



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/18/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 011-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, December 31, 2009

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Bryan Colbourne, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA

Notice of Adoption

**THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18**



Jurisdiction: **City of Salem**

Local file number: **CA08-2**

Date of Adoption: **November 3, 2008**

Date Mailed: **December 10, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **March 26, 2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Establish a formal site plan review process for development requiring a building permit, other than single family residential, duplex residential, and signs.

Does the Adoption differ from proposal? Please select one

The adopted ordinance includes a provision to provide City Council with notice of site plan review appeals, and provide Council with the option to hear site plan review appeals in place of the Hearings Officer. This provision was added after the notice of proposed amendment was sent to DLCD.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **NA**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 011-08 (16808) [15886]

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

Local Contact: **Bryan Colbourne, Senior Planner**

Address: **555 Liberty Street SE, Room 305**

City: **Salem**

Zip: **97301**

Phone: **(503) 540-2363**

Fax Number: **503-588-6005**

E-mail Address: **bcolbourne@cityofsalem.net**

1 **ENGROSSED**

2 **ORDINANCE BILL NO. 20-08**

3 AN ORDINANCE RELATING TO LAND USE; AND CREATING SRC CHAPTER 163

4 *The City of Salem ordains as follows:*

5 **Section 1.** Sections 2 through 17 are added to and made a part of the Salem Revised Code,
6 Chapter 163.

7 **Section 2.** SRC 163.010 is added to read:

8 **163.010 Site Plan Review, Purpose.** The purpose of site plan review is to provide a unified,
9 consistent and efficient means to review proposed development that requires a building
10 permit, other than single-family residential, duplex residential development and installation
11 of signs, to ensure that such development meets all requirements imposed by the Salem
12 Revised Code, which include requirements related to access, pedestrian connectivity,
13 setbacks, parking areas, external refuse storage areas, open areas, and landscaping; and
14 requirements that transportation and utility infrastructure are adequate or will be adequate to
15 serve the proposed development.

16 **Section 3.** SRC 163.020 is added to read:

17 **163.020 Site Plan Review Applicability.**

18 (a) All development that requires a building permit requires site plan review prior to
19 issuance of the building permit, unless such development is exempt from site plan review
20 under SRC 163.030.

21 (b) Type I-Limited Site Plan Review is required for development that does not involve a
22 land use or limited land use decision, as defined by ORS 197.015 and involves only
23 interior construction or tenant improvements that include a change of use, but require no
24 exterior improvements that would alter the existing parking, landscaping, or buffer yards
25 required by the Salem Revised Code;

26 (c) Type I Site Plan Review is required for development that does not involve a land use
27 or limited land use decision, as those terms are defined in ORS 197.015.

28 (d) Type II Site Plan Review is required for development that involves a land use or
29 limited land use decision, as those terms are defined in ORS 197.015. As used in this
30 subsection, land use and limited land use decisions include, but are not limited to:

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- (1) Any development application that requires a Transportation Impact Analysis pursuant to Transportation System Plan;
- (2) Any development application that requires a geotechnical report or geologic assessment pursuant to SRC Chapter 69;
- (3) Any development application that requires deviation from clear and objective development standards in the Salem Revised Code relating to streets, driveways or vision clearance areas;
- (4) Any development application that proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
- (5) Any development application that requires deviation from the clear and objective standards of the Salem Revised Code and where the Planning Administrator or Director of Public Works is granted the authority to use limited discretion in deviating from the established standard, including approval of a concurrent zoning adjustment, pursuant to SRC Chapter 116; or
- (6) Any development that requires a variance or conditional use permit.

(e) A site plan review application may be processed concurrently with an application for a building permit; provided however, that a building permit shall not be issued until site plan review approval has been granted.

Section 4. SRC 163.030 is added to read:

163.030 Site plan review, Exemptions. The following development applications shall not require site plan review:

- (a) The construction of single-family or duplex dwellings on an individual lot, including the construction of accessory structures associated with such dwellings.
- (b) The installation of signs pursuant to SRC Chapter 62.
- (c) Regular and ordinary repair or maintenance of existing structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (d) The alteration or regular and ordinary repair or maintenance of the front or face of an existing building.
- (e) Interior construction or tenant improvements that involve no change of use.

1 **Section 5.** SRC 163.040 is added to read:

2 **163.040 Site Plan Review, Minimum Application Requirements.** A complete application
3 for site plan review shall consist of the following:

4 **(a) Type I-Limited Site Plan Review.**

5 (1) A complete application on forms provided by the Planning Administrator, and
6 signed by the property owner, or signed by a prospective purchaser, lessee, or agent,
7 if written delegation of signature authority to such person is submitted with the
8 application; and

9 (2) Payment of all applicable fees.

10 **(b) Type I Site Plan Review.**

11 (1) A complete application on forms provided by the Planning Administrator, and
12 signed by the property owner, or signed by a prospective purchaser, lessee, or agent,
13 if written delegation of signature authority to such person is submitted with the
14 application;

15 (2) Three copies of a site plan of a size and form, and including the information
16 specified in SRC 163.050;

17 (3) Three copies of an assessor's map with identification of the lot, block and tax lot
18 number, or other legal description;

19 (4) Three copies of an existing conditions plan drawn on the same scale as the site
20 plan, which shall include, at a minimum, the following:

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

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

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

26 (5) A completed Trip Generation Estimate for the proposed development, on forms
27 provided by the Director of Public Works; and

28 (6) Payment of all applicable fees.

29 **(c) Type II Site Plan Review.** The Planning Administrator may waive the submittal
30 requirement of any item in this section if the Planning Administrator determines that the

1 item would not provide evidence of satisfaction of any of the applicable criteria.

2 (1) All the items required for a Type I Site Plan Review under subsection (b) of this
3 section;

4 (2) The zoning district, comprehensive plan designation and land uses for all
5 properties abutting the site, including, but not limited to, driveway locations, public
6 and private streets, including bike paths, transit stops, sidewalks and other bike and
7 pedestrian pathways, curbs, and easements;

8 (3) The elevation of the site at two-foot contour intervals, with specific identification
9 of slopes in excess of fifteen percent;

10 (4) The location of drainage patterns and drainage courses, if applicable;

11 (5) A preliminary utility plan showing capacity needs for municipal water and sewer
12 service and schematic location of connection points to existing municipal water and
13 sewer services;

14 (6) Summary table which includes site zoning designation, total site area, gross floor
15 area by use (i.e. manufacturing, office, retail, storage), building height, itemized
16 number of full size, compact and handicapped parking stalls and the collective total
17 number, total lot coverage proposed, including areas to be paved for parking and
18 sidewalks;

19 (7) A Geological Assessment or Geotechnical Report, if required by SRC Chapter
20 69, or a statement from an engineer certifying that landslide risk on the site is low,
21 and that there is no need for further landslide risk assessment;

22 (8) A Traffic Impact Analysis, if required for the development, shall be provided
23 based on a format and thresholds specified in standards established by the Director of
24 Public Works;

25 (9) Additional information, as determined by the Planning Administrator, that may
26 be required by any other provision or for any other permit elsewhere in Salem
27 Revised Code and any other information that may be required to adequately review
28 and analyze the proposed development plan as to its conformance to the applicable
29 criteria; and

30 (10) Payment of all applicable fees.

1 **Section 6.** SRC 163.050 is added to read:

2 **SRC 163.050 Site Plan Requirements.** All site plans required by this Chapter shall be on
3 sheets not larger than twenty-four inches by thirty-six inches, unless otherwise allowed by
4 the Planning Administrator. Site plans shall be drawn at a scale of one inch equals forty feet
5 or larger, i.e., one inch equals thirty feet. All site plans shall also be submitted on eight inch
6 by eleven inch or eleven inch by seventeen inch size paper. All site plans shall include:

- 7 (a) The total site area, dimensions and orientation relative to north;
- 8 (b) The location of all proposed primary and accessory structures and other
9 improvements, including fences, walls and driveway locations, indicating distance to
10 such structures from all property lines and adjacent on-site structures;
- 11 (c) Loading areas, if included with proposed development;
- 12 (d) The size and location of solid waste and recyclables storage and collection areas, and
13 amount of overhead clearance above such enclosures, if included with proposed
14 development;
- 15 (e) An indication of future phases of development on the site, if applicable;
- 16 (f) All proposed landscape areas on the site, with an indication of square footage and as a
17 percentage of site area;
- 18 (g) The location, height and material of fences, buffers, berms, walls and other proposed
19 screening as they relate to buffer yard and landscaping required by SRC Chapter 132;
- 20 (h) The location of all street trees, if applicable, or acknowledgment that planting of
21 street trees will be required at time of development pursuant to SRC Chapter 86; and
- 22 (i) Identification of vehicle, pedestrian and bicycle parking and circulation areas,
23 including handicapped parking stalls, disembarking areas, accessible routes of travel, and
24 proposed ramps.

25 **Section 7.** SRC 163.060 is added to read:

26 **163.060 Site Plan Review, Procedures.**

- 27 (a) Type I-Limited and Type I Site Plan Review applications shall be reviewed by the
28 Planning Administrator for compliance with the criteria as set forth in this Chapter. The
29 Planning Administrator's decision for Type I-Limited and Type I Site Plan Review
30 applications are final decisions and are not appealable to the City.

1 **(b) Type II - Notice of Application.** Within ten days of determination that an application
2 is deemed complete, but not less than twenty days before the review authority makes a
3 decision, written notice of the application shall be mailed to all the following:

- 4 **(1) Applicant;**
5 **(2) Owners and occupants of the subject property;**
6 **(3) Owners of properties located within 250 feet of the perimeter of the subject**
7 **property;**
8 **(4) Neighborhood Association(s) that includes the subject property;**
9 **(5) Community organizations, agencies, and interested persons that have submitted**
10 **written requests for notification; and**
11 **(6) For modification applications, to persons who requested notice of the original**
12 **application that is being modified.**

13 **(c) The notice of a Type II application shall include all of the following:**

- 14 **(1) The street address or other easily understood geographical reference to the subject**
15 **property;**
16 **(2) The applicable criteria for the decision, listed by commonly used citation.**
17 **(3) The place, date, and time that comments are due;**
18 **(4) A statement that copies of all evidence relied upon by the applicant are available**
19 **for review, and can be obtained at a reasonable cost;**
20 **(5) A statement that issues that may provide the basis for an appeal to the Land Use**
21 **Board of Appeals must be raised in writing and with sufficient specificity to enable**
22 **the applicant and the decision maker to respond to the issue;**
23 **(6) The name and phone number of a Staff contact; and**
24 **(7) A brief summary of the local decision making process for the decision being**
25 **made.**

26 **(d) The notice of a Type II application shall allow a fourteen-day period for the**
27 **submission of written comments, starting from the date of mailing, and include a**
28 **statement that comments received after the close of the comment period will not be**
29 **considered by the review authority.**
30

1 (e) Type II Application Decision. The Planning Administrator shall approve,
2 conditionally approve, or deny the application. The decision shall include a brief
3 statement that explains the criteria and standards considered relevant to the decision, state
4 the facts relied upon in rendering the decision and explain the justification for the
5 decision based upon the criteria, standards and facts set forth.

6 (f) Notice of Decision. Within five days after the Planning Administrator renders a
7 decision, the City shall mail notice of the decision to the following:

8 (1) Applicant;

9 (2) Owner and occupant of the subject property;

10 (3) All individuals who submitted timely comments;

11 (4) Neighborhood Association(s) that includes the subject property;

12 (5) Any group or individuals who requested notice of the decision; and

13 (6) Any person who submitted comments within the fourteen-day comment period
14 prior to the decision.

15 (g) The notice shall include all the following:

16 (1) A description of the nature of the decision;

17 (2) An explanation of the nature of the application and the proposed use or uses that
18 could be authorized;

19 (3) The street address or other easily understood geographical reference to the subject
20 property;

21 (4) The name of a City representative to contact and the telephone number where
22 additional information may be obtained;

23 (5) A statement that a copy of the application, all documents and evidence submitted
24 by or on behalf of the applicant and applicable criteria are available for inspection at
25 no cost and will be provided at a reasonable cost;

26 (6) A statement that any person who participated in the decision by submitting oral or
27 written comments during the fourteen-day comment period, the Neighborhood
28 Association and the applicant may appeal the decision;

29 (7) A statement that the decision will not become final until the period for filing a
30 local appeal has expired; and

1 (8) An explanation that the decision cannot be appealed directly to the Land Use
2 Board of Appeals.

3 (h) Unless appealed pursuant to this Chapter, the decision is effective on the sixteenth
4 day after notice of the decision is mailed.

5 **Section 8.** SRC 163.070 is added to read:

6 **163.070 Site Plan Review, Criteria for Approval.**

7 (a) Approval of Type I-Limited or Type I Site Plan Review application shall be granted
8 if the Planning Administrator finds that only clear and objective standards which do not
9 require the exercise of discretion or legal judgment are applicable to the application, and
10 that the applicant has met all the applicable standards.

11 (b) Approval of a Type II Site Plan Review application shall be granted if the Planning
12 Administrator finds that:

13 (1) The application has met all applicable standards of the Salem Revised Code, or
14 the application has met all standards requiring the exercise of discretion or legal
15 judgment necessary to grant an appropriate deviation, including approval of a
16 concurrent zoning adjustment consistent with SRC Chapter 116;

17 (2) The transportation system provides for the safe, orderly, and efficient circulation
18 of traffic into and out of the proposed development, and negative impacts to the
19 transportation system are mitigated adequately;

20 (3) Parking areas and driveways are designed to facilitate safe and efficient
21 movement of vehicles, bicycles, and pedestrians; and

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

24 **Section 9.** SRC 163.080 is added to read:

25 **163.080 Site Plan Review, Conditions of Approval.** Conditions may be attached to a site
26 plan review approval that are deemed necessary to more fully satisfy the criteria set forth in
27 SRC 163.070, and may be considered in determining if the criteria set forth in SRC 163.070
28 have been met. Such conditions, once attached, shall be considered development standards
29 applicable to the development.

30 **Section 10.** SRC 163.090 is added to read:

1 **163.090 Site Plan Review; Modifications.** Modification to an approved site plan shall
2 follow the same procedure as the original approval, unless approval of the requested
3 modification does not constitute a land use or limited land use decision, in which case the
4 modification shall be processed as a Type I-Limited, or Type I Site Plan Review application,
5 as applicable.

6 **Section 11.** SRC 163.100 is added to read:

7 **163.100 Site Plan Review, Expiration.**

8 (a) Site Plan approval shall be valid for a period of four years following the date of the
9 final decision of the Planning Administrator. If no valid building permit application is on
10 file with the City, consistent with the approved site plan within such time, the site plan
11 approval will expire and a new application must be filed and approval granted prior to
12 issuance of a building permit.

13 (b) If a valid building permit application is submitted, the site plan approval shall remain
14 valid until the building permit expires.

15 **Section 12.** SRC 163.110 is added to read:

16 **163.110 Site Plan Review; Appeals.** A Type II Site Plan Review decision is appealable to
17 the Hearings Officer as set forth in this Chapter. Upon receipt of an appeal of a Type II Site
18 Plan Review decision, the Planning Administrator shall provide notice of the appeal to
19 Council at its next regular meeting. Council may, pursuant to the procedures for Council
20 review set forth in SRC 114.210, elect to have the appeal transferred to the Council, and have
21 the appeal heard by Council pursuant to SRC 114.200. Unless subsequently discontinued,
22 the appeal to Council shall replace the appeal filed with the Hearings Officer.

23 **Section 13.** SRC 163.120 is added to read:

24 **163.120 Appeal of Type II Site Plan Review Decision.**

25 (a) Within fifteen days of the date of the mailing of a Type II Site Plan Review decision,
26 the decision may be appealed to the Hearings Officer by the following:

27 (1) Applicant;

28 (2) Owner of the subject property;

29 (3) Neighborhood Association officially recognized by the City that includes the
30 subject property; and

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(4) Any person who submitted written comments prior to the end of the public comment period.

(b) The notice of appeal shall be submitted on a form provided by the Planning Administrator accompanied by a fee established by City Council. The record from the initial proceeding shall be forwarded to the Hearings Officer.

(c) The notice of appeal shall include a statement of issues on appeal. The appeal shall be limited to the issues raised in the notice of appeal. Unless the appellant requests a hearing on the record only, the appeal hearing shall be de novo and new evidence pertaining to appeal issues shall be accepted.

(d) At least seven calendar days prior to the hearing, the appellant shall submit an appeal statement explaining specifically how the decision is inconsistent with applicable criteria.

(e) Unless the appellant and the applicant agree to a longer time period, the Hearings Officer shall hold the hearing within forty-five days of receipt of the appeal application.

Section 14. SRC 163.130 is added to read:

163.130 Notice of Appeal Public Hearing.

(a) At least twenty days prior to the hearing, the City shall mail written notice to all of the following:

- (1) Applicant;
- (2) Owner of the subject property;
- (3) Appellant, if different from the owner;
- (4) Neighborhood Association(s) that includes the subject property;
- (5) Any person who provided written comments prior to the close of the public comment period of the initial application; and
- (6) Owners of property within 250 feet of the perimeter of the subject property.

(b) The notice shall include all of the following:

- (1) The street address or other easily understood geographical reference to the subject property;
- (2) The applicable criteria for the decision, listed by commonly used citation;
- (3) The place, date, and time of the hearing;

- 1 (4) The nature of the original application and appeal, and the proposed use or uses
2 that could be authorized;
- 3 (5) A statement that a copy of the staff report will be available for inspection at no
4 cost at least seven days prior to the hearing and will be provided at a reasonable cost;
- 5 (6) A general explanation of the requirements for submission of testimony and the
6 procedure for conduct of hearings;
- 7 (7) A statement that copies of the application and all evidence and documents
8 submitted by or on behalf of the applicant and appellant are available for review, and
9 that copies can be obtained at a reasonable cost;
- 10 (8) A statement that failure to raise an issue at the hearing, in person or by letter, or
11 failure to provide statements or evidence with sufficient specificity to enable the
12 decision maker to respond to the issue precludes an appeal based on that issue;
- 13 (9) The name and telephone number of a staff contact; and
- 14 (10) A brief summary of the local decision-making process for the decision being
15 made.

16 (c) At least seven days prior to the public hearing, the staff report shall be submitted to
17 the Hearings Officer and made available to the public. A copy of the report shall be
18 mailed or delivered to the applicant and appellant at the time it is submitted to the
19 Hearings Officer.

20 (d) Unless the appellant requests a hearing on the record only, the appeal hearing shall
21 be de novo and new evidence pertaining to appeal issues shall be accepted.

22 **Section 15.** SRC 163.140 is added to read:

23 **163.140 Appeal Hearing Procedures.** The appeal hearing shall comply with the following
24 procedures:

25 (a) The Hearings Officer shall:

- 26 (1) Regulate the course and decorum of the hearing;
- 27 (2) Dispose of procedural requests or similar matters; and
- 28 (3) Impose reasonable limitations on the number of witnesses to be heard and set
29 reasonable time limits for oral presentation, questioning of witnesses, and rebuttal
30 testimony.

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(b) Conduct of Hearing.

- (1) No person may be disorderly, abusive, or disruptive of the conduct of the hearing;
- (2) No person may present evidence, argument or comment without first being recognized by the presiding officer;
- (3) All witnesses shall identify themselves and their place of residence;
- (4) Any employee, agent, or officer of the City shall disclose his or her relationship to the City when commencing to testify;
- (5) Formal rules of evidence as used in courts of law shall not apply; and
- (6) Audience demonstrations such as applause, cheering, display of signs, and other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing.

(c) Order of Procedure. The Hearings Officer in the conduct of the hearing shall:

- (1) Commence the hearing by announcing the nature and purpose of the hearing and summarizing the rules for its conduct;
- (2) Call for statements of conflicts of interest, ex parte contacts, biases, abstentions, or challenges to impartiality;
- (3) Any member considering abstention for reasons other than those described above shall state the reasons for the abstention, seek the advice of the body, and announce a decision and the reasons therefor;
- (4) Receive staff report; and
- (5) Call for testimony in the following order:
 - (A) Applicant.
 - (B) Neutral parties.
 - (C) Opponents.
 - (D) Questions of staff.
 - (E) Applicant rebuttal and final argument.
- (6) Announce whether the record is closed, record will be held open; or the hearing will be continued.

(d) To the degree necessary for an orderly process within available time, the Hearings Officer may consolidate submissions by participants or establish reasonable time limits

1 for presentation of testimony. One or more spokespersons for any group may be
2 designated by the Hearings Officer.

3 (e) The questioning of witnesses is a matter solely within the discretion of the Hearings
4 Officer. No questioning of witnesses shall be permitted after the applicant's rebuttal and
5 final argument, except the questioning of the applicant as to matters contained in rebuttal
6 or final argument testimony by the Hearings Officer.

7 (f) The burden of proof is upon the applicant. A decision to resolve the issues presented
8 shall be based upon reliable, probative and substantial evidence in the record.

9 (g) The Hearings Officer may take official notice of the following:

10 (1) All facts which are judicially noticeable;

11 (2) All public records of the City; and

12 (3) The charter, ordinances, resolutions, rules, regulations, and officially
13 promulgated policies of the City.

14 (h) Matters officially noticed need not be established by evidence and may be considered
15 by the Hearings Officer in the determination of the proposal.

16 **Section 16.** SRC 163.150 is added to read:

17 **163.150 Record of Proceedings on Appeal.**

18 (a) An adequate record of the hearing shall be prepared, and shall include all evidence
19 and testimony submitted prior to the close of the record of the proceeding. To assist in the
20 preparation of the record, the proceedings may be stenographically or electronically
21 recorded, but the record need not set forth evidence verbatim.

22 (b) Where practicable, the Hearings Officer shall cause all presented physical and
23 documentary evidence to be marked to show the identity of the person offering the
24 evidence and to indicate whether it is presented on behalf of the applicant or an opponent.

25 (c) A member of the public shall have access to the record of the proceeding at a
26 reasonable time and place. A member of the public shall be entitled to obtain copies of
27 the record at their own expense.

28 **Section 17.** SRC 163.160 is added to read:

29 **163.160 Appeal Decision.**

30 (a) Unless the applicant and appellant agree to a longer time period, the Hearings Officer

1 shall make a decision within thirty days of the close of the record. The Hearings Officer
2 shall affirm, reverse, or modify the decision of the initial review authority. Before
3 reversing or modifying the decision, the Hearings Officer shall make findings and
4 conclusions clearly stating how the initial review authority failed to properly evaluate the
5 application or make a decision consistent with applicable criteria. The decision of the
6 Hearings Officer is the final local decision.

7 (b) Within 5 days after a decision by the appeal review authority is rendered, notice of
8 the decision shall be mailed to all of the following:

- 9 (1) Applicant;
10 (2) Owner of the subject property;
11 (3) Appellant;
12 (4) Any person who provided oral or written testimony during the public hearing or
13 written testimony prior to the public hearing; and
14 (5) Any person who requested notice of the appeal decision.

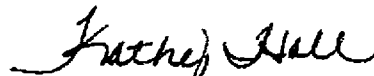
15 (c) The notice shall summarize the decision of the appeal review authority, and explain
16 any non-jurisdictional appeal rights and deadlines.

17 **Section 18. Effective Date.** This ordinance shall become effective on January 1, 2009, and
18 shall apply to any applications for building permits submitted on and after January 1, 2009.

19 **Section 19. Severability.** Each section of this ordinance, and any part thereof, is severable, and
20 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
21 this ordinance shall remain in full force and effect.

22 PASSED by the Council this 3rd day of November, 2008.

23 ATTEST:

24 

25 City Recorder

26 Approved by City Attorney:  _____
27
28

29 Checked by: B. Colbourne

30 G:\Group\LBGALI\Council\2008\092208 Site Plan Review ord.doc

FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

November 3, 2008
8.2 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT AMENDMENT TO ORDINANCE BILL
20-08

ISSUE:

Should Ordinance Bill 20-08 be amended to provide City Council with notice of Site Plan Review appeals, and provide Council with the option to hear Site Plan Review appeals in place of the Hearings Officer?

RECOMMENDATION:

Staff recommends that Ordinance Bill 20-08 be amended to provide City Council with notice of Site Plan Review appeals, and provide Council with the option to hear Site Plan Review appeals in place of the Hearings Officer.

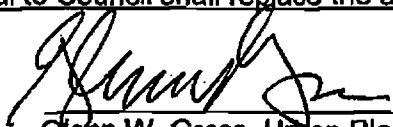
BACKGROUND:

Ordinance Bill 20-08 provides for a new site plan review process that will affect the way most building permits other than single family and duplex residential and signs are processed. This process is required by state statute. Staff has worked with the development community to develop a procedure that is efficient and streamlined.

The ordinance currently allows for appeal of Type 2 Site Plan Review decisions to the Hearings Officer. In order to involve City Council in the Site Plan Review process, but not burden Councilors with the responsibility of hearing all appeals, staff recommends providing Council with the option to hear Site Plan Review appeals in place of the Hearings Officer, on a case-by-case basis.

To this end, staff recommends that Section 12 of Ordinance Bill 20-08 be amended to read:

"163.110 Site Plan Review; Appeals. A Type II Site Plan Review decision is appealable to the Hearings Officer as set forth in this Chapter. Upon receipt of an appeal of a Type II Site Plan Review decision, the Planning Administrator shall provide notice of the appeal to Council at its next regular meeting. Council may, pursuant to the procedures for Council review set forth in SRC 114.210, elect to have the appeal transferred to the Council, and have the appeal heard by Council pursuant to SRC 114.200. Unless subsequently discontinued, the appeal to Council shall replace the appeal filed with the Hearings Officer."


Glenn W. Gross, Urban Planning Administrator

FUTURE REPORT: September 8, 2008
FOR COUNCIL MEETING OF: September 22, 2008
AGENDA ITEM NO.: _____

October 13, 2008
8.1 (a)

TO: MAYOR AND CITY COUNCIL

THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

**SUBJECT: AMENDMENTS TO SRC TITLE X, SALEM ZONING CODE, TO
ESTABLISH A SITE PLAN REVIEW PROCESS (CA 08-2)**

ISSUE:

Should the City Council amend SRC Title X, Salem Zoning Code, by enacting Ordinance Bill No. 20-08 to establish a Site Plan Review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes?

RECOMMENDATION

Staff recommends that the City Council advance Ordinance Bill No. 20-08 to second reading for enactment.

BACKGROUND:

In January 2006, the Land Use Board of Appeals (LUBA) remanded a City of Salem driveway variance decision associated with the review of a new Dutch Brothers coffee kiosk, LUBA Case No.2005-145 (*Delk v. City of Salem*). In summary, LUBA found that elements of the City of Salem's commercial building permit review process involve discretionary decisions, which are defined as limited land use decisions under Oregon Revised Statutes (ORS) 197.015. LUBA also found that the City's review process does not follow the proper procedural steps required for these types of decisions under ORS 197.195.

This appeal revealed the potential for other such appeals of the City's existing building permit review system. In light of this, City staff, in conjunction with an advisory committee, developed a formal Site Plan Review process consistent with State statute. The Site Plan Review Advisory Committee is composed of Salem-based design and land development professionals, neighborhood representatives, and appointed officials. City staff met regularly with the Advisory Committee throughout 2007 to develop a Site Plan Review system that is consistent with State statutes, acceptable to the community, and compatible with the City's existing development review process. Additional meetings between staff and the Advisory Committee are expected after adoption of the ordinance in order to monitor implementation of the site plan review.

Staff conducted public outreach meetings with the Salem Chapter of the American Institute of Architects on April 9, 2008, the Salem Land Use Network on April 30, 2008, and the Salem Area Chamber of Commerce Government Affairs Session on May 1, 2008.

FACTS AND FINDINGS:

Procedural Findings

1. On May 20, 2008, the Planning Commission held a public hearing to receive testimony and consider the proposed amendments. Public testimony was provided at the hearing in support of the amendments. No testimony in opposition was received.

Subsequent to the close of the public hearing, the Planning Commission voted to approve the amendments and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending SRC Title X (Attachment A).

Additional procedural findings and findings demonstrating that the proposed ordinance is consistent with the Salem Area Comprehensive Plan are available in Attachment A.

Limited Land Use Decisions at Time of Building Permit

2. ORS 197.015(12)(b) defines a limited land use decision as a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

ORS 197.195(3) further defines public notice requirements for such limited land use decisions.

3. The level of discretion currently exercised by City staff in the building permit approval process may be considered land use or limited land use decisions under State statute.

Currently, building plans submitted to the City's Permit Application Center receive approval by all applicable City departments through a process coordinated by the Building and Safety Division of the Community Development Department. Planning and Public Works review is included in this building permit review system. Building permit approval is a ministerial act. Department approval and hand-written comments are noted directly on the construction plans. Staff does not issue any formal written decisions and does not provide any opportunity for public comment or appeal during the existing building permit review process.

The current process is appropriate for single-family dwelling and duplex building permits because the subdivision in which such dwellings are sited has received approval through a public process as provided in the Salem Subdivision Code, in

accordance with State statute. This existing process is not appropriate, however, for all other building permits involving discretionary decisions because the building permit approval process includes no opportunity for public comment and appeal. Examples of such discretionary issues at the time of building permit include:

- Location of driveway
- Parking lot layout and landscaping
- Pedestrian connectivity
- Landscaped buffer yards
- Transportation and utility infrastructure

As stated earlier, State statute defines these kinds of decisions as limited land use decisions, which require an opportunity for public comment and appeal. The proposed Site Plan Review process will satisfy these requirements, thereby eliminating the threat of further appeals after building permit issuance.

Site Plan Review Advisory Committee

4. The purpose of the Site Plan Review Advisory Committee is to work with City staff in the drafting of the Site Plan Review ordinance, and provide valuable feedback to staff throughout the adoption and implementation of the new process. The Advisory Committee is composed of local design and land development professionals, appointed officials, and neighborhood representatives.

City staff met regularly with the Site Plan Review Advisory Committee throughout 2007 to develop a Site Plan Review system. At these meetings, the Committee worked through difficult questions about processing timeframes, application submittal requirements, and legal issues. The proposed ordinance reflects the concerns of the Advisory Committee, such as flexibility in the process for the applicant, streamlined process coordinated with other required development approvals, assurance of obtaining all required approvals early in the process, and opportunity for notice and comment for the neighboring properties and interested persons.

Site Plan Review Process

5. As proposed, Site Plan Review applications may be processed prior to, or concurrent with, a building permit application. Not all building permit approvals involve discretionary decisions, which are considered limited land use decisions under State statute. The Site Plan Review Advisory Committee acknowledged this fact when crafting the proposed Site Plan Review ordinance. As a result, the proposed ordinance provides three types of Site Plan Review, depending on the level of staff discretion required during review. In addition, the proposed ordinance exempts single-family and duplex dwellings, sign permits, interior remodeling with no change of use, and ordinary maintenance and repair of existing structures from the Site Plan Review process altogether.

The following table compares the different types of Site Plan Review proposed.

	Applicability	Review Process	Submittal Requirements
Type 1-Limited Site Plan Review	Change of use and tenant improvement permits with no site alteration proposed, which meet all applicable clear and objective standards	Written decision issued, no notice or opportunity for appeal	Completed application form and payment of fee
Type 1 Site Plan Review	Building permits which meet all applicable clear and objective standards	Written decision issued, no notice or opportunity for appeal	<ul style="list-style-type: none"> • Completed application form • Fee • Site plan • Assessor's map • Existing conditions plan • Completed Trip Generation Estimate form
Type 2 Site Plan Review	Any building permit requiring a land use or limited land use decision, such as building permits requiring a: <ul style="list-style-type: none"> • Traffic Impact Analysis, • Geological report or assessment, • Deviation from the development standards or the Salem Revised Code relating to streets, driveways, or vision clearance, or • Deviation from the requirements of the Salem Transportation Plan 	Notice and comment period, written decision issued, and opportunity for appeal	<ul style="list-style-type: none"> • Completed application form • Fee • Site plan • Surrounding property information • Assessor's map • Existing conditions plan • Completed Trip Generation Estimate form • Preliminary utility plan • Geological assessment or report, if required per SRC Chapter 69 • Traffic Impact Analysis, if required by Public Works
Exempt from Site Plan Review	Single-family and duplex dwellings, sign permits, ordinary maintenance and repair of existing structures and site features	NA	NA

Compatibility with Salem's Existing Development Review Process

6. Currently, building permit applications for new construction, excluding single-family and duplex residential, are reviewed within 30 working days and alterations within 20 working days. These timeframes are performance goals for the completion of a first review by all applicable City departments. If building plans are complete and all applicable regulations are met, permits are issued within the timeframe goal. Building and Safety Division records indicate that between January 1, 2007 and July 1, 2007, 100 percent of building permits met the 30-day and 20-day timeframe goals.

Site Plan Review will alter the existing scheme by removing Planning and Public Works Department reviews from the building permit process. Planning and Public

Works review will be conducted through a Site Plan Review application, which will be reviewed prior to or concurrent with the building permit review.

The overall City approval timeframe for developments requiring Type One and Type One Limited Site Plan Review will not be significantly affected. The overall City approval timeframe for development requiring Type Two Site Plan Review will be affected because of the added notice and appeal period process. Staff anticipates the processing timeframe for a complete Type Two application to be approximately 60 calendar days. This 60 calendar-day timeframe may take place prior to or concurrent with the 20 or 30 working-day building permit timeframe.



Glenn W. Gross, Urban Planning Administrator

Attachment: A. Planning Commission Decision dated May 20, 2008

Prepared by Bryan Colbourne, Senior Planner

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ISSUE: Proposed Amendments to SRC Title X, Salem Zoning Code, to Establish a Site Plan Review Process (CA 08-2)

DATE OF DECISION: May 20, 2008

APPLICANT: City of Salem

PURPOSE OF REQUEST:

Should the City amend Salem Revised Code (SRC) Title X, Salem Zoning Code, to establish a Site Plan Review process to establish a site plan review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes?

ACTION:

The Planning Commission moved to adopt the facts and findings of the staff report and recommended that the City Council accept first reading of an ordinance bill for the purpose of amending SRC Title X, Salem Zoning Code, to establish a Site Plan Review process to establish a site plan review process to ensure that approval of development requiring a building permit, other than single-family or duplex residential, occurs in a manner consistent with State statutes.

The Planning Commission's decision is based upon the following Facts and Findings:

1. Procedural Findings

Under SRC 110.070, any amendment to the Salem Zoning Code that amends, supplements, or changes only the text must be initiated either by the City Council or by the Commission by resolution. The Urban Planning Administrator must fix a date for a public hearing before the Commission and cause notice to be published as provided in SRC 114.080. On March 18, 2008 the Planning Commission initiated the text amendment to the code and resolved to set the matter before the Planning Commission for a public hearing (PC Resolution 08-3).

The Planning Administrator set the public hearing for May 20, 2008, and caused notice of the hearing to be published in the Salem Statesman Journal newspaper on May 8, 2008, and May 15, 2008, as required under SRC 114.080. Notice was also sent to every neighborhood organization and to the Boards of Commissioners of Marion and Polk Counties as required under SRC 114.060(b) for all legislative hearings.

ORS 197.610 and OAR 660-018-0020 requires that the Department of Land Conservation and Development receive notification of any proposed amendment to a local land use regulation at least 45 days prior to the first public hearing. Such notice was sent by regular mail on March 26, 2008.

The proposed amendment is included as Attachment 2. This amendment proposes the addition of a new chapter to the SRC Title X, Salem Zoning Code.

2. Limited Land Use Decisions at Time of Building Permit

ORS 197.015-(12) defines a limited land use decision as a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review.

ATTACHMENT A

ORS 197.195 (3) further states "A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection. In addition:

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

The level of discretion currently exercised by City staff in the building permit approval process may make many building permit approvals land use or limited land use decisions under State statute.

Currently, building plans submitted to the City's Permit Application Center receive approval by all applicable City departments through a process coordinated by the Building and Safety Division of the Community Development Department. Planning and Public Works review is included in this building permit review system. Building permit approval is a ministerial act. Department approval, with handwritten comments, are noted directly on the construction plans. No formal written decision is issued, and no opportunity for public comment or appeal is provided.

This system is appropriate for single-family dwelling and duplex building permits because the subdivision in which such dwellings are sited has usually completed a public approval process as provided in the Salem Subdivision Code, in accordance with State statute. This existing system is not appropriate, however, for all other building permits involving discretionary decisions. This is because the building permit approval process includes no opportunity for public comment and appeal. Examples of such discretionary issues at time of building permit include:

- Location of driveway
- Parking lot layout and landscaping
- Pedestrian connectivity
- Landscaped buffer yards
- Transportation and utility infrastructure

As stated earlier, State statute defines these kinds of decisions as limited land use decisions, which require an opportunity for public comment and appeal. The proposed Site Plan Review process will satisfy these requirements, thereby eliminating the threat of further appeals after building permit issuance.

3. Site Plan Review Advisory Committee

The purpose of the Site Plan Review Advisory Committee is to work with City staff in the drafting of the Site Plan Review ordinance, and provide valuable feedback to staff throughout the adoption and implementation of the new process. The Advisory Committee is composed of a mix of local design and land-development professionals, appointed officials, and neighborhood representatives.

City staff met regularly with the Advisory Committee throughout 2007 to develop a Site Plan Review system. At these meetings, the Committee worked through difficult questions about processing timeframes, application submittal requirements, and legal issues. The proposed ordinance reflects the concerns of the Advisory Committee, such as flexibility in the process for the applicant, streamlined process coordinated with other required development approvals, assurance of obtaining all required approvals early in the process, and opportunity for notice and comment for the neighboring properties and interested persons.

4. Site Plan Review Process

As proposed, Site Plan Review applications may be processed prior to, or concurrent with a building permit application. Not all building permit approvals involve discretionary decisions considered limited land use decisions under State statute. The Site Plan Review Advisory Committee acknowledged this fact when crafting the proposed Site Plan Review ordinance. As a result, the proposed ordinance provides three types of Site Plan Review, depending on the level of staff discretion required during review. In addition, the proposed ordinance exempts single-family and duplex dwellings, sign permits, ordinary maintenance and repair of existing structures, and façade improvements from the Site Plan

Review process altogether.

Type One Limited, Type One, and Type Two Site Plan Review are proposed. These application types are consistent with the land use procedure types proposed in the City of Salem's Land Use Procedures Ordinance currently being drafted.

Type One Limited Site Plan Review is intended for interior construction projects and tenant improvements with no change of use, or interior construction and tenant improvements that include a change of use, but propose no exterior improvements/alterations to the site. Type One Limited Site Plan Review is the simplest type of Site Plan Review proposed. No public notice or opportunity for comment or an opportunity for appeal is provided, because no discretion is required in rendering a Type One Limited Site Plan Review approval. Application submittal requirements are minimal in that it requires a completed application form and payment of a fee.

Type One Site Plan Review is for development not involving discretionary decisions, and not covered by Type One Limited Review. No notice or opportunity for appeal is required in the Type One process. Application submittal requirements for Type One Site Plan Review are listed in 163.040(b) of the proposed ordinance (Attachment 2). Staff anticipates that Type One review will be the most common application type processed.

Type Two Site Plan Review is the highest level of Site Plan Review proposed, and is for development proposals requiring land use or limited land use decisions in rendering a final decision. Subsection 163.020(d) of the proposed ordinance (Attachment 2) provides a list of development issues that make for a Type Two Site Plan Review. Type Two Site Plan Review involves a notice and comment period, written decision issued by the Urban Planning Administrator, and opportunity for appeal. Application submittal requirements for Type Two review are listed in 163.040(c) of the proposed ordinance (Attachment 2). Approval criteria are established for Type Two review in 163.060(b) of the proposed ordinance.

5. Additional Public Outreach

In addition to working with the Site Plan Review Advisory Committee, staff conducted public outreach with the Salem Chapter of the American Institute of Architects, the Salem Land Use Network, and the Salem Area Chamber of Commerce. These additional public outreach meetings took place throughout April and May 2008. At the meetings, staff answered questions, explained why Site Plan Review is needed in order to conform to State statute, and explained how the new process may affect developers and citizens.

Beginning in November 2007, City staff has notified prospective developers of the upcoming Site Plan Review process at Planning Pre-Application Conferences, where applicable. Informational Site Plan Review handouts will be available at the City's Permit Application Center starting Summer 2008.

6. Compatibility with Salem's Existing Development Review Process

Currently, building permit applications for new construction, excluding single-family and duplex residential, are reviewed within 30 working days, and alterations within 20 working days. These timeframes are performance goals for the completion of a first review by all applicable City departments. If building plans are complete, and all applicable regulations are met, permits are issued within the timeframe goal. If building plans are not complete, or do not meet all applicable regulations as submitted, first review and formal comments are sent to the applicant within the timeframe goal. Building and Safety Division records indicate that between January 1, 2007 and July 1, 2007, 100 percent of building permits met the 30-day and 20-day timeframe goals.

Site Plan Review will alter the existing scheme by removing Planning and Public Works Department reviews from the building permit process. Planning and Public Works review will be conducted through a Site Plan Review application, which will be reviewed prior to or concurrent with the building permit review.

The overall City approval timeframe for developments requiring Type One and Type One Limited Site Plan Review will not be significantly affected. The overall City approval timeframe for development requiring Type Two Site Plan Review will be affected because of the added notice and appeal period process. Staff anticipates an approximately 60 calendar day processing timeframe for a complete Type Two application. This 60 calendar day timeframe may take place prior to or concurrent with the

20 or 30 working day building permit timeframe.

To promote consistency and timely review, the Planning and Public Works staff now reviewing building permits will be the same staff assigned to implement the new Site Plan Review process.

7. **Testimony Received**

No written public testimony has been received at the date of writing this staff report.

8. **Consistency of the Proposed Amendments with the Intent and Goals and Policies of the Salem Area Comprehensive Plan**

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The 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 text amendment is consistent with and conforms to the intent of the SACP, including the following applicable SACP goals and policies:

SACP SECTION IV. URBAN AREA GOALS AND POLICIES

- B. **General Development Goal (SACP Page 23):** *To insure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

- B. **General Development Policy No. 1 (Citizen Involvement) (SACP Page 23):** *Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.*

- B. **General Development Policy No. 7 (Optimal Use of the Land) (SACP Page 23):** *Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.*

- B. **General Development Policy No. 12 (Development Compatibility) (SACP Page 23):** *Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

Finding: The proposed Site Plan Review process is consistent with State Land Use Goals. The proposed amendments will provide public notice and opportunity for comment prior to a decision and an opportunity for appeal for development involving land use or limited land use decisions.

The flexibility offered in the Type Two Site Plan Review process will allow staff to apply the facts of an application to the standards of the Salem Revised Code for bufferyards, screening, landscaping, setback, height, and mass regulations. In this way, Site Plan Review will provide a better-organized means for review of development compatibility and optimal site layout.

- C. **Urban Growth Development Goal (SACP Page 26):** *To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

Finding: Section 2 of the proposed ordinance titled "163.010 Site Plan Review, Purpose" states:

Site plan review is required in order to:

- a) Ensure that access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, and landscaping are consistent with the applicable development standards and criteria of the Salem Revised Code; and
- (b) Ensure that transportation and utility infrastructure are adequate or will be adequate to serve the proposed development.

Establishing a consistent system for the review of development plans for these basic site amenities is critical to maintaining a high quality of life in Salem. Site Plan Review also promotes the City's efficient delivery of services by providing a better opportunity for Public Works staff to review site plans for adequate water, sewer, and storm drainage accommodations. Staff finds that the proposed ordinance is consistent with the Comprehensive Plan Urban Growth Development Goal.

G. Commercial Development Policy No. 2 (Shopping and Service Facilities) (SACP Page 33): 2. Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:

- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

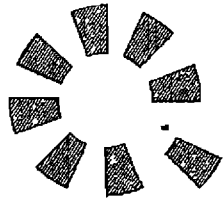
Finding: The proposed amendments establish a Site Plan Review process, which will apply to shopping and service facilities. The minimum application submittal requirements proposed in the Site Plan Review ordinance (Attachment 2) include many of the items listed in the Comprehensive Plan's Commercial Development Policy No. 2, thereby bringing Salem's development review process into greater conformance with this goal.

Case Planner: Bryan Colbourne, Senior Planner, Ext. 7463, bcolbourne@cityofsalem.net

Planning Commission Vote:

Yes 6 No 0 Absent 1 (Smith)

October 13, 2008
8.1 (a)



MULTI
TECH
ENGINEERING SERVICES, INC.

CONSULTANTS
1155 13th Street, S.E.
Salem, Oregon 97302
(503) 363-9227

DOCUMENT FILED

RECEIVED

October 13, 2008

OCT 08 2008

CITY OF SALEM
CITY RECORDER

OCT - 7 2008

COMMUNITY DEVELOPMENT

City Council
City of Salem
555 SE Liberty Road
Salem, Oregon 97301

RE: Site Plan Review Ordinance

Mayor and Council Members:

We have reviewed the proposed Site Plan Review Ordinance that is before you tonight, and to the extent of our review, we support the adoption of the Site Plan Review process. However, due to already submitted building and construction plans, we request that the Council postpone the effective date of the ordinance until after January 1, 2009. Postponing the effective date of the ordinance to January 1, allows pending permits to complete the plans review process before being subject to new regulations.

If you have any questions or comments please feel free to contact me at (503) 363-9227.

Sincerely,

Brian Grenz

Cc: Planning Division
File

CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

ATTN: Plan Amendment Specialist

DEPT. OF LAND CONSERVATION & DEV.
635 CAPITOL ST NE, SUITE 200
SALEM OR 97301-2540

State