Goal:** *To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.*
- **Transportation Policy J.7 – Supportive of Land use Plan Designations and Development Patterns:** *Local governments shall encourage the expansion of transit services throughout and beyond the Salem Urban Area, especially to areas of increased residential densities, major commercial concentrations, and large institutional and employment centers.*
- **Transportation Policy J.12 – System Efficiency:** *The implementation of transportation system and demand management measures, enhanced transit service, and provision for bicycle and pedestrian facilities shall be pursued as a first choice for accommodating travel demand and relieving congestion in a travel corridor, before widening projects are constructed.*

The proposed amendments are consistent with the above SACP transportation goal and policies because they establish a new street standard under SRC 803.035 that recognizes transit facilities as a required component of a street and correspondingly require that transit stops be constructed with proposed developments when a transit stop is identified as being required by the Transit District. Requiring transit stops to be constructed with development helps to improve the City's transit system which in turn supports the transportation goals and policies of the comprehensive plan which call for a balanced, multimodal transportation system of which transit is an important element.

The proposed amendments also update bicycle parking standards and introduce requirements for long-term bicycle parking which further help to support a multimodal transportation network with the City.

- **Open Space, Parks and Recreation Policy K.6 – Heritage Trees:** *Heritage and stands of significant trees, as defined by City ordinance, should not be cut or damaged except when deemed necessary for public safety or reasons stipulated by ordinance.*

The proposed code amendment is consistent with the above SACP policy because the proposed amendments establish increased preservation requirements for significant trees by expanding the definition of significant tree to include Oregon white oaks of 20 inches dbh or greater and any other tree with a dbh of 30 inches or greater. The proposed amendments also establish greater protection standards for the critical root zones of not only significant trees, but any tree required to be preserved or protected

under the UDC.

Through the inclusion of a greater variety of trees as significant trees and the proposed improved protection standards for the critical root zones of trees the proposed amendments will result in the improved protection of stands of significant trees consistent with the SACP policy.

The proposed code amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals and administrative rules are applicable to the proposed code amendment:

- **Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposed amendments conform to this goal because the process to adopt the amendments requires public notice and affords the public an opportunity to review, comment, and take part in the approval process. In addition to the formal adoption process, the City held four public work sessions with the Planning Commission to provide the public an opportunity to review the code amendments prior to the official adoption process.

A series of virtual informational meetings were also held where downtown property owners were invited to attend to learn more about the proposed changes to the Central Business District (CB) zone and the proposed legislative zone change to CB.

- **Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The SACP has been adopted by the City and acknowledged by the Land Conservation and development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules.

The proposed amendments include a number of revisions that update and clarify various land use application and procedural requirements included under the development code. Examples include updates to the City’s Annexation chapter to align the review procedures with State law and the land use application and review procedures of SRC Chapter 300; requiring notice to be sent to the Salm Area Mass Transit District for all Type II, Type III, and Type IV land use applications and legislative land use proposals; clarifying the effective date of land use decisions; and clarifying the expiration periods of certain types of land use applications when consolidated with applications for site plan review or land divisions.

These proposed changes further clarify and improve the City’s land use planning process. The proposed amendments therefore conform with this goal.

- **Goal 10 – Housing:** *To provide for the housing needs of citizens of the state.*

The proposed amendments conform to this goal because they help the City to meet its housing needs by expanding the variety of housing types allowed within the City's residential zones.

The proposed amendments implementing House Bill 2001 specifically amend the City's RA, RS, RD, and RM-I zones to allow two family uses, three family uses, four family uses, cottage clusters and townhouses and establish minimum lot size and development standards for these uses in the zones.

The proposed amendments implementing Senate Bill 458 establish a new middle housing land division application type with a review process, submittal requirements, and approval criteria that are distinct from that of a normal partition or subdivision. The new land division process allows land developed for middle housing to be divided with greater latitude in lot size, street frontage, and setbacks in order to allow for each middle housing dwelling to be located on its own separate lot.

The proposed amendments implementing House Bill 2001 and Senate Bill 458 update the City's zoning and land division regulations to allow for a greater variety of residential housing types, increased housing densities, and alternative housing patterns in residential zones; thereby promoting greater housing opportunities for all income levels consistent with this goal.

- **Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

The proposed code amendments conform to this goal because they establish a new street standard under SRC 803.035 that recognizes transit facilities as a required component of a street and correspondingly require that transit stops be constructed with proposed developments when a transit stop is identified as being required by the Transit District. The proposed amendments also update bicycle parking standards and introduce requirements for long-term bicycle parking.

Requiring transit stops to be constructed with development and the proposed updates to City's bike parking standards help to improve the City's transportation system in a manner consistent with this goal by supporting a multi-modal transportation network and making transit and bicycling more convenient.

- **Goal 14 – Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The proposed amendments conform to this goal because they help the City accommodate its population via housing by allowing a greater variety of housing types in the City's residential zones.

The amendments allowing middle housing in residential zones also help to ensure that new development makes better use of available land area and that opportunities are provided for new and infill housing in areas that are currently served with public facilities, thereby requiring the least public costs to provide needed facilities and services.

- **House Bill 2001 – Sections 3, Chapter 639, Oregon Laws 2019:**

House Bill 2001 requires local governments to consider ways to increase the affordability of middle housing, including waiving or deferring system development changes (SDCs), adopting or amending property tax exemptions, and assessing a construction excise tax. The City Council considered these different incentives at a work session on June 21, 2021. Staff presented the incentives and answered questions from Councilors. The Councilors expressed interest in further investigating the incentives and directed staff to bring back more information about each of them. Staff is currently analyzing the different incentives and will bring information or recommendations back to the Council as analysis is completed.

2. Legislative Zone Change Approval Criteria

Salem Revised Code (SRC) 265.010(d) sets forth the following criteria that must be met before approval can be granted to Legislative Zone Change. The following subsections are organized with approval criteria shown in *bold italic*, followed by finding evaluating the proposal's conformance with the criteria.

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

Finding: The proposed legislative zone change seeks to change the zoning of the identified downtown properties from RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District).

The proposed zone change is in the best interest of the public health, safety, and welfare of the City because:

- a. It brings the zoning of the properties into alignment with their envisioned Central Business District comprehensive plan designation;
- b. It establishes a zoning and land use pattern for the properties that is consistent and compatible with that of the surrounding area and more logical than the existing pattern based on their location within the downtown core;
- c. The proposed CB zoning generally allows a greater variety of uses on the properties than currently allowed under existing zoning which thereby helps to fulfill the intent of the Central Business District comprehensive plan designation by strengthening the Central Business District as a principal center for business and commerce comprised of a compact arrangement of retail, commercial, office, financial, cultural, entertainment, governmental, and residential uses; and
- d. The proposed CB zoning will eliminate an existing conflict between the design review requirements applicable to the subject properties, and other properties within the downtown within the General Retail Office overlay zone, and the underlying development standards of the RH, CO, and CR zones. Currently the design review requirements for properties within the General Retail/Office overlay zone establish building setbacks that are different from that of the underlying zones applicable to the subject properties. This results in development projects needing to request adjustments to the setbacks requirements of the underlying zones in order to comply with design review requirements. The proposed zone change to CB will eliminate this conflict and ensure that the properties are subject to the same development and design standards that other properties in the downtown are subject to and that development occurs on the properties in a manner that is consistent with their

existing Central Business District comprehensive plan designation.

This approval criterion is met.

- (2) ***The zone change complies with the Salem Area Comprehensive Plan, applicable statewide planning goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed legislative zone change was reviewed for conformance with the applicable goals and policies of the SACP. The following SACP goals and policies are applicable to the proposal:

- **Commercial Development Policy G.1 – Central Business District:** *The central business district shall be maintained and developed as a mixed-use regional retail and employment center for the Salem urban area as well as Marion and Polk counties.*
- **Economic Development Goal:** *Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability.*

The proposed legislative zone change is consistent with the above SACP goal and policy because it results in changing the zoning of the properties from RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District) in order align the zoning of the properties with their existing Central Business District comprehensive plan designation.

Due to the location of the properties within the downtown they are currently designated Central Business District, but their current zoning is not consistent with that designation. The proposed legislative zone change to CB brings the comprehensive plan designation and zoning of the properties into alignment and acts to not only further strengthen the central business district as a regional center for the Salem urban area and Marion and Polk Counties but also strengthen the economic base of the Salem area.

The proposed code amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals and administrative rules are applicable to the proposed legislative zone change:

- **Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The proposed legislative zone change conforms to this goal because the process to adopt the change requires public notice and affords the public an opportunity to

review, comment, and take part in the approval process. In addition, a series of virtual informational meetings were also held where downtown property owners were invited to attend to learn more about the proposed legislative zone change to CB and the changes to the Central Business District (CB) zone.

- **Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions. The SACP has been adopted by the City and acknowledged by the Land Conservation and development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The proposed legislative zone change is being reviewed pursuant to the applicable adopted procedures and approval criteria associated with the proposal in keeping with this goal.

- ❖ **Goal 9 – Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

The proposed legislative zone change conforms to this goal because it brings the zoning of the properties into alignment with their current Central Business District comprehensive plan designation.

The intent of the Central Business District comprehensive plan designation is to serve Salem and the region as a principal center of business and commerce. Development within the Central Business District is characterized as consisting of a compact arrangement of retail and commercial enterprises together with office, financial, cultural, entertainment, governmental, and residential use designed and situated to afford convenient access by pedestrians.

The proposed zone change to CB to bring the zoning of the properties into alignment with their Central Business District comprehensive plan designation ensures that the properties will be used and developed in a manner consistent with Central Business District comprehensive plan designation and the CB zone. The variety of uses allowed in the CB zone allow for a variety of economic activities consistent with this goal and the intent of the Central Business District comprehensive plan designation.

- **Goal 10 – Housing:** *To provide for the housing needs of citizens of the state.*

The proposed legislative zone change conforms to this goal because the proposed CB zoning for the properties will continue to allow housing at density levels consistent with that of the current CO and RH zones. For the properties currently zoned CR, the proposed zone change will make it easier to develop residential uses due to multiple family being allowed as a permitted use in the CB zone as opposed to a conditional use in the CR zone.

- **Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

The properties subject to the proposed legislative zone change are all currently designated Central Business District on the Salem Area Comprehensive Plan Map and zoned RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial). Due to their location within the downtown they are also served by an existing network of fully improved arterial, collector, and local streets which meet the requirements of their street classification under the Salem Transportation System Plan (TSP).

The proposed legislative zone change conforms to this goal because the zone change to CB simply results in the alignment of the properties' zoning with their existing Central Business District comprehensive plan designation.

The proposed zone change to CB will not result in a significant affect to a transportation facility or levels of traffic beyond that which is already planned for under the TSP because the planned traffic volumes assumed under the TSP are based on the properties' existing Central Business District comprehensive plan designation, which is not proposed to be changed, and the properties are served by an existing network of streets that are fully improved consistent with their corresponding street classifications under the TSP.

- (3) *If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.*

Finding: The proposed legislative zone change seeks to change the zoning of the subject properties from RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District). Because the corresponding comprehensive plan designation for these properties is currently Central Business District, the proposed zone change will result in the zoning of the properties being changed to align with their existing comprehensive plan designation. Because the zone change does not require a corresponding comprehensive plan change from an industrial designation to a non-industrial designation or a change from a commercial or employment designation to any other designation, this approval criterion is not applicable to the proposal.

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

Finding: The properties subject to the proposed legislative zone change are all currently designated Central Business District on the Salem Area Comprehensive Plan Map and zoned RH (Multiple Family High-Rise Residential), CO (Commercial Office), and CR (Retail Commercial). Due to their location within the downtown they are also served by an existing network of fully improved arterial, collector, and local streets which meet the requirements of their street classification under the Salem Transportation System Plan (TSP).

The legislative zone change included with this proposal seeks to change the zoning of the properties to CB (Central Business District) to be consistent with and further implement their existing Central Business District Comprehensive Plan designation.

Under OAR 660-012-0060 a zone change is determined to have a significant affect on a transportation facility when it:

- a. Changes the functional classification of an existing or planned transportation facility;
- b. Changes the standards implementing a functional classification system; or
- c. Results in any of the following:
 - ❖ Types or levels of traffic that are inconsistent with the functional classification of an existing or planned transportation facility;
 - ❖ Degrading the performance of an existing or planned transportation facility such that is would not meet the performance standards identified in the TSP or comprehensive plan; or
 - ❖ Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Because the proposed zone change seeks to change the zoning of the properties to align with their current Central Business District comprehensive plan designation, the proposal will not result in a significant effect on a transportation facility because the levels of traffic anticipated and planned for these properties under the TSP is based on their current Central Business District comprehensive plan designation rather than their existing zoning. As a result the proposed legislative zone change from RH, CO, and CR to CB will not result in additional traffic beyond what is currently planned for these properties and the surrounding street system and the zone change will not result in a significant affect on a transportation facility.

As is appropriate for properties within the City's downtown core, they are served by fully improved arterial, collector, and local streets which meet TSP requirements for their street classification. This approval criterion is met.

Recommended Further Revisions to Ordinance Bill No. 13-21

- Additional text proposed to be added is identified by **bold double underline**.
- Additional text proposed to be deleted is identified by ~~**bold double underline**~~.

Managed Temporary Villages (SRC 701.030)

Sec. 701.030. Managed temporary village.

Managed temporary villages shall comply with the following:

- (a) *Temporary use permit required.* Managed temporary villages shall require either a Class 1 or Class 2 temporary use permit.
 - (1) A Class 1 temporary use permit shall be required for a managed temporary village with ten or fewer shelter units.
 - (2) A Class 2 temporary use permit shall be required for a managed temporary village with eleven to forty shelter units.
- (b) *Submittal requirements.* In addition to the submittal requirements set forth under SRC chapter 300, an application for a Class 1 or Class 2 temporary use permit for managed temporary village shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total size area, dimensions, and orientation relative to north;
 - (B) The proposed layout of the site, including the location of all proposed shelter units and structures, the separation between shelter units, and the setbacks of all shelter units and structures to perimeter property lines;
 - (C) The location of the following as applicable:
 - (i) Space for on-site manager;
 - (ii) Restroom, handwashing, and shower facilities;
 - (iii) Food preparation and dining facilities;
 - (iv) Laundry facilities, or, if laundry services will not be provided on-site, an explanation of how laundry services will be provided in the operation and management plan;
 - (v) Trash collection area(s);
 - (vi) Secured covered storage area(s) for resident's personal belongings;
 - (vii) Common gathering area(s);
 - (viii) The area where residents can receive medical care, casework, counseling, and other support services;
 - (ix) Secured storage area for any flammable or explosive materials, such as propane tanks used in food preparation, that will be used in the operation of the shelter;
 - (x) The location, height, and material of required perimeter fencing and screening; and
 - (xi) The location of proposed off-street parking and vehicle use areas, driveway approaches, and driveways.

- ~~(2)(D)~~ Written authorization from the owner of the property to use it as a managed temporary camping area.
- ~~(3)(E)~~ Proof of management entity's experiencing operating non-profit shelters.
- ~~(4)(F)~~ An operation and management plan setting for the rules for shelter use and provisions for facility operation and maintenance.
- (5) For sites within a floodplain, a flood warning and response plan that includes advance flood warning coordination and an evacuation plan.**
- ~~(6)(G)~~ For publicly owned sites or publicly funded projects on private property within a known archaeological resource, proof that the proposed use has received an archaeological Certificate of Clearance.
- (c) *Standards.* Managed temporary villages shall comply with the standards set forth in this subsection.
- (1) *Period of use.*
- (A) A managed temporary village may operate at the location approved under a temporary use permit for a period not to exceed one year.
- (B) The temporary use permit may be renewed annually, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed and the shelter has maintained conformance with the standards set forth in this section. **Notwithstanding subsection (c)(2)(B)(ii) of this subsection, subsequent establishment of a basic education use on an abutting property shall not be reason for the denial of the renewal of an application.** The maximum cumulative total period for all renewals shall not exceed ~~four~~**nine** years.
- (2) *Location.*
- (A) A managed temporary village shall only be located:
- (i) In a zone where the use is allowed; and
- (ii) On property abutting an arterial or collector street or on property abutting a street and located within one-half mile of a transit route.
- (B) Notwithstanding subsection (c)(2)(A) of this section, a managed temporary village shall not be located:
- (i) On property used for residential use;
- (ii) On property abutting a school **a basic education use**;
- (iii) Within ~~a mapped flood plain or floodway, or~~ an area with moderate or high landslide hazard risk pursuant to SRC chapter 810;
- (iv) Within a mapped floodway;**
- (v) Within a mapped flood plain, except as approved under SRC chapter 601;**
- ~~(vi)(iv)~~ Within a wetland or riparian corridor; or
- ~~(vii)(v)~~ On property with a known archaeological resource, except as ~~otherwise~~ approved under SRC chapter 230.
- (3) *Maximum number and types of shelter units allowed.*
- (A) The maximum total number of shelter units within a managed temporary village shall not exceed 40. **The maximum number of shelter units does not include any shelter units provided within a building on the same site.**

- (B) Any of the following, either individually or in combination, are allowed as shelter units within a managed temporary village provided the maximum number of allowed shelter units is not exceeded:
 - (i) Pre-fabricated, non-permanent, portable structures such as tiny homes, yurts, Conestoga huts, and similar structures;
 - (ii) Tents and similar non-permanent portable structures designed specifically for camping; and
 - (iii) Vehicles such as cars, trucks, vans, motorized or towable recreational vehicles, and similar conveyances.
 - (C) Improvised camps are not allowed.
- (4) *Maximum number of residents per shelter unit.* Except for vehicles, not more than two adults, eighteen years of age or older, shall be allowed per shelter unit. Within a vehicle, either a family consisting of an individual or two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship or not more than two unrelated adults, eighteen years of age or older, shall be allowed per vehicle.
- (5) *Operational standards.*
- (A) *Operation and management.* A managed temporary village must be operated and managed by:
 - (i) A local government, as defined in ORS 174.116;
 - (ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:
 - (aa) A local housing authority, as defined in ORS 456.375;
 - (bb) A religious corporation, as defined in ORS 65.001; or
 - (cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or
 - (iii) A non-profit corporation partnering with any other entity described in this subsection.
 - (B) *Staffing.* An on-site manager shall be present at all times when the shelter is in operation.
 - (C) *Required support services and facilities.* A managed temporary village shall include the following on-site support services and facilities for the health, safety, and support of residents:
 - (i) *Support services and facilities required for all managed temporary villages.* All managed temporary villages shall provide at a minimum the following support services and facilities:
 - (aa) A minimum of two restrooms;
 - (bb) Handwashing facilities;
 - (cc) A secure covered storage area for resident's personal belongings; and
 - (dd) A solid waste collection and servicing area, meeting the vehicle operation area requirements of SRC 800.055(f), that includes at least one solid waste receptacle a minimum of six cubic yards in in size.
 - (ii) *Additional support services and facilities required for managed temporary villages with more than ten shelter units.* Managed temporary villages with more than ten shelter units shall provide the following additional support services and facilities:

- (aa) A minimum of two showers or, if showers will not be provided on-site, an explanation of how access to off-site showers will be provided;
 - (bb) A designated covered dining area;
 - (cc) A laundry facility or, if laundry service will not be provided on-site, an explanation of how access to off-site laundry service will be provided;
 - (dd) A designated common area for gathering;
 - (ee) A designated area where residents can meet with social workers and health care professionals to receive case management, counseling, and support services, as well as needed medical treatment or examinations; and
 - (ff) A secure covered storage area for supplies needed to operate the shelter.
- (D) *Fees for accommodations and services.* The operator of a managed temporary village may not charge residents a fee for any of the accommodations or services required under this section.
- (E) *Operation and management plan.* A managed temporary village shall include an operation and management plan that shall at a minimum identify:
- (i) Rules for shelter use and a code of conduct for governing resident behavior.
 - (ii) Provisions for supervision, safety, and security.
 - (iii) The proposed operational period for the shelter.
 - (iv) The hours that people may stay at the site.
 - (v) The number of continuous days an individual may reside at the shelter.
 - (vi) Provisions for shelter operation and maintenance including:
 - (aa) Garbage pickup and disposal;
 - (bb) Sewage and grey water pickup and disposal;
 - (cc) Pest control services; and
 - (dd) How the site will be kept free of trash and debris.
 - (vii) The support services and facilities that will be provided to shelter residents.
- (6) *Development standards.* A managed temporary village shall conform to the following development standards:
- (A) ~~*Perimeter sSetbacks.*~~ **Setbacks for managed temporary villages shall be provided as follows: A minimum 15-foot perimeter setback shall be required from all property lines. No shelter units, off street parking and vehicle use areas, storage areas, sanitary facilities, or any other structures or shelter use areas shall be located within the required perimeter setback area.**
- (i) Abutting street. A minimum 15-foot setback shall be provided from any property line abutting a street.**
- (ii) Interior front, side, and rear.**
- (aa) Abutting industrial and employment zones. A minimum 5-foot setback shall be provided from any interior front, side, or rear property line abutting an industrial and employment zone.**
- (bb) Abutting all other zones. A minimum 15-foot setback shall be provided from any interior front, side, or rear property line abutting all other zones.**

(iii) No shelter units, storage areas, sanitation facilities, off-street parking and vehicle use areas, or any other structures or areas associated with the managed temporary village shall be located within the required setback area.

(iv) Notwithstanding subsection (c)(6)(A)(iii) of this section:

(aa) Existing paved off-street parking and vehicle use areas on a site may be used for the placement of shelter units and the parking and maneuvering of vehicles regardless of setback.

(bb) Required perimeter fencing/screening may be located within the required setback.

- (B) *Height.* No structure within a managed temporary village shall exceed a maximum height of 15 feet. Maximum structure height does not apply to vehicles.
- (C) *Permitted structure type.* All structures within a managed temporary village shall be portable non-permanent structures.
- (D) *Shelter unit standards.*
- (i) Shelter units shall not exceed a maximum 120 square feet in size and may, except for shelter units in tents, vehicles, or other structures not suitable for attachment, be attached in larger structures. Maximum shelter unit size shall not apply to vehicles.
 - (ii) A minimum ~~8~~6-foot-wide clear open area/separation shall be maintained around each shelter unit and any structure containing attached shelter units to ~~promote privacy~~ and allow for unobstructed pedestrian access throughout the ~~shelter site~~ and to individual shelter units.
 - (iii) Except for vehicles, shelter units may be located on either a paved or unpaved surface. Shelter units provided in Vehicles-vehicles shall be located on a paved or compacted gravel surface.
 - (iv) Shelter units shall only be located on areas of a site that are flat and well drained.
 - (v) All shelter units shall be numbered and arranged sequentially on-site in order to facilitate efficient emergency response.
 - (vi) When shelter units are provided in tents or similar non-permanent portable structures designed specifically for camping, they shall be located under a separate canopy or similar structure in order to provide weather protection from the sun and rain.
 - (vii) When shelter units are provided in vehicles, ~~the vehicles must be operable and~~ any vehicles possessing a septic system must be emptied and free of leaks prior to admittance to the site.
- (E) *Bicycle parking.* A minimum of ~~0.25~~one bicycle parking spaces shall be provided per shelter unit. Bicycle parking is exempt from the bicycle parking development standards included under SRC 806.060.
- (F) *Vehicle use area surfacing.* All areas of the site used for vehicle access, parking, and maneuvering shall be paved with a hard surface material meeting the Public Works Design Standards or shall be located on a compacted gravel surface. When compacted gravel is utilized:
- (i) The first ten feet of driveway length leading into the property, as measured from the property line, shall be paved with a hard surface material meeting the Public Works Design Standards.
 - (ii) Upon expiration or termination of the temporary use permit, compacted gravel areas shall be closed to vehicle access and parking by installation of a physical barrier.

- (G) *Perimeter fencing/screening.* A minimum 6-foot-tall sight-obscuring fence with gate shall be provided around the perimeter of the managed temporary village.
- (H) Managed temporary villages shall not be located in a manner which obstructs required pedestrian connections, fire lanes or emergency access areas, or required vision clearance areas; or in a manner that reduces the off-street parking for any other use on the property below the minimum required number of spaces.
- (I) *Alterations to existing property.*
 - (i) Existing trees and existing landscaping within required setbacks shall not be removed in order to accommodate a proposed managed temporary village.
 - (ii) If an existing off-street parking or vehicle use area is proposed to be expanded to accommodate a proposed managed temporary village, the expanded off-street parking or vehicle use area shall comply with the applicable standards of SRC Chapter 806.
- (7) *Additional applicable codes and standards.* In addition to all other applicable laws and regulations, a managed temporary village shall be developed, maintained, and operated in compliance with the applicable provisions of the following:
 - (A) SRC chapter 50 (Property Maintenance);
 - (B) SRC chapter 56 (Building Code);
 - (C) SRC chapter 58 (Fire Prevention Code);
 - (D) SRC chapter 93 (Noise);
 - (E) SRC chapter 97 (Human Rights)
- (d) *Criteria.* A Class 1 or Class 2 temporary use permit for a managed temporary village shall be granted if all of the applicable standards set forth in this section are met.

Amendments to SRC Chapter 806 (Off-Street Parking Loading, & Driveways)

Sec. 806.015. Amount off-street parking.

- (a) *Minimum required off-street parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

TABLE 806-1. MINIMUM OFF-STREET PARKING		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Household Living		
Single family	<u>None</u>	<u>Applicable to townhouses.</u>
	<u>1</u>	<u>Applicable to single family, other than townhouses, located within the CSDP area.</u>
	<u>2</u>	<u>Applicable to all other single family; unless noted below.</u>
Two family	<u>4</u>	<u>Applicable to single family located within the CSDP area.</u>
	2 per dwelling unit <u>None</u>	<u>Applicable to all two family, unless noted below.</u>
	1 per dwelling unit	<u>Applicable to two family located within the CSDP area.</u>

	3	Applicable to two family shared dwellings.
Three family	None	Applicable to three family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other three family.
Four family	None	Applicable to four family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other four family.
Multiple family ⁽²⁾	<u>None</u>	<u>Applicable to cottage clusters.</u>
	None	Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network. ⁽³⁾
	1 per dwelling unit	Applicable to all other multiple family consisting of 5 to 12 dwelling units.
	1 per studio unit or dwelling unit with 1 bedroom	Applicable to all other multiple family consisting of 13 or more dwelling units.
	1.5 per dwelling unit with 2 or more bedrooms	
	1 per dwelling unit	Applicable to all other multiple family consisting of 13 or more dwelling units located within the MU I zone or MU II zone.
	1 per 4 dwelling units	Applicable to <u>the following multiple family activities low income elderly housing:</u> <ul style="list-style-type: none"> ▪ <u>Low income elderly housing.</u> ▪ <u>Housing for people with intellectual and developmental disabilities, as defined under OAR 411-320.</u>
Group Living		
Room and board facilities	None	
Residential care	1 per 350 sq. ft.	
Nursing care	1 per 3 beds	
Lodging		
Short-term commercial lodging	1 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	<u>None</u>	<u>Applicable to non-profit shelters located within the CSDP area or one quarter-mile of the Core Network.</u> ⁽³⁾
	1 per guest room or suite	Applicable to nonprofit <u>Shelters shelters serving for</u> victims of domestic violence <u>servicing 10 or fewer persons.</u>

	1 per 350 sq. ft. <u>10 persons served</u>	Applicable to all other nonprofit shelters
Retail Sales and Service		
Eating and drinking establishments	1 per 250 sq. ft.	
Retail sales	1 per 900 sq. ft.	Applicable to the following retail sales activities: <ul style="list-style-type: none"> ■ Building materials, hardware, nurseries, and lawn and garden supply stores. ■ Auto supply stores. ■ Furniture and home furnishing stores. ■ Household appliance and radio, television, music, and consumer electronics stores.
	1 per 400 sq. ft.	Applicable to all other retail sales located within the MU-I zone or MU-II zone.
	1 per 250 sq. ft.	Applicable to all other retail sales located within all zones except the MU-I zone or MU-II zone.
Personal services	1 per 1,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.
	1 per 350 sq. ft.	Applicable to all other personal services.
Postal services and retail financial services	1 per 500 sq. ft.	
Shopping center	1 per 250 sq. ft.	
Business and Professional Services		
Office	1 per 350 sq. ft.	
Audio/visual media production		
Laboratory research and testing		
Office complex		
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	1 per 900 sq. ft.	
Motor vehicle services		
Taxicabs and car services		
Heavy vehicle and trailer sales		

Heavy vehicle and trailer service and storage			
Commercial parking	N/A		
Park-and-ride facilities			
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial entertainment—indoor	1 per 5 seats or 10 feet of bench length	Applicable to theaters.	
	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.	
	1 per 300 sq. ft.	Applicable to all commercial entertainment—indoor.	
Commercial entertainment—outdoor	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.	
	4 per tee	Applicable to golf courses.	
	1 per 2,000 sq. ft. of gross site area	Applicable to all other commercial entertainment—outdoor.	
Major event entertainment	The greater of the following: 1 per 5 seats or 10 feet of bench length; or 1 per 25 sq. ft. of floor area of assembly space.		
Recreational and cultural community services	4 per tee	Applicable to golf courses.	
	1 per 350 sq. ft.	Applicable to all other indoor Recreational and cultural community services.	
	1 per 2,000 sq. ft. of gross site area	Applicable to all other outdoor Recreational and cultural community services.	
Parks and open space	None		
Nonprofit membership assembly	1 per 350 sq. ft.		
Religious assembly	1 per 5 seats or 10 feet of bench length within the principle worship area; or 1 per 80 sq. ft. within the principal worship area, when no fixed seating or benches are provided.		
Health Services			
Medical centers/hospitals	1.5 per bed		
Outpatient medical services and laboratories	1 per 350 sq. ft.		
Education Services			
Day care	1	Day Care serving 1 to 12 persons	Parking requirement applies in addition to spaces required for any dwelling.
	2	Day Care serving 13 to 18 persons	

	3	Day Care serving 19 to 26 persons	
	4	Day Care serving 27 or more persons	
Basic education	2 per classroom		Applicable to elementary schools.
	1 per 6 students		Applicable to secondary schools. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Post-secondary and adult education	1 per 350 sq. ft.		Applicable to vocational and trade schools.
	1 per 4 students		Applicable to all other post-secondary and adult education. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Civic Services			
Governmental services	1 per 500 sq. ft.		
Social services	1 per 350 sq. ft.		
Governmental maintenance services and construction	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Public Safety			
Emergency services	1 per employee, plus 1 additional space per ambulance		Applicable to ambulance stations.
	1 per 500 sq. ft.		Applicable to all other emergency services.
Detention facilities	1 per 2,000 sq. ft.		
Military installations	1 per 500 sq. ft.		
Funeral and Related Services			
Cemeteries	1 per 350 sq. ft.		
Funeral and cremation services	1 per 5 seats or 10 feet of bench length in the chapel		
Construction Contracting, Repair, Maintenance, and Industrial Services			
Building and grounds services and construction contracting	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)		
	Industrial services	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	

General repair services	1 per 350 sq. ft.	
Cleaning plants	1 per 1,000 sq. ft.	
Wholesale Sales, Storage, and Distribution		
General wholesaling	1 per 1,500 sq. ft.	
Heavy wholesaling		
Warehousing and distribution	The greater of the following: 0.75 per employee; or	
Self-service storage	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Manufacturing		
General manufacturing	The greater of the following: 0.75 per employee; or	
Heavy manufacturing	1 per 5,000, sq. ft. (Less than 50,000 sq. ft.)	
Printing	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Transportation Facilities		
Aviation facilities	The greater of the following: 0.75 per employee; or	
Passenger ground transportation facilities;	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Marine facilities	1 per boat berth or docking space. The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	Applicable to marinas. Applicable to all other marine facilities.
Utilities		
Basic utilities	The greater of the following: 0.75 per employee; or	
Drinking water treatment facilities	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)	
Power generation facilities	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.)	
Data center facilities		

Waste related facilities	1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Wireless communication facilities	None	
Fuel dealers	1 per 200 sq. ft.	
Mining and Natural Resource Extraction		
Petroleum and natural gas production	The greater of the following: 0.75 per employee; or	
Surface mining	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Farming, Forestry, and Animal Services		
Agriculture	5	Applicable when retail sales are involved.
Forestry		
Agriculture and forestry services	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Keeping of livestock and other animals	1 per 400 sq. ft.	
Animal services	1 per 400 sq. ft.	
Other Uses		
Accessory short-term rentals	None	
Temporary uses	Per SRC chapter 701	
Home occupations	1 per nonresident employee	Parking requirement applies in addition to spaces required for the dwelling unit.
Accessory dwelling units	None	
<p>⁽¹⁾ Unless otherwise provided, when required off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.</p> <p>⁽²⁾ The minimum number of spaces per dwelling unit may be reduced by 25 percent for dwelling units that are affordable to households with incomes equal to or less than 80 percent of the median family income for the county in which the development is built or for the state, whichever income is greater.</p> <p>⁽³⁾ The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.</p>		

- (b) *Compact parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- (c) *Carpool and vanpool parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *Maximum off-street parking.*
 - (1) Maximum off-street parking is based upon the minimum number of required off-street parking spaces. Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A.

TABLE 806-2A. MAXIMUM OFF-STREET PARKING	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 spaces or less	2.5 times minimum number of spaces required.
More than 20 spaces	1.75 times minimum number of spaces required.

- (2) *Maximum off-street parking where no minimum off-street parking is required.* Where an activity does not require a minimum number of off-street parking spaces based on the requirements of Table 806-1, or because it is located in an area where no minimum off-street parking is required for the activity, ~~maximum~~ off-street parking shall not exceed the amounts ~~be determined based on the assumed minimum off-street parking~~ set forth in Table 806-2B. Parks and open space are exempt from maximum off-street parking standards.

TABLE 806-2B. MAXIMUM OFF-STREET PARKING WHERE NO MINIMUM OFF-STREET PARKING IS REQUIRED		
No Minimum Off-Street Parking Required:	Maximum Off-Street Parking	Limitations & Qualifications
Based on requirements of Table 806-1	1.75 per dwelling unit	Applicable to <u>townhouses, two family, three family, four family, and cottage clusters multiple family located within the CSDP area or one quarter mile of the Core Network</u>
	<u>1.75 per dwelling unit</u>	<u>Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network</u>
	1 per 900 sq. ft.	Applicable to all other uses
Because activity is located in area where no minimum off-street parking is required for the activity	The maximum off-street parking otherwise allowed for the activity if it were located in an area where	

	minimum off-street parking was required.	
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(e) *Reductions to required off-street parking through alternative modes of transportation.*

- (1) Construction of transit related improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to ten percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.
- (2) Satisfaction of off-street parking through implementation of a plan for alternative modes of transportation. Minimum required off-street parking for uses or activities other than household living may be reduced through implementation of a plan providing for the use of alternative modes of transportation to decrease the need for off-street parking. The plan shall be reviewed as a Class 2 Adjustment under SRC chapter 250.

(f) *Reductions to required off-street parking for multiple family developments.*

- (1) For multiple family developments, the minimum number of required off-street parking spaces may be reduced through one or more of the following options, provided that the total number of off-street parking spaces reduced shall not exceed 25 percent:
 - (A) *Transit access.* The minimum number of required off-street parking spaces may be reduced by:
 - (i) 10 percent where developments are located within one-quarter mile of a transit stop as measured along a route utilizing public or private streets that are existing or will be constructed with the development; or
 - (ii) 20 percent where developments are located within one-quarter mile of a transit stop that has 15-minute transit service as measured along a route utilizing public or private streets that are existing or will be constructed with the development.
 - (B) *Covered bicycle parking.* The minimum number of required off-street parking spaces may be reduced by one space for every four covered bicycle parking spaces provided in addition to the minimum number of bicycle parking spaces required as set forth in SRC 806.055. The additional covered bicycle parking spaces must meet the standards of SRC 806.060 and must be located on site either outdoors or in a bike storage room that is accessible to all residents of the multiple family development.
 - (C) *Shared car or van.* The minimum number of required off-street parking spaces may be reduced by four spaces for every shared car or shuttle van that is provided on site and available for use by all residents.

Amendments to SRC Chapter 808 (Preservation of Trees and Vegetation)

Sec. 808.005. 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:

Arborist means a person who has met the criteria for certification from the International Society of Arboriculture, ~~or the American Society of Consulting Arborists, or similar professional organization,~~ and maintains a current accreditation.

Caliper means the diameter of a tree trunk measured at six inches above ground level for trunks up to and including four-inch caliper size and at 12 inches above ground level for larger sizes, when measuring nursery stock.

Critical root zone means the circular area beneath a tree established to protect the tree's trunk, roots, branches, and soil to ensure the health and stability of the tree. The critical root zone measures one-foot in radius for every one-inch of dbh of the tree **or, as an alternative for non-significant trees, may be specifically determined by an arborist.**

Development means to construct or structurally alter a structure or to make alterations or improvements to land for the purpose of enhancing its economic value or productivity.

Development proposal means any land division, mobile home park permit, conditional use, variance, greenway permit, planned unit development, or site plan review.

Grove means a group of trees providing at least one-half acre of canopy.

Hazardous tree means a tree that is cracked, split, leaning, has a dead top or a large dead limb high in the crown, or is otherwise physically damaged, to the degree that it is likely to fall and injure persons or property. Hazardous trees include diseased trees, meaning those trees with a disease of a nature that, without reasonable treatment or pruning, is likely to spread to adjacent trees and cause such adjacent trees to become diseased or hazardous trees.

Heritage tree means a tree designated as a heritage tree pursuant to SRC 808.010(a).

Invasive non-native vegetation means plant species that are not indigenous to Oregon and which, due to aggressive growth patterns and lack of natural enemies spread rapidly into native plant communities, and which are designated as invasive, non-native vegetation in the tree and vegetation technical manual.

Preserved means the tree appears to be healthy and shows no signs of significant damage due to construction.

Restoration means the return of a stream, wetland, or riparian corridor to a state consistent with habitat that is needed to support a healthy ecosystem.

Significant tree means: ~~rare, threatened, or endangered trees of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual, and Oregon white oaks (Quercus garryana) with a dbh of 24 inches or greater.~~

- (a) A rare, threatened, or endangered tree of any size, as defined or designated under state or federal law and included in the tree and vegetation technical manual;
- (b) An Oregon white oak (Quercus garryana) with a dbh of 20 inches or greater; and
- (c) Any other tree with a dbh of 30 inches or greater, **but** excluding: ~~Douglas fir.~~

(1) Tree of heaven (Ailanthus altissima);

(2) Empress tree (Paulownia tomentosa);

(3) Black cottonwood (Populus trichocarpa); and

(4) Black locust (Robinia pseudoacacia).

Suitable for preservation means the health of the tree is such that it is likely to survive the process of development and construction in good condition and health.

Top of bank means the elevation at which water overflows the natural banks and begins to inundate the upland.

Tree means any living, woody plant, that grows to 15 feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. The term "tree" also means any tree planted under SRC 808.035, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the term "tree" includes a dead or dying tree that does not qualify as a hazardous tree.

Tree and Vegetation Technical Manual means that document adopted by the Council which contains administrative regulations to implement the provisions of this chapter, including, but not limited to, lists of invasive non-native vegetation and nuisance vegetation, native vegetation which may be planted to fulfill the requirements of this chapter, identification of waterways, and planting techniques.

Tree removal means to cut down a tree or remove 30 percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. The term "removal" includes, but is not limited to, topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. The term "removal" does not include normal trimming or pruning of trees.

~~*Waterway means any river, perennial stream, or creek within the City as designated by the Director.*~~

Water-dependent activity means an activity which can be carried out only on, in, or adjacent to a waterway because the activity requires access to the waterway for water-borne transportation, recreation, energy production, or source of water.

Sec. 808.025. Trees on lots or parcels 20,000 square feet or greater.

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential, ~~or~~ two family residential, **three family residential, four family residential, or a cottage cluster.**

Sec. 808.030. Tree and vegetation removal permits.

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, no trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be removed unless a tree and vegetation removal permit has been issued pursuant to this section.
- (2) Exceptions. A tree and vegetation removal permit is not required for the removal of trees or native vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 when the removal is:
 - (A) Necessary for maintenance of a vision clearance area, as required in SRC chapter 805;
 - (B) Required by the City or a public utility for the installation, maintenance, or repair of roads or utilities, including water lines, sewer lines, gas lines, electric lines, and telecommunications lines. This exception does not apply to new development or construction in a riparian corridor;
 - (C) Removal of a City tree, as defined under SRC 86.010, that is subject to the requirements of SRC chapter 86;
 - ~~(D)(C)~~ Necessary for continued maintenance of existing landscaping. For the purposes of this exception, the term "existing landscaping" means an area within a riparian corridor which was adorned or improved through the planting of flowers and trees, contouring the land, or other similar activity prior to June 21, 2000;
 - ~~(E)(D)~~ Necessary for the installation, maintenance, or repair of public irrigation systems, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance includes the cleaning of existing drainage facilities and trash removal;
 - ~~(F)(E)~~ Removal of invasive non-native or nuisance vegetation in riparian corridors;
 - ~~(G)(F)~~ Necessary for public trail or public park development and maintenance;
 - ~~(H)(G)~~ Necessary to conduct flood mitigation;
 - ~~(I)(H)~~ Necessary to effect emergency actions which must be undertaken immediately, or for which there is insufficient time for full compliance with this chapter, when it is necessary to

prevent an imminent threat to public health or safety, prevent imminent danger to public or private property, or prevent an imminent threat of serious environmental degradation. Trees subject to emergency removal must present an immediate danger of collapse. For purposes of this subsection, the term "immediate danger of collapse" means that the tree is already leaning, with the surrounding soil heaving, and there is a significant likelihood that the tree will topple or otherwise fall and cause damage. The person undertaking emergency action shall notify the Planning Administrator within one working day following the commencement of the emergency activity. If the Planning Administrator determines that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken;

(J) Removal of a hazardous tree pursuant to an order issued by the City;

~~(K)(H)~~ A commercial timber harvest conducted in accordance with the Oregon Forest Practices Act, ORS 527.610—527.992, on property enrolled in a forest property tax assessment program, and which is not being converted to a non-forestland use. Properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest;

~~(L)(F)~~ Associated with mining operations conducted in accordance with an existing operating permit approved by the Oregon Department of Geology and Mineral Industries under Oregon Mining Claim law, ORS 517.750—517.955;

~~(K) Removal of Oregon white oaks (Quercus garryana) on undeveloped lots or parcels of record as of August 9, 2005, that are less than 20,000 square feet. For the purposes of this section, the term "undeveloped" means that no single family dwelling unit or duplex dwelling unit has been constructed on the lot or parcel as of August 9, 2005;~~

~~(L) Removal of Oregon white oaks (Quercus garryana) where the removal is necessary in connection with construction of a commercial or industrial facility;~~

(M) Necessary as part of a restoration activity within a riparian corridor undertaken pursuant to an equivalent permit issued by the Oregon Division of State Lands and/or the United States Corps of Engineers; provided, however, that the permittee must provide, prior to the removal, a copy of the permit and all required monitoring reports to the Planning Administrator;

(N) Removal of trees on a lot or parcel 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, and the removal does not result in:

(i) Removal of more than five trees or 15 percent of the trees, whichever is greater, within a single calendar year;

(ii) Removal of more than 50 percent of the trees within any five consecutive calendar years; and

(iii) Removal of heritage trees, significant trees, and trees in riparian corridors;

(O) Undertaken pursuant to a tree conservation plan, required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, ~~or two family uses,~~ three family uses, four family uses, or ~~activities~~ cottage clusters, approved under SRC 808.035;

(P) Undertaken pursuant to a tree conservation plan adjustment granted under SRC 808.040; or

(Q) Undertaken pursuant to a tree variance granted under SRC 808.045.

(b) *Procedure type.* A tree and vegetation removal permit 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 tree and vegetation removal permit shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Site topography shown at two-foot contour intervals;
 - (C) The location of any existing structures on the site;
 - (D) The type, size, and location of trees and native vegetation to be preserved or removed;
 - (E) The locations and descriptions of staking or other protective devices to be installed for trees and native vegetation to be preserved; and
 - (F) The site plan may contain a grid or clear delineation of phases that depict separate areas where the work is to be performed.
 - (2) In addition to the information required by subsection (c)(1) of this section, an application for tree or native vegetation removal connected with restoration activity in a riparian corridor shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A conceptual tree and vegetation planting or replanting plan;
 - (C) A completed wetland delineation or determination, if applicable;
 - (D) A grading plan, if grading is planned or anticipated;
 - (E) A verification from the Department of Public Works that erosion control measures will be initiated, if required; and
 - (F) A monitoring and maintenance plan, if required by Oregon Division of State Lands or the United States Corps of Engineers.
 - (3) Waiver of submittal requirements for certain restoration activities in riparian corridors. The Planning Administrator may waive the requirement to submit all or part of the information required by subsections (c)(1) and (2) of this section for a restoration activity in a riparian corridor that affects less than one-quarter acre and does not require a permit from the Oregon Division of State Lands or United States Corps of Engineers.
- (d) *Approval criteria.* An application for a tree and vegetation removal permit shall be granted if one or more of the following criteria are met:
- (1) *Hazardous tree.* The tree removal is necessary because ~~The-the~~ condition or location of the tree presents a hazard or danger to persons or property; and the hazard or danger cannot reasonably be alleviated by treatment or pruning, or the tree has a disease of a nature that even with reasonable treatment or pruning is likely to spread to adjacent trees and cause such trees to become hazardous trees.
 - (2) *Repair, alteration, or replacement of existing structures.* The tree or native vegetation removal is reasonably necessary to effect the otherwise lawful repair, alteration, or replacement of an existing structures ~~existing as of June 21, 2000~~, the footprint of the repaired, altered, or replacement structure is not enlarged, and no additional riparian corridor area is disturbed beyond that essential to the repair, alteration, or replacement of the existing structure.
 - (3) *Water-dependent activities.* The tree or native vegetation removal is necessary for the development of a water-dependent activity, and no additional riparian corridor area will be disturbed beyond that essential to the development of the water-dependent activity.
 - (4) *Restoration activity within riparian corridor.* The tree or native vegetation removal is required for a restoration activity within a riparian corridor designed to improve the habitat, hydrology, or water quality function of the riparian corridor, and:
 - (A) The short-term impacts of the restoration activity will be minimized;

- (B) Effective erosion control measures will be implemented;
 - (C) All necessary permits have been applied for or obtained; and
 - (D) No trees or native vegetation will be removed unless the removal is justified for the long term benefit of the environment and is in keeping with acceptable riparian restoration guidance.
- (5) Removal of significant tree in connection with the construction of a ~~development other than single family, two family, three family, four family, or cottage cluster~~~~multiple family, mixed use, commercial, or industrial development~~. The removal of the significant tree is necessary for the construction of a ~~development other than single family, two family, three family, four family, or cottage cluster~~ ~~multiple family, mixed use, commercial, or industrial development~~ and:
- (A) Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.
 - (B) There are no reasonable design alternatives that would enable preservation of the tree, and. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:
 - (i) Streets. The removal is necessary due to:
 - (aa) The location and alignment of existing streets extended to the boundary of the subject property;
 - (bb) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (cc) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (dd) Any relocation of the proposed street resulting in lots that do not meet lot standards.
 - (ee) A required boundary street improvement.
 - (ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
 - (iii) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
 - (C) Not more than five significant trees or 15 percent of the significant trees, whichever is greater, on the lot or parcel, or on contiguous lots or parcels under the same ownership, are proposed for removal.
- (e) *Conditions of approval.*
- (1) Conditions may be imposed on the approval of a tree and vegetation removal permit to ensure compliance with the approval criteria.
 - (2) In addition to the conditions imposed under subsection (e)(1) of this section, tree and vegetation removal permits for the removal of trees or native vegetation in connection with a restoration activity within a riparian corridor shall include the following condition:
 - (A) Trees and native vegetation removed shall be replaced in compliance with the tree and native vegetation replacement standards set forth in SRC 808.055.

Sec. 808.035. Tree conservation plans.

- (a) *Applicability.* A tree conservation plan is required in conjunction with any development proposal for the creation of lots or parcels to be used for single family uses, ~~or two family uses, three family uses, four family uses, or cottage clusters~~, ~~if the development proposal will result in the removal of trees.~~
- (b) *Procedure type.* A tree conservation plan 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 tree conservation plan shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) Proposed lot or parcel lines;
 - (C) Site topography shown at two-foot contour intervals or, when grading of the property will be necessary to accommodate the proposed development, preliminary site grading shown at two-foot contour intervals;
 - (D) Identification of slopes greater than 25 percent;
 - (E) The location of any existing structures on the site;
 - (F) Identification of the type, size, ~~and~~ location, and critical root zone of all existing trees on the property;
 - (G) Identification of those trees proposed for preservation and those designated for removal;
 - (H) The location of all utilities and other improvements;
 - (I) Required setbacks for the proposed lots or parcels;
 - (J) The locations and descriptions of staking or other protective devices to be used during construction; and
 - (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, the tree conservation plan shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan;
 - (B) A description of the vegetation within the riparian corridor;
 - (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.
 - (3) An arborist report identifying the critical root zone for any non-significant tree whose critical root zone is proposed to be determined by an arborist.
 - (4) For tree conservation plans designating less than 30 percent of the trees on the property for preservation, an explanation of how the mitigation measures of SRC 808.035(e) will be met.
- (d) *Approval criteria.* ~~An application for a tree conservation plan shall be granted if the following criteria are met:~~
 - (1) An application for a tree conservation plan shall be granted if the following criteria are met:
 - (A)(1) No heritage trees are designated for removal.

~~(B)(2)~~ No significant trees are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees.

~~(C)(3)~~ No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation.

~~(D)(4)~~ Not less than ~~25~~ 30 percent of all trees located on the property are designated for preservation, unless there are no reasonable design alternatives that would enable preservation of such trees; provided, however, if less than 25-30 percent of all trees located on the property are designated for preservation, only those trees reasonably necessary to accommodate the proposed development shall be designated for removal.

(E) When less than 30 percent of all trees located on the property are designated for preservation, the mitigation measures required under SRC 808.035(e) are met.

(2) When an approval criterion in this subsection requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:

(A) Streets. The removal is necessary due to:

(i) The location and alignment of existing streets extended to the boundary of the subject property;

(ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);

(iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;

(iv) Any relocation of the proposed street resulting in lots that do not meet lot standards.

(v) A required boundary street improvement.

(B) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

(C) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.

(D) Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:

(i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and

(ii) The following may be excluded from the total site area for purposes of calculating density:

(aa) Riparian corridors, provided the riparian corridor is not graded or developed;

(bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and

(cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.

(e) Mitigation measures. When less than 30 percent of all trees located on a property are designated for preservation under a tree conservation plan, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent:

- (1) Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided within the development for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone. The lot(s) within the development that will be developed with the middle housing dwelling unit(s) or accessory dwelling unit(s) shall be specified in the conditions of the associated land division approval.
- (2) Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed. The lot(s) where the solar array(s) will be located shall be specified in the conditions of the associated land division approval.
- (3) Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed. The lot(s) where the charging stations will be located shall be specified in the conditions of the associated land division approval.
- (4) Open space lot. One or more lots within the development shall be designated as an open space lot planted at a minimum density of two trees for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches. The lot(s) within the development that will be designated as an open space lot shall be specified in the conditions of the associated land division approval and shall be perpetually operated and maintained by a home owners' association.

~~(f)~~ (e) *Conditions of approval.*

- (1) Conditions may be imposed on the approval of a tree conservation plan to ensure compliance with the approval criteria.
- (2) In addition to any conditions imposed under subsection (e)(1) of this section, every tree conservation plan shall include the following conditions:
 - (A) All trees and native vegetation designated for preservation under the tree conservation plan shall ~~be marked and~~ protected during construction as set for in SRC 808.046. ~~Any heritage tree or significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of a notice of final completion for the single family dwelling or two family dwelling.~~
 - (B) Each lot or parcel within the development proposal shall comply with the tree planting requirements set forth in SRC 808.050.

(f) *Expiration.* A tree conservation plan shall remain valid as long as the development proposal the tree conservation plan is issued in connection with remains valid.

Sec. 808.040. Tree conservation plan adjustments.

(a) *Applicability.*

- (1) Except as provided under subsection (a)(2) of this section, no tree or native vegetation designated for preservation in a tree conservation plan shall be removed unless a tree conservation plan adjustment has been approved pursuant to this section.
- (2) Exceptions. A tree conservation plan adjustment is not required for:

- (A) A tree that has been removed due to natural causes; provided, however, that evidence must be provided to the Planning Administrator demonstrating the removal was due to natural causes.
 - (B) Removal of a hazardous tree, subject to a tree and vegetation removal permit issued under SRC 808.030.
 - (C) Removal necessary to effect emergency actions excepted under SRC 808.030(a)(2)(H).
- (b) *Procedure type.* A tree conservation plan 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 tree conservation plan adjustment shall include the following:
- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north; and
 - (B) Identification of the type, size, and location of those trees proposed for removal under the tree conservation plan adjustment.
 - (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree conservation plan adjustment shall include:
 - (A) A delineation of the boundaries of the riparian corridor on the site plan; and
 - (B) Identification of the type and location of any native vegetation within the riparian corridor proposed for removal under the tree conservation plan adjustment.
 - (3) For tree conservation plan adjustments resulting in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, an explanation of how the mitigation measures of SRC 808.040(e) will be met.**
- (d) *Approval criteria.* ~~A tree conservation plan adjustment shall be approved if the following criteria are met:~~
- (1) A tree conservation plan adjustment shall be approved if the following criteria are met:**
 - ~~(A)(1)~~ There are special conditions that could not have been anticipated at the time the tree conservation plan was submitted that create unreasonable hardships or practical difficulties which can be most effectively relieved by an adjustment to the tree conservation plan.
 - ~~(B)(2)~~ When the tree conservation plan adjustment proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree.
 - ~~(C)(3)~~ When the tree conservation plan adjustment proposes the removal of a tree or native vegetation within a riparian corridor, there are no reasonable design alternatives that would enable preservation of the tree or native vegetation.
 - ~~(D)(4)~~ When the tree conservation plan adjustment proposes to reduce the number of trees preserved in the original tree conservation plan below ~~25-30~~ percent, **there are no reasonable design alternatives that would enable preservation of the tree and** only those trees reasonably necessary to accommodate the proposed development are designated for removal.
 - (E) When less than 30 percent of the trees in the original tree conservation plan are designated for preservation, the mitigation measures required under SRC 808.040(e) are met.**
 - (2) When an approval criterion in this section requires a determination that there are no reasonable design alternatives that would enable preservation of a tree(s), the following factors, which include but are not limited to the following, shall be considered in making such determination:**

- (A) Streets. The removal is necessary due to:
- (i) The location and alignment of existing streets extended to the boundary of the subject property;
 - (ii) The planned alignment of a street identified in the Salem Transportation System Plan (TSP);
 - (iii) A street required to meet connectivity standards, to serve property where a flag lot accessway is not possible, or where a cul-de-sac would exceed maximum allowed length;
 - (iv) Any relocation of the proposed street resulting in lots that do not meet lot standards.
 - (v) A required boundary street improvement.
- (B) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.
- (C) Site topography. The removal is necessary due to the topography of site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.
- (D) Dwelling unit density. The removal is necessary in order to meet a minimum dwelling unit density of 5.5 dwelling units per acre. In consideration of this factor:
- (i) Not more than 15 percent of the proposed dwelling units within the development shall be required to be designated for middle housing in order to meet density requirements and demonstrate there are no reasonable design alternatives enabling preservation of a tree(s); and
 - (ii) The following may be excluded from the total site area for purposes of calculating density:
 - (aa) Riparian corridors, provided the riparian corridor is not graded or developed;
 - (bb) Areas of the site with slopes exceeding 25 percent, provided such areas are not graded or developed; and
 - (cc) Open space that will preserve significant natural features, provided the perpetual maintenance and operation of the open space is provided by a home owners' association.
- (e) Mitigation measures. When a tree conservation plan adjustment results in less than 30 percent of the trees in the original tree conservation plan being designated for preservation, any combination of one or more of the following mitigation measures shall be provided for each tree removed in excess of 70 percent.
- (1) Residential density increase. One middle housing dwelling unit or accessory dwelling unit shall be provided for each tree removed. Any dwelling unit provided pursuant to this subsection is required in addition to the density requirements otherwise applicable in the zone.
 - (2) Solar power off-set. One 25-year 3-kilowatt solar array shall be provided for each tree removed.
 - (3) Electric vehicle charging. One level 2 240-volt residential electric vehicle charging station shall be provided for each tree removed.
 - (4) Replanting. Two new trees shall be planted for each tree removed. The replanted trees shall be of either a shade or evergreen variety with a minimum caliper of 1.5 inches.

~~(f)(e)~~ *Conditions of approval.* Conditions may be imposed on the approval of a tree conservation plan adjustment to ensure compliance with the approval criteria and to fulfill the intent of the original tree conservation plan, including requiring additional plantings on or off site.

Sec. 808.046. ~~Tree p~~Protection measures during construction.

Except where specific ~~tree~~ protection requirements are established elsewhere under the UDC, any trees or native vegetation required to be preserved or protected under the UDC shall be protected during construction as follows:

- (a) ~~Trees.~~ All trees ~~and native vegetation~~ shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
- (1) ~~For trees, f~~The above ground silt fence shall encompass 100 percent of the critical root zone of the tree.
- ~~(2) For native vegetation, the above ground silt fence shall be located around the perimeter of the native vegetation.~~
- ~~(2)(3)~~ Within the area protected by the above ground silt fence, the tree's trunk, roots, branches, and soil shall be protected to ensure the health and stability of the tree; and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles; ~~and native vegetation shall not be removed.~~
- ~~(3)(4)~~ Notwithstanding SRC 808.046(a)(~~23~~):
- ~~(A) grading may be allowed up~~ Up to a maximum of 30 percent of the critical root zone of a tree area protected by the above ground silt fence may be disturbed in order to accommodate development of the property when a report from an certified-arborist is submitted documenting that such grading disturbance will not compromise the long-term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed.
- ~~(B) Fences, patios, landscaping and irrigation, and accessory and similar structures that do not require a building permit, may be placed or constructed within the critical root zone of a tree.~~
- (b) Native vegetation. All native vegetation shall be protected during construction with the installation of an above ground silt fence, or its equivalent.
- (1) The above ground silt fence shall be located around the perimeter of the native vegetation.
- (2) Within the area protected by the above ground silt fence, native vegetation shall not be removed and there shall be no grading, placement of fill, storage of building materials, or parking of vehicles.
- ~~(c)(4)~~ Duration. Protection measures required under this section shall remain in place until issuance of notice of final completion for the dwelling unit(s) on the lot, or issuance of certificate of occupancy in all other cases.

Sec. 808.050. Tree planting requirements.

- (a) Within development proposals for the creation of lots or parcels to be used for single family uses, ~~or~~ two family uses, three family uses, four family uses, or cottage clusters, each lot or parcel shall contain, at a minimum, the number of trees set forth in Table 808-1.
- (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of trees required under Table 808-1, additional trees sufficient to meet the requirement shall be planted. The additional trees shall be a minimum 1.5-inch caliper.
- (c) When a lot includes one or more significant trees that have been designated for preservation under a tree conservation plan, the number of trees required to be replanted on the lot may be reduced by a ratio of two trees for each significant tree preserved on the lot.

TABLE 808-1. TREE PLANTING REQUIREMENTS

Lot or Parcel Size	Minimum Trees Required
Less than 4,000 ft. ²	1
4,000 ft. ² to 6,000 ft. ² or less	2
6,001 ft. ² to 7,000 ft. ²	3
7,001 ft. ² to 8,000 ft. ²	4
8,001 ft. ² to 9,000 ft. ²	5
Greater than 9,000 ft. ²	6

Sec. 808.060. Tree canopy preservation fund.

- (a) Funds collected from any grants and donations for the planting, maintenance, and preservation of trees shall go into a tree canopy preservation fund, of which 95 percent of ~~which such~~ funds shall be designated for the acquisition, maintenance, and preservation of groves of trees within the City or the Salem-Keizer Urban Growth boundary. The remaining five percent shall be used to promote the planting of new trees as follows, at the discretion of the Director:
 - (1) In a public or private park, school yard, riparian corridor, or nature area;
 - (2) In public rights-of-way, except in storm or sewer easements; or
 - (3) In the form of a donation to nonprofit organizations for the purposes of planting trees within the City or the Salem-Keizer Urban Growth boundary.
- (b) The City shall conduct a tree canopy study every census year, using the most economically feasible method, for the purposes of measuring the effectiveness of this chapter and other development-related ordinances in preserving and improving the amount of tree canopy area within the City or the Salem-Keizer Urban Growth boundary.

Sec. 808.065. Enforcement.

In any action brought under SRC 110.110 to enforce this chapter, the following shall apply:

- (a) *Stop work order.* If the applicant's site plan contains a grid or phases that designate areas in which work is to be performed, only that grid area or phase in which any violation occurred shall be affected by any stop work order.
- (b) *Permit revocation.* In addition to the grounds set forth under SRC 110.110, a permit may be revoked if the work is a hazard to property or public safety; is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, waterway, riparian corridors, significant wetlands or storm water facility; or is otherwise adversely affecting the public health, safety, or welfare.
- (c) ~~*Replanting and Restoration*~~ *restoration.* ~~Persons violating this chapter, or any permit issued hereunder, shall be responsible for restoring damaged areas in conformance with a plan approved by the Planning Administrator which provides for repair of any environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by a qualified professional. Costs of restoration shall be not less than those determined equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).~~
 - (1) Persons violating this chapter, or any permit issued hereunder, shall be responsible for providing mitigation for trees and/or native vegetation removed and restoring damaged areas through implementation of a replanting and restoration plan approved by the Planning Administrator. The plan shall require replanting for the trees and/or native vegetation removed and provide for the repair of any environmental or property damage in order to restore the site to a condition which, to the greatest extent practicable, would have existed had the violation not occurred, as verified by a qualified professional.

- (2) The planting and restoration costs included in the plan shall ~~not be less than those determined~~ equal to the monetary value of the regulated trees and/or native vegetation removed in violation of this chapter, or permit issued hereunder, as set forth in an appraisal acceptable to the Planning Administrator based upon the latest edition of "Guide for Plant Appraisals" (International Society of Arboriculture, Council of Tree and Landscape Appraisers).
- (3) Notwithstanding SRC 808.065(c)(2), when it is not possible to replant enough trees and/or native vegetation in the area to equal the appraised value of the trees and/or native vegetation unlawfully removed, the net remaining balance required to equal the appraised value of the trees and/or native vegetation unlawfully removed shall be assessed as a fee which shall be paid into the Salem City Tree Fund established under SRC chapter 86.
- (d) *Prohibition of further approvals.* The City shall not issue a notice of final completion for property on which a violation of this chapter has occurred or is occurring, until the violation has been cured by restoration or other means acceptable to the Planning Administrator and any penalty imposed for the violation is paid.
- (e) *Injunctive relief.* The City may seek injunctive relief against any person who has willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in effect for a period not to exceed five years.

Bryce Bishop

From: Ed Rutledge <ebrutledge@gmail.com>
Sent: Thursday, September 16, 2021 7:24 PM
To: Bryce Bishop
Subject: proposed revisions to central business district (cb) zone

Good evening: Returning from a short trip out of town, one of the items in our mailbox was an advisory from the City of Salem regarding “Proposed Revisions to Central Business (CB) zone.” My residence is located on the fourth floor of 295 Church Street, SE – so I have a direct interest in this matter.

The examples provided within this advisory include the following:

“Allowing managed temporary camping for homeless and emergency shelters as temporary uses ...”

I respectfully request the City to explain in more detail what it is intended on this matter. For example:

- Who or what entity is envisioned would be the “manager” of the “temporary camping for homeless and emergency shelters?”
- Within the intent of this proposed revision, what does the term “temporary” mean?
- Within the intent of this proposed revision, where is it intended the “temporary camping for homeless and emergency shelters” would be located? [Essentially – this is a matter of the amount of estimated space that is needed and the sanitary infrastructure footprint presumably included within the concept] Does this proposal envision there would be multiple “temporary camping for homeless and emergency shelter” sites within the city?
- If it is intended the site(s) and supporting infrastructure for same are to be supported by City resources, what is envisioned as the quid pro quo for downtown businesses, homeowners (actual taxpayers) for this use of public resources? Does the City envision taking every necessary legal measure to effectively enforce the camping ordinances already on the books?

I expect I will be submitting commentary on or before the October 5, 2021 deadline. I am severely hearing impaired and may, as a result, choose not to try entering one of the Zoom chats that have been scheduled.

Thank you for taking on this daunting task. I have a graduate degree in Public Administration and spent my career at executive level administration in the public sector. My career included working for Metro which addressed land use planning issues and working for the City of Portland. I look forward to becoming involved in the process of review and consideration of the “Proposed Revisions.”

Be well.

Ed Rutledge
Salem, Oregon USA
website: <https://erutledge.zenfolio.com/>
YouTube: https://www.youtube.com/channel/UCEnWjmtGAPlhBhValnb2_g

Bryce Bishop

From: SUZIE KELLEY <suzie.kelley@comcast.net>
Sent: Thursday, September 23, 2021 12:58 PM
To: Bryce Bishop
Subject: Fwd: homeless camping, meeting on Oct 5.

Suzie Miller

John L, Scott

1124 Cornucopia St NW

Salem OR 97304

650-678-9031

----- Original Message -----

From: SUZIE KELLEY <suzie.kelley@comcast.net>
To: "bbishop@cityofsalem.net" <bbishop@cityofsalem.net>
Date: 09/23/2021 12:55 PM
Subject: homeless camping, meeting on Oct 5.

This is to express my opposition to temporary camping for homeless and emergency shelters as temp. uses. The downtown is completely overrun with garbage, waste, sketchy people hanging out and we are losing store after store, business after business. Allowing their situation to be and to get worse every month is not a solution. If you start to deal with those individuals that need help, get them taken care of even if it is only one at a time. Whether it be a place to detox, a ticket to family that is willing to help out, back to jail in case of criminals, or what ever, you are making the whole town and businesses suffer more and more with allowing those to break the law. We don't need more allowances, we just need the law to be kept and those that are homeless discouraged and not be given the world at the cost of Salem.

We need to be the city that discourages this, not encourages others to come here. Time to represent the 99.9%, not the few hundred that are ruining our towns well being.

As far as eliminating general retail and office, please do not make it harder for businesses to come in and join our city. We don't need more rules, we need fewer. The government interference has helped with the homeless to make this city a ghost town, not just in October. How about the city take a position of helping people, getting businesses in, encouraging people to reinvest in the town and stop making things harder.

thanks for your time.

Thanks for listening.
Suzie Miller
650-678-9031

Bryce Bishop

From: Lisa Anderson-Ogilvie
Sent: Monday, September 27, 2021 6:25 PM
To: Bryce Bishop
Subject: FW: Re planning commission meeting

FYI, for the public hearing.

- Lisa | 503-540-2381

From: Cory Heintz <chaindriven@gmail.com>
Sent: Monday, September 27, 2021 4:55 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re: Re planning commission meeting

Yes please forward on. However, my criticism of the Brush College/Wallace location could be carbon-copied for any location that puts the unhoused any unmanageable distance from the services they need.

Sent from my iPhone

On Sep 27, 2021, at 4:43 PM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Hi Cory,

Your email seems to be about a specific location that is under consideration by the City Council tonight. The proposed code amendments that the Planning Commission will consider next week are to create a permit process for managed camps but not to consider any particular camp or location.

Would you like me to forward your email to the City Councilors for consideration this evening?

- Lisa | 503-540-2381

From: Cory Heintz <chaindriven@gmail.com>
Sent: Monday, September 27, 2021 4:40:44 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: Re planning commission meeting

To whom it may concern,

I wish to provide comment on the following agenda item:

- Allowing managed temporary camping for the homeless and emergency shelters as temporary uses

The proposed site for temporary housing is at the intersection of Brush College Rd NW and Wallace Rd. I am concerned about moving a population of 50-60 residents miles from the agencies on which they rely for support. Are they planning to walk the 4 miles to get to services? Or ride their bikes? Crossing

Wallace road to access the bike path is a dangerous proposition. Does the city plan daily transportation for those residents?

This project is marked as managed, who is managing it? How much of the proposed \$90k+ in operating costs is earmarked for staff to provide services and support to residents? Or is it solely for maintenance and upkeep? Statistics show that the unhoused experience higher than normal rates of substance abuse and mental health. Is the City providing intervention for drug use or mental health?

Has the City talked to legal counsel regarding liabilities? For example, pedestrian/cyclist/auto accidents and injuries due to proximity to the busy Wallace corridor or crimes in camp or surrounding neighborhoods resulting from the aforementioned substance abuse and mental health issues.

These concerns are exacerbated by the proposed camp's proximity to nearby elementary schools.

Having witnessed (as many of us have) the damage caused by camps, I worry about the increased debris and litter in the surrounding countryside and environmental damage, pollution, its effects on area wildlife, the water and soil.

I fully support efforts to lift up the unhoused by providing access to housing, employment and healthcare, but I strongly question this move. I fear it merely displaces the unhoused to another location without offering a holistic and thoughtful solution.

Has anyone reached out to churches and faith leaders for partnerships? There are numerous churches in the downtown area, near services utilized by the unhoused, with empty parking lots and armies of attendees with a mandate to help their fellow human. At each location is a building with bathrooms, is heated when it's too cold and air conditioned when it's too hot...and empty all week long. Folks at each church could work on rotation to provide a more complete support network for just a few shelters per location. With this additional support and community involvement, you may be able to put more of the budget for this project into shelters rather than operating costs, getting more off the street. If successful, each church may feel compelled to continue the good work in perpetuity.

Sent from my iPhone

September, 28, 2021

Dear Members of the Salem Planning Commission,

I am writing in support of the proposed changes to city tree protection code in Chapter 808 under consideration as part of the Unified Development Code update. I have gained exposure to the various elements of the current code through my time serving on the Salem Parks and Recreation Advisory Board (SPRAB). However, my comments here are my own and are not on behalf of the board.

The benefits of urban tree canopy are immense, providing everything from ecosystem services to measurable heat reduction to improved mental wellbeing. The proposed changes will provide additional protections for important trees, such as Oregon White Oaks, ensure more trees are preserved during new development, and increase protection of critical root zones in tree conservation plans.

My one request is that SPRAB is better informed and included in the process for additional updates. Our work with trees and green space as well as the expertise of SPRAB members could benefit this process. Greater engagement with SPRAB should be considered for the future.

I appreciate the detail that has gone into these changes and hope to see them adopted.

Sincerely,

Dylan McDowell

September 30, 2021

Salem Planning Commission
City of Salem
555 Liberty Street SE, Room
Salem, Oregon 97301

Dear President Griggs, and members of the Salem Planning Commission:

The Salem Area Mass Transit District (SAMTD) is providing this letter as a record of support for the proposed amendments, in particular Section 803.035 (r) of the Salem Revised Code. These changes are being considered during a Public Hearing conducted by the Salem Planning Commission on October 5, 2021.

SAMTD is supportive of these changes to address a number of challenges in coordinating new developments with the efficient and accessible operations of public transit services in the greater Salem area. The changes will make improvements in the following ways:

- Communication clarity and standardization of transit related elements needed to ensure accessible and efficient public transit services to the new development;
- Ensure compliance to Americans with Disabilities Act (ADA) requirements for all aspects of bus stop design;
- Allow for convenient access to public transit services encouraging more individuals to use public transit as their method of travel, thus reducing traffic congestion;
- Improved public transit access and services will assist the City of Salem in achieving goals that are being considered in the development of the city's Climate Action Plan; and
- Well designed and incorporated public transit stops improve safety through standardized of designs to create an environment of clear visibility and locations that encourage pedestrians to safer locations to cross roadways in designated places.

SAMTD encourages the Salem Planning Commission to approve these amendments as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Dickey", written in a cursive style.

Stephen Dickey

Director of Technology and Program Management

Steve.dickey@cherriots.org

503-361-2552

cc: Glenn Davis, Chief Development Engineer – City of Salem
Allan Pollock, General Manager – SAMTD
Chris French, Service Planning Manager – SAMTD

775 Fir Gardens St. NW ♦ Salem, OR 97304
emeasterly@comcast.net ♦ 503-363-6221

September 30, 2021

Dear Members of the Salem Planning Commission,

As you put together a final version of the Salem Middle Housing code changes that the Planning Commission will recommend to the City Council I ask that you support the proposed language and intent of the Oregon Middle Housing mandate by focusing upon a clarifying update to Salem's defined waterways.

To that end, I encourage you to support Member Slater's motion recommending to Council that the City Salem update its Stormwater Master Plan maps to address the development obligations contained SRC Chapter 802.

If the Salem Planning Department continues to ignore the portions of the City of Salem which were not included in the 1999 Wetlands Inventory process, then more examples of flawed subdivision approval processes highlighted during the appeal of the 2230 Doaks Ferry Road NW subdivision will come before the Planning Commission.

Rather than continuing to rely upon outdated maps I urge that the City identify and update maps for all parts of the City to insure that all perennial spring feed streams/watercourses are identified and evaluated by the Public Works Director to waterway status as currently required under SRC Chapter 802.

Respectfully,


E.M. Easterly

Shelby Guizar

To: Bryce Bishop
Subject: RE: Tree code amendments before Planning Commission October 5

From: RAMSTAD Kristin * ODF <Kristin.Ramstad@oregon.gov>
Sent: Thursday, September 30, 2021 4:55 PM
To: Patricia Farrell <PFarrell@cityofsalem.net>
Subject: RE: Tree code amendments before Planning Commission October 5

Hi Patricia – I took a few minutes to look through the proposed changes.

A couple of things I noticed:

1. In the arboriculture industry, we no longer use the term “hazardous tree” but rather “high risk” tree. This is something that long-time city risk managers have pushed back on us about... though for me, personally, it seems to be more or less the same thing.
2. When talking about tree protection and restoration measures (approx. p. 389), I may have missed something, but I did not see mention of when proper pruning may be needed. In other words, if there is an overhanging tree that is to be preserved, the regs talk about preserving critical root zone, etc. (great!) but part of the tree may need to be pruned back, or (more likely) the developer/builder may be inclined to hack the tree back to make room for equipment, etc. Somewhere in the code (perhaps next revision?), should indicate that if necessary all trees should be pruned according to [ANSI A300](#) standards if canopy work is required for building clearance, etc.

Cheers,
K



Oregon's Urban & Community Forestry Program is celebrating 30 YEARS of service!

Kristin Ramstad (she/her)
Manager, Urban and Community Forestry Assistance Program
ISA Certified Arborist
Desk Phone: 503-945-7390
Email: kristin.ramstad@oregon.gov
Web: [ODF Urban and Community Forestry](#)

Mailing:
ODF – Urban & Community Forestry
2600 State St
Salem, OR 97310

To subscribe to our **Community Tree Connections** newsletter, please go [HERE](#).

Shelby Guizar

From: E Easterly <emeasterly@comcast.net>
Sent: Sunday, October 3, 2021 6:07 PM
To: Bryce Bishop
Subject: UDC Update - Single family dwelling setback reconciliation

Mr. Bishop,

Would you please reconcile **Sec. 112.050. Setbacks** with the proposed TABLE 510-3. SETBACKS for single-family dwellings. The Table says there are no set backs for single family dwelling lots. How do you reconcile those two provisions before the Planning Commission?

Please also explain how you reconcile Sec. 802.030 with single family lot dwelling no set back cited in TABLE 510-3. SETBACKS with watercourse setbacks.

Please share your response with the Planning Commission at their October 5th meeting.

Thanking you in advance.

Respectfully,

E.M. Easterly

503-363-6221

Shelby Guizar

From: Woodrow Dukes <woodrowd668@gmail.com>
Sent: Sunday, October 3, 2021 9:16 AM
To: Shelby Guizar
Subject: Proposed Changes to the City Tree Protection Code - SRC C 808

I would like to resubmit my previous comment with an added sentence at the end that I meant to include but forgot:

I wish to commend City staff and others that were responsible for the proposed improvements to this code. Among the proposed changes, reducing the diameters of Oregon white oaks for retention, increasing the percentage of trees retained on a site, more protection for "significant trees", increasing the diameter of the Critical Root Zone (CRZ) similar to International Society of Arboriculture standards, as well as requiring the inclusion on conservation plans the CRZs of all existing trees and providing for more enforcement of the protections of CRZs with regard to structures, underground utilities and other development to help ensure tree survival and viability. These and the other proposed changes should protect many more trees than the current Chapter 808.

Woody Dukes - Arborist



Glenn and Gibson Creeks Watershed Council 2308 Ptarmigan St. NW, Salem, OR 97304

Issue: PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01)

The proposed changes to tree preservation and protection (SRC Chapter 808) are laudable but there is one issue that remains unaddressed.

Issue

Section 808.005 Definitions states:

“Waterway means any river, perennial stream, or creek within the City as designated by the Director.”

Section 215.050 Detailed Plan Standards states:

“Additional riparian area protection. The riparian corridor boundary is increased from 50 feet to 75 feet horizontally from the top of the bank on each side of the waterway, as defined in SRC 808.005, is platted as a separate lot or parcel, and dedicated as a natural area in perpetuity.”

Thus, the application of riparian corridor designation depends on the Director’s discretion on what constitutes a “waterway”. There is no standard or process to ensure there is consistency throughout the City to apply the protection of riparian areas. This discrepancy was brought to light in a subdivision development in West Salem in recent months.

Suggestion

At the very least there should be a common standard for such designations. Use of the National Hydrography Dataset could be a starting point. This would at least be a common standard usable for the entire City. Such a starting point would be uniform and consistent throughout the City of Salem.

Beyond that, standards for identifying waterways for which riparian corridor protection should be developed. It is difficult to have faith in a requirement that has no known basis. Standards that identify the characteristics of areas that provide riparian benefits could be developed (e.g., intermittent, or perennial stream, incised channel, or other features). I would suggest that a process for the necessary evidence to be used for such a designation could be promulgated so local information could be used that is more accurate for local conditions.

This approach would remove the sense of arbitrariness in designation of “waterways” and provide an opportunity to build on a common set of streams that deserve riparian corridor protection.

Ken Bierly, Chair
Glenn Gibson Creek Watershed Council
2308 Ptarmigan St. NW
Salem, OR 97304

October 4, 2021

Chair Griggs and Members of the Salem Planning Commission:

Comments on PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01)

1. **SRC 808 proposed amendments:**

I am writing to support the changes to SRC 808 contained in the PROPOSED 2021 UNIFIED DEVELOPMENT CODE UPDATE (CODE AMENDMENT AND LEGISLATIVE ZONE CHANGE CASE NO. CA-ZC21-01) providing more broader regulation to Oregon White Oak trees and other significant trees. Trees provide us with beauty, they modify urban heat, they capture carbon, they provide habitat for many creatures, they filter pollutants out of our air and water. It is difficult to overstate the value of trees.

While I do support these amendments, I want to make it clear that I do not think they go far enough. We still fail in the attempt to provide adequate protection for trees and vegetation.

I ask that these new protections not only be adopted, but also strengthened. Currently, swaths of trees are routinely cut down to make way for development. Even if these amendments to the Salem Revised Code are adopted, it will still be easy to cut down trees. Developers will still be required to save only 30% of trees on a site. Currently, they must save 25%. 5% does not seem like much progress. At a minimum, developers should be required to preserve 90% of all trees.

Also, trees are counted at the time of the development application. This stipulation does nothing to protect trees on property not slated for development. Trees may be cut down prior to application, then the developer applies for a development permit and there are no trees to inventory because they were all cut down a year ago. This does not seem like protection.

Even with the proposed amendments, SRC 808 still only defines trees with a certain DBH as worthy of regulation or significance. My concern with this limitation is that like all living things, if we do not protect the young, we will never have mature beings. How do trees get to be a certain DBH? They grow from a small start. We especially need to protect Oregon White Oak trees through all stages of growth and development. These are extremely valuable trees biologically. They are slow growing trees with a long-life span. They are vanishing. We need to protect this species.

One very large loophole in the ordinance is the protection of trees and vegetation in a riparian corridor. Only if a stream is recognized as a waterway by the Public Works Director does its riparian corridor receive protection. Many streams in Salem are not so recognized. Only when the City conducts a stream survey and updates the stream inventory will we really know how many "waterways" exist in Salem. Without this

designation, many riparian corridors go unprotected. Development is also allowed within a riparian corridor. If a tree is in the way, down it goes.

2. **Comment on SRC Chapter 800 (General Development Standards) 314-326 ■ Amendments:**

❖ Establish standard requiring all lots to be of a size and shape so as to be buildable exclusive of required setbacks, easements, riparian corridors, mapped flood plain/floodway boundaries, and wetlands. ❖

I support this proposed amendment, especially if tree canopy were to be included in the list of natural features to be avoided by development. The intent here seems that development shall accommodate to natural features rather than the opposite as is currently the practice here in Salem.

3. **Comment on Table 510-3 regarding stream setbacks:** middle housing is required to set back from waterways 100 feet. Single family housing setbacks: None. It is unclear why single-family housing has no stream setback. This should be changed to the same setback as middle housing, especially since middle housing is now allowed in the single family zone.

Linda Bierly

Linda Bierly

Ward 8

Shelby Guizar

From: Laura Buhl <buhll@yahoo.com>
Sent: Monday, October 4, 2021 8:37 PM
To: Bryce Bishop
Subject: Public Comment on UDC Update - October 4, 2021 Planning Commission Meeting

Members of the City of Salem Planning Commission:

I would like to express my very strong support for the proposed amendments to Chapter 808 (Preservation of Trees and Vegetation) of the Salem Revised Code.

By providing more protection for Salem's urban forest, these amendments further the purpose of Salem's Unified Development Code to "promote and protect the health, safety, and general welfare of the public" and to "preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community" (UDC § 110.010). In a hotter climate, a mature tree canopy will be vital to preserve Salem's livability, and especially the health and well-being of its people and animals. Trees are also crucial elements of our city's natural environment and the attractiveness of our neighborhoods.

Recommending approval to the City Council of the proposed amendments to Chapter 808 will help Salem be a healthier, more beautiful, and more resilient city.

Respectfully,
Laura Buhl
695 16th Street NE
Salem

From the Desk of Curt Arthur

Curt.Arthur@svn.com

503-588-4146 (direct)

503-559-7990 (cell)

October 4, 2021

City of Salem Planning Commission
555 Liberty Street SE
Salem, OR 97301

Re: Letter of Support

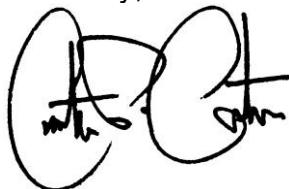
Dear Members of the Planning Commission:

I am writing in support of the proposed amendments to the CB Zone in the 2021 Unified Development Code Update on your agenda for October 5, 2021. Specifically, the allowance of self-storage in existing buildings outside of the historic area (page 150 and 286-287).

As we continue to encourage residential development in the Central Business District, it is essential we provide storage options for those residents who are choosing to downsize to live in a vibrant downtown Salem.

Thank you for your volunteer service to our great city.

Sincerely,



Curt Arthur, SIOR
Managing Director

To: City of Salem Planning Commission
From: Southwest Association of Neighbors (SWAN)
RE: Proposed amendments/revisions on UDC Code 10/5/2021

In review of the proposed changes to code, the SWAN Land Use Committee and Association Board supports the following suggested revisions/additions for your consideration:

- In regards to SRC Chapter 807 , page 378 of 390, proposed amendments should include the development and establishment of a tree replanting requirement for single family, two family, and three family uses as infill occurs.
- In regards to SRC 808, pages 380 of 390, there should not be an exemption granted for the removal of city owned trees from the requirements to obtain a tree removal permit. Even if the city is removing their own property the city should still be required to apply for and post a tree removal permit thereby providing public notice of the pending removal.
- SWAN does not support the proposed reduction of the minimum tree planting requirements for lots less than 4,000 feet from a minimum of two trees to a minimum of one tree.
- The City is currently developing a climate action plan and this reduction in required tree canopy replacement does not promote the needs of the climate action plan.
- SWAN suggests providing greater incentives to developers other than the current two to one reduction in the amount of trees required to be planted on a lot for each significant tree preserved. This could include city approved financial incentives, such as reduction or removal of sewer tap fees, for implementing creative or flexible design standards that preserve a greater amount of significant trees or groves of trees.
- In SRC 808 , page 386 of 390, SWAN suggests inserting the word “all phases” in the phrase ...all trees and native vegetation designated for preservation under the tree conservation plan shall be protected during “all phases” of construction.
- SWAN suggests establishing a UDC update standard requiring the keeping of a records database on tree and protected vegetation removal violations. This data base should be administered by Public Works and overseen by the City Forester. It should include the person or company who has willful engaged in violation of SRC 808.035 or 808.040, the type of violation and the number of violations accrued but the person or company. Penalties shall be tracked and repeat violators noted so as to assess penalties sufficient to discourage future willful violations.
This standard could be attached as section (f) of page 390.

- In SRC 511, pages 92-101, a proposed amendment would allow placing managed camps for the unhoused within RS single family residential zones. We see this as an less than ideal use for such zones due to the potential increase in traffic, noise and light pollution and distance from services that typical serve needs for service access typically seen this those who lack housing.
- In SRC 803, pages 326-330, a proposed amendment would require construction and dedication of right-of-way for transit stops when transit stops are identified as being needed by the Transit District in connection with a proposed development. We see this as a small but important step toward a city that makes it easier for people to do enjoy enhanced livability with fewer cars, (and a much more positive step than exempting certain kinds of multifamily housing from parking requirements in hitherto single-family residential areas [see SRC 806, pages 334-377]).

Thank you for your consideration of these comments.

Sincerely,

Ted Burney, Land Use Chair
On Behalf of the SWAN Association Board

Shelby Guizar

From: Evan Manvel <evanmanvel@gmail.com>
Sent: Tuesday, October 5, 2021 1:08 PM
To: Shelby Guizar
Subject: Re: testify Planning Commission Tuesday

Thanks for your assistance, Shelby. Testimony below; I'll try to attend as well.

Best,
Evan

.....

5 October 2021

RE: UDC Update

Dear Salem Planning Commissioners,

We continue to struggle as a community to provide housing people can afford, and housing choices to meet the needs of our current and future residents.

We also continue to struggle to reduce climate pollution as our community faces severe weather events such as ice storms and wildfires, and all-time-record heat.

There is a small but important step we can take: take our foot off the gas.

We should repeal one-size-fits-all parking mandates. Parking reform has been highlighted as a key action Salem can take under its Climate Action Plan.

One in six renter households in Salem have no vehicles. We need to give local builders the option to provide a diversity of housing bundles for the diversity of Salemites.

While there are numerous places in the UDC to improve the parking code, several improvements are already included in this draft, including ensuring parking is behind or beside development, protections of transit stops from parked vehicles, reduced garage requirements, and improved bike parking.

So tonight I ask you to follow the lead of Bend, who recently updated its codes to waive parking mandates for duplexes, triplexes, and cottage clusters, and limited mandates to one space for each quadplex *development* (not unit), except in its low-density residential zone, where it requires two.

I urge you to change the parking tables on Page 336 (general) and Page 23 (PUDs), and:

1. Move mandated spaces to zero for duplexes, triplexes, and quadplexes
2. Limit multifamily mandates to 1 per unit (or ideally, zero). Bedroom counts are not as strong as transit or density in predicting demand; they may become even worse as work-at-home expands.
3. Move mandated parking spaces for studio and one-bedroom units to zero.

Thank you once again for your service to the city of Salem.

Warm regards,

Evan

Evan Manvel
345 Leffelle St S
Salem, OR 97302



TESTIMONY:
**Case No. CA-ZC21-01 for Unified
Development Code (UDC) Update**

First—

Appreciate all the hard work by Bryce Bishop & Staff

Second—

A few comments tonight & requests

RECOMMENDATION

Adopt the facts and findings of this staff report and **recommend** that the City Council accept first reading of an ordinance bill to amend the UDC and other chapters of the Salem Revised Code to address issues that have arisen in the application of the UDC since 2019 and to change . . .

FACTS AND FINDINGS

1. Proposed Code Amendments

1.F. Improved tree preservation and protection (SRC Chapter 808)

Amendments to the tree preservation requirements of SRC Chapter 808 are proposed to provide for greater preservation and protection of trees. Highlights of the amendments include:

- a) Expansion of definition of significant tree:
- b) Changes to tree removal permit requirements:
- c) Changes to tree conservation plan requirements:
- d) Additional requirements for tree protection during construction:**

Attachment A



2021 Unified Development Code (UDC) Update (Summary of Proposed Amendments)

SRC Chapter 535 (Edgewater/Second Street Mixed-Use Corridor - ESMU Zone Amendments:

YES ❖ Eliminate commercial parking as a permitted use within the zone.

NO ❖ Add managed temporary camping for the homeless and emergency shelters as permitted temporary uses within the zone.

Within the ESMU Zone specifies a pedestrian friendly, walkable neighborhood provision; this is in conflict with. . .

Attachment A



2021 Unified Development Code (UDC) Update (Summary of Proposed Amendments)

SRC Chapter 800 (General Development Standards)

Amendments:

- ❖ **Establish standard** requiring all lots to be of a size and shape so as to be buildable exclusive of required setbacks, easements, riparian corridors, mapped flood plain/floodway boundaries, and wetlands.

TWO issues here need to be made absolutely clear before sending this to Council for consideration

ISSUE #1

The need to reconcile Sec. 112.050 Setbacks with the proposed Table 510
NO SETBACKS for single-family dwellings

The Table says there are no **setbacks** for single family dwelling lots in relations to waterways, and

Sec. 112.0505 says there are setbacks

**CONFUSION BETWEEN
Reconciliation Needed**

We **request** that these two provisions be clarified in the UDC before the Planning Commission forwards this to Council

ISSUE #2

Bryce Bishop's Testimony Salem Planning Commission June 1st Workshop

Bryce testified that the City of Salem currently is not in compliance with State of Oregon Land Use Goal 5

Applicability of Goal 5 Resources protection:

- a. Riparian corridors, including water and riparian areas and fish habitat
- b. Wetlands
- c. Wildlife Habitat

ISSUE #2 Cont.

City of Salem not in Compliance Goal 5

The “Word Riparian” has four applications in the UDCs that need clarification:

Area

Buffer

Corridor

Zone

We **request** that this be clarified and consistent in the UDCs and actionable as the implementing city code for OAR 660-023-0090 (Riparian Corridors) before the Planning Commission forwards this to Council

Goal Protections

Since the September commission meeting, several edits have been made to OAR 660-046-0010(3) to reflect conversations with various goal experts. Revisions include the following:

1. Goal 5 Natural Resources: These revisions reflect discussions with DLCD's Goal 5 Natural Resource specialist. **The section and the revisions are intended to prevent additional development pressure near sensitive natural resources.** The section also includes a provision for jurisdictions that do not have Goal 5 protections. . .
OAR 660-046-0010(3)(a)(A):

*October 29, 2020, LCDC Director Memo to LCDC Commission
MIDDLE HOUSING LARGE CITIES MODEL CODE AND MINIMUM STANDARDS
SUBJECT: Agenda Item 4, November 12-13, 2020, LCDC Meeting* ⁹

Goal Protections (Cont.)

1.A. Goal 5 Natural Resources - Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities **must adopt** land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.

▪*Proposed Amendments - Establish a new 100-foot setback, as required by the State, abutting waterways.* **INSUFFICIENT—Specifics as to how Protection is to be accomplished within setback, tie to riparian corridor, etc., missing. State Rules says along “Riparian Corridor” not waterways.**

We **request** that the needed Goal 5 compliance and Riparian Corridor definition issues be addressed and solved so as they are up-to-date regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species before the Planning Commission forwards this to Council

Goal Protections (Cont.)

1.A. Goal 5 Natural Resources - Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities **must adopt** land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.

This missing as well. . .



Attachment A

SRC Chapter 111 (Definitions)

Amendments establish new and revised definitions for various terms used throughout the Unified Development Code.

There are **Five** definitions contained in the Salem Revised Code for the term “Waterway”

CHAPTER 65. - EXCAVATIONS AND FILLS *Sec. 65.020*

CHAPTER 75. - EROSION PREVENTION AND SEDIMENT CONTROL *Sec. 75.020*

CHAPTER 82. - CLEARING AND GRADING OF LAND *Sec. 82.005*

CHAPTER 601. - FLOODPLAIN OVERLAY ZONE *Sec. 601.005*

CHAPTER 808. - PRESERVATION OF TREES AND VEGETATION *Sec. 808.005*

A review of the Salem Revised Code identifies 33 references to “Waterway”

A second and parallel term “Watercourse” is defined and referenced in 10 Salem Revised

These causes confusion

They do not satisfy the implementation requirements for SDCs implementing the State of Oregon definition of Waters of the State, Riparian Corridors OAR 660-023-0090

12

THEY PRECLUDE, UNTIL CORRECTED, THE CITY MUST ADOPT REQUIREMENTS OF HB 2001

Memo: Case No. CA-ZC21-01 for Unified Development Code (UDC) Update

Date: 10/5/21

To: Salem Planning Commission

From: Eric Olsen of Olsen Communities, LLC.

General description: As a developers who prides ourselves on sustainability, creative development, and livability, I have some reservations about a few of the proposed changes. More than anything, I want to mention some possible unintended consequences for consideration by the staff and Planning Commission which I think can improve the changes which are under consideration.

Item 1: The City proposes the following: **Require alley access for new single family, two family, three family, and four family uses on existing lots abutting an alley**

Response: As developers who incorporate alleys in 95 percent of all lots we build, we oppose this limitation. Topography, duplex, triplex and fourplex designs can be improved dramatically if vehicular access is permitted from both the street and the alley. We would, however, not object to limiting the garages on the street side to exclusively single car garage door which might help the aesthetics of a neighborhood.

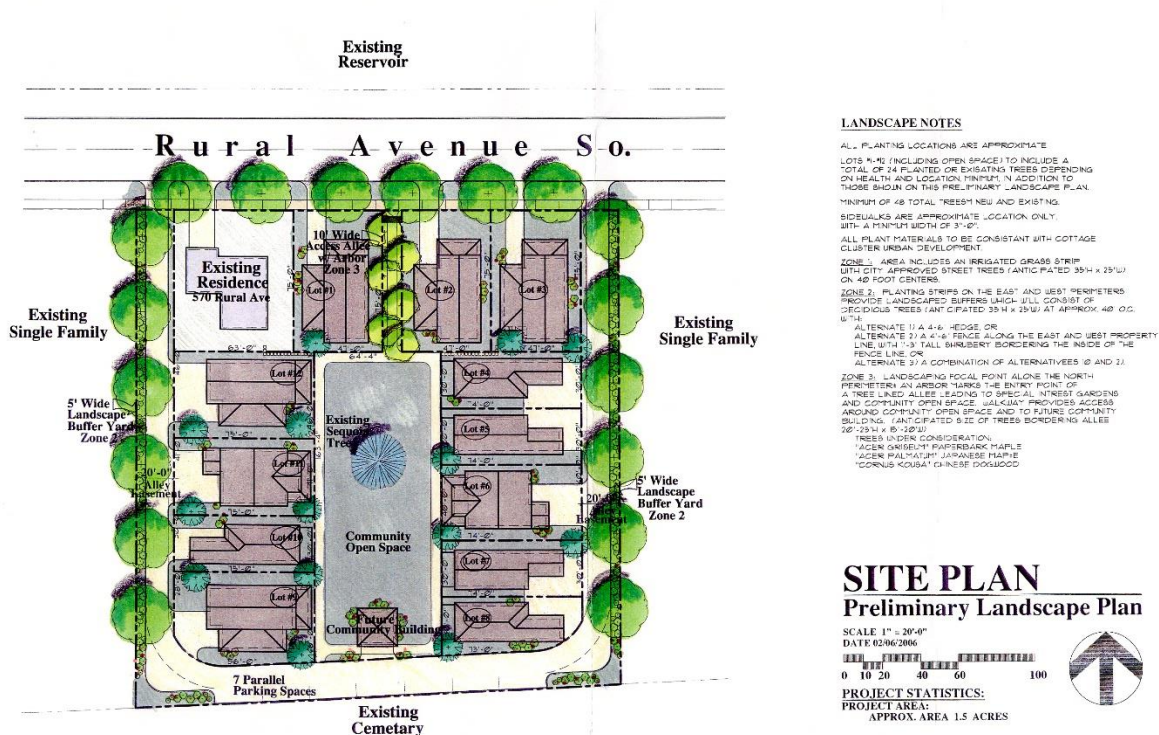


Example of housing with two homes built on a single lot. Back unit accessed from alley and front unit from street. Single car on street facing unit.

We recommend the following: Require alley access for new single family, two family, three family, and four family uses on existing lots abutting an alley. (Exception: single car garage access permitted).

Item 2: The City proposes the following definition: **Cottage cluster means a grouping of five to twelve detached dwelling units, each with a maximum building footprint of 900 square feet, that are located on an individual lot and include a common courtyard.**

Response: Our company has built numerous cottage clusters of which most would not survive this definition/limitation. A small 1200 SF single story fee simple ownership home with a two car garage, for instance, would be a good housing type for cottage clusters. For this to occur and in order permit fee simple ownership, we recommend cottage clusters not be limited to a single lot nor have a minimum number of units. Furthermore, street frontage must be contemplated in such a cottage cluster development (e.g. Fairmount Cottages on Rural). At a min, alley frontage should be permitted in lieu of street frontage. We believe that this can increase density and utilize land in a more productive way. While the example below was a PUD, we think this type of Cottage Cluster can be very beneficial in reaching statewide land use goals.



Fairmount Cottages - Rural Avenue
 Salem, Oregon

Olsen
 Design and Development

We recommend consideration of the following change to the definition of Cottage Cluster:

Cottage cluster means a grouping of three to twelve detached dwelling units, each with a maximum building footprint of 2000 square feet and minimum density of 6 units to the acre, that are located on an individual or multiple lots and include a common courtyard or amenity of no less than 20% of the total area of building lots.

Item 3: The City proposes residential lot size requirements and street frontages. Based on our cottage cluster experience and small lot developments, we recommend that minimum lot size depth be changed to 50 feet on one and two family homes. For cottage clusters and other small lot homes, per discussion above, we recommend that the street frontage requirements include an alley as street frontage.

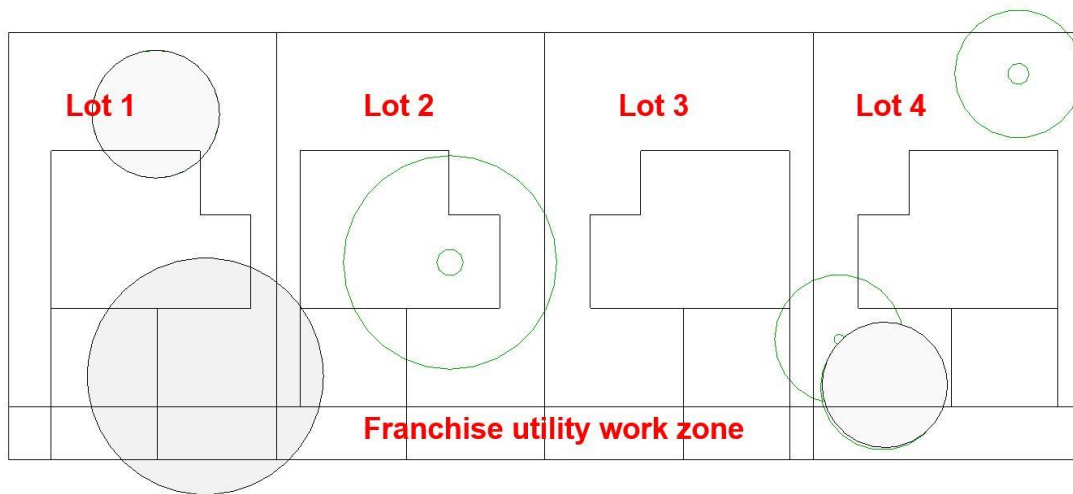
Item 4: Section 700.081 refers to special provisions for three and four family residences. From our experience in this type of construction, we recommend:

Change Section A.1 to read “Has at least one entrance facing the street/alley or has a roof”

Change Section A.1.a be changed to read: “Facing the street or an alley.”

Item 5: Tree preservation Section 808

The image below indicates generic subdivision of small homes (two story 1400 square foot home) on 4000 s.f building lots with 6 trees. The shaded trees indicate trees that as a developer we would not be inclined to take out but would be forced to remove because we are disturbing more than 70 percent of the root zone. Our fear is that the critical root zone requirement will ultimately lead to more trees removed that might otherwise be kept by developers.



Our would recommend the following for consideration:

- 1. Remove or modify the Critical Root Zone requirement for trees except for significant trees**
- 2. Verify that all existing Tree Conservation Plans are not under the new Significant Tree definition and Critical Zone requirements for all trees**

BRAND

October 26, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

This letter is before you to show my support of your adoption of the proposed amendments to the City of Salem's Unified Development Code (UDC), specifically as it relates to Middle Housing. It is widely known, based on recent Housing Needs Analysis (HNA), that we have a severe multiple family housing shortage within the corporate city limits of Salem. I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

I am a land use consultant and committee member for United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,



Britany Randall

Principal Planner | BRAND Land Use, LLC
Britany@BRANDLandUse.com

November 5, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

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I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

I am an employee of the United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties.

The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing.

If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in

conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,



Melinda Freshour

Donor Stewardship and Program Support Specialist



**United Way of the
Mid-Willamette Valley**

455 Bliler Avenue NE
Salem, OR 97301
(503) 363-1651

www.unitedwaymwv.org

November 14, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

This letter is before you to show my support of your adoption of the proposed amendments to the City of Salem's Unified Development Code (UDC), specifically as it relates to Middle Housing. It is widely known, based on recent Housing Needs Analysis (HNA), that we have a severe multiple family housing shortage within the corporate city limits of Salem. I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

I am a supporter of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,

DocuSigned by:

C1C83C48D2A64F7...

Jordan Schweiger, Owner
Good Well Construction, Inc.
CCB #215065
2825 Foxhaven Drive SE
Salem, OR 97306
P 503.375.6205
jordan@goodwell.com

November 15, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

This letter is before you to show my support of the proposed amendments to the City of Salem's Unified Development Code (UDC), specifically as it relates to Middle Housing. It is widely known, based on recent Housing Needs Analysis (HNA), that we have a severe multiple family housing shortage within the corporate city limits of Salem. I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

I currently serve as the chairperson of the affordable Housing Committee of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street re-alignment. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,

Brent Neilsen
Consultant
503-269-3999

November 17, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

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I am Geoff Tiffany and I am on the executive committee of United Way of the Mid-Willamette Valley. United Way worked closely with City Councilors to acquire properties off Market Street which were remnants after the City completed the Market Street project. The adoption of the proposed amendments to the UDC will allow the development of United Way's cottage housing for seniors to be realized on these properties. The Planning Commission's recommendation, from their October 5th meeting, to remove the minimum off-street parking requirement for middle housing, which applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters, is a recommendation which would truly allow the development of affordable housing. If the City wants to see these types of diverse housing opportunities, the development requirements will need to be flexible. Removing the minimum off-street parking requirement in conjunction with maintaining the provisions of SRC Chapter 806.015(D)(2), allows the flexibility these types of developments will need to be efficient and successful for the community members they are intended to serve.

I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,

Geoff Tiffany
Executive Committee Member
503-302-7659
geofftiffanyhomes@gmail.com

November 18, 2021

City of Salem City Mayor and City Councilors
555 Liberty St SE
Room 220
Salem, OR 97301
citycouncil@cityofsalem.net
503-588-6255

RE: Proposed Amendments to UDC in Response to House Bill 2001

Dear Mayor Bennett and City Council Members,

This letter is before you to show my support of your adoption of the proposed amendments to the City of Salem's Unified Development Code (UDC), specifically as it relates to Middle Housing. It is widely known, based on recent Housing Needs Analysis (HNA), that we have a severe multiple family housing shortage within the corporate city limits of Salem. I believe Salem is making strides toward a remedy for these issues through the Our Salem initiative, but Middle Housing will still be lacking even with the adoption of the proposed Our Salem Comprehensive Plan amendments. The adoption of the proposed code amendments in response to House Bill 2001 provides incredible opportunities to see Salem developed with a variety of housing types which will better serve our diverse population.

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I am happy to have my letter included in the official record as support of these proposed UDC changes. I am looking forward to seeing these changes provide a variety of needed housing types within our City.

Thank you,

Rhonda

Rhonda Wolf
CEO
United Way of the Mid-Willamette Valley
503-363-1651

Bryce Bishop

From: Elena Guevara <elg.guevara@gmail.com>
Sent: Thursday, November 18, 2021 7:17 PM
To: Vanessa Nordyke
Cc: Bryce Bishop
Subject: Fwd: Planning Commission recommends City Council approval of amendments

Councilor Nordyke,

I am hoping there is still time to revise or amend the proposal to remove minimum off-street parking requirements for middle housing. Since you live in Sunnyslope, you know that there are parts of this neighborhood, and other neighborhoods around Salem, which have no on-street parking available due to lack of curbs and parking space along the road. I am wondering what the city council and city planning commission thinks is going to happen when citizens with cars move into middle housing developments when there is no on or off-street parking available. We all know that people will not suddenly give up their cars just because they move into a middle housing development. So, where are they going to park? On the shoulder, blocking part of the road? In homeowners' front yards? Or both? It's not unreasonable to predict that's exactly what will happen when there is literally nowhere else available to park if their middle housing development does not provide off-street parking.

The city would be doing a great disservice to both current homeowners and potential renters of middle housing if the off-street parking requirements for new middle housing developments are removed. I hope you can bring this forward to the rest of the city council and the city planning team before these plans are finalized. Some consideration needs to be made to neighborhoods without the proper infrastructure for on-street parking. We all agree that Salem needs more housing, but the city cannot continue to allow for new development without proper infrastructure to support that development.

Thank you.

Elena Guevara
4234 Bryan St. S.

----- Forwarded message -----

From: Salem Planning <DoNotReply@cityofsalem.net>
Date: Thu, Oct 14, 2021 at 9:59 AM
Subject: Planning Commission recommends City Council approval of amendments
To: <elg.guevara@gmail.com>

A Communication of the City of Salem

[View this email in your browser](#)



Planning Commission Recommends City Council approval of Amendments

Planning Commission Recommendation

On October 5, the Planning Commission held a public hearing to consider a package of proposed code amendments and corresponding zone changes. The Commission voted to [recommend City Council approval](#) of the proposal, subject to additional recommended revisions identified by staff and the following further revisions recommended by the Planning Commission:

- **Middle housing off-street parking.** Remove minimum off-street parking requirements for middle housing. This applies to townhouses, two family uses, three family uses, four family uses, and cottage clusters.
- **Multi-family off-street parking.** Reduce the minimum off-street parking requirement for multiple family uses to one space per dwelling unit.
- **Enclosure standards for small birds.** Amend the proposed enclosure sizing requirements for poultry to specifically address the needs of small birds.
- **Definition of significant tree.** Exclude Douglas fir trees with a diameter-at-breast-height (dbh) of 30 inches or greater from the proposed revised definition of significant tree under SRC Chapter 808.

You can [view the Planning Commission meeting online](#).

The proposed code amendments address a variety of issues that have arisen since the last major update of the Unified Development Code (UDC) in 2019 and include policy-related changes that respond to concerns from the community, minor housekeeping amendments, and updates to

implement changes in State law.

Proposed Amendments

You can read the full package of [proposed code amendments here](#). Additional revisions recommended by staff on October 5 can be [read here](#).

To read more about the public hearing and proposed changes, visit the [Planning Commission webpage](#).


Next Steps

The recommendation of the Planning Commission will be forwarded to the City Council, which will take final action on the proposal. It is anticipated that the City Council public hearing on the proposed amendments will be scheduled for **December 6, 2021**.

Contact us

Bryce Bishop, Planner III
bbishop@cityofsalem.net
503-540-2399

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555 Liberty St SE

Salem, OR 97301-3513

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Bryce Bishop

From: E Easterly <emeasterly@comcast.net>
Sent: Monday, November 22, 2021 7:21 AM
To: citycouncil; Bryce Bishop
Subject: Agenda Item #7.1a

Mr. Mayor and Council Members:

I encourage you to invite Mr. Bishop and the Planning Department to carefully consider the obligations contained the LUBA decision: Johnson v Jefferson County (2008), and the potential impact of that decision has on the middle housing portions of the proposed UDC update scheduled for a public hearing on December 6th. In summary, that decision requires local governments to address changes to Goal 5 policies in the local comprehensive plan each time there is an amendment to a land use regulation that modifies a significant Goal 5 resource.

“... a PAPA “would affect a Goal 5 resource” if it “amends a * * * portion of an acknowledged plan or land use regulation [that was] adopted in order to protect a significant Goal 5 resource.”

The proposed changes to the Salem UDC expands riparian corridor widths for middle housing developments and establishes a zero setback for dwellings in riparian corridors in single family zones obligate the City to update its Goal 5 Salem Area Comprehensive Plan policies in parallel with the adoption of the proposed UDC updates.

How the Council and City chooses to address this issue is a topic I will raise during the December 6th public hearing.

Sincerely,

E.M. Easterly
775 Fir Gardens St. NW
Salem, OR 97304

From: [Bryce Bishop](#)
To: [Amy Johnson](#)
Subject: FW: Council Staff Report - Case No. CA-ZC21-01 for Unified Development Code (UDC) Update
Date: Tuesday, November 30, 2021 8:11:08 AM

Good Morning Amy,

Forwarded below is a comment received for the upcoming City Council public hearing on the UDC update (Ordinance Bill No. 13-21).

Thanks,
Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: DJ Vincent <dj@salem1f.org>

Sent: Tuesday, November 30, 2021 8:00 AM

To: Shelby Guizar <SGuizar@cityofsalem.net>

Cc: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: Council Staff Report - Case No. CA-ZC21-01 for Unified Development Code (UDC) Update

Bryce,

In response to the need, Church at the Park operated a pilot project in early 2021 at the Oregon State Fairgrounds, demonstrating the effectiveness of a managed camp setting where guests were able to safely sleep indoors in tents. Building on the success of that project, C@P has since focused our efforts on opening managed micro-shelter communities and currently operates two managed micro-shelter communities. The need is great. Right now we have 400 plus people on our waiting list looking for shelter this winter.

The focus of our Micro Shelter Communities is the provision of a safe, sanitary, and supportive environment for guests to take the next steps towards housing and employment. With 24/7 staffing and on-site services, C@P seeks to maintain an environment of hope, dignity and holistic care. Our Church at the Park staff is well-trained to support those facing the challenges and realities of homelessness. By providing a stable living environment and support, we have seen many people exit our shelter into permanent housing and gainful employment.

Through partnership with the City of Salem, other service providers, and an outpouring of engaged citizens, C@P is collaboratively working to expand shelter sites, with the goal of operating eight shelter sites and serving people in all eight wards in Salem.

Regarding recommended additional revisions to Ordinance Bill No 13-21: please consider allowing the location of managed temporary villages within the 500-year floodplain, and within the 100-year floodplain as approved under Chapter 601 of the Salem Revised Code. Also, please include language so that shelter units that are on wheels may be located on either a paved or unpaved surface.

Thank you for your consideration,

On Mon, Nov 29, 2021 at 2:09 PM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The Staff Report for Code Amendment Case No. CA-ZC21-01 for Unified Development Code (UDC) Update is attached for your information. This case will be heard digitally before the City Council on Monday, December 6, 2021.

Please direct questions or comments to the **CASE MANAGER:**

Bryce Bishop

BBishop@cityofsalem.net

503-540-2399

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

sguizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | CityofSalem.net

--

DJ Vincent

Deputy Director & South Area Lightning Rod

Salem Leadership Foundation

www.SalemLF.org

(503) 949-2124

Includer | Achiever | Futuristic | Positivity | Arranger

https://youtu.be/yItwV7nA_7c

From: [Jared Weekly](#)
To: [CityRecorder](#)
Cc: [Lorie Fontaine](#); [Brian Varley](#)
Subject: written testimony Unified Development Code Update
Date: Tuesday, November 30, 2021 12:56:13 PM
Attachments: [salem city council.pdf](#)

To whom it may concern,

This written testimony is in submission to Item 7.1 2021 Unified Development Code Update, Proposed Code Amendments, 11 (b), Multi Family off street parking.

We are respectfully requesting minimum off-street parking requirement for multi-family housing for people with Intellectual and Development Disabilities (IDD) be reduced. For example, the current requirement for low income seniors is one space for every 4 units. Intellectual and Developmental Disability is defined under OAR 411-320-0020. Affordable and safe housing for individuals with an Intellectual or Developmental Disability that are not congregate care, are in short supply. Converting current accessible congregate housing to affordable housing for individuals with an Intellectual or Developmental Disability can be burdensome due to parking requirements for multi-family dwellings. According to recently proposed guidance on IDD services, Properties that include components where persons other than service recipients establish residence will only be permitted in situations where there has been an official separation of residential units- meaning that the home is zoned as multi-family housing.



SUNNY OAKS INC

Salem City Council
City of Salem
555 Liberty St SE
Salem, OR 97301
United States

Attn: Eunice Kim, Community Development, City of Salem

Re: Code change and/or adjustment request for adult Intellectual Developmental Disabilities (IDD) housing at Sunny Oaks Inc. (Formerly "The Grotto"), 4375 Rickey St SE Salem 97317 related to number of parking spaces requirements.

November 24, 2021

Dear Salem City Council,

Thank you for all the good work you do for the citizens of Salem, Oregon.

Sunny Oaks is a small to medium sized local private nonprofit that has been serving persons experiencing IDD in Salem since 1973.

We built a small apartment complex about two decades ago to provide a pleasant and safer living environment for adults with IDD. Currently at Sunny Oaks we are attempting to transition those apartments to a multi-family dwelling status.

The systems we are licensed or endorsed under are changing and the needs and supports of the people experiencing IDD we now serve at Harbaugh House have changed, as well.

Harbaugh House has been and currently is licensed as a 24-Hour Residential program. 24-Hour is usually for higher needs persons experiencing IDD. Persons with these higher levels of needs and supports no longer reside there.

We are endorsed to provide Supported Living services, a model of individualized services in their own homes that meets the needs and supports of the persons experiencing IDD residing at Harbaugh House now and in the future. However, in order to move to the Supported Living model, we will need the multi-family zoning.

The people experiencing IDD residing at Harbaugh House currently are more mobile, street and stranger aware, and able to ride public transportation by themselves. And, broadly the people experiencing IDD we serve very rarely have a driver's license much less a vehicle. We have two bus lines within 3 blocks of

Community; Learning, Living & Growing Together.

Office: 503.370.7973 Fax: 503.585.2974 www.sunnyoaksinc.org PO Box 5150 Salem OR 97302

the front door, 11 & 4. The stop for the #4 bus is at the end of the neighbor's property. We also have a vehicle onsite to transport to and from medical and other appointments.

We continue, and will always in the foreseeable future, serve adults with IDD at Harbaugh House.

And, before we go further, we want to say thank you to Eunice at the City of Salem for speaking with us. Eunice's expertise, kindness and understanding has been very helpful.

In short, it appears we are requesting the City of Salem's review of our situation from two perspectives.

First, we believe a code change to reduce parking requirements for housing for people with Intellectual and Developmental Disabilities would help increase housing options for our IDD community as well as reduce our vehicle infrastructure carbon footprint.

As we discussed with Eunice, it makes sense to include the IDD community in the code with other populations such as seniors due to our populations' functional limitations resulting in a very low percentage of driving and car ownership.

It seems to us there were 2 areas of the code that might fit to include IDD individuals, one that allows a 25% reduction in required parking spaces and another that allows 1 parking space per 4 occupants.

Second, an adjustment could be made by the City of Salem for the Harbaugh House parking.

Although it might be likely the City of Salem could approve an adjustment to code that would seemingly solve the Harbaugh House situation, a change in code would smooth the path for future housing projects for our IDD community and provide a greater range of housing opportunities to meet their diverse needs and preferences.

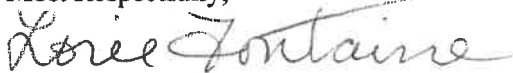
Just as the options for senior housing have increased over the years, the trend for people with IDD is moving away from congregate care like group homes and toward a greater variety of individualized options.

A code change would be a valuable tool to meet that social justice goal for persons experiencing IDD, increase available housing and reduce carbon emissions.

We at Sunny Oaks greatly appreciate all that you do for our City and your help with our situation.

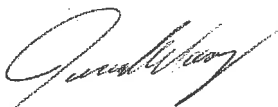
Take good care.

Most Respectfully,



Lorie Fontaine, Board Member and Chair of the Environmental Sustainability Committee, Sunny Oaks, Inc.

And,



Jared Weekly, Associate Executive Director, Sunny Oaks, Inc.

From: noreply@cityofsalem.net on behalf of aj@traditionrep.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 10:36:30 AM
Attachments: [ATT00001.bin](#)

Your Name	AJ Nash
Your Email	aj@traditionrep.com
Your Phone	5035599279
Street	2195 Hyacinth St NE, #111B
City	Salem
State	OR
Zip	97301
Message	I am a commercial real estate and development advisor that works with a number of local developers. I encourage city council to remove the elimination the Property Boundary Verification process from the proposed revisions of the UDC as it is an effective tool for the development community to bring projects to market in a timely manner without unnecessary process that adds time and money to the city's process and the private sector.

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: noreply@cityofsalem.net on behalf of bbural@accoac.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Friday, December 3, 2021 8:24:56 AM
Attachments: [ATT00001.bin](#)

Your Name	Blake Bural
Your Email	bbural@accoac.com
Your Phone	503-581-4114
Street	363 state street
City	Salem
State	OR
Zip	97302
Message	I support the submission by Mark Shipman of Saalfeld Griggs and encourage council to remove the Property Boundary Verification process from the proposed UDC amendment and remand it to Planning Commission for further as this revision will have unintended consequences that will negatively impact the ability to develop properties.

This email was generated by the dynamic web forms contact us form on 12/3/2021.

Robert Romanek

From: cbj49@yahoo.com
Sent: Sunday, December 5, 2021 5:41 PM
To: SalemCAP
Subject: Increase multi unit housing in established neighborhoods

Follow Up Flag: Follow up
Flag Status: Flagged

No, No, No to increasing multi family housing in established neighborhoods!!

When multi unit housing is built in established neighborhoods, there is a loss of accountability for behavior and upkeep of the physical environment. Absentee owners, especially if they do not live in the area, do not feel a sense of responsibility for keeping units in top shape.

The increase in rental properties only benefits the developer and people who can already afford to own a home.

It does not make home ownership available to working class and poor people. It only condemns them to continue to pay rent.

It encourages the destruction of good homes so that more money can be made off of the property.

It takes money out of the community when we have big-time developers come in and build duplexes, fourplexes and apartments.

It destroys the concept of neighborhood where neighbors know each other, when you have people moving in and out of units.

Again No, No, No to multi family units in established neighborhoods.

Cynthia Jones

Sent from my iPad

From: [Gretchen Bennett](#)
To: [DJ Vincent](#)
Cc: [Amy Johnson](#); [Tami Carpenter](#); [Lynda Rose](#)
Subject: RE: Who do I submit my comments to?
Date: Friday, December 3, 2021 8:44:41 AM

DJ, I am cc'ing our City Recorder and City Manager's Office team – they will be able to either receive these comments or help point you in the right direction.

Team, these are comments for Monday's City Council meeting.

Thanks everyone! -GB

From: DJ Vincent <douglasjvincent@gmail.com>
Sent: Tuesday, November 30, 2021 8:00 AM
To: Gretchen Bennett <GBennett@cityofsalem.net>
Subject: Who do I submit my comments to?

Gretchen,

In response to the need, Church at the Park operated a pilot project in early 2021 at the Oregon State Fairgrounds, demonstrating the effectiveness of a managed camp setting where guests were able to safely sleep indoors in tents. Building on the success of that project, C@P has since focused our efforts on opening managed micro-shelter communities and currently operates two managed micro-shelter communities. The need is great. Right now we have 400 plus people on our waiting list looking for shelter this winter. The focus of our Micro Shelter Communities is the provision of a safe, sanitary, and supportive environment for guests to take the next steps towards housing and employment. With 24/7 staffing and on-site services, C@P seeks to maintain an environment of hope, dignity and holistic care. Our Church at the Park staff is well-trained to support those facing the challenges and realities of homelessness. By providing a stable living environment and support, we have seen many people exit our shelter into permanent housing and gainful employment.

Through partnership with the City of Salem, other service providers, and an outpouring of engaged citizens, C@P is collaboratively working to expand shelter sites, with the goal of operating eight shelter sites and serving people in all eight wards in Salem.

Regarding recommended additional revisions to Ordinance Bill No 13-21: please consider allowing the location of managed temporary villages within the 500-year floodplain, and within the 100-year floodplain as approved under Chapter 601 of the Salem Revised Code. Also, please include language so that shelter units that are on wheels may be located on either a paved or unpaved surface.

Thank you for your consideration,

--
DJ Vincent
503.949.2124
Pastor & Founder
Church-at-the-Park.org

https://youtu.be/-lsG_2QulyQ

Being homeless begins with broken relationships. Church@thePark creates a table of love and acceptance for those who need it most.

From: noreply@cityofsalem.net on behalf of jennifer@firstcommercialoregon.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 9:33:46 AM
Attachments: [ATT00001.bin](#)

Your Name	Jennifer Martin
Your Email	jennifer@firstcommercialoregon.com
Your Phone	503.364.7400
Street	365 State Street
City	Salem
State	OR
Zip	97301
Message	<p>Mayor Bennett and esteemed Councilors, I respectfully encourage you to remove the elimination of the Property Boundary Verification process from the proposed UDC amendments. This will add unnecessary burden and "process" to development and redevelopment projects and provide no tangible or intangible benefit. The letter submitted by Mark Shipman provides a perfect example of where the Property Boundary Verification process works and is a proper and effective tool available. Another example of where this process is useful is when the city condemns or takes property for streets. When Mildred was extended between Commercial and Sunnyside, it bisected a family property. That family sold those properties a couple of years ago and the buyers of each of the properties were able to utilize the Property Boundary Verification process to establish their legal units of land following the city's taking. I would support keeping the Property Boundary Verification part of the UDC as is, but at a minimum, please consider remanding this element back to Planning Commission for further comment.</p>

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Cheryl Lolkema](#)
To: [CityRecorder](#)
Cc: [Selina Barnes GAD](#); [Ashleigh Fordham](#)
Subject: Property Boundary Verification - Proposed UDC Amendment
Date: Monday, December 6, 2021 12:37:36 PM
Attachments: [2021-12-06 Salem City Council PBV Letter.pdf](#)
Importance: High

Good Afternoon,

Please see the attached letter supporting to remove the elimination of the Property Boundary Verification process from the proposed UDC amendment.

Kind Regards,

Cheryl Lolkema

Administrative/Accounting Assistant

Mid-Valley Association of REALTORS®

www.midvalleyassn.realtor

payments@midvalleyassn.realtor

Mailing: PO Box 4114, Salem, OR 97302

Office: 2794 12th St SE, Salem, OR 97302

503.540.0081 ext. 101

The NATIONAL ASSOCIATION OF REALTORS® is an unrivaled advocate and resource in the real estate market for its members and their clients, and only members of NAR can call themselves REALTORS®.

Confidentiality Notice: This email communication from Cheryl Lolkema with Mid-Valley Association of REALTORS® and SAR Community Fund *dba:* Mid-Valley Association of REALTORS® Community Foundation may contain confidential and/or legally privileged information and is intended only for the use of the intended recipient(s). If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify Cheryl Lolkema by reply email, then delete the original message. Thank you.



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George Grabenhorst

December 6, 2021

VIA ELECTRONIC MAIL: cityrecorder@cityofsalem.net

Salem City Council
555 Liberty Street SE
Room 305
Salem, Oregon 97301

RE: UDC Amendment Removing Property Boundary Verification Process

Honorable City Councilors:

The Mid-Valley Association of REALTORS® supports the submission by Mark Shipman of Saalfeld Griggs and encourages the City Council to remove the elimination of the Property Boundary Verification process from the proposed UDC amendment.

The current Property Boundary Verification process is an effective tool for the development community to bring projects to market in a timely manner. The elimination of this process will have unintended consequences that will negatively impact the ability to develop properties.

We respectfully request that you remove this element from the proposed UDC revisions and remand it to the Planning Commission for further consideration.

Respectfully,

Ashleigh Fordham
President
Mid-Valley Association of REALTORS®

From: noreply@cityofsalem.net on behalf of mark@shermlaw.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 10:31:22 AM
Attachments: [ATT00001.bin](#)

Your Name	Mark Hoyt
Your Email	mark@shermlaw.com
Your Phone	5039311582
Street	693 Chemeketa Street NE
City	Salem
State	OR
Zip	97301
Message	I support the submission by Mark Shipman of Saalfeld Griggs and encourage council to remove the Property Boundary Verification process from the proposed UDC amendment and remand it to Planning Commission for further as this revision will have unintended consequences that will negatively impact the ability to develop properties

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Sean Malone](#)
To: [Bryce Bishop](#); [Amy Johnson](#); [Virginia Stapleton](#); [Tom Andersen](#); [Trevor Phillips](#); [Jackie Leung](#); [Jose Gonzalez](#); [Chris Hoy](#); [Vanessa Nordyke](#); [Jim Lewis](#); [Chuck Bennett](#); jmumper@toast.net
Subject: Testimony for Proposed Legislative Changes to SRC Chapter 530
Date: Monday, December 6, 2021 2:51:34 PM
Attachments: [Malone to Salem re amendments 12.6.21.pdf](#)

Mayor and City Councilors,

Please find attached testimony for the Proposed Legislative Changes to SRC Chapter 530 (Fairview Mixed-Use – FMU Zone), which are part of the legislative packet being considered at this evening’s city council hearing. Please read and consider the testimony, and I urge you not to adopt the changes to SRC Chapter 530. If they are adopted, a LUBA appeal will likely follow, just as it did in *Mumper v. City of Salem*, ___ Or LUBA ___ (LUBA No. 2019-106, Feb 24, 2020). Please add this testimony to the record.

Please respond indicating that the testimony has been received and will be placed into the record.

Thank you,

Sean Malone
Attorney at Law
259 E. 5th Ave, Ste 200-C
Eugene OR 97401
seanmalone8@hotmail.com
303-859-0403

Sean T. Malone

Attorney at Law

259 E. Fifth Ave.,
Suite 200-C
Eugene, OR 97401

Tel. (303) 859-0403
Fax (650) 471-7366
seanmalone8@hotmail.com

December 6, 2021

Via Email

City Council
City of Salem
555 Liberty St SE
Salem, OR 97301
bbishop@cityofsalem.net
ajohnson@cityofsalem.net
vstapleton@cityofsalem.net
tandersen@cityofsalem.net
tphillips@cityofsalem.net
jleung@cityofsalem.net
jgonzalez@cityofsalem.net
choy@cityofsalem.net
vnordyke@cityofsalem.net
jlewis@cityofsalem.net
cbennett@cityofsalem.net

Re: Jerry Mumper Testimony on Proposed Amendments to SRC Chapter 530 (Fairview Mixed-Use Zone)

Dear Mayor and City Councilors,

On behalf of Jerry Mumper, please accept the following testimony on the proposed Amendments to the SRC Chapter 530 (Fairview Mixed-Use – FMU Zone). The proposed amendments are internally inconsistent and inconsistent with the Fairview master plan. The proposed amendments are proposed clearly in response to the recent decision in *Mumper v. City of Salem*, ___ Or LUBA ___ (LUBA No. 2019-106, Feb. 24, 2020), in which the Land Use Board of Appeals (LUBA) reversed the City’s decision approving an application for a modification of refinement plan standards, a refinement plan, and the subdivision. The proposed amendments are intended to weaken the standards and criteria that were put in place many years ago.

The City Council is considering the following changes in its summary of the amendments:

“▪ Amendments update the FMU zone to further clarify the relationship between the Fairview plan and refinement plans. The amendments:

- ❖ Add language providing greater clarity regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- ❖ Revise approval criteria for refinement plans to specify which specific portions of the Fairview plan refinements plans must be found to be in conformance with.
- ❖ Clarify that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the Fairview Training Center Redevelopment Master Plan document.
- ❖ Clarify who has standing to initiate amendments to the Fairview plan and refinement plans.
- ❖ Clarify that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the standard).
- ❖ Add child day care home as a permitted use in the LI (Low-Intensity Residential) area of the zone in order to comply with State House Bill HB3109.
- ❖ Add managed temporary villages for the unsheltered and emergency shelters as permitted temporary uses within the zone.

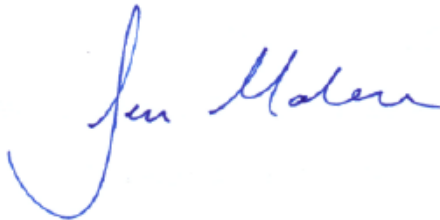
The proposed amendments limit criteria for refinement plan amendments. Instead of requiring consistency, the amendments proposed “substantial conformance,” a far lesser standard. The only rationale for doing this is to weaken the City’s criteria, which does a disservice to the original vision of the Fairview master plan and the Council’s constituency. The amendments relegate the master plan vision for development to a mere superfluity. The amendments deem “any plans or drawings depicting the layout of the development, including, but not limited to the location of streets, City utilities, paths/trails, open space, buildings, or specific uses” as “conceptual in nature and may be revised by the refinement plan[.]”

The proposed amendments are inconsistent with the requirements in SRC 530.030 that refinement plans further refine and implement the Fairview plan. If what is contained in the

Fairview plan is simply conceptual, then amendments to refinement plans would not actually be implementing or refining the Fairview masterplan. The Fairview master plan contains numerous diagrams that cannot be simply conceptual because the text of the plan specifically implements those diagrams. In other words, the City cannot say that the diagrams are conceptual without also affecting the text of the Fairview master plan.

The Planning Commission was wise enough not to recommend adopting these amendments and the City Council should also not adopt the proposed amendments. Adopting the amendments to SRC Chapter 530 (Fairview Mixed-Use – FMU Zone) will likely draw an appeal to the LUBA.

Sincerely,

A handwritten signature in blue ink that reads "Sean T. Malone". The signature is written in a cursive style with a large, sweeping initial "S".

Sean T. Malone
Attorney for Jerry Mumper

Cc:
Client

From: noreply@cityofsalem.net on behalf of jacob.moore80@yahoo.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, December 6, 2021 2:27:32 PM
Attachments: [ATT00001.bin](#)

Your Name	Jacob k Moore
Your Email	jacob.moore80@yahoo.com
Your Phone	5038714394
Street	2226 HYDE ST SE
City	SALEM
State	OR
Zip	973016639
Message	<p>I am writing public testimony for support of the changes to SRC 50.710 to include the keeping of quail and similar small birds. I originally provided testimony asking for this a few years ago and am excited to see the opportunity to expand the variety of birds to be considered by the city. These smaller birds require less space than chickens, as well as tighter coops that should limit access to feed by rodents and other pests. They are a great option for people to have more control over their food source, and due to their small size and impact they will be the best option for citizens while we continue to build density in Salem. We should pass all changes to SRC 50.710.</p>

This email was generated by the dynamic web forms contact us form on 12/6/2021.

From: [Mark D. Shipman](#)
To: [Bryce Bishop](#)
Cc: [Alan M. Sorem](#); [Margaret Gander-Vo](#); [Hannah F. Stevenson](#)
Subject: RE: UDC Amendments
Date: Friday, December 3, 2021 3:37:04 PM
Attachments: [image001.png](#)
[Salem City Council PBV Letter 4869-6481-2036 v.3.pdf](#)

Bryce,

Attached is a letter addressed to you/the Council with respect to the removal of the property boundary verification process from the UDC and the unintended consequences of such an action.

This is an important matter and one that I will be testifying to on Monday night.

Please forward to the Council for me, and don't hesitate to contact me with any questions.

Thank you,

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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From: Bryce Bishop <BBishop@cityofsalem.net>

Sent: Wednesday, November 10, 2021 7:56 AM

To: Mark D. Shipman <MShipman@SGLaw.com>

Subject: RE: UDC Amendments

Mark,

A link to the proposed amendments is provided below:

<https://salem.legistar.com/View.ashx?M=F&ID=9937983&GUID=AF6664D0-77D9-4D44-8F4B-81A5A3F94E74>

If you have any other questions, please let me know.

Thanks,
Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Mark D. Shipman <MShipman@SGLaw.com>

Sent: Wednesday, November 10, 2021 7:45 AM

To: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: UDC Amendments

Can you please send me a link to the proposed amendments.

Thanks,

Mark Shipman | Lawyer

Real Estate & Land Use

Saalfeld Griggs PC

(503) 399-1070

On Nov 10, 2021, at 7:16 AM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning Mark,

The amendments are scheduled for first reading on November 22nd and staff will be recommending a public hearing on December 6th.

If you have any other questions, please let me know.

Thanks,

Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Mark D. Shipman <MShipman@SGLaw.com>

Sent: Tuesday, November 9, 2021 4:37 PM

To: Bryce Bishop <BBishop@cityofsalem.net>

Cc: Margaret Gander-Vo <Margaret@SGLAW.com>; Hannah F. Stevenson <HStevenson@sglaw.com>

Subject: UDC Amendments

Bryce,

When are the UDC amendments proposed to go in front of the Council?

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group

<image001.png>

Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

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December 3, 2021

VIA ELECTRONIC MAIL: BBishop@cityofsalem.net

Salem City Council
c/o Bryce Bishop
555 Liberty Street SE, Room 305
Salem, Oregon 97301



RE: UDC Amendment Removing Property Boundary Verification Process

Honorable City Councilors:

This letter is in response to the proposed amendment to the UDC that removes the Property Boundary Verification process ("**PBV**") that is currently codified as Salem Revised Code (the "**Code**") Section 205.065. Our office is writing to you outside of any representational capacity to urge you to remand this portion of the proposed revision to Planning Commission for further discussion as we believe that this revision will have unintended consequences that will negatively impact the ability to develop properties within the City of Salem (the "**City**").

As set forth in the Code, the PBV allows a property owner that owns two contiguous lots to establish the exterior boundary line of the lots as the property line for building permit purposes, allowing development of the entire parcel as a single unit of land without requiring consolidation of the properties via the property line adjustment or replat processes. In our experience, this tool has allowed institutions that are attempting to expand on properties that they have held for extended periods of time or re-developing properties for needed development for our City while allowing avoiding the significant costs and delay associated with serial property line adjustment and replat processes.

A recent example of record is the PBV decision approved on July 14th of this year, which we have provided along with this letter for your reference. In this instance, the Planning Commission approved a PBV and Class 2 adjustment, reducing the internal property line setbacks to zero. This approval allowed the YMCA to construct a previously approved 34-unit multi-family development for veterans housing, increasing the City's inventory of affordable housing at a time when affordable housing is an acute need for our City.

The property at issue in this example is approximately .33 acres in size, however, there are five (5) historic parcels within that area. This property is located in downtown Salem, meaning that these parcels were created via the original plat. If the PBV process had not been available, the property owner would have been responsible for either a replat of the property or a series of property line adjustments. A replat requires the preparation of a tentative replat which must be reviewed and approved by the City Surveyor as well as reviewed and recorded by the County Surveyor. This process takes a significant period of time and often requires multiple revisions, especially for properties in heavily developed areas.

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

In instances where a replat is not an option (i.e., for properties not created via plat) the process would have required a serial PLA, consolidating four of the historic parcels, a statutory six (6) month waiting period, and then the filing of a final PLA, removing the final property line, all prior to the issuance of building permits.

Our City is already struggling with a lack of affordable housing. Removing a relatively cost effective and time efficient tool for developers that allows them to develop otherwise undevelopable properties seems short sighted. We respectfully request that you remove this element of the proposed revisions from consideration and remand it to the Planning Commission for further discussion.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310

MYG:mds



South Central **SCAN** *Association of Neighbors*
Salem, Oregon

To: City Council
From: SCAN
Subject: Testimony for December 6 Hearing

Date: December 1, 2021

South Central Association of Neighbors (SCAN) requests City Council require a minimum of one off-street parking space per dwelling unit for middle housing development, as originally recommended by staff. Middle housing will be allowed on any residential zoned lot. Single family dwellings require a minimum of one off-street parking space. Multifamily dwellings are proposed to require a minimum of one off-street parking space per dwelling. Middle housing should have the same minimum parking requirement.

To not require middle housing development to provide any off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

Adopted by the SCAN Board November 30, 2021

Thank you for your consideration.

Lorrie Walker, President
South Central Association of Neighbors

From: [Marissa Theve](#)
To: [CityRecorder](#)
Cc: [Virginia Stapleton](#)
Subject: written testimony for 12/6 City Council meeting
Date: Monday, December 6, 2021 3:05:41 PM

Greetings,

I am providing written testimony for the Monday December 6th 2021 City Council meeting with regards to the Proposed amendments to Salem Revised Code Title X.

I would like to point out that compromise is not always the correct response to differing opinions and that some land use policy does not lend itself well to halfways. Reducing parking minimums near transit is a great start but if Salem is truly dedicated to housing affordability, we need to remove parking mandates city-wide, as Bend and Portland have already done. We know from the over 200 other cities that have already initiated parking reform that this strategy works and will help lead us to a better, more equitable Salem (see the map linked below).

[Parking Mandates Map - Parking Reform Network](#)

Contrary to popular belief, the costs of required parking are not typically absorbed by developers. In 2014, [Donald Shoup estimated](#) that parking spots cost \$1,750 to build and \$400 to maintain annually, and that amount, if not itemized separately from rent (another great thing the city could do to help with housing affordability) gets passed directly on to renters. Off-street parking costs here in Salem are so great that the Downtown Advisory Board has repeatedly requested that the Council institute paid parking to adequately cover the costs and take the burden off of businesses. See their next agenda:

[downtown-advisory-board-agenda-2021-12-14.pdf \(cityofsalem.net\)](#)

“Over the last several years DAB has submitted a memorandum to the City Council regarding the challenges of the Downtown Parking Fund and their recommendation for implementation of a paid parking system...”

“For numerous years the Downtown Advisory Board has discussed the benefits of implementing an on-street paid parking system. Historical parking utilization studies have indicated that the demand for on-street parking in downtown has reached the capacity to implement a paid system on-street, while maintaining free customer parking in the downtown parkades.”

It's time for car-owners to pay for the benefits they receive. Altogether, paid downtown parking, removing parking requirements from new development, and the

denser housing that HB2001 allows (yay!), Salem will have a complemented system which makes it feasible for more folx to walk, scoot, roll, bike, jog, run, or of course take transit. Once again, I encourage each councilor to take the time to educate yourselves on all the negative repercussions minimum parking requirements have for growing cities like ours. Weigh those honestly against the minimal benefits car owners perceive: protecting public on-street parking for their own use. Removing parking minimums is the right thing to do for Our Salem now and Our Salem tomorrow.

Yours, a car and single family home owner in solidarity with those less privileged than I,

Marissa Theve

Gaines Street NE, 97301

Hyperlinks:

<https://parkingreform.org/resources/mandates-map/>

<https://www.vox.com/2014/6/27/5849280/why-free-parking-is-bad-for-everyone>

<https://www.cityofsalem.net/meetingdocs/downtown-advisory-board-agenda-2021-12-14.pdf>

--

Marissa Theve

Pronouns: she/her/hers

From: noreply@cityofsalem.net on behalf of mr0tt503@gmail.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Thursday, December 2, 2021 11:50:56 AM
Attachments: [ATT00001.bin](#)

Your Name	Zak Stone
Your Email	mr0tt503@gmail.com
Your Phone	5033029862
Street	1843 Boulder Ridge CT NW
City	Salem
State	OR
Zip	97304
Message	“I encourage city council to remove the elimination the Property Boundary Verification process from the proposed revisions of the UDC as it is an effective tool for the development community to bring projects to market in a timely manner without unnecessary process that adds time and money to the city’s process and the private sector.”

This email was generated by the dynamic web forms contact us form on 12/2/2021.

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: 2021 Unified Development Code Update testimony
Date: Monday, December 6, 2021 8:34:28 AM
Attachments: [UDC middle housing code changes 12621.pdf](#)

Please enter the attached testimony from East Lancaster Neighborhood Association (ELNA) into the public hearing record regarding the UDC update, item 4.a. on the December 6, 2021 City Council Agenda.

Susann Kaltwasser
Co-President, East Lancaster Neighborhood Association



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

December 6, 2021

To: Salem City Council
From: Susann Kaltwasser, co-president ELNA
RE: 2021 Unified Development Code Update (item 4.a.)

East Lancaster Neighborhood Association has discussed the proposed changes of Unified Development Code on several occasions. In summary the members support most of the Staff Report understanding that due to State legislation very little discretion is allowed by local governments.

ELNA strongly supports the revisions to the Tree Conservation rules. It would be good for the City to complete a full tree inventory of significant and heritage trees as well as Oregon White Oaks. There such be a strategy for how to prevent mass denuding of a property prior to an application for development. We understand that some properties might have remnants of old orchards or Christmas tree farms that are sometimes considered natural areas. But can be shown to not be native and purposely planted in order to be harvested. This kind of tree is not our main concern.

As to middle housing UDC changes ELNA may not like some elements, but we do accept some of the revisions. However, we do not support the elimination of all off-street parking minimum for middle housing as proposed by the Planning Commission. We feel that all housing should have a similar parking requirement of at least one off street parking space per dwelling unit.

We acknowledge that more parking can be provided, but to allow developers to have full discretion as to local needs is inviting problems that ELNA feels the City Council can wisely avoid. If a project truly cannot be built with the minimum parking requirement, the applicant can always apply for a variance to address a specific situation. But to make a no-onsite requirement citywide without recourse for city planning, seems unwise.

This parking requirement would then be the minimum across all density levels whether single, duplex, triplex, 4-plex or multifamily.

To not require new development to provide no off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

The second point that ELNA wishes to address is the fact that once these code changes got into effect and with the future zone changes in Our Salem there will be many projects that will be out right permitted uses that no longer will require public notice or any form of public hearing/ review process. If the developer has a project that meets the UDC codes they can just go to the PAC center and be issued a permit. The neighbors will have no notice prior to the bulldozers coming to do their work.

ELNA thinks this is going to create problems that while can't be totally avoided, might be softened somewhat by having the requirement to make a courtesy notice to at minimum the Neighborhood Association, but preferable to the neighbors. Currently an applicant must make contact with the NA prior to completing their application. This would be an extension of that process. And adjacent property owners might be included in at least a written notice. Through this process perhaps slight modifications can be made that could alleviate points of conflict.

Thank you for the consideration of the ELNA board in this matter.

From: [Cindy Kimball](#)
To: [CityRecorder](#)
Subject: Proposed changes to Tree Protection code SRC C 808
Date: Monday, December 13, 2021 11:11:42 AM

Dear members of the Salem Planning Commission,

Please protect our city trees by supporting the proposed changes to the Tree Protection Code - SRC C 808. Among the changes included is the need to preserve and increase the critical root zone of our large trees in order that they may survive the trauma of nearby construction done by careless developers. Large trees sequester carbon from our city air. According to the Environmental Protection Agency (July 2021), as much as 95 percent of all CO emissions in cities may come from motor vehicle exhaust. Salem is a car-centric city. Cars are a major contributor to our air pollution and the health consequences.

Trees also provide shade, improves our livability and overall health of our community.

Thank you for your time and consideration

Cindy Kimball

1260 21st St NE, Salem, OR 97301

From: [Susann Kaltwasser](#)
To: [CityRecorder](#)
Cc: [citycouncil](#)
Subject: 2021 Unified Development Code Update testimony
Date: Monday, December 6, 2021 8:34:28 AM
Attachments: [UDC middle housing code changes 12621.pdf](#)

Please enter the attached testimony from East Lancaster Neighborhood Association (ELNA) into the public hearing record regarding the UDC update, item 4.a. on the December 6, 2021 City Council Agenda.

Susann Kaltwasser
Co-President, East Lancaster Neighborhood Association



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

December 6, 2021

To: Salem City Council
From: Susann Kaltwasser, co-president ELNA
RE: 2021 Unified Development Code Update (item 4.a.)

East Lancaster Neighborhood Association has discussed the proposed changes of Unified Development Code on several occasions. In summary the members support most of the Staff Report understanding that due to State legislation very little discretion is allowed by local governments.

ELNA strongly supports the revisions to the Tree Conservation rules. It would be good for the City to complete a full tree inventory of significant and heritage trees as well as Oregon White Oaks. There such be a strategy for how to prevent mass denuding of a property prior to an application for development. We understand that some properties might have remnants of old orchards or Christmas tree farms that are sometimes considered natural areas. But can be shown to not be native and purposely planted in order to be harvested. This kind of tree is not our main concern.

As to middle housing UDC changes ELNA may not like some elements, but we do accept some of the revisions. However, we do not support the elimination of all off-street parking minimum for middle housing as proposed by the Planning Commission. We feel that all housing should have a similar parking requirement of at least one off street parking space per dwelling unit.

We acknowledge that more parking can be provided, but to allow developers to have full discretion as to local needs is inviting problems that ELNA feels the City Council can wisely avoid. If a project truly cannot be built with the minimum parking requirement, the applicant can always apply for a variance to address a specific situation. But to make a no-onsite requirement citywide without recourse for city planning, seems unwise.

This parking requirement would then be the minimum across all density levels whether single, duplex, triplex, 4-plex or multifamily.

To not require new development to provide no off-street parking is unfair to existing and future single family and multifamily residents. It shifts the demand for parking to the public right of way, which other residents, visitors, and delivery vehicles are already competing for. It is not reasonable to assume all residents in middle housing units will not have a vehicle. It could create animosity and resistance to greater housing density in existing single family zones.

The second point that ELNA wishes to address is the fact that once these code changes got into effect and with the future zone changes in Our Salem there will be many projects that will be out right permitted uses that no longer will require public notice or any form of public hearing/ review process. If the developer has a project that meets the UDC codes they can just go to the PAC center and be issued a permit. The neighbors will have no notice prior to the bulldozers coming to do their work.

ELNA thinks this is going to create problems that while can't be totally avoided, might be softened somewhat by having the requirement to make a courtesy notice to at minimum the Neighborhood Association, but preferable to the neighbors. Currently an applicant must make contact with the NA prior to completing their application. This would be an extension of that process. And adjacent property owners might be included in at least a written notice. Through this process perhaps slight modifications can be made that could alleviate points of conflict.

Thank you for the consideration of the ELNA board in this matter.

To: Salem City Council

From: Eric Olsen

Date: 12/10/21

I write to you in support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

As someone who has written two Refinement Plans and built the most single family homes in Fairview, I highly recommend that City Council move expeditiously to approve the changes to the zoning ordinance. Without these changes, the properties within the master planned area which are not currently approved with a refinement plan or ones that may need amending in the future, will likely become even more uncertain as to the development potential. I firmly believe, that looking back at all of the refinement plans to date, likely none would have withstood the rigid interpretation handed down by LUBA.

Uncertainty as to the parameters of what and how this 270 acres can be developed, by both City Staff and developers, leaves the future of this property in a state of unknown...which usually mean undeveloped. One important aspect necessary for the success of this development as envisioned by the City depends on build out of the entire master development. The mixed-use, diverse and sustainable aspects all depend on eventual connection of the parts. Unfortunately, without these staff recommended changes, such connection I believe is unlikely anytime in foreseeable future.

Thanks you,

Eric Olsen, PE

From: [Matt Harrell](#)
To: [Bryce Bishop](#); [citycouncil](#)
Cc: [Matt Harrell](#)
Subject: 2021 Unified Development Code (UDC) Updates - Specific to Ch.530 Fairview (FMU Zone) and Ch. 808 Trees
Date: Monday, December 13, 2021 1:00:50 PM
Attachments: [2021 Unified Development Code \(UDC\) Updates - Simpson Hills LLC 12.13.2021.pdf](#)

Dear Mayor, City Council Members, and Staff,

Please receive this email and enter this testimony for today's Hearing.

Thank you,

Matthew Harrell

Simpson Hills LLC

7509 S. 5th Street #101 – PMB #A801

Ridgefield, WA. 98642

matt.harrell@raptorfamily.com

NOTE THAT OUR ADDRESS HAS CHANGED

December 13th, 2021

To: City of Salem City Council

From: Simpson Hills LLC

Owner of 103 acres of land within Fairview plan (formerly the Fairview Training Center Site)
zoned as FMU.

Matt Harrell, Project Manager

We are writing to you to provide comments on proposed SRC changes and provide support of the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments.

SRC Chapter 530 -

Simpson Hills LLC is one of the largest single land owners within the Fairview FMU. We support the modifications recommended by City Staff for the Fairview Mixed Use Zoning Amendments. Without these modifications, development on the Simpson Hills LLC property will be severely affected in a negative way. There is proven success within Fairview for allowing Refinement Plans and their amending.

SRC Chapter 808 -

Simpson Hills LLC has some trees on the property owned. Our comments are limited at this time because we aren't in a development stage yet to determine the level of impact that may occur on our property due to the proposed Chapter 808 changes. We do know that the current SRC Chapter 808 currently works. We request that if there are increases in land development restrictions, affects upon property density calculations, impact to the developability and/or constructability to the affected lands that landowners be compensated for their economic losses.

We appreciate the ability to comment, thank you.

Matt Harrell, Project Manager

Simpson Hills LLC

7509 S. 5th Street #101 – PMB #A801

Ridgefield, WA. 98642

From: [Lucy Hitchcock](#)
To: [CityRecorder](#)
Subject: public comment for city council
Date: Monday, December 13, 2021 3:15:59 PM

In response to the public comments at last Monday's Council meeting on "stricter tree removal rules for developers," I want to speak up for the Urban Forest development goals in the Comp plan and the Unified Development Code Update, Chapter 808. We must preserve the well-established, wide-girthed trees we have in Salem while planting ever more. Increasing to 30 % the minimum preservation requirement must stand. Of course, developers want their projects to be easier and more lucrative. But saving the planet from any further warming must come first. Climate changes are, as reported by scientists, already not reversible. Carbon sequestration by trees is an important part and it is working now not some industrial solution that may come in ten plus years. Yes, urban density will help reduce the use of fossil fuels for transportation. But, if it comes by reducing green space, parks and other natural recreation, cooling, educational and beauty sites, the quality of life of Salem residents, human, floral and faunal will be reduced.

Children especially need to be able to walk in nature near their homes. I lived in an apartment complex of a hundred units on Wiltsey Road for a year. Other than a small pool open in summer, there was no place for the children who lived there to play outside, to plant a garden or watch a tree grow, and the birds and squirrels who inhabit it. Across the street, putting in another apartment complex, a whole row of huge Sequoias were cut down to be replaced a year later by a row of spindly street tree starts. They will never sequester what those Sequoias did. Yes, you could walk to Safeway, but young children could not walk to a park. I now live in a housing development where most of the houses have zero lot lines. Fortunately, it was designed leaving 30% green space so our children have places to play. That is not true of many of the housing developments and apartment complexes rapidly going up nearby in SE Salem. The possible loss of the Meyer Farm and its oak grove to a housing development instead of a park is another example.

If we do not cultivate gratitude and a love of nature and of the earth we have been given, strong enough to undertake self-rationing to drastically reduce energy use and consumption, we'd better retain and plant a million trees in Salem as other cities are now doing. Renewable fuels will not be enough to replace U.S. use of carbon-spewing fossil fuels. As we in Oregon know, time is running out on averting climate disasters.

Rev. Dr. Lucy Hitchcock, 1715 John Muir Circle SE, Salem, OR 97302
lucyhitchcock8140@gmail.com

From: [Kim Davis](#)
To: [CityRecorder](#)
Subject: Comments for 12.13.21 City Council Meeting
Date: Monday, December 13, 2021 11:19:37 AM

With regard to the Unified Development Code, I am writing to express my strong support for the proposed stricter tree removal rules. The science is clear. Trees play a big role in sequestering carbon and will contribute to the city meeting its climate action plan goals. Trees provide cooling benefits to communities (which leads to reduce electricity consumption) and help reduce the impacts of city heat deserts that have developed in their absence. Trees provide necessary oxygen and filtration to a community that has suffered too many poor air quality days (Vancouver-Portland-Salem is currently ranked #23 of the most polluted areas by the American Lung Association). Physical and mental health measures have been clearly linked to urban tree canopies and green space. Our local wildlife and migratory birds depend on tree habitat. Carbon is released, and fungal networks within our soils are disrupted when trees die or are uprooted.

'Replacement' of mature trees by saplings as is often proposed by developers fails to account for much of the above, or for the carbon emissions and water demands of newly planted trees, or of the immature tree's inability to sequester carbon for many years to come.

While the city grapples with its own growth, it is important to maintain a long term vision of livability. No city resident wants to see Salem become a concrete jungle. Developers unfortunately have short term profits as a necessary imperative. We can no longer allow expedience of building to be a primary interest when considering trees, and must begin to consider the long term effects of our actions.

Thank you for protecting what little is left.

Kim Davis
97306

From: [Laura Sauter](#)
To: [CityRecorder](#)
Subject: Tree ordinance
Date: Monday, December 13, 2021 11:02:51 AM

4.c. 21-563

I understand the builders' association is arguing that trees contribute to global warming. This is absolutely ludicrous! As any high school student knows, trees sequester carbon. Salem needs more trees not fewer!

Laura Sauter
1145 16 St NE
Salem

Sent from my iPhone

From: noreply@cityofsalem.net on behalf of corrineloomisdietz@gmail.com
To: [CityRecorder](#)
Subject: City meeting public comment
Date: Monday, December 13, 2021 11:12:48 AM
Attachments: [ATT00001.bin](#)

Your Name	Corrine Loomis-Dietz
Your Email	corrineloomisdietz@gmail.com
Your Phone	503 871-0025
Street	2010 Nebraska Ave Ne
City	Salem
State	OR
Zip	97301
Message	To Whom it may concern, I am writing in reference item 4.c. 21-563 . I oppose changes to this ordinance. The critical root zone should Not be removed from the ordinance! The variance in place for invasive species is practical . Please consider postponement of the decision of the agenda item: 4.c. 21-563 Until January, after the holidays.

This email was generated by the dynamic web forms contact us form on 12/13/2021.

From: [ron.rhodehamel](#)
To: [CityRecorder](#)
Subject: Comment for City Council Meeting 12/13/2021, proposed amendments to Unified Development Code
Date: Monday, December 13, 2021 3:14:36 PM

Regarding Agenda item 4c as it relates to increased protection of trees.

Reduction of minimum diameter of oak trees, and expansion of definition to include other types of trees, is a necessary step to prevent destruction activities.

Do not be overly influenced by opposition from profit minded developers, who support minimum rules and regulations.

I appreciate the opportunity to comment.

Ronald D. Rhodehamel

From: [Dan Atchison](#)
To: [Amy Johnson](#)
Subject: FW: UDC Update
Date: Monday, December 13, 2021 3:13:43 PM
Attachments: [image001.png](#)

From: Tom Andersen <TAndersen@cityofsalem.net>
Sent: Monday, December 13, 2021 12:25 PM
To: Dan Atchison <DAtchison@cityofsalem.net>
Subject: Fw: UDC Update

From: [REDACTED]
Sent: Monday, December 13, 2021 12:24 PM
To: Tom Andersen [REDACTED] >
Subject: Fwd: UDC Update

-----Original Message-----

From: Mark D. Shipman <MShipman@SGLaw.com>
To: [REDACTED] <[REDACTED]>
Sent: Mon, Dec 13, 2021 11:19 am
Subject: UDC Update

Tom,

I wanted to follow up, and thank you for your questions and comments on my request to keep the Property Boundary Verification (PBV) process in the Salem Revised Code (SRC).

We practitioners only have so many tools at our disposal when approaching different problems or challenges with our development applications. Not all properties are created equal or similar, and having different tools in the tool kit to meet the needs of our clients is important. Eliminating the PBV process is simply removing a valuable tool from the 'kit' that has been in the SRC for 30 years(?). While not appropriate for all applications, it is appropriate for some and to eliminate it and require applicants of all stripes to have to engage in more time consuming and costly professionals and processes at the city is not good public policy.

Thanks for your consideration in keeping the PBV provisions in the SRC.

Best,

Mark D. Shipman

Lawyer – Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.399.1070 | fax: 503.371.2927

[Email](#) | [Web](#) | [Bio](#) | [LinkedIn](#)

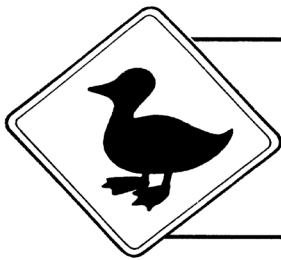
This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.

From: [Lynn Takata](#)
To: [CityRecorder](#); [citycouncil](#)
Subject: Written testimony for Agenda 4c 21-563; Proposed tree amendments
Date: Monday, December 13, 2021 12:59:40 PM
Attachments: [Agenda 4c 21-563 Proposed tree protection amendments.docx](#)

Attached please find written testimony from Northeast Neighbors (NEN) regarding Agenda item 4c 21-563 in support of the proposed tree amendments and protection plan.

Best,

Lynn Takata
NEN Chair
503-970-1319



NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemnen.org

December 13, 2021

To: Salem City Council
From: Northeast Neighbors (NEN)
Re: December 13, 2021, City Council Agenda Item 4c 21-563
Improved tree preservation and protection (SRC Chapter 808)

Northeast Neighbors (NEN) strongly supports the proposed improved tree preservation and protection plan as originally recommended by City staff. We recommend including protection of Douglas-firs (Oregon's state tree), and the Urban Forester's recommendation to exclude several invasive species from protection. NEN voted to support the proposed tree preservation ordinance with the above changes at our October 12 meeting.

As a community that values livability, Salem can protect our environment while providing much needed housing. These are not mutually exclusive goals. The many benefits of our urban tree canopy include sequestering carbon, cooling our neighborhoods, providing habitat, preventing crime, and increasing property values.

- Tree canopy is vital to keeping Salem livable in the coming years of extreme heat.
- The ordinance won't prevent efficient, compact development from happening in the city limits. There is plenty of flexibility in the proposed ordinance. Builders can preserve trees while still building the same number of units, especially if they build a mix of housing types on different lot sizes instead of the cookie cutter single-family home developments they have the habit of building. The middle housing code allows more housing types and Salem needs a diversity of housing types to meet the varying needs of its population. It is simply not true that tree preservation leads to fewer housing units. Builders have many options to maximize development with creative approaches.
- More mature trees in new development will help regulate stormwater runoff in areas with new paving, which saves the City government money and operations trouble; will help control high temperatures, which saves people money, protects their physical well-being, and reduces energy consumption; will provide habitat for wildlife; and will help improve people's mental health.

Thank you for your consideration for improving livability in the City of Salem.

Best,

NEN Chair Lynn Takata
NEN Land Use Co-Chair

From: [Marissa Theve](#)
To: [CityRecorder](#)
Subject: written testimony for the Monday December 13th 2021 City Council meeting
Date: Sunday, December 12, 2021 10:01:51 AM

Hello,

I would like to provide written testimony for the Monday December 13th 2021 City Council meeting with regards to the Unified Development Code updates to comply with HB2001 and other state laws, known as Our Salem.

Our city has a severe housing shortage which has resulted in extraordinary rental and home prices. The YIMBY (yes in my backyard) movement seeks to fight this effect by supporting denser development in cities, just as HB2001 allows. As I'm sure you're aware, there are lots of great side benefits to density such as walkability, increased tax revenue, lower greenhouse gas emissions, and reduction in sprawl. For these reasons, I am very excited to see Salem not only implementing HB2001, but also considering additional ways to allow density and walkability in Salem, including as part of our Climate Action Plan. Of course, many of these initiatives have been met with NIMBYism (no neighborhood hubs near me!) and misunderstanding (you're trying to take away my natural gas!). Change is hard, but we know it's also required, so I suggest we look to economists and studies from other cities, and zoom out to the larger picture, rather than focusing on every individual public comment. I believe you can adequately hear each of your constituents and find good outcomes for all without having to do exactly as each commenter suggests. There are limits to what public input is appropriate and what is not (everyone's an expert, right?), which is why it's important for council members to both listen to their constituents and do their own investigation on these topics between meetings. The most prevalent ideas are not always what is measurably correct. I'll start with some general thoughts about Salem's zoning and UDC.

- GENERAL HEAVY HANDEDNESS. We are overzoned. Just look at the complicated rainbow that is our proposed zoning map. Do we really need to separate "community service government" land uses from our mixed use? Why? Why separate our "employment center" from where people live? Some of the changes proposed, for example, adding a density minimums near transit, are heavy handed and unnecessary when following HB2001. *Allowing* density has benefits over *requiring* it such as neighborhood buy-in. The reason Salem isn't dense enough is because it was illegal, not because it wasn't required. In fact, there are already some multifamily and multi-use proposals in areas that were previously off limits due to restrictive zoning, probably in every Ward. Consider the 2016 change to allow ADUs- they're all over the place now because they are allowed. Another example people are worried about is where to allow neighborhood hubs. Wouldn't a less heavy-handed approach be just to allow hubs anywhere in residential zones so long as they are a certain distance from similar services (or not)? Is the worst case scenario that neighborhoods have too many services nearby?

Why do planners, commissions, counselors, and citizens feel like they need to micromanage how our city grows rather than allow needs to be filled organically? This approach has not worked well for the housing market, so why would it be appropriate for hubs? Sometimes flexibility is all we need to achieve the desired results from the bottom up.

- TRANSPARENCY. Additionally, simplifying the code for the layperson to understand is really important. For example, I have a non-conforming lot and I have no idea if I would be allowed to build a duplex after reading through the new code. It has taken me a LOT of effort to understand the little I do know about our code. Updating it to plain language in this process will reduce staff time in the long run. I suggest that the City also clearly define the goal of each UDC restriction that the city has discretion over (i.e. is not a requirement of state law). For example, what is the purpose of a setback? Is it to allow sunlight onto adjacent properties, limit density, add cost to development, allow stormwater infiltration, mandate landscaping, or something else? Code is not inherently “good or bad”, but it’s important to build the code based on goals for Salem, so we aren’t inventing goals to defend code after the fact. If the public does not know the intended consequences of the code, how are we supposed to comment on it? If the City does not measure the effects of the code (intended or otherwise), how do we know if it’s an effective strategy for meeting our goals? This is how blind spots form and why in the United States BIPOC folks are subject to a disproportionately low homeownership rate. In my opinion, updating the UDC language and explaining the reasoning behind it would be a very simple way to encourage transparency and trust, and decrease opportunities for pretext-driven extortion.
- PARKING. Speaking of pretext, there seems to be some acknowledgment that minimum parking requirements are an artificially required cost for home builders, but the proposed code is shortsighted in limiting that idea to mixed use zones and to within 0.25 mile of transit. Parking minimums should be eliminated city wide to encourage walkability and discourage sprawl. See my written testimony from last week for more on that.
- TREE PROTECTIONS: I appreciate the vigorous discussion last week concerning the proposed changes to the tree management restrictions. My perception of what are absolutely good intentions (saving trees) has happened with a little too narrow of a focus. I think saving a few trees in town with the proposed approach could possibly lead to many more trees destroyed outside of the urban growth boundary. Not only that but

the change in Salem's carbon budget from retaining a few large trees does not outweigh the [reduction in carbon emissions gained by allowing folks to live closer to their place of work](#) or city center. So, the central idea in question is whether or not the climate benefits of dense housing outweighs the climate cost of cutting down larger trees. Let's work it out:

If the loss of development closer to the city center led a single person to commute an additional 5 miles, the commute itself would require approximately 7 more gallons of gas, resulting in around 140 pounds of added carbon every day (source: EPA). A typical estimate for how much carbon a mature oak can sequester is 48 pounds per year. On the high end a healthy white oak might sequester as much as 140 pounds per year (source: USDA). Trees also reduce carbon emissions by providing shade, and thus reducing energy consumption in the summer. However, a flaw in this application is said family will not actually be living there if the root zone protections lead to stopping development. If families are able to replace driving with walking, the GHG reduction is much greater- and we can still require new trees to be planted after the site is developed. Much of Our Salem's strategy for reducing CO2 emissions is built on the idea of increased density, which the root zone protection policy is working against.

For example, Salem's own Climate Action Plan acknowledges that the majority (53%) of our GHG emissions come from transportation. I believe there are some more creative solutions, though less clearcut (pun intended) than blanketly stopping tree cutting on parcels within the Urban Growth Boundary. Some ideas are to require two trees be planted for every one that is cut, taxing home builders who cut more than a certain amount of trees and using the fund to restore parks (especially wetlands or prairies which can lock in much more carbon than a tree), or taxing vacant land to incentivize infill in already developed lots.

I believe allowing more folks to live in Salem, rather than outside our Urban Growth Boundary will result in a net lower tree mortality than encouraging sprawl. We should acknowledge that trees in a forest are not necessarily as healthy as city trees. I think our Valentine's Day ice storm helped illustrate that. Anecdotally,, many of the oaks I see around town are infected with mistletoe. If you were to balance the carbon budget, when trees die, and they all do eventually, they release the carbon they were storing. I do believe tree deaths will occur from climate change, so planting climate resilient species will remain important.

If we approach these ideas with scientific curiosity rather than tribalism, we'll come up with appropriate and defensible outcomes for our city. Thanks so much for your continued willingness to consider public comment and for all the effort that is being put into setting our city into the right direction.

Marissa Theve
Gaines Street NE 97301

Sources and links included:

The Pretext Problem: The Pitfalls of Planning While Bargaining

https://www.planetizen.com/features/113615-pretext-problem-pitfalls-planning-while-bargaining?utm_source=newswire&utm_medium=email&utm_campaign=news-06102021&mc_cid=f38551e8ae&mc_eid=qy1Fz591M0&fbclid=IwAR30AHZ8M88-BfB4BcktOTOAOMcVGbustV_UDX9cVCpyvsqTH4O0rsQnUQc

Transport Energy and Population Density

https://www.transformative-mobility.org/assets/publications/Transport-Energy-and-Population-Density_2021-09-08-072436_ozfa.pdf

EPA Greenhouse Gas Calculator

<https://www.epa.gov/energy/greenhouse-gases-equivalencies-calculator-calculations-and-references>

USDA Forest i-Tree Design Tool

<https://design.itreetools.org>

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Marissa Theve

Pronouns: she/her/hers

From: [Eric Olsen](#)
To: [citycouncil](#); [Mike Erdmann](#); [Natalie G. Janney, P.E.](#)
Subject: Tree Ordinance Testimony
Date: Monday, December 13, 2021 3:56:43 PM
Attachments: [PROPOSAL FROM WORKGROUP OF ENGINEERS Tree ordinance.pdf](#)

Good Evening Councilors.

At the last meeting that City Council reviewed the proposed STAFF amendments to the UDC, a number of us voiced concerns regarding the proposed tree ordinance as it relates to the real effect this will have on our ultimate ability to encourage density (important as we strive to reduce our carbon footprint).

To that end, the Mayor asked that we put together recommended changes to the proposed amendments. I hope you understand that this was a challenge to generate a thorough and comprehensive submittal given we had only one week to do so. But we have made a big effort to recommend modifications to those amendments which we think will move to mitigate many of our concerns.

Thanks so much and look forward to answering questions this evening.

Eric Olsen, PE

--

Eric Olsen
Olsen Design and Development, Inc.
PO Box 9
170 W. Main ST
Monmouth, Oregon 97361

PROPOSAL FROM AD HOC WORKGROUP OF ENGINEERS,
HOMEBUILDERS AND LOCAL BUILDING ASSOCIATION (Mark Grenz,
Natalie Janney, Mike Erdmann, Eric Olsen)

Summary: The Mayor asked a few citizens who spoke in opposition at the City Council against some amendments to **SRC Chapter 808 Tree Ordinance** to make recommendations for revisions that would address concerns. There are four primary modifications we would recommend. The recommendations are built on the following tenets:

- A. Assure trees slated for protection are indeed protected
- B. Increased density is an important aspect of the City's vision
- C. Curbing Carbon Dioxide emission is critical to our community...and world

Recommendation 1: Permit an arborist to be hired in lieu of utilizing the prescriptive critical root zone protection for non-significant trees which would be a detailed method for protecting the health of the tree.

Explanation: Many development codes are written to permit a Prescriptive Path in which one follows a set of guidelines to satisfy a regulation. Often there is an alternative to hire a professional to deviate from that standard (e.g. prescriptive path for brace wall panels in a home versus having the house lateral system engineered). In this case, we think having the option to hire a professional certified arborist would potentially offer a method preserve the health of the trees while also permitting a less "one-size-fits-all" standard. We have found numerous jurisdictions who have adopted the critical root zone requirement, but also permit an arborist to look at the specific trees and provide a better (or less conservative) tree preservation method. For instance, one jurisdiction describes their alternative method:

A biological CRZ area is determined by an arborist through analyzing tree characteristics, site factors, and anticipated construction impacts. In other words, the biological CRZ is defined as the area needed to preserve the roots necessary for the tree to survive

construction. For most trees growing in an open setting, the biological CRZ spans from the trunk to the edge of the canopy, or the “dripline.” For older trees, sensitive species, or trees growing in poor sites, the biological CRZ may actually be much larger than the dripline. Conversely, younger trees, resilient species or trees on good sites may have a biological CRZ smaller than their driplines.

Our very own Oregon State Extension Service writes:

Some tree species are more tolerant of damage and disturbance in the CRZ than others. A tree’s tolerance depends not only upon the species but also upon conditions present prior to and at the time of the damage. Tree health, age of the tree, soil aeration and moisture, the time of year the damage occurs, its severity, and the weather conditions prior to, during, and after the damage all contribute to the tree’s response. An experienced ISA certified arborist can analyze these variables and make specific recommendations to retain or recover a tree’s health and safety during and after the construction process.

Suggested Amendment: Section 808.046 add a(5) to read:

For non-significant trees a report from a certified arborist may be submitted as an alternative to procedures 1-4 above to protect the long term health and stability of the tree.

Recommendation 2: Specify clear and objective standards for the removal of significant trees which are within the development improvement area (e.g. streets, PUE’s, driveway approaches).

Current language states that no significant tree may be removed unless “there are no reasonable design alternatives that would enable preservation of such trees.” While we agree with this in theory—as we read it—from experience this becomes almost impossible to know specifically what is meant and how “no

reasonable” would be interpreted by staff. To remedy this, we suggest including affirmative language of what would be a “reasonable” justification for such removal. See proposed language.

Suggested Amendment: Amend Section 808.035 d (2) to read:

When a tree conservation plan proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree. Street right-of-ways, PUE’s, storm water easements, driveway approaches, and increasing density would be justification for removal.

Recommendation 3. Permit the additional removal of Significant Trees when designing subdivisions with a Solar Panel offset. (This would not be available to a single homeowner.)

As stated at Council, we believe that climate change is real and must be addressed at the local level. To that end, we are proposing an offset requirement that would allow in exchange for the removal of a significant tree, a corresponding deeded restriction which requires a particular property or properties to install a defined sized solar array. For instance, as an example tradeoff, we propose for every significant tree removed, at least one 3 KW system would be mandated on a lot in the subdivision when a home is built. This would help to balance the CO2 “cost” of such removal. Below is a outline of how one might calculate the CO2 cost and benefit of a 40 inch tree removal and 3KW solar array installation.

CO2 Calculation 3 KW System	CO2 Calculation	
Assume 40 inch diameter tree		
Sequestered	100,000 lbs	Assumes released to the environment--See Note 1
400 lbs per year (50 years)	20,000 lbs	Assumes tree going to live 50 more years
Cost of manufacturing KW System	12000 lbs	2.5-3 years

Total CO2 Cost	132000 lbs	
3 KW Solar Panel Savings	5500 lb/yr	Based on typical Oregon home
Carbon Offset Timeframe	24 Years	Life span of panels 25 years
Notes:		
1. Sustainable removal and sequestration (wood product, agricultural organic use) reduces this significantly		
2. Does not consider cost from loss of shading of removed trees but this is only applicable in trees placed in very specific location relative to home		
3. Does not consider effect on heat islands in urban environments		

Suggested Amendment: Amend Section 808.035 d (2) to read:

When a tree conservation plan proposes the removal of a significant tree, there are no reasonable design alternatives that would enable preservation of the tree with the exception of d (2) A. Street right-of-ways, PUE's, storm water easements, driveway approaches, other public improvements, and maximizing density would be justification for removal.

Add d (2) A to read:

A tree conservation plan may include a path to significant tree removal not otherwise exempted if a deeded requirement for installation of a 25 year 3KW Solar array per tree is part of the approval. Location of the solar array must be within 1000 ft of the removed tree and must consider solar orientation and potential shading.

Bryce Bishop

From: Joan Lloyd <jello879@gmail.com>
Sent: Monday, December 13, 2021 4:57 PM
To: CityRecorder
Subject: [SUSPECTED SPAM] Agenda item 4c21-563 in support of proposed tree amendments and protection

Salem City Council,

Regarding agenda item 4c21-563, I support the proposed tree amendments and protection plan. The city has approved increasing the tree canopy by planting more street trees. New trees are important but they won't have a canopy for 15 to 20 years; therefore the established trees need to be preserved. The City and State of Oregon recognize the need to lessen greenhouse gasses but the elimination of gasses that are present now and will exist even if fewer is aided by a healthy tree canopy which uses carbon dioxide to live.

Compaction of roots will kill a tree so the roots must be protected from heavy equipment moving over them. The developers and builders are intelligent and will find ways for construction without the destruction of trees.

I entreat you to save trees as is appropriate for a Tree City USA.

Joan Lloyd

Bryce Bishop

From: Kate King <orangepluff20@gmail.com>
Sent: Monday, December 13, 2021 12:09 PM
To: CityRecorder
Subject: [SUSPECTED SPAM] Public Comment RE: 4c 21-563

I support the tree preservation ordinance as originally proposed by staff (with protections in place for Douglas-firs). The builders who are proposing against this ordinance simply don't want to be creative when planning and building around mature trees that already exist.

We value mature trees! They are a beautiful and necessary part of our city.

More mature trees in new development will help regulate stormwater runoff in areas with lots of new paving, which saves the City government money and operations trouble; will help control high temperatures, which saves people money and reduces energy consumption; will provide habitat for wildlife; and will help improve people's mental health.

Finally, tree canopy is vital to keeping Salem livable in the coming years of extreme heat.

Thank you.

-Kate King

Bryce Bishop

From: NoReply on behalf of lainya@gmail.com
Sent: Tuesday, December 14, 2021 2:53 AM
To: CityRecorder
Subject: City meeting public comment
Attachments: ATT00001.bin

Your Name	LaLainya Kruger
Your Email	lainya@gmail.com
Your Phone	5039903120
Street	855 Thompson Ave. NE
City	Salem, OR
State	OR
Zip	97301
Message	Hello, My apologies for not attending the meeting. I had a work conflict. Pertaining to 21-563 - Please consider more input as we are in a climate crisis and must not let developers sway decisions to not protect trees. Developers have been building using the same building model for decades, dictated by the car industry to force people to have to use their cars. Thus forcing urban sprawl. Old growth trees sequester much more CO2 than new saplings. Plus they allow for much needed shade and cooling, plus moisture. We must not listen to developers any more. Majority care nothing about climate change. Our way of building has been and is one huge contributor to climate change. Tree / vegetation removal while covering with cement blacktop on a global scale is a huge contributor to our warming planet. Our ecosystem in the Northwest is very fragile. Therefore cost of destruction goes up exponentially. On a cost conservative point of view, it is vital to preserve as many trees as possible while planting more. They are the best/cheapest device we have at CO2 removal and sequester, not to mention the other cost /value benefits. Thank you for supporting our beautiful city and fighting to keep it that way. LaLainya Kruger

This email was generated by the dynamic web forms contact us form on 12/14/2021.

Bryce Bishop

From: Curt Arthur <curt.arthur@svn.com>
Sent: Wednesday, December 15, 2021 10:40 AM
To: citycouncil
Cc: Nick Williams; Heather Miller; Lisa Anderson-Ogilvie; Bryce Bishop
Subject: Fwd: CB Zone Storage Amendments
Attachments: Storage Code Amendment.pdf

Dear Mayor Bennett and City Councilors

You are set to hear the reading for the planned amendments to the Salem Revised Code, per the email below. Overall I want to thank City staff for the excellent work they have done but there is ONE change I would hope that you would consider.

As we are now encouraging and incentivizing developers to build residential dwelling units around the CBD, that has created a need for self-storage which I began addressing with city planners in 2020 when we had the JC Penney building on the market. To their credit they agreed and allowing self storage is within the code amendment but ONLY for basement and upper floors. I understand staffs reasoning - they want to keep ground floor for more viable commercial uses BUT in cases like the JCPenney building, or the former Statesman Journal building, these buildings are so deep I would like to propose a change that would state something like:

Self-storage shall be allowed on the first floor of buildings located in the Central Business District but only in the rear portion of said building reserving the first 50 feet of depth for pedestrian commercial uses such as retail and office.

This allowance echoes codes in many other west coast cities and allows more options for use to make these larger, older buildings in Downtown Salem economically viable once again. My thanks for your time.

Curt Arthur, SIOR | Managing Director
SVN National Office Product Council Chair
SVN | Commercial Advisors, LLC
1665 Liberty Street SE | Salem, OR 97302
Phone 503-588-0400 | Cell 503-559-7990
curt.arthur@svn.com | www.SVNCA.com
[LinkedIn](#) | [Twitter](#) | [Facebook](#)

 Collective **Strength**. Accelerated **Growth**.



Team Members:

Heather Miller, Administrative Assistant (Heather.Miller@svn.com)

Nick Williams, Advisor (Nick.Williams@svn.com)

[View the Oregon Initial Agency Disclosure Pamphlet](#)

----- Forwarded message -----

From: **Bryce Bishop** <BBishop@cityofsalem.net>

Date: Thu, Dec 9, 2021 at 3:07 PM

Subject: CB Zone Storage Amendments

To: Curt Arthur <curt.arthur@svn.com>

Curt,

Attached for your information is a copy of the proposed amendments allowing storage within existing buildings in the Downtown in the CB (Central Business District) zone, but outside the Downtown Historic District. The use is proposed to be allowed as a Special Use in the CB zone subject to the Special Use standards included under proposed **SRC 700.071**.

The December 6th City Council staff report can be viewed here:

<https://www.cityofsalem.net/CityDocuments/city-council-staff-report-udc-update-2021-12-06.pdf>

As I mentioned, the Council took public testimony at the 12/6 meeting and subsequently voted to continue the hearing until next Monday (12/13) to allow for the submission of additional public testimony and to provide additional time for the proposed amendments to be considered.

If you have any other questions, please let me know.

Thanks,

Bryce

Bryce Bishop

Planner III

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

From: [Jonah Kimmes](#)
To: [CityRecorder](#)
Subject: In Favor of Poultry Revision Proposal - Sec. 50.710
Date: Friday, December 17, 2021 2:23:29 PM

Good afternoon,

I'm writing this in support of the proposed change to Ordinance 13-21 Section 50.710 allowing for various poultry birds to be kept at residence properties within the Salem city limits; other than just ducks or chickens. I would utilize this by keeping pigeons or quail to be used for training my new puppy I'll be getting next year with the intention of training it for upland bird hunting. I would greatly appreciate this revision to the ordinance and am in strong support.

Thank you,

Jonah Kimmes

Bryce Bishop

From: Leigha Gaynair <leigaynair@gmail.com>
Sent: Tuesday, January 4, 2022 1:22 PM
To: Bryce Bishop
Subject: Citizen comment(s)- Leigh Gaynair Highland Neighborhood

Thank you for the opportunity to comment.

I support clarifying land use review, procedures, definitions, and standards.

I strongly support restricting the number of similar/same businesses within a certain range. We have an extraordinary number of used car and auto related businesses. I would like to see these restricted.

I do not support expanding or accepting urban farming of animals or insects. This is unregulated and novices are raising chickens (ABSOLUTELY NO TO ROOSTERS) as a hobby without training or oversight. The same with bees. Healthy bee environments should be supported and funded, not backyard hives. Most people have zero idea how to maintain a hive.

I also support lifting development of housing restrictions and businesses on Front Street. This is our most valuable real estate and it is completely underutilized. It should be sold to developers and developed into single and multi family and businesses with a connecting bike and pedestrian path to downtown. It is confusing why we do not even have one nice restaurant with a view of the river and this area is warehouses, pass through rail, and industrial mess for the most part. ABSOLUTELY essential that this area be developed and vitalized. If there is anyone willing to invest and do something please give them the green light!

No to adding more temporary housing for houseless in this described format. The laws have to change in tandem with services. And, these do not have to be in the central area of the city. The NE side of Salem carries the brunt of these services, shelters and so forth. If something like this goes up here, then one thing needs to go like apartments riddled with crime. Like the ones on Laurel Ave NE. There need to be dwelling (not just building) laws that hold tenants and landlords accountable and allow landlords to evict people not taking care of property and crime. And, landlords should have basic maintenance laws that are enforced. Large multi dwelling units (over six and only that many in pods) should not be in a neighborhood.

Last, the planning department and permit department need to be supported in the knowledge that they are a citizen service. Every attempt to help people improve their property should be taken and easy pathways for these improvements that are not costly and support the citizens should be paramount to the office.

Advocacy groups and city offices seem to have the loudest voices in these matters. Citizens are overwhelmed and tired of not being able to make a difference. I hear my neighbors' concerns all of the time. Advocacy groups are organized NGO's, not the voices of the citizens and tax payers. We want to help others, support the police AND make our neighborhood snice, safe and increase our property values.

Thank you.

Bryce Bishop

From: Sally White <sallysworms@gmail.com>
Sent: Tuesday, January 4, 2022 11:18 PM
To: Bryce Bishop
Subject: trees

SRC Chapter 808 ("Preservation" of Trees & Vegetation)

▪ Amendments:

- ❖ Expand definition of significant tree to include Oregon white oaks 20 inches or greater in dbh and any other tree with a dbh of 30 inches or greater, with the exception of Douglas firs. *In what way are Douglas firs exempted?*
- ❖ Exempt removal of City trees, as defined under SRC 86, and removal of "hazardous" trees, pursuant to an order issued by the City, from the requirement to obtain a tree removal permit. *What criteria is used to determine hazardous? Is proper pruning even considered prior to removal?*
- ❖ Eliminate exemptions for certain activities that do not currently require a tree removal permit and establish a new tree removal permit approval criterion for removal of significant trees in connection with construction of a multiple family, mixed-use, commercial, or industrial development. *Please clarify "certain activities"*
- ❖ Require tree conservation plans for land divisions for middle housing, in addition to single family uses and two uses. *Why not include tree conservation plans for all housing of any kind? Without including trees in multi-family housing, a dead zone/heat zone/calming zone not to mention low income sad zone is created. Trees are just as vital in these areas as they are in other areas of housing.*
- ❖ Require tree conservation plans to show the critical root zones of trees to allow for better review of tree conservation plans to determine whether proposed lots are buildable in conformance with the plan based on their size, configuration, and the location of existing trees. *Please require the most recent scientific information on tree root zone to be utilized and not something from the previous century. Please, as much as has been learned in the interim*
- ❖ Increase the minimum tree preservation requirement for tree conservation plans from 25 percent to 30 percent; *Please make sure that the largest trees are preserved over younger and much smaller trees.*
- ❖ Create new section establishing tree protection measures required during construction. *Again, based on the most recent scientific data on urban trees (not just forestry standards).*
- ❖ Reduce the minimum tree planting requirements for lots less than 4,000 square feet in size from a minimum of two trees to a minimum of one tree. *4000 sq ft is just shy of .10 acre - unless trying to build house big enough to fill to limits of property line, two trees will work. Why the reduction?*
- ❖ Provide for a two-to-one reduction in the amount of trees that are required to be planted on a lot for each significant tree preserved. *Written by a developer?*

❖ Modify replanting and restoration requirements associated with violations of the chapter. **Huh?**

I would appreciate clarifications of the above.

Thank you,
Sally A White

Bryce Bishop

From: Sue Leeson or Sam Hall <leeshall@msn.com>
Sent: Wednesday, January 5, 2022 1:35 PM
To: Bryce Bishop
Subject: Poultry in the city

Mr. Bishop:

Per the email to residents asking that comments be submitted to you, I wish to urge that more poultry not be allowed to be kept inside the city. In my neighborhood, poultry attract vermin that include rats and possums going after both the poultry and their eggs. Enough already!

Thank you.

Susan M. Leeson (she, her)
1795 Cottage NE
Salem, Oregon 97301

(503) 588-0535

Bryce Bishop

From: Charles and Charlotte Vollet <cevollet@q.com>
Sent: Thursday, January 6, 2022 2:32 PM
To: Bryce Bishop
Subject: Code Changes

I am submitting my opposition to the Code change regarding increasing the number of poultry to be raised on any property in the City of Salem. The Code currently allows for a maximum of 6 chickens to be raised on any residential lot. The change to the Code allows for an increase to 12 chickens to be raised per lot. My husband and I vehemently object to this change. The Code does not specify the size of residential lot. We live on a very small lot in a neighborhood with only 10 feet between houses, and the distance from our neighbor's coop is about 20 feet from the corner of our house. One of our neighbors has a coop with 4 chickens (it used to be 5) in it and the smell and flies from the chicken coop makes it extremely hard to enjoy the nice deck and patio we have built in our backyard. If they are allowed to have 12 chickens instead of 6 in the size of yard they have, it will be impossible for us to be in our backyard without it smelling like a barnyard or cooking and eating outside without being covered in flies. Please, please consider changing the Code to specify limits on the size of a backyard allowing more than 6 chickens. It makes sense to put limits on the number of poultry being kept in small backyards so that those homeowners who live on small lots (such as the elderly) do not have to put up with this nuisance. Those people who live on large lots have the ability to keep 12 poultry without impacting their neighbors. Our neighbor does not have that ability to keep more than 6 poultry, and I'm sure there are plenty of other people living in Salem that have small lots also and would be upset that their neighbor could double the amount of poultry they keep and destroy the comfort and enjoyment of their neighbors' backyards. This Code change is grossly unfair, prejudicial to those citizens with small lots with no recourse to change it, and only increases neighbors' animosity toward each other. Please either do not change the limit of poultry people can keep on their lot, or allow an increase in poultry only as the size of a person's lot increases. This would be fair to everyone.

Ted and Charlotte Vollet

Sent from [Mail](#) for Windows

Monday, January 10, 2022

Comments Regarding Proposed Code Amendments to the Unified Development Code

Most of the amendments the council is considering today are meant to clean up conflicting code and allow more flexibility for middle housing, shelters, and micro-agriculture. Aside from those however, there are a few other proposed amendments that will make development more difficult. In general, more flexibility and less review processes by the Planning Department will help generate the housing development we want and need.

Chapter 220.005.b.3.f states that any development that involves condition of approval must go through Class 3 Site Plan Review. This seems needlessly broad as many small and otherwise inconsequential developments will be forced to go through a lengthy and costly process. This should be revised to be more flexible as to not inhibit small business and other budget-constrained developments from otherwise making improvements.

The proposed amendments in **Chapter 524** are meant to simplify development in the North Downtown/Riverfront/Front Street area. However, these amendments include unnecessary architectural design standards meant for a historic district. These amendments will inhibit the very development we hope to see. Please consider removing the architectural design standards. They are unwarranted, subjective, and limiting. Alternatively, please consider adding flexibility to encourage investment in this blighted area.

Proposed amendments to **Table 806-9** increases required bike parking for multi-family housing to one stall per dwelling unit. This will reduce the amount of space on a site for housing. Most cyclists prefer to park their bike in their dwelling where it is out of the weather and not in a shared space where it can be stolen. This is unnecessarily cumbersome and will result in most multi-family housing developments asking for an exception. Consider modifying this requirement to allow flexibility.

Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aaron Terpening', written in a cursive style.

Aaron Terpening, AIA

Bryce Bishop

From: Ted Burney <burney.ted.tb@gmail.com>
Sent: Monday, January 10, 2022 9:17 AM
To: Bryce Bishop
Cc: John Lattimer
Subject: Comments on Unified Development Code

Dear Mr. Bishop,

After discussion with John Lattimer, the land use chair for the Southwest Association of Neighbors, we have the following comments regarding the proposed amendments to the Unified Development Code for Salem.

Sec.806.015

The reduction of required parking for a four family dwelling unit to “none” with no mention of proximity to bus line or downtown core.

This is in a chart on page 331 of 382 pages if you look at the page numbers on the scanned pdf lower right corner.

if you use google with all the city headers it is on page 344 of 395 pages.

It seems to us that a four family dwelling should have at least two off street parking spaces- maybe two spaces in a row in a narrow driveway.

It does not need to be a square parking lot which may be challenging to build when doing infill.

page 384 of 395

Sec. 807.015. Landscaping and screening.

(d) Tree replanting requirements.

In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

Why shouldn't these lots be required to plant trees?

There is also a provision dropping minimum replanting requirements for a 4,000 square foot or less lot from two trees to one. page 387 of 395.

These proposals should be reconsidered.

(2) Removal of trees from development site.

When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent.

Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Why are the trees that are removed for roads, utilities, sidewalks etc. not counted in the total percentage of trees removed? This should be reviewed.

SRC Chapter 808 Preservation of Trees and Vegetation Sec. 808.030. Tree and vegetation removal permits.

Exemption of City owned trees from the requirement of a tree removal permit. page 388 of 395 Section 2. C.

We know this is primarily about danger and hazard trees or trees in the way of utility or roadway improvements. We support the elimination of permits required for the elimination of safety hazards. However, it may create a permit exemption for other removal reasons. This amendment as proposed precludes the public right to know about city owned tree removal and eliminates public opportunity to examine and propose alternatives to tree removal for roads, utilities and development.

Thank you for your consideration,

Ted Burney
851 Ewald Ave. S.
Salem, Oregon 97302

Bryce Bishop

From: D K CROOK <DKS222@msn.com>
Sent: Monday, January 10, 2022 9:57 AM
To: Bryce Bishop
Subject: Unified Development Code update - minimum required off-street parking

To the Salem City Council:

I oppose Proposed changes to Section 806.015, (aka Table 806-1)

This proposal appears to **_eliminate_** minimum off-street parking for most residential construction of one-, two-, three-, four- family homes, plus cottages.

This proposal would negatively affect city infrastructure and traffic, and shift the cost burden from private developers to the public.

Off-street parking **_should_** be required for new, in-fill, or converted residential development of all densities.

Proposed elimination of off-street parking requirement does the following:

- Shifts residential parking to public streets,
- adds to traffic congestion,
- affects emergency services, and
- erases the developer's responsibility to provide necessary supporting infrastructure.

Mr. D. K. Crook
1698 ILER St S,
Salem

Bryce Bishop

From: JOHN DOKE <jldoke@prodigy.net>
Sent: Monday, January 10, 2022 10:55 AM
To: Bryce Bishop; jllewis@cityofsalem.net
Cc: Chuck Bennett
Subject: Response: 2021 Unified Development Code (UDC) Proposed Updates

Bryce and Councilman Lewis,

Thank-you for the opportunity to respond to the proposed changes,

Chapter 50 - Sec. 50.710 Keeping of poultry, is an attack on single family home owners that pay very high property taxes that choose to **NOT** have livestock near their home. Otherwise, many of us would move to rural areas where property taxes are lower.

Chapter 95 (Miscellaneous Offenses) - Sec. 95.240. Unlawful keeping of miniature swine (pigs) being stricken. So are pigs now allowed in City limits?

Poultry along with pigs **DO NOT** belong in single family neighborhoods. These animals are hazardous to neighbors through disease, pet cats and dogs and the lack of clear standards and real City enforcement of codes and rules. Livestock in our suburban neighborhoods is not unifying.

There are many Chicken coops that are currently out of compliance by being too close to owners and neighboring properties and fences and poultry is allowed to wonder the full yard. (A beloved neighborhood pet cat was shot by bb gun, in the neighborhood, (one (1) house has chickens nearby) we suspect the chicken owners, but that is neighborhood opinion only).

Who in their right mind thinks Pigs are necessary, in our suburban neighborhoods? What's next cows, goats, sheep, horses? I brought this very issue up at original Chickens in the City hearings back in 2008/2009, and was ignored and here we are, EIEIO, livestock could end up next door to you!.. Sorry to say, I will be ignored this time too.

There is nothing about other Male poultry species, in the SRCs, other than Roosters in the definitions? Twelve (12) Poultry (Chickens, Ducks, Geese, Turkeys) on a lot under 10, 000 sqft creates a nuisance through noise and filth. Codes are not clear on These animals waste disposal. I suppose neighbors will be their own first responders. Not unifying again.

Location – “may be kept at **any**” residence is horrible for our community. Does this include, apartments, town homes, condos, trailer parks, motor homes, duplexes, triplexes, quadplexes, and cottage clusters? With up to 12 birds, you can just see the unity, right?

Nothing in the SRC mentions that “commercial poultry operation” IS NOT allowed in any Locations.

This is a very bad change as written. It is not clear and none of the proposed changes are ‘unifying’.

Remember, No is an answer like Yes. Homeowner/ property tax payers **MUST** be protected, who wants to live in a filthy livestock single family home neighborhoods in and already over crowded city of West Salem any city.

Request changes be made as follows:

1. Define Male poultry in other species, and restrict the Males of other species, otherwise these locations become farms;
2. Only 6 chickens allowed NOT 12 chickens (it's a farm with 12);
3. Location is residence and commercial lots over 7500 sq ft;
4. ADD: No "commercial poultry operation" selling of eggs, meat or chicks and chickens is Allowed in neighborhoods (people can sell eggs at Saturday/city markets):
5. NO swine (pigs) allowed in city;
6. Increase of Property Taxes assessed for "poultry and pig" owners, lower property taxes for homeowners affected by the livestock allowed. (Many homeowners will lose value of the homes)
7. Define how meat is harvested on all Poultry and pigs (if allowed) how waste, including and not limited to hazardous waste, is disposed of, i.e., poop, carcass, nesting and coop materials.

All SRCs seriously do not consider or include people that do not want livestock in their neighborhoods and deserve safety and cleanliness for their property taxes. This **is not** unity.

esperate

Without a commuter bridge in and out of West Salem, Salem City Council is putting people that reside in West Salem in danger and are negligent in their duty to protect us. West Salem does not need a behemoth expressway, West Salem is not Portland.

West Salem is in desperate need of a 2-lane commuter bridge from Keizer to north West Salem. One (1) bridge into West Salem is a waste of fuel, electric, commuter time trying to cross one (1) old bridge, not to mention increases pricing if deliveries are brought into West Salem. Also what will happen when current old bridge needs real serious repairs? Just how old is current bridge? Impaired deliveries and transporting of food, fuel, construction vehicles, farms vehicles, child care, ambulance accessibility, etc. Tax investment must be made to keep West Salem residents safe and green.. We will never vote for new construction until a new commuter Bridge is in the plan.

Multifamily residences DO NOT belong in existing single family home neighborhoods. People who purchased these homes in the last 50 years did not buy them because bus stations, commercial businesses, halfway houses, foster facilities, apartments, condos, townhouses, duplexes, triplexes, quadplexes, and cottage clusters would be built next door. Building the mentioned buildings will increase services and reduce safety in the West Salem neighborhoods in which property owners pay very high property taxes to preserve our neighborhood, based on the laws and rules, at the time we purchased our homes. Property owners are losing the sales ability and value of their homes in West Salem. If the multifamily units and homeless camps are allowed in existing neighborhoods property taxes need to be increased for those units and current property taxes for single family residence homeowners need to be relieved of the additional tax burden. Who voted for this over crowding?

Again, a commuter Bridge **is required** for West Salem residents, as new businesses, more buses, townhouses, duplexes, triplexes, quadplexes, cottage clusters people and cars grow in West Salem, people will be faced with gridlock as the current roads **DO NOT** support the growth proposed. Many people drive through neighborhoods to avoid Wallace Rd. which is not safe for many pedestrians , including and not limited to children and dogs, walking in the neighborhoods,

Again, this IS NOT UNITY it's survival! Due to the continued overcrowding that the additional multi-family units, busing areas, electric chargers, neighborhood shopping centers will bring, that is approved by Salem City Council, without an additional bridge in West Salem residents safety is put at risk, and it will become to expensive to live in West Salem.

Respectfully,

John and Lori Doke

511 Tower Dr. NW/Salem. OR 97304



NEN

NORTHEAST NEIGHBORS
555 Liberty Street SE, Rm 305
Salem, OREGON 97301

(503) 588-6207
www.salemnen.org

January 10, 2022

To: Salem City Council
From: Northeast Neighbors (NEN)
Re: Testimony for Continued Public Hearing, December 13, 2021, City Council Agenda Item 4c 21-563
Improved tree preservation and protection (SRC Chapter 808)

Northeast Neighbors Neighborhood Association (NEN) supports the City's efforts to improve Salem's tree protection ordinance (Salem Revised Code Chapter 808) as originally proposed by City staff. The NEN board voted to support the proposed amendments, including protection for Douglas-firs, at our October 12 meeting. NEN then followed up that vote by submitting written and verbal testimony in support of the amendments at City Council's meeting on December 13, 2021. NEN continues to strongly support City staff's original proposed amendments to SRC Chapter 808.

Trees make our city more beautiful and livable; they reduce traffic noise, regulate temperature, make shade, absorb stormwater (saving the city money), provide wildlife habitat, improve people's mental health, and help combat climate change. Simply put, without a healthy, mature tree canopy Salem will be a miserable place to live. Established neighborhoods like NEN continue to lose many of the large healthy trees that contribute so much to our well-being, including century-plus-old Douglas-firs. Despite their health and incredible importance to the whole community, these trees get cut down because Salem's code is not strong enough to protect them; the proposed amendments to Chapter 808 can fix that and help protect our quality of life.

The City Council has heard arguments that you must choose between housing or trees. You have seen the proposed regulations applied as a test to site plans that were designed following the current rules, which is a misleading exercise. A more accurate test would be to have someone who understands the importance of both trees and housing design a sample site plan under the proposed regulations. With that goal in mind, the site plan would look very different. A creative layout would take advantage of Oregon's new middle housing rules, which greatly increase the flexibility of number of units and site design, in order to provide more housing units and more housing type variety, all while preserving Salem's valuable tree canopy.

NEN does not believe that the proposed amendments would pose a barrier to development in Salem. Indeed, we desperately need higher density development in central areas near commercial cores/nodes and transportation corridors. These areas are typically bereft of trees, except for some street trees. Furthermore, the 30 inch diameter at breast height (dbh) threshold for a significant tree (20 in. for Oregon white oaks) is not a high bar. For example, The City of Wilsonville requires a permit to remove any tree over 6 inch dbh. Wilsonville can hardly be called unfriendly to development; indeed, the city is known both for its robust tree protection and high percentage of multi-family housing as well as its industrial and commercial developments.

In addition to protecting more trees from being cut down, the proposed amendments also recognize the importance of protecting trees' roots from damage during construction. If the soil and roots aren't protected, trees are condemned to die a slow death and then often aren't replaced. The proposal would protect the critical root zone to a radius of one foot for every inch dbh, which means that a tree of 30 in. dbh would have 30 ft. of its root zone protected. The Tree Care Industry Association stipulates that the protected area for the critical root zone be between 6 and 18 times the tree's dbh (ANSI A300 55.1.3), depending on the circumstances. This ANSI A300 standard would protect between 15 ft. and 45 ft. for a 30 in. dbh tree. So, staff's recommendation is a reasonable clear and objective middle ground. When warranted, exceptions to the critical root zone protection standard can be obtained through either the Tree Conservation Plan Adjustment (SRC Sec. 808.040) process or through a Tree Variance (SRC Sec. 808.045). Any deviations to the standard must be approved by Salem's Urban Forester, not by private consultants, whose impartiality cannot be guaranteed.

It has been suggested that it should be acceptable to cut trees during development in exchange for installing solar panels. Solar panels are a low-carbon energy source and will be crucial to helping Salem meet its greenhouse gas emission reduction goals, but they are not the equivalent of trees, and their benefits are not comparable. Trees provide such a wide range of triple-bottom-line benefits that they are "essential contributors to virtually every measure of public well-being" (Sustainable Urban Forests Coalition: <https://sufc.org>). Salem already has vast acreages of sun-exposed rooftops and surface parking lots available for solar panels. We do not need to sacrifice trees for solar panels; we can have both.

In sum, NEN urges the City Council to pass the original proposed amendments to SRC Chapter 808 including the protection of Douglas firs. The amendments are needed and reasonable:

- There is currently no protection for the vast majority of Salem's tree canopy.
- Tree canopy is vital to the health, safety, welfare, environment, scenic beauty, and aesthetic qualities of Salem and its residents (Unified Development Code purpose: Sec. 110.010).
- The proposed standards seek a clear and objective middle ground based on accepted industry standards.
- The code provides for unique situations through adjustment and variance processes.

NEN urges each of you, individually and as a Council, to do everything you can to help preserve the tree canopy that Salem has, and also work to improve it. These proposed tree code amendments are an important first step.

Sincerely,

On behalf of the NEN Board,

Lynn Takata, NEN Chair
Laura Buhl, NEN Land Use Co-Chair

January 10, 2022

Bryce Bishop, Planner III
City of Salem Community Development Department
555 Liberty St SE Room 305
Salem, OR 97301

RE: Comments for 2021 UDC Update

Mr. Bishop,

After reading through the proposed amendments, I have some comments that I hope you will consider and address as you begin updates to the development code. In general, I feel that these proposed code updates are all made with good intent, meant to encourage density, liveability, and the beautification of our city. However, I feel that some of them may have direct consequences that may actually discourage the intended results from happening.

Chapter 220.005.b.3.f may be the most negative of the code updates in my opinion, stating that ANY development that involves a condition of approval must go through Class 3 Site Plan Review. For a developer or a larger new project in town, this Class 3 Review is probably expected and accounted for in a project budget, but for a small business owner who is looking to make improvements to their space, any minor change that does not quite meet development standards would require this Class 3 review, a lengthy and costly process that could very negatively hurt a business, or dissuade them from making a positive change altogether. The language here is just too broad and too far-reaching, disproportionately affecting smaller businesses and making the path to beautifying spaces much more arduous and difficult.

The design standards shown in Section 524 inhibit the creative potential of the Front Street area. These standards depict a more historic design standard, and even contradict some of the examples shown in the section (for instance, neither of the precedent images in Figure 524-3 clearly show a horizontal change in color, material, or molding/transition piece) to designate the "bottom" from the "middle"). This may be one of the more exciting areas of Salem to be developed, and pigeonholing it to match the more historic character of downtown would be a giant mistake. This district should maintain flexible design standards in order to make it a unique and new area of Salem that can become a destination.

Table 806-9 changes the required bike parking to one stall per dwelling unit in the CSDP, which in larger developments can become an amount that can directly harm the amount of space for housing, or perhaps most importantly, open space that is desired in these code updates. As an avid bike rider, I fear my bike getting stolen if I leave it at a bike staple for longer than an hour or two, and when I lived in an apartment I opted to bring my bike inside for security. Multiple family living outside the CSDP seems to have a more modest bike parking requirement. I understand the intent of promoting multi-modal transportation in this denser area, but making it 10x the amount of other zones seems excessive. Maybe 2 or 3x as much?

Thank you for your time and consideration as the City looks to incorporate these updates. I ask that you would be very diligent in writing amendments that encourage creative solutions without the need for long, tedious review processes.

Regards,

Daniel Roth, AIA

January 10, 2022

To: City of Salem
Community Development, Planning Division

Re: Comments to Proposed 2021 Unified Development Code (UDC) Update

The following are comments or concerns I have to certain proposed UDC amendments that I would like City Staff and the City Council to take into consideration as part of their deliberations when considering code amendments:

702 – Multiple Family Development Standards

Consider eliminating the requirement of private open space for multi-family development proposals located in zones where 0' setback to property lines is the standard as the standard cannot be met without providing recessed balconies which reduces the unit size, creates water intrusion risks and increases to development costs as Public Works will no longer issue ROW encroachment permits for decks that previously would have satisfied the private open space requirement.

806 – Off-Street Parking

Reconsider increasing the minimum bicycle parking requirement for multi-family developments within the CSDP area or within a quarter mile of a Core Network transit route to one space per unit, as this puts unnecessary bicycle parking requirements on multi-family developments that are on most likely proposed on lots smaller infill lots where development area is limited. There is no evidence that this increases is warranted or needed.

807 – Landscaping and Screening

Consider eliminating the “new” requirement for a landscaping plan for properties requiring site plan review when not building permits are required. These site plan reviews are limited to Class 1 site plan reviews which expressly exempt properties where “no exterior improvements” including landscaping are required (SRC 220.005.f.1.C). This will put the burden of landscape and screening requirements on existing properties that may not be able to accommodate landscaping therefore forcing a more involved land use review procedure that could negatively impact a property owner’s ability to secure tenants for vacant properties.

Thank you for the opportunity to provide comments.

Sincerely,

Gretchen Stone



CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

January 10, 2022

Mayor Bennett and Councilors,

I have appreciated the opportunity to share my professional opinions on the revisions proposed to the UDC tree code over the last couple of months. I know this is an area of the code that many on the council have passionate opinions about. Over my last two testimonies, I have raised concerns regarding the impact of the proposed code on future development in Salem, particularly with respect to density.

Some of the development community have met with City Staff to discuss possible concerns and code revisions. I believe the proposed changes we have worked with staff are a good compromise, providing some clear and objective language and opportunities for flexibility, while making it clear that there will be more of an emphasis on preserving trees during the development process. Providing clear language that trees will be permitted to be removed for necessary elements of construction such as street connections/frontage improvements, utilities, grading and meeting accessibility requirements (both in public and private improvements) is very appreciated.

However, some clear and objective language needs to be provided to allow for density to be addressed as well. During my testimony on December 13th, I used an example of a completed subdivision in Salem, showing the impacts of the new standards on the subdivision. I was asked if middle housing could have been used to offset the lots that would be lost to tree preservation. While in theory, adding middle housing does let you recoup the lost unit, it will still impact affordability and viability of a project.

Using the same example I spoke from at the last hearing (see attached), street connections are required to the property to the north as well as to the existing street to the east. These extensions also require underground utilities in addition to the road surface for future development. Normally these costs are distributed to all the lots in the subdivision. But if the lot's development potential is lost, those costs are allocated to the remaining lots. In the case of the example subdivision, the development costs were approximately \$62,000 per lot for the 20 lots. If 6 lots are lost because of trees (Lots 4, 7, 8, 9, 11, and 12), the cost per lot increases to \$88,500 per lot. This conflicts with the goals of House Bill 2001 which "aims to provide Oregonians with more housing choices, especially housing choices more people can afford."

This change in costs does not include land costs or the potential loss from the revenue for the lot. While adding middle housing might result in a duplex rather than a single-family home (which has the potential

to sell for a little more), it won't result in a sale price that is double two single-family homes. The lots will need to cost more to offset recouping land costs as well. Please note, the increased sale price for a duplex wouldn't be seen by a developer that sells lots to builders.

The fear is that middle housing will be used as the "reasonable alternative" standard and that loss of density will never be a consideration for removing a significant tree/falling below the 30% retention. But losing half of the potential lots and doing 100% middle housing does not result in a one-to-one trade. It would actually result in lots that cost twice as much to build because the amount of infrastructure is not all driven by the number of lots.

For this reason, I believe that there should be a provision in the clear and objective criteria for Tree Conservation Plans that accounts for density. The Our Salem plan will bring a minimum density requirement for the City of Salem. It seems reasonable not being able to meet the minimum density with the required 15% density would be a good criteria to allow for tree removal, that would result in the removal of significant trees or allow the retention requirements to drop below the 30% minimum.

It has been mentioned that discussion regarding density are a challenge because the City of Salem doesn't currently have a minimum density and putting language in the tree code wouldn't necessarily be consistent until after the Our Salem plan is adopted and that any language should be added after the Our Salem plan is adopted. However, I believe that the minimum density language needs to be added into the UDC language now, rather than later. We were given a similar promise regarding the Stormwater standards when they were adopted in 2014, that an annual review would be done to address any problems. We still haven't had our first annual review and it's 8 years later.

Including the clear and objective language regarding density within the code provides assurance that we will be able to balance density and tree preservation while keeping housing affordability in view.

Thank you for your consideration on this issue.

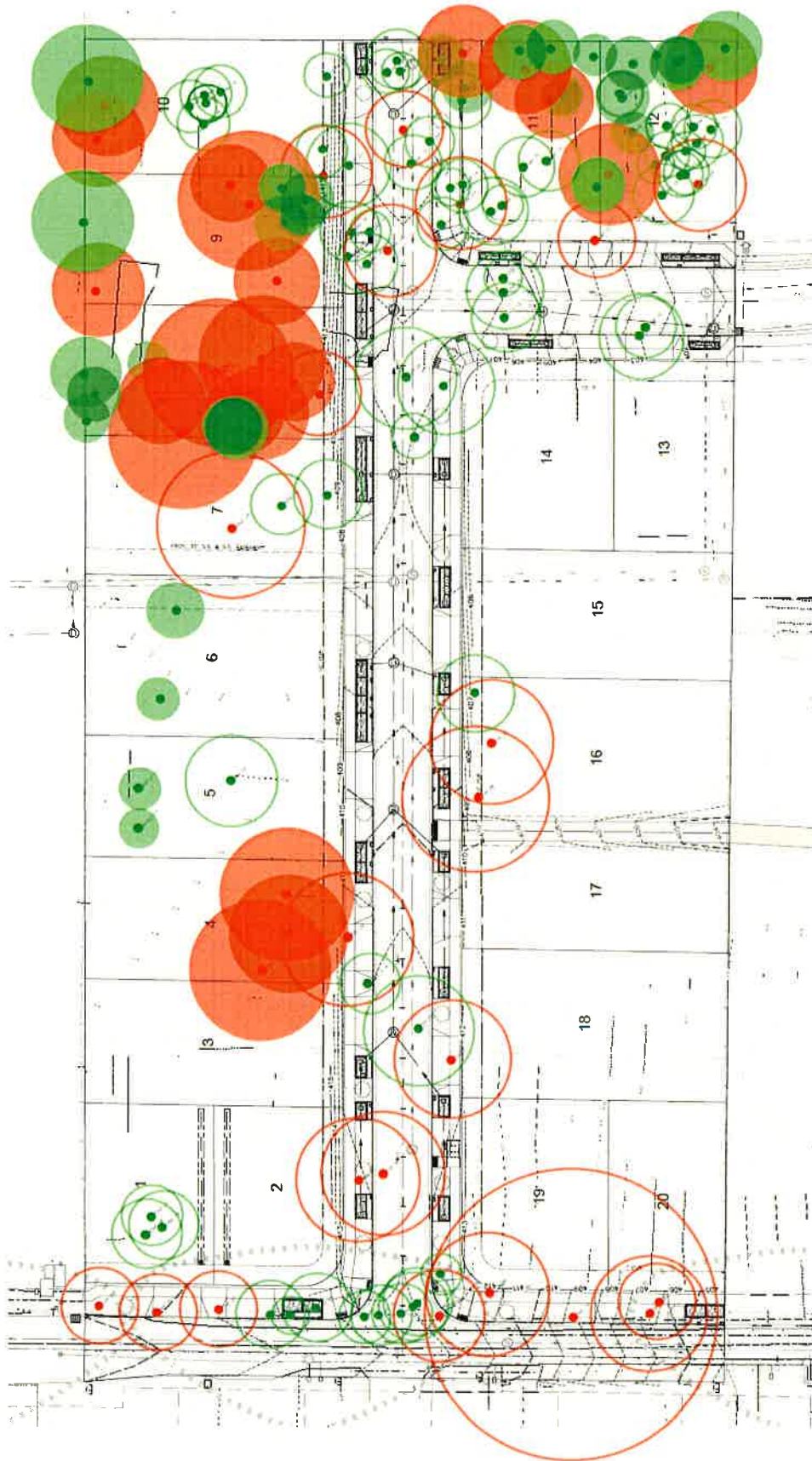
Sincerely,



Natalie Janney, P.E.



Renew date: 6.30.2023



CONNOLLY & MALSTROM

LAWYERS

Paul R.J. Connolly, Founder (Retired)
Tyler P. Malstrom, Managing Partner
Rebecca E. Russell, Attorney

January 10, 2022

Staff:
Shauna Purcell
Jackie Hanson

Via Email Only
Salem City Council
cityrecorder@cityofsalem.net

Re: Amendments to the City's Unified Development Code (UDC)

Dear Members of the City Council:

This law firm represents IN Self Storage 12, LLC (IN Self Storage), owner of property located at 300 Musgrave Ave NW, Salem, OR 97304 (the Property), which is adjacent to Wallace Marine Park (the Park). IN Self Storage operates a storage facility at the Property.

The City of Salem allowed homeless people to reside at the Park during a large portion of the COVID-19 pandemic. We have been informed that the allowance for camping was rescinded on May 24, 2021, but that recent legislation and caselaw have made it difficult for the city to enforce the restrictions on camping. The practical result is that the camping continues to the detriment of IN Self Storage.

Prior to the Park becoming an overnight campground for homeless people, IN Self Storage experienced perhaps one criminal incident per year at its Property. It is now dealing with approximately five or six break-ins per week.

Since IN Self Storage began tracking incidents in June of last year, property was stolen from RVs during break-ins on the following dates:

6/13/21	9/28/21	11/6/21
7/17/21	10/13/21	11/9/21
8/31/21	10/16/21	12/2/21
9/14/21	10/26/21	12/11/21

IN Self Storage has videos and/or photographs for each of these incidents. In addition to the above, multiple times each week IN Self Storage's fence is damaged and RVs are broken into although property is not stolen. This happens so frequently that video footage is not maintained of all of these incidents and so we do not have a list of these numerous additional dates.

After IN Self Storage began reporting the incidents, the police said that the owners of the RVs needed to make the reports. In addition, the police said there was not much they could do about the criminal activity and so IN Self Storage does not report every incident.

We do not think most of the RV owners are reporting the incidents to the police. It appears that they are likely simply making a claim against IN Self Storage's insurance if any items

were stolen, and moving their RVs to a storage location that is not adjacent to a homeless camp.

The loss of many RV customers due to the city's policy to allow camping at the Park has caused significant damage to IN Self Storage and is unacceptable.

IN Self Storage has spoken with a Detective Chase three times and also made calls to dispatch where the police indicated they could do more patrols nearby. Perhaps they have done additional patrols and this may have helped, but it has not solved the problem.

A resident manager lives at the Property and IN Self Storage hired another manager to live in a trailer near the fence to deter crime. These efforts have not helped. And it is not economically feasible to hire numerous security guards to stay up all night to protect the Property.

IN Self Storage has been in contact with City of Salem representatives to try to find a solution, but the city has been unable to assist. IN Self Storage has requested the ability to put barbed wire on its fence or to have an electric fence to keep out potential burglars. Both requests were denied apparently because the Property is zoned West Salem Central Business District, which does not allow either type of fencing due to an ordinance passed by the City Council years ago.

While we understand the city's desire to help provide resources for people in need, we cannot accept the city's prohibition of our client's efforts to protect its business and its own property, particularly under the circumstances. There was no homeless camp next door when IN Self Storage purchased the Property. The Property's value is significantly less if the break ins cannot be stopped. Simple measures such as barbed wire or an electric fence will go a long way to preserving IN Self Storage's use of its Property.

We respectfully request a legislative zone code amendment to alter the requirements to allow barbed wire or electric fencing, at least in particular circumstances such as IN Self Storage's.

We understand the difficult nature of these issues, but given that there is little the city seems able to do, it should be willing to provide a reasonable variance to the fencing requirements so that property owners can protect their property rather than take their business elsewhere.

Sincerely yours,



Tyler P. Malstrom
tyler@connollypc.com

TPM/rer

cc: Client
Daniel B. Atchison, City Attorney (datchison@cityofsalem.net)

To: Salem City Council

From: Eric Olsen

As a reminder, City Council delayed making a final decision on the new tree ordinance amendments in part to allow City Staff to consider major concerns from the development community. As I mentioned, I am generally in agreement that our City as well as all others must take an aggressive stand to mitigate our contribution to climate change. I believe, however, that without changes outlined below, we will instead be moving counter to this essential environmental concern.

City Staff has been responsive to some of our concerns related to the tree ordinance per the draft language which was under consideration. There are three extremely important items which we believe need attention in order to help assure buildability, affordability, and density. These have not been addressed from what we have seen from Staff's drafts amendments.

1. Density takes two forms. First, it can be simply a function of living units to the acre. But also density is affected by the number of building lots in an acre. Our concern relates to disregarding this second piece. As an example, a heavily treed property with many significant trees could potentially be required to use middle housing exclusively (leaving a large remnant effectively unbuildable) in order to achieve a minimum density. This could likely preclude a developer from achieving densities any greater than minimum densities once adopted this next year. Or, and very likely, the parcel may simply not be economically viable. We think this goes against the intent of introducing middle housing into otherwise single family neighborhoods—and so to respond to this we recommend that a condition should be adopted whereby significant trees may be removed if the “density of 5.5 units (net) to the acre with a maximum of 15% middle housing cannot be achieved.”

2. Staff addressed many of our concerns related to permitted justification for removal of significant trees during development except that driveway access was not a permitted reason. We find this troubling as it will likely lead to a reduction of buildable lots. This could be mostly mitigated by adopting the exception indicated in 1) above.

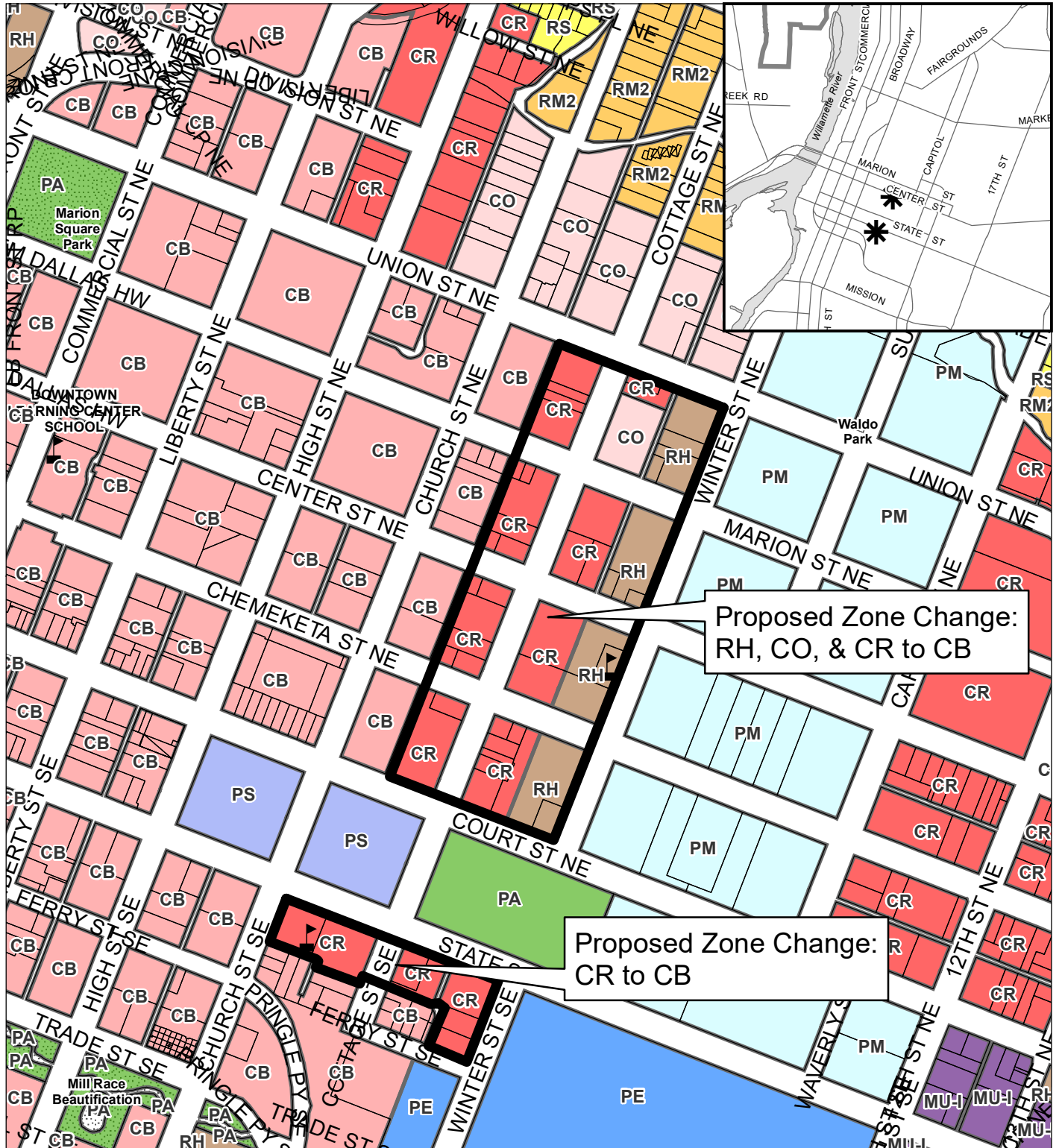
3. Finally, to not permit an arborist to provide a professionally detailed tree protection program for each tree including significant trees will create real issues as far assuring real monitored protection of the tree. Specifically, the area under the tree can't be landscaped or fenced within the protected area--at least not until the builder has turned over the property to the owner. This

seems unworkable. Instead allowing a professional to give guidance to a builder seems preferable.

Thanks so much for your consideration of our concerns.

Eric Olsen

Proposed Zone Changes



Proposed Zone Change:
RH, CO, & CR to CB

Proposed Zone Change:
CR to CB

Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- 🏫 Schools

0 50 100 200 Feet



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