NOTICE OF ADOPTED AMENDMENT

04/23/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 010-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, May 08, 2014

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed to local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

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

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

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

Jurisdiction: City of Salem
Local file no.: CA10-04
Date of adoption: March 24, 2014 Date sent: 3/30/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?
☒ Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01-13-2013
☐ No

Is the adopted change different from what was described in the Notice of Proposed Change? ☒ Yes ☐ No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Pamela Cole, Planner II
Phone: 503-540-2309 E-mail: pcole@cityofsalem.net
Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:
Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:
Identify the former and new map designations and the area affected:

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

☐ The subject property is entirely within an urban growth boundary
☐ The subject property is partially within an urban growth boundary

http://www.oregon.gov/LCD/Pages/forms.aspx
If the comprehensive plan map change is a **UGB amendment** including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

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

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

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

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

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

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

**For a change to a zoning map:**

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

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

- **Overlay zone designation:**
- **Acres added:**
- **Acres removed:**

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

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

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


http://www.oregon.gov/LCD/Pages/forms.aspx

Form updated November 1, 2013
April 1, 2014

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

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

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

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

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

Lisa Anderson-Ogilvie,
AIC Urban Planning Administrator
3 An ordinance relating to establishing new Salem Revised Code

The City of Salem ordains as follows:

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

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

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of
support towers and related equipment;
(b) The careful consideration of the topography, natural features, and historical
significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited
to, freestanding structures such as light or utility poles and water towers, instead of
constructing new support towers;
(d) The encouragement of the location of new support towers and related
equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion
of existing structures in rights-of-way for the purpose of providing wireless
communications facilities:
(f) The provision of wireless communication services through facilities with
minimal visual impact.

703.005. Definitions. Unless the context specifically requires, as used in this Chapter, the
following mean:
(a) Amateur radio: The licensed and private use of designated radio bands, for
purposes of private recreation, non-commercial exchange of messages,
experimentation, self-training, and emergency communication pursuant to an
amateur operator license granted from the Federal Communications Commission.
Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
transmission or reception of radio frequency signals, including, but not limited to
omni-directional antenna (whip), directional antenna (panel), micro cell, and
parabolic antenna (dish). Antenna does not include support structures, utility
structures, or support towers.
(c) Array: A grouping of two or more antennas on a single support structure,
support tower, or utility structure.
(d) Auxiliary support equipment: All equipment necessary to provide wireless
communications signals and data, including, but not limited to, electronic
processing devices, air conditioning units, and emergency generators. Auxiliary
support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

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

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

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

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

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

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

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

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

(m) Original structure: A lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the
owner and the City.

Owner: The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

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

Residential building: A building used for household living or group living, regardless of zone. For the purposes of this definition:

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

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

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

Right-of-way: The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City’s right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.
Screening: To obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

Siting: The location, construction, collocation, modification, or installation of a wireless communications facility.

Skipped pole:

1. A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
2. Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

Substantially change the physical dimensions:

1. The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
2. The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
3. The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
4. The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or
owned property surrounding the support tower and any access or utility
easements currently related to the site.

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

Support tower: A freestanding structure designed and constructed
exclusively to support a wireless communications facility or an antenna or antenna
array, including, but not limited to, monopoles, lattice towers, guyed towers, and
self-supporting towers.

Temporary wireless communications facility: Any wireless
communications facility that is to be in use for not more than ninety days and is not
deployed in a permanent manner.

Utility structure: Any utility pole, guy or support pole, utility pole extension,
light standard, light pole or other similar pole that is suitable for the installation of
wireless communications facilities.

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

Wireless communications facility: Any un-staffed facility for the
transmission and/or reception of radio frequency signals for commercial wireless
communications purposes, including, but not limited to, auxiliary support
equipment; support towers or support structures, or utility structures used to achieve
the necessary elevation for the antenna; transmission and reception cabling and
devices; and all antennas or arrays; but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless
communications services used exclusively by gas and electric utilities and
cooperative utilities for internal communications of an operational nature.

703.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

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

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

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

(B) Ham radios and associated equipment.

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

(D) Modification of an existing support tower or base station for the
collocation of or attachment of new transmission equipment or removal or
replacement of existing transmission equipment, pursuant to 47 U.S.C. §
1455, and notwithstanding any provision of this Chapter to the contrary,
provided that such modification does not substantially change the physical
dimensions of such support tower or base station from the dimensions
approved as part of the original decision or building permit for the support
tower or base station, that the applicant requesting a modification or
expansion of a support tower or base station establishes by substantial
evidence that the requested separation between antennas is the minimum
necessary to avoid interference, and, to the extent feasible, that the
additional equipment or modified equipment shall maintain the appearance
and design of the original facility, including, but not limited to, color,
screening, landscaping, stealth or camouflage design, mounting
configuration, and architectural treatment. However, any modification to a
support tower or base station which substantially changes the physical
dimensions of either the support tower or base station, and any other
modification to a wireless communications facility that does not qualify as a
support tower or base station, shall be subject to the siting permits and
authorizations as required by this Chapter.
(E) Siting of temporary wireless communications facilities that are used by
a public agency for emergency communications, emergency preparedness,
or other public health or safety purposes.
(F) Replacement of an existing support tower with a tower that does not
substantially change the physical dimensions of the existing support tower.

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

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

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

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

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

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

703.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for
applications to site wireless communications facilities.

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

(1) A Class 1 Permit is a permit for a first priority siting.
(2) A Class 2 Permit is a permit for a second priority siting.
(3) A Class 3 Permit is a permit for a third priority siting or fourth priority siting.

(c) Procedure Type.

(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

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

(A) The location of the siting, according to the siting priorities set forth in 703.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.
(B) A site plan that includes:
   (i) Description of the proposed wireless communications facility’s design and dimensions.
   (ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.
(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.
(D) Documentation showing that the auxiliary support equipment will not
produce sound levels in excess of standards contained in SRC Chapter 93, or
designs showing how the sound will be effectively muffled to meet those
standards by means of baffling, barriers, or other suitable means.
(E) Documentation that the proposed facility has been submitted to the
State Historic Preservation Office for review, if applicable, or a statement
explaining why the site is not subject to review by the State Historic
Preservation Office.

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

(A) An engineer’s certification that the support structure, utility structure,
or support tower will safely handle the load created by the attachment or
collocation and comply with American National Standards Institute (ANSI)
and other industry safety, structural codes and standards.
(B) If the utility structure is on a local street, color radio frequency contour
maps clearly showing the calculated coverage using the proposed antennas
at the applicant’s target signal level and the calculated coverage areas for all
existing adjacent wireless communications facility sites of the owner to
support the site selected for the proposed facility considering the siting
priority established by SRC 703.010(c). If collocation or attachment on
other utility structures was ruled out for non-radio frequency coverage
reasons, the owner shall provide a statement identifying and justifying those
reasons.

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

(A) An engineer’s certification that the replacement utility structure will
safely handle the load created by the proposed antennas and comply with
ANSI and other industry safety, structural codes and standards.
(B) Documentation that the replacement utility structure is at least as wide
as that required by any applicable safety standards adopted by the Oregon
Public Utility Commission or the minimum necessary to accommodate
collection attachment on the proposed replacement structure.

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

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

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

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

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

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

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to
provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures
do not have sufficient structural strength to support the proposed
antenna or antennas and related equipment and such support towers or
support structures or utility structures cannot reasonably be improved or
replaced to support the proposed antenna or antennas and related
equipment;
(iv) The proposed antenna or antennas would electromagnetically
interfere with an antenna on an existing support tower or support
structure or utility structure or a replacement utility structure and it is
not feasible to effectively address such interference;
(v) Other limiting engineering factors render existing support towers
and support structures and utility structures and replacement utility
structures not feasible.

(C) An alternatives analysis for new support towers demonstrating
compliance with the support tower siting requirements of 703.030(c).
(D) The number and type of antennas that the support tower is designed to
accommodate.
(E) A signed statement of compliance from the owner of the wireless
communications facility that the owner will allow timely collocation by
other users, provided all safety, structural, technological, and monetary
requirements are met.
(F) A visual study containing, at a minimum, color simulations showing the
appearance of the proposed support tower, antennas, and auxiliary
equipment from at least five view points within a one-mile radius. The view
points shall be chosen by the owner, but shall include representative views
from residential buildings, historic resources, or historic districts located
within two hundred and fifty feet of the proposed site. If the support tower
must comply with the design standards in 703.070(e), the graphic simulation
shall include the proposed design.
(G) Coverage maps or capacity documentation showing any gap in the provider’s service and minimum height or configuration of the facility needed to fill the gap.

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

(1) For Class 1 Applications:
   (A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.
   (B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
   (B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.
   (C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.
   (D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.
   (E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.
For Class 3 Applications:

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

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

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

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

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

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

703.030. Siting Standards.

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

(1) Outside Right-of-Way.

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

(2) Inside Right-of-Way.

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

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation ORDINANCE 24-13 - Page 14 COUNCIL OF THE CITY OF SALEM, OREGON
System Plan.

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

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

(1) Inside Right-of-Way.

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

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

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

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

(1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the
provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support tower and future attached or collocated facilities on the proposed tower.

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

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

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

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

703.040. Antenna Development Standards.

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

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

   (2) Surface and Coloration. Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.
(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or
mounted using similar techniques that minimize visual impact to the greatest
extent practicable.

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

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

(A) **Height:**

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

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

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

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

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

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

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

(A) **Height.** Antennas shall extend no higher than ten feet above the
point of attachment to the building.
(B) Screening, Surface, and Coloration.

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

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

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

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

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

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

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

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

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

(1) Physical Integrity. The antennas shall not jeopardize the utility structure’s physical integrity.
(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

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

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

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

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

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

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

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

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

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

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

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

   (A) Flush with the utility structure; or

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

(5) **Surface and Coloration.** Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility.
structure so as to minimize visual impact as much as reasonably possible.

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

703.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

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

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

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

(4) Equipment Associated with Antennas on Utility Structures.

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

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-
way and adjacent properties. Examples: placing the equipment within the
interior of an adjacent building or structure, within an underground vault,
behind landscaping or a sight-obscuring fence, or within an architectural
element, or concealed to resemble a natural object such as a boulder.
(C) Equipment attached to a utility structure. Equipment, other than
optical fibers, wires or cables, attached to a utility structure shall:
   (i) Project no more than eighteen inches from the surface of the utility
structure;
   (ii) Be less than or equal to twenty-four inches in height;
   (iii) Be mounted a minimum of fifteen feet above ground level on a
utility structure located in right-of-way between the sidewalk and the
street improvement or a minimum of ten feet above ground level on a
utility structure located in right-of-way between the sidewalk and the
property line abutting the right-of-way or a minimum of ten feet above
ground level on a utility structure located outside right-of-way.
(b) Setbacks. Auxiliary support equipment installed above ground and outside
right-of-way shall be set back from all property lines according to the applicable
standards in the underlying zone.
(c) Vision Clearance. Auxiliary support equipment installed above ground shall
meet the vision clearance area requirements of SRC 76.170.
(d) External cables and wires. All external cables and wires for auxiliary support
equipment shall be placed in conduit or painted to match the tower, building,
support structure, or utility structure, as applicable.
(e) Coloration.
   (1) Equipment Associated with Support Towers and Support Structures.
   All auxiliary support equipment shall be non-reflective and shall be painted
   natural earth or leaf tones or otherwise colored or surfaced so as to blend with
   the surrounding environment.
   (2) Equipment Associated with Utility Structures. Equipment installed on a
utility structure shall be non-reflective and painted, coated or given a surface
application that is identical to the color and surface texture of the utility
structure. Other equipment shall be non-reflective and painted natural earth or
leaf tones or otherwise colored or surfaced so as to blend with the surrounding
environment.

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

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


(a) Height.

(1) Outside Right-of-Way.

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

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

(2) Inside Right-of-Way.

(A) Inside right-of-way, an original utility structure may be replaced with a
replacement utility structure that is taller than the original structure,
provided that the combined height of a replacement structure, antenna
mounting device, and antennae is no greater than:
(i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
(ii) Seventy-three feet for a replacement structure on a major arterial;
(iii) Sixty-three feet for a replacement structure on a minor arterial; or
(iv) Fifty-three feet for a replacement structure located on a collector street or local street.

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

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

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

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

(e) Lighting. Unless the existing utility structure or original structure was lighted,
a replacement structure shall not be lighted.

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

(a) Height.

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

**TABLE 703-1**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>NCMU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
</tbody>
</table>
(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

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

(1) In all industrial zones and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone and a minimum of thirty one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(2) In all zones other than the industrial zones, residential zones, and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(3) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RM1.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).
(4) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

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

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

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

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

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

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

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

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

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

(h) **Collocation.**

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

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

(i) **Access.**

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

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

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

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

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

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

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

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

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

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

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

(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable
federal, state, and local laws and regulations.

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

703.090. Wireless Communications Facilities Adjustment.

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

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

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

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

(2) A site plan that includes:

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

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

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

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

   (1) The adjustment is consistent with the purpose of the development standard
for which the adjustment is sought.

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

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

(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building:

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

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

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

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

(ii) Better preservation of views or view corridors;

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

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

703.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of
a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees.

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

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

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

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

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

(3) Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City’s costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone or for a new support tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner’s findings to perform third-party review under this section.
(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

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

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

(f) Relocation.

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

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

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

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

(g) Measurements. Unless otherwise specified in this Chapter, all references to
the existing or allowed height of a structure in this Chapter are measured from the
original grade at the base of the wireless communications facility to the highest
point on the wireless communications facility, including all antennas and excluding
any lightning rods.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

148.345. RM2 Wireless Communications Facilities. Wireless Communications Facilities
are allowed in the RM2 district, subject to SRC Chapter 703.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158.045. Wireless Communications Facilities. Wireless Communications Facilities are
Section 21. The following SRC 159.045 is hereby added to SRC Chapter 159:

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

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

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

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

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

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

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

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


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

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

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

(d) Adjoin means to abut.

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

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

(g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support
services in a protective setting during part of a day but of less than 24 hours. Adult
day care does not include treatment programs for drugs, alcohol or psychiatric
disorders or other health centers as defined in SIC 80.

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

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

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

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

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

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

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

2. Directional or Parabolic ("panel" or "dish") Antenna—receives and
   transmits signals in a directional pattern typically encompassing an are of 120
degrees. The term "antenna" shall not include Ancillary Antenna which are
antennas less than 12 inches in its largest dimension and are not directly used
to provide personal wireless communications services. An example would be
any pole, panel rod, reflection disc, or similar device used for the transmission or
reception of radio frequency signals, including, but not limited to omni-directional
antenna (whip), directional antenna (panel), micro cell, and parabolic antenna.
Antenna does not include support structures, utility structures, or support towers.

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

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

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

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

111.040. "C" Definitions.

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

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

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

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

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

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

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

(h) Collocation means the use of a single support structure and/or site by more than one wireless communications provider mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of
transmitting and/or receiving radio frequency signals for communications purposes.

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

(j) Contiguity means the state of being contiguous.

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

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

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

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

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

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

(q) Corner lot means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees.
or less. In the event a street front lot line is a curve at its point of intersection with a
side lot line, the tangent to the curve at that point shall be considered the direction
of the front lot line.

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

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

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

(u) CSDP (Central Salem Development Program) area means that area of the city
within the following boundaries: Beginning at the SE corner of 12th Street SE and
Mission Street SE in Section 27 Township 7 South Range 3 West in Marion
County, Oregon; Thence Northerly along the East line of 12th Street SE to its
intersection with the East Right-of-Way line of the Southern Pacific Railroad;
Thence continuing Northerly along said East line of Railroad to the North side of
"D" Street NE; Thence Westerly along the North side of "D" Street NE to the West
Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
the North side of Market Street NE; Thence Easterly along the North side of Market
Street NE to an Alley running between Fifth Street NE and Church Street NE;
Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
Easterly along the North side of Gaines Street to the West side of Church Street NE;
Thence Northerly along the West Side of Church Street to the North line of an
Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
along the North side of Said Alley to the East bank of the Willamette River; Thence
Southerly along the East Bank of the Willamette River and Willamette Slough to
the Westerly projection of the South line of Mission Street SE; Thence running
Easterly along the South side of Mission Street SE to the Place of Beginning.
Section 27. SRC 111.060 is amended to read as follows:

111.060. "E" Definitions.

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

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

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

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

111.070. "F" Definitions.

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

(b) Farm use means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). "Current employment" shall be as defined in ORS 215.203(2)(b).
(c) Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

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

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

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

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

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

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

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

111.130. "L" Definitions.

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

(b) Land use proceeding means a proceeding on a zone change, variance,
adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

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

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

(e) Livestock means:

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

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

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

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

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

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

(j) Lot depth means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.
(k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

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

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

(n) Lot line, front means:

1. In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;
2. In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and
3. In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building faces.

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

(p) Lot line, rear means:

1. In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and
2. In the case of any other lot, the lot line opposite and most distant from the front lot line.

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

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

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

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

111.140. "M" Definitions.

(a) Manufactured dwelling means:

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

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

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

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

(e) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. It does not include a street vendor's cart as described in SRC 31.1055 or a peddler's vehicle or conveyance described in SRC 31.180.
Section 31. SRC 111.240 is amended to read as follows:

111.240. "W" Definitions.

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

(ORS 196.800).

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

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

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

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

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

(g) Wireless Communication Facilities (WCF) means an unstaffed facility for the
transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(h) Wireless communications facility means any unstaffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

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


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

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

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

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

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

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

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

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

(b) Yard setbacks and landscaping as required in other sections of this Code,
including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply;

EXCEPT,

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

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

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

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

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

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

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

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

(5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.
(d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.

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

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

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

133.100. Off-street Vehicle Parking Requirements.

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

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

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

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

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

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

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

(a) The minimum number of required bicycle parking spaces is listed in Table 133-1.
(b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and provide a minimum four foot access aisle unless spaces are provided to store the bicycle in a hanging position. Bicycle racks shall be provided as outlined in subsection (c) of this section.

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

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

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

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

(1) Seasonal uses, such as fireworks stands and Christmas tree sales;
(2) Drive-in theaters;
(3) Self-storage facilities;
(4) Wireless communications facilities.

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

135.020. Definitions. As used in this Chapter, except as the context otherwise requires:

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

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

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has
been undertaken by May 1, 1990;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137.020. Definitions.

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

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

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

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

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

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

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

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.
(d) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

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

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

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

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

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

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

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

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


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

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

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

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

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

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

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

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

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

Section 40. SRC 139.040 is amended to read as follows:

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

(a) Any permitted, special, administrative conditional use, or conditional, or allowed wireless communications facilities uses allowed in the RS, (Single Family Residential) district.

(b) Any combination of single family detached, duplex or triplex units, up to a maximum of three (3) units on a lot subject to the per lot density requirements of SRC...
139.060 and the development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.

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

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

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

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

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

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

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

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

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

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.
Section 42. SRC 143.020 is amended to read as follows:

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

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

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

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

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

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

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

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

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

143A.020. Definitions.

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

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

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

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

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

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

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

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

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

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.
(1) Mixed Use Buildings as defined in SRC Chapter 119;
(2) Bed and Breakfast establishments;
(3) Nursing and Personal Care Facilities (805);
(4) Individual and Family Social Services (832);
(5) Adult Day Care Center;
(6) Used merchandise stores (953593) with all retail and storage of merchandise and equipment conducted entirely within a building;
(7) Entertainment establishments;
(8) Keeping of miniature swine;
(9) Antennas attached to existing or approved structures;
(10) Public Automobile Parking Areas;
(4410) General Warehousing and Storage;
(1211) Construction of a replacement single family dwelling unit on an individual lot;
(1312) Ambulance Station;
(1413) Ambulance Service Facility.

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

**Section 45.** SRC 143A.080 is amended to read as follows:

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070-143A.075, except as provided in SRC 143.090(b) 113.090(d).

Prohibited uses expressly include the following:

(a) Outdoor Advertising Signs (billboards).

(b) Freestanding support structures less than 70 feet in height and equipment enclosures

(e) Wildlife rehabilitation facilities.

(dg) Outdoor storage of materials and equipment.
Section 46. SRC 143A.200 is amended to read as follows:

143A.200. Reference to Additional Standards.

- General Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-Street Parking, Loading, and Driveways SRC Chapter 133
- Development Design Handbook (multiple family residential uses)
- Wireless Communications Facilities SRC Chapter 703

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

143B.030. Definitions.

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

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

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

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

(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:
(1) Maintenance and repair, usual and necessary for the continuance of an existing use;
(2) Reasonable emergency procedures necessary for the safety or operation of property;
(3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
(4) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

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

Primary Building Entrance means the principal access point for persons visiting a building.

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

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

143B.070. Prohibited Uses Within Overlay Zone.
(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone.
(b) No freestanding support structure shall be erected, structurally altered, or enlarged in the area within 300 feet of public right-of-way.

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

143B.090. Special Uses - Pine Street CG Mixed-Use Area.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial General underlying zone:
   (1) Used merchandise stores (593);
   (2) Entertainment establishments (58);
(3) Wildlife rehabilitation facility;
(4) Antennas attached to existing or approved structures;
(54) Public automobile parking areas;
(65) Mobile food unit;
(76) Ambulance Station;
(87) Ambulance Service Facility.

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

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

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

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

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

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

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

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

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

(1) Used merchandise store (593);
(2) Entertainment establishments;
(3) Existing wildlife rehabilitation facility;
(4) Mobile food unit;
(5) Antennas attached to existing or approved structures;
(6) Ambulance Station;
(7) Ambulance Service Facility.

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

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

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

<table>
<thead>
<tr>
<th>RESIDENTIAL</th>
<th>LI</th>
<th>MI*</th>
<th>AU</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td>One single family dwelling, townhouse, or duplex per lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons</td>
<td></td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>One manufactured home on a single lot [SRC 119.710]</td>
<td>S</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
</tbody>
</table>

Table 143C-1

P = permitted use; S = special use; C = conditional use; A = administrative conditional-use W = wireless communications facilities use

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### AGRICULTURE and FORESTRY

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Permits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural production - crops (01)</td>
<td>P P P P</td>
</tr>
<tr>
<td>Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated</td>
<td>P P</td>
</tr>
<tr>
<td>Veterinary services (0742)</td>
<td>P P P</td>
</tr>
<tr>
<td>Farm labor and management services (076)</td>
<td>P</td>
</tr>
<tr>
<td>Farm labor and management services (076), offices only</td>
<td>P P P</td>
</tr>
<tr>
<td>Landscape and horticultural services (078)</td>
<td>P</td>
</tr>
<tr>
<td>Landscape and horticultural services (078), offices only</td>
<td>P P P</td>
</tr>
<tr>
<td>Timber tracts (081)</td>
<td>P P</td>
</tr>
<tr>
<td>Forestry services (085), offices only</td>
<td>P</td>
</tr>
</tbody>
</table>

### CONSTRUCTION

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Permits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building construction - general contractors and operative builders (15), offices only</td>
<td>P P P</td>
</tr>
<tr>
<td>Heavy Construction other than building construction - contractors (16), offices only</td>
<td>P P P</td>
</tr>
<tr>
<td>Construction - special trade contractors (17), offices only</td>
<td>P P P</td>
</tr>
</tbody>
</table>

### MANUFACTURING

<table>
<thead>
<tr>
<th>Product Type</th>
<th>Permits Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dairy products (202)</td>
<td>C P</td>
</tr>
<tr>
<td>Canned, frozen and preserved fruits, vegetables and food specialties (203)</td>
<td>P</td>
</tr>
<tr>
<td>Grain mill products (204)</td>
<td>C P</td>
</tr>
<tr>
<td>Bakery products (205)</td>
<td>C P</td>
</tr>
<tr>
<td>Candy and other confectionery products (2064 and 2068)</td>
<td>C P</td>
</tr>
<tr>
<td>Chocolate and cocoa products (2066)</td>
<td>C P</td>
</tr>
<tr>
<td>Beverages (208)</td>
<td>C P</td>
</tr>
<tr>
<td>Miscellaneous food preparations and kindred products (209)</td>
<td>C P</td>
</tr>
<tr>
<td>1</td>
<td>Textile mill products (22)</td>
</tr>
<tr>
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<td>--------------------------</td>
</tr>
<tr>
<td>2</td>
<td>Apparel and other finished products made from fabrics and similar materials (23)</td>
</tr>
<tr>
<td>3</td>
<td>Wood kitchen cabinets (2434)</td>
</tr>
<tr>
<td>4</td>
<td>Paperboard containers and boxes (265)</td>
</tr>
<tr>
<td>5</td>
<td>Printing, publishing, and allied industries (27)</td>
</tr>
<tr>
<td>6</td>
<td>Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)</td>
</tr>
<tr>
<td>7</td>
<td>Metal cans and shipping containers (341)</td>
</tr>
<tr>
<td>8</td>
<td>Cutlery, hand tools and general hardware (342)</td>
</tr>
<tr>
<td>9</td>
<td>Heating equipment, except electric and warm air; and plumbing fixtures (343)</td>
</tr>
<tr>
<td>10</td>
<td>Metal forgings and stampings (346)</td>
</tr>
<tr>
<td>11</td>
<td>Computer and office equipment (357)</td>
</tr>
<tr>
<td>12</td>
<td>Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)</td>
</tr>
<tr>
<td>13</td>
<td>Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)</td>
</tr>
<tr>
<td>14</td>
<td>Signs and advertising specialties (3993)</td>
</tr>
</tbody>
</table>

**TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES**

| 15 | Local and suburban transit and interurban highway passenger transportation (41) | P | P |
| 16 | Motor freight transportation and warehousing (42) | P | P |
| 17 | U.S. Postal Service (43) | P | P | P |
| 18 | Transportation services (47) | P | P | P |
| 19 | Communication (48) | P | P | P |
| 20 | Wireless Communications Facilities [SRC 119.460] | A | W | A | A |
| 21 | Antennas attached to existing or approved structures [SRC 119.460] | S | S | S | S |

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<table>
<thead>
<tr>
<th>WHOLESALE TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)</td>
</tr>
<tr>
<td>Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RETAIL TRADE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271)</td>
</tr>
<tr>
<td>General merchandise stores (53)</td>
</tr>
<tr>
<td>Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542)</td>
</tr>
<tr>
<td>Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554)</td>
</tr>
<tr>
<td>Auto and home supply stores (553)</td>
</tr>
<tr>
<td>Gasoline service stations (554) [SRC 119.150]</td>
</tr>
<tr>
<td>Apparel and accessories stores (56)</td>
</tr>
<tr>
<td>Furniture, home furnishings, and equipment stores (57)</td>
</tr>
<tr>
<td>Eating and drinking places (58) EXCEPT Drive-throughs</td>
</tr>
<tr>
<td>Miscellaneous retail (59) including, in addition to uses specifically listed in SIC group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FINANCE, INSURANCE, and REAL ESTATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Depository Institutions (60)</td>
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<tr>
<td>Non-depository Credit Institutions (61)</td>
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<tr>
<td>Security and commodity brokers, dealers, exchanges and services (62)</td>
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<tr>
<td>Insurance carriers (63)</td>
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<tr>
<td>Insurance agents, brokers, and service (64)</td>
</tr>
<tr>
<td>Real estate (65)</td>
</tr>
<tr>
<td>Holding, and other investment offices (67)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SERVICES</th>
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</thead>
<tbody>
<tr>
<td>Hotels and motels (701) BUT EXCLUDING casino hotels</td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
</tr>
</tbody>
</table>

COUNCIL OF THE CITY OF SALEM, OREGON
<p>| 1 | Personal services (72)       | P | P | P |
| 2 | Business services (73)       | P | P | P |
| 3 | Automotive repair services, and parking (75) | P | P |
| 4 | Miscellaneous repair services (76) | P | P |
| 5 | Motion pictures (78)         | P | P | P |
| 6 | Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2) | P | P | P |
| 7 | Health services (80) BUT EXCLUDING hospitals (806) | P | P | P |
| 8 | Legal services (81)          | P | P | P |
| 9 | Educational services (82)    | P | P | P |
|10 | Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons | P | P |
|11 | Child day care home          | P | P | P |
|12 | Adult day care home          | P | P | P |
|13 | Membership organizations (86), BUT EXCLUDING religious organizations (8661) | P | P | P |
|14 | Religious organizations (8661) | P | P | P |
|15 | Engineering, Accounting, Research, Management, and Related Services (87) | P | P | P |
|16 | Accounting, auditing, and bookkeeping (893) | P | P | P |
|17 | Services, not elsewhere classified (899) | P | P | P |
|18 | <strong>PUBLIC ADMINISTRATION</strong>    |   |   |   |
|19 | Executive offices (911)      | P | P | P |
|20 | Executive and legislative combined (913) | P | P | P |
|21 | General government, not elsewhere classified (919) | P | P | P |
|22 | Fire protection (9224)       | P | P | P |
|23 | Public order and safety, not elsewhere classified (9229) | P | P | P |
|24 | Finance, taxation, and monetary policy (93) | P | P | P |
|25 | Administration of human resources programs (94) | P | P | P |
|26 | Administration of environmental quality and housing programs (95) | P | P | P |</p>
<table>
<thead>
<tr>
<th>Administration of economic programs (96)</th>
<th>P P P</th>
</tr>
</thead>
<tbody>
<tr>
<td>National security and international affairs (97)</td>
<td>P P P</td>
</tr>
</tbody>
</table>

**OTHER USES**

- Community or neighborhood clubs | P P P |
- Swimming pools, whether or not open to the public for a fee | P P P |
- Playgrounds, parks | P P P P |
- Public buildings and structures, such as libraries, fire stations | P P P P |
- Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines | P P P P |
- Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations | P P P P |
- Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded | P P P |
- Recycling depots | P P P |
- Transit stop shelters | P P P P |

<table>
<thead>
<tr>
<th>Ambulance Station [SRC 119.030]</th>
<th>S S</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ambulance Service Facility [SRC 119.040]</td>
<td>S S</td>
</tr>
</tbody>
</table>

**ACCESSORY USES and STRUCTURES**

- Customary residential accessory buildings and structures for private use of the property and its occupants | P P P P |
- A garage or parking area serving the main building or use | P P P P |
- Sleeping quarters for domestic employees of the resident of the main building | P P P P |
- Home occupations | P P P P |
- The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit | P P P P |

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.

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

143D.020. Definitions.

(a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For
purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.

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

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

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

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

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

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

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

Section 54. SRC 143D.070 is amended to read as follows:
143D.070. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or wireless communications facilities use in the underlying zone.

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

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

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

143D.120. Uses.

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

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

(1) Eating and drinking places and entertainment establishments;
(2) Beauty Shops (723);
(3) Barber Shops (724);
(4) Business Services (73);
(5) Membership sports and recreation clubs (7997);
(6) Medical and dental laboratories (807);
(7) Outpatient facilities (8093);
(8) Engineering, accounting, research, management and related services (87);
(9) Executive offices (911);
(10) Executive and legislative combined (913);
(11) Police protection (9221), BUT EXCLUDING jail facilities;
(12) Public finance, taxation and monetary policy (93);
(13) Administration of human resources programs (94);
(14) Administration of environmental quality and housing programs (95);
(15) Administration of economic programs (96);
(16) National security and international affairs (97);
(17) Used merchandise stores (593);
(18) General merchandise stores (53);
(19) Food stores (54);
(20) Apparel and accessory stores (56);
(21) Furniture, home furnishings and equipment stores (57);
(22) Miscellaneous retail (59);
(23) Miscellaneous repair services (76);
(24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
(25) Services not elsewhere classified (899).

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

(1) Agricultural production crops (071);
(2) Crop services (072);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products;
(5) Chemicals and allied products (28);
(6) Motorcycle dealers (557);
(7) Automotive dealers, not elsewhere classified (559);
(8) Fuel Dealers (598);
(9) Outdoor advertising services (7312);
(10) Disinfecting and pest control services (7342);
(11) Building cleaning and maintenance services not elsewhere classified (7349);
(12) Recycling Depots;
(13) Scrap and waste material establishments (5093);
(14) Livestock, except dairy, poultry, and animal specialties (021);
(15) Air transportation, Non-scheduled (452);
(16) Crude petroleum and natural gas extraction (131);
(17) Surface mining operations;
(18) Meat products (201);
Animal and marine fats and oils (2077);
Logging camps and logging contractors (241);
Sawmills and planing mills (242);
Paper and allied products (26);
Agricultural chemicals (287);
Miscellaneous chemical products (289);
Petroleum and coal products (29);
Cement hydraulic (324);
Iron and steel foundries (332);
Primary smelting and refining nonferrous metals (333);
Secondary smelting and refining nonferrous metals (334);
Rolling, drawing, and extruding of nonferrous metals (335);
Ordinance and accessories, except vehicles and guided missiles (348);
Storage batteries (3691);
Primary batteries, dry and wet (3692);
Livestock (5154);
Chemicals and allied products (516);
Racing, including track operation (7948); and
Solid waste transfer stations.

Section 57. SRC 143D.180 is amended to read as follows:
143D.180. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or wireless communications facilities use in the underlying zone.

Section 58. SRC 143D.190 is amended to read as follows:
143D.190. Uses.
(a) Except as provided in subsection (b) and (c) of this section, no building or structure
shall be used, erected, structurally altered or enlarged, or any land used, for any use not
allowed as a permitted, special, administrative conditional, or wireless
communications facilities use in the underlying zone. Otherwise permitted uses in Area
5 may not be conducted as drive-through uses, defined as business activities typically
involving queuing lanes, service windows, service islands, and service bays. The
additional prohibited uses, identified under subsection (c) of this section that existed
within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
lot or parcel where they are located on such date. Such uses may be intensified,
enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
that were not previously utilized for such use.

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

(1) Mixed use developments as defined in this Chapter; and

(2) Dwellings meeting the density standards of Section 143D.210.

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

(1) Agricultural production - crops (01);

(2) Landscape and horticultural services (078), but excluding landscape counseling
and planning (0781);

(3) Timber tracts (081);

(4) Forest nurseries and gathering of forest products (0831);

(5) Crude petroleum and natural gas extraction (131);

(6) Gas production and distribution (492);

(7) Lumber and other building materials dealers (521);

(8) Automotive dealers and gasoline service stations (55), but excluding auto and
home supply stores (retail sales only, no service or installation) (5531);

(9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;

(10) Camps and recreational vehicle parks (703);

(11) Carpet and upholstery cleaning (7217);

(12) Equipment Rental and Leasing (7359);

(13) Automotive rental and leasing, without drivers (751);

(14) Automotive repair shops (753);

(15) Automotive services, except repair (754);

(16) Motorcycle repair service;

(17) Professional sports clubs and promoters (7941);
(18) Temporary motor vehicle and recreational vehicle sales;
(19) Utilities - secondary truck parking and material storage yard;
(20) Recycling depots;
(21) Solid waste transfer stations.

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

**143D.230.** Uses.

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

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

1. Home occupations pursuant with 143D.240.

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

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

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

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

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

1. Automotive dealers (55) but excluding auto and home supply stores (553) and gasoline service stations (554); and
2. Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way; and
3. Freestanding Support Towers within 300 feet of Commercial Street SE right-of-way.

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

**144.050.** Prohibited Uses. Within an EFU district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020 to 144.040-144.045.
Section 63. SRC 145.030 is amended to read as follows:

145.030. Special Uses.

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

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

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

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

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.040-145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

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

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

- Preservation of Trees and Vegetation SRC Chapter 68
- Landslide Hazards SRC Chapter 69
- Street Trees SRC Chapter 86
- Planned Unit Developments SRC Chapter 121
- Increased Residential Density SRC Chapter 122
- Mobile Home Parks SRC Chapter 123
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

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

146.030. Special Uses.

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

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

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

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

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

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

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

<table>
<thead>
<tr>
<th>Standard</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landslide Hazards</td>
<td>69</td>
</tr>
<tr>
<td>Street Trees</td>
<td>86</td>
</tr>
<tr>
<td>Planned Unit Developments</td>
<td>121</td>
</tr>
<tr>
<td>Increased Residential Density</td>
<td>122</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>123</td>
</tr>
<tr>
<td>Home Occupations</td>
<td>124</td>
</tr>
</tbody>
</table>

ORDINANCE 24-13 – Page 76   COUNCIL OF THE CITY OF SALEM, OREGON
Lot Development Standards
Accessory Structures
Landscaping
Off-street Parking, Loading and Driveways
Flood Plain Overlay Zones
Willamette Greenway Overlay Zones
Wireless Communications Facilities

Section 69. SRC is amended to read as follows:

147.030. Special Uses.

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

(1) Nursing and personal care facilities (805).

(2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.

(3) Zero side yard dwellings.

(4) Keeping of a miniature swine.

(5) Manufactured homes on individual lots.

(6) Antennas attached to existing or approved structures.

(7) Religious organizations (866).

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

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

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

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

147.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Street Trees SRC Chapter 86
- Planned Unit Developments SRC Chapter 121
- Increased Residential Density SRC Chapter 122
- Mobile Home Parks SRC Chapter 123
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

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

148.170. RM1 Special Uses.

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

1. Nursing and personal care facilities.
2. Elementary and secondary schools.
3. Religious organizations.
5. Manufactured homes on individual lots, provided the minimum density requirements of SRC 148.220 are met.
6. Adult day care center.
9. Antennas attached to existing or approved structures

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

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

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

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

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

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

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

| Landslide Hazards | SRC Chapter 69 |
| Planned Unit Development | SRC Chapter 121 |
| Mobile Homes Parks | SRC Chapter 123 |
| Home Occupations | SRC Chapter 124 |
| Lot Development Standards | SRC Chapter 130 |
| Accessory Structures | SRC Chapter 131 |
| Landscaping | SRC Chapter 132 |
| Off-Street Parking, Loading, and Driveways | SRC Chapter 133 |
| Flood Plain Overlay Zones | SRC Chapter 141 |
| City of Salem Development Design Handbook |
| Wireless Communications Facilities | SRC Chapter 703 |

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

148.350. RM2 Prohibited Uses. Within any RD RM2 district, no building, structure, or
land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 148.310 to 147.040 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

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

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

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

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

- Landslide Hazards (SRC Chapter 69)
- Planned Unit Development (SRC Chapter 121)
- Mobile Home Parks (SRC Chapter 123)
- Home Occupations (SRC Chapter 124)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-Street Parking, Loading and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- City of Salem Design Review Handbook
- Wireless Communications Facilities (SRC Chapter 703)

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

149.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RH district:
(1) Nursing and personal care facilities (805).
(2) Elementary and secondary schools (821).
(3) Religious organizations (866).
(4) Mixed use buildings.
(5) Adult day care center.
(6) Keeping of a miniature swine.
(7) Residential Sales/Development Office.
(8) Antennas attached to existing or approved structures.
(9) Ambulance Station.

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

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

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

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

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

| Preservation of Trees and Vegetation | SRC Chapter 68 |
| Landslide Hazards | SRC Chapter 69 |
| Planned Unit Developments | SRC Chapter 121 |
| Lot Development Standards | SRC Chapter 130 |
| Accessory Structures | SRC Chapter 131 |
| Landscaping | SRC Chapter 132 |
| Off-street Parking, Loading, and Driveways | SRC Chapter 133 |
| Flood Plain Overlay Zones | SRC Chapter 140 |
| Willamette Greenway Overlay Zones | SRC Chapter 141 |
Development Design Handbooks for projects including three or more multiple family units

Wireless Communications Facilities SRC Chapter 703

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

150.030. Special Uses.

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

1. Veterinary services for animal specialties (0742).
2. Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses.
3. Nursing and personal care facilities (805).
4. Religious organizations (866).
5. Boat and recreational vehicle storage area.
7. Orthopedic and artificial limb offices - retail (5999).
9. Antennas attached to existing or approved structures.
10. Ambulance Station.

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

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

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

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

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

 ORDINANCE 24-13 – Page 82 COUNCIL OF THE CITY OF SALEM, OREGON
Section 85. SRC 151.030 is amended to read as follows:

151.030. Special Uses.

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

1. Keeping of a miniature swine.
2. Antennas attached to existing or approved structures.
3. Freestanding support structures 35 feet or less in height and equipment enclosures.

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

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

151.040. Conditional Uses.

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

(a) Crude petroleum and natural gas extraction (131).
(b) Electric services (491).
(c) Gas production and distribution (492).
(d) Water supply (494).
(e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(f) Freestanding support structures greater than 70 feet in height and equipment enclosures.

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

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

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

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

- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

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

152.030. Special Uses.

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

1. Gasoline service stations (554).
2. Used merchandise store (593).
4. Entertainment establishments.
5. Keeping of a miniature swine.
(6) Existing wildlife rehabilitation facility.

(7) Mobile food unit.

(8) Antennas attached to existing or approved structures;

(9) Freestanding support structures 35 feet or less in height and equipment enclosures.

(10) Temporary motor vehicle sales (551).

(11) Temporary recreational vehicle sales (556).

(12) One single family dwelling, other than a manufactured home, per lot.

(13) Ambulance Station.

(14) Ambulance Service Facility.

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

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

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

(a) Those uses listed in SRC 152.030, at the developer's option, as provided in subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

(c) Manufacturing:

(1) Jewelry, silverware, and plated ware (391).

(2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(3) Signs and advertising specialties (3993).

(d) Transportation, communications, electric, gas, and sanitary services:

(1) Local and suburban passenger transportation (411).

(2) InterCity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413).

(3) Communication services, not elsewhere classified (489).
(4) Electric services (491).
(5) Gas production and distribution (492).
(6) Water supply (494).
(7) Free-standing support structures greater than 70 feet in height and equipment
enclosures.
(e) Retail:
(1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554),
and auto and home supply stores as permitted under SRC 152.020(e)(14).
(2) Nonstore retailers (596).
(f) Services:
(1) Camps and recreational vehicle parks (703).
(2) Carpet and upholstery cleaning (7217).
(3) Automotive rental and leasing, without drivers (751).
(4) Automotive repair shops (753).
(5) Automotive services, except repair (754).
(6) Electrical repair shops (762).
(7) Reupholstery and furniture repair (764).
(8) Motorcycle repair service.
(9) Professional sports clubs and promoters (7941).
(10) Homeless shelters and room and board facilities serving 6 to 75 persons.
(g) Unlimited number of dwelling units and guest rooms in apartment houses, court
apartments, lodging houses, condominiums, and residential hotels.
(h) Other uses:
(1) Utilities - secondary truck parking and material storage yard.
(2) Recycling depots.
(3) Solid waste transfer stations.
(4) Off-site response actions in accordance with applicable law to discharges of
oil and releases of hazardous substances, pollutants, and contaminants.
Section 91. SRC 152.050 is amended to read as follows:
152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020 to 152.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 92. SRC 152.900 is amended to read as follows:

152.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 93. SRC 153.030 is amended to read as follows:

153.030. Special Uses.

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

- (1) Used merchandise stores (593).
- (2) Entertainment establishments.
- (3) Keeping of a miniature swine.
- (4) Wildlife rehabilitation facility.
- (5) Antennas attached to existing or approved structures.
- (6) Freestanding support structures 35 feet or less in height and equipment enclosures.
- (7) Mobile food unit.
- (8) Temporary motor vehicles sales (551).
- (9) Temporary recreational vehicle sales (556).
- (10) One single family dwelling, other than a manufactured home, per lot.
- (11) Ambulance Station.
(1210) Ambulance Service Facility.

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

Section 94. SRC 153.040 is amended to read as follows:

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

(a) Those uses listed in SRC 153.030, at the developer's option, as provided in subsection (b) of that section.

(b) Animal specialty services, except veterinary (0752).

(c) Farm labor and management services (076).

(d) Crude petroleum and natural gas extraction (131).

(e) Jewelry, silverware, and plated ware (391).

(f) Costume jewelry and notions (396).

(g) Signs and advertising specialties (3993).

(h) Electric services (491).

(i) Gas production and distribution (492).

(j) Water supply (494).

(k) Durable goods, not elsewhere classified (5099).

(l) Fish and seafoods (5146).

(m) Drive-in motion picture theaters (7833).

(n) Racing, including track operations (7948).

(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.

(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.

(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.

(r) Solid waste transfer stations.

(s) Off-site response actions in accordance with applicable law to discharges of oil and
releases of hazardous substances, pollutants, and contaminants.
(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.

Section 95. SRC 153.050 is amended to read as follows:

153.050. Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 96. SRC 153.900 is amended to read as follows:

153.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 97. SRC 154.030 is amended to read as follows:

154.030. Special Uses.

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

1. Keeping of a miniature swine.
2. Antennas attached to existing or approved structures.
3. Freestanding support structures thirty-five feet or less in height and equipment enclosures.
4. Mobile food unit.
5. Ambulance station.
6. Ambulance service facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

Section 98. SRC 154.040 is amended to read as follows:


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

(a) Helicopter landing area, with or without passenger and freight terminal facilities.

(b) Farm labor and management services (076).

(c) Crude petroleum and natural gas extraction (131).

(d) Jewelry, silverware, and plated ware (391).

(e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(f) Electric services (491).

(g) Gas production and distribution (492).

(h) Water supply (494).

(i) Metals and minerals, except petroleum (505) subject to the retail sales requirement of SRC 154.020(e).

(j) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(c).

(k) Recycling depots.

(l) Solid waste transfer stations.

(m) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.

(n) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(o) Freestanding support structures greater than 70-feet in height and equipment enclosures.
Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.

Section 99. SRC 154.050 is amended to read as follows:

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

Section 100. SRC 154.090 is amended to read as follows:

154.090. Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

Section 101. SRC 154.900 is amended to read as follows:

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Home Occupations
- Lot Development Standards
- Accessory Structures
- Landscaping
- Off-street Parking, Loading, and Driveways
- Flood Plain Overlay Zones
- Willamette Greenway Overlay Zones

SRC Chapter 124
SRC Chapter 130
SRC Chapter 131
SRC Chapter 132
SRC Chapter 133
SRC Chapter 140
SRC Chapter 141
Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

1. Mobile home as a dwelling for a caretaker.
2. Entertainment establishments.
5. Mobile food unit.
6. Antennas attached to existing structures.
7. Freestanding support structures 35 feet or less in height and equipment enclosures.
8. One single family dwelling, other than a manufactured home, per lot.
9. Ambulance Station.
10. Ambulance Service Facility.

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

Section 103. SRC 155.040 is amended to read as follows:


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

(a) Agriculture:
   1. Animal specialty services (0752).

(b) Mining:
   1. Crude petroleum and gas extraction (131).

(c) Manufacturing:
   1. Millwork (2431).
   2. Structural wood members, not elsewhere classified (2439).
(3) Wooden containers (244).
(4) Miscellaneous wood products (249).
(5) Furniture and fixtures (25).
(6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289).
(7) Rubber and plastics footwear (302).
(8) Fabricated rubber products, not elsewhere classified (306).
(9) Miscellaneous plastics products (307).
(10) Leather tanning and finishing (311).
(11) Fabricated structural metal products (344).
(12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).
(13) Coating, engraving, and allied services (347).
(14) Miscellaneous fabricated metal products (349).
(15) Metalworking machinery and equipment (354).
(16) Woodworking machinery (3553).
(17) Refrigeration and service industry machinery (358).
(18) Ship and boat building and repairing (373).
(19) Jewelry, silverware, and patch ware (391).
(20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (1) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(e) Utilities:
   (1) Electrical service (491).
   (2) Gas production and distribution (492).
   (3) Water supply (494).

(f) Wholesale trade:
   (1) Durable goods, not elsewhere classified (5099).
(g) Services:
(1) Residential care (836).

(h) Residential:
(1) Single family dwellings, other than mobile homes.
(2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
(3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
(4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and,

(i) Other uses:
(1) Solid waste transfer stations.
(2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.

Section 104. SRC 155.050 is amended to read as follows:
155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 105. SRC 155.900 is amended to read as follows:
155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:
- Landslide Hazards SRC Chapter 69
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
Section 106. SRC 156.030 is amended to read as follows:

156.030. Special Uses.

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

(1) Gasoline service stations (554);
(2) Antennas attached to existing or approved structures;
(3) Freestanding support structures 35 feet or less in height and equipment enclosures;
(42) Colleges, universities, professional schools, and junior colleges (8221);
(53) One single family dwelling, other than a manufactured home, per lot;
(64) Ambulance Station;
(75) Ambulance Service Facility.

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:

(1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and
(2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

Section 107. SRC 156.035 is amended to read as follows:

156.035. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 117 240 or 118, as applicable, are permitted in the IBC district:

(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).
(2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(b) Utilities:

(1) Electrical service (491);
(2) Gas production and distribution (492);
(3) Water supply (494).

Section 108. SRC 156.050 is amended to read as follows:

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 156.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 109. SRC 156.900 is amended to read as follows:

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Wireless Communications Facilities SRC Chapter 703

Section 110. SRC 157.030 is amended to read as follows:

157.030. Special Uses.

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

1. Gasoline service stations (554).
2. Mobile home as a dwelling for a caretaker.
3. Antennas attached to existing or approved structures.
4. Freestanding support structures 35 feet or less in height and equipment enclosures.
5. One single family dwelling, other than a manufactured home, per lot.
6. Ambulance Station.

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

Section 111. SRC 157.040 is amended to read as follows:

157.040. Conditional Uses. 157.040. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:
(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structure greater than 70 feet in height and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(c) Carpentering and flooring (175).

(d) Manufacturing:

(1) Food and kindred products (20) BUT EXCLUDING beverages (208).

(2) Miscellaneous textile goods (229).

(3) Lumber and wood products, except furniture (24).

(4) Furniture and fixtures (25).

(5) Paper and allied products (26).

(6) Chemicals and allied products (28).

(7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).

(8) Leather tanning and finishing (311).

(9) Flat glass (321).

(10) Glass and glassware, pressed or blown (322).

(11) Pottery and related products (326).

(12) Cut stone and stone products (328).

(13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).

(14) Coating, engraving, and allied services (347).

(15) Ordnance and accessories, except vehicles and guided missiles (348).

(16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020.

(17) Storage batteries (3691).

(18) Primary batteries, dry and wet (3692).

(19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020.

(20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and
advertising displays (3993).

(e) **Public utilities:**
   (1) Electric services (491).
   (2) Gas production and distribution (492).
   (3) Water supply (494).

(f) **Wholesale trade:**
   (1) Durable goods, not elsewhere classified (5099).
   (2) Chemicals and allied products (516).
   (3) Petroleum and petroleum products (517).

(g) Animal specialty services, excluding veterinary (0752).

(h) **Other uses:**
   (1) Solid waste transfer stations.
   (i) Those uses listed in SRC 157.030, at the developer's option, as provided in
       subsection (b) of that section.

Section 112. SRC 157.050 is amended to read as follows:

157.050. **Prohibited Uses.** Within any IP district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020
or 157.040 to 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 113. SRC 157.900 is amended to read as follows:

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

<table>
<thead>
<tr>
<th>Landslide Hazards</th>
<th>SRC Chapter 69</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Development Standards</td>
<td>SRC Chapter 130</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>SRC Chapter 131</td>
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<td>Landscaping</td>
<td>SRC Chapter 132</td>
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<td>Off-street Parking, Loading, and Driveways</td>
<td>SRC Chapter 133</td>
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<td>Flood Plain Overlay Zones</td>
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<td>Willamette Greenway Overlay Zones</td>
<td>SRC Chapter 141</td>
</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td>SRC Chapter 703</td>
</tr>
</tbody>
</table>
Section 114. SRC 158.030 is amended to read as follows:

158.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IG district;

(1) Scrap and waste materials establishments (5093).

(2) Mobile home as a dwelling for a caretaker.

(3) Wildlife rehabilitation facility.

(4) Mobile food unit.

(5) Lumber and other building materials.

(6) Retail nurseries, lawn and garden supply stores.

(7) Antennas attached to existing or approved structures.

(8) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from an R or CO zone and equipment enclosures.

(9) Recreational vehicle sales (5561).

(10) One single family dwelling, other than a manufactured home, per lot.

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

Section 115. SRC 158.040 is amended to read as follows:

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.

(b) Agriculture, forestry, and fishing:

(1) Livestock, except dairy, poultry, and animal specialties (021).

(c) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height whose base is...
within 300 feet of a R or CO zone and equipment enclosures.

(d) Mining:
   (1) Crude petroleum and natural gas extraction (131).
   (2) Surface mining operations as a specific conditional use under SRC Chapter 118.

(e) Manufacturing:
   (1) Meat products (201).
   (2) Animal and marine fats and oils (2077).
   (3) Logging camps and logging contractors (241).
   (4) Hardwood veneer and plywood (2435).
   (5) Softwood veneer and plywood (2436).
   (6) Structural wood members, not elsewhere classified (2439).
   (7) Sawmills and planing mills (242).
   (8) Paper and allied products (26) where not otherwise permitted under SRC 158.020.
   (9) Agricultural chemicals (287).
   (10) Miscellaneous chemical products (289).
   (11) Petroleum and coal products (29).
   (12) Cement hydraulic (324).
   (13) Structural clay products (325).
   (14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271).
   (15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
   (16) Iron and steel foundries (332).
   (17) Primary smelting and refining of nonferrous metals (333).
   (18) Secondary smelting and refining of nonferrous metals (334).
   (19) Rolling, drawing, and extruding of nonferrous metals (335).
   (20) Nonferrous foundries (castings) (336).
   (21) Miscellaneous primary metal products (339).
   (22) Ordinance and accessories, except vehicles and guided missiles (348).
(23) Storage batteries (3691).
(24) Primary batteries, dry and wet (3692).

(f) Wholesale trade:
(1) Livestock (5154).
(2) Chemicals and allied products (516).

(g) Services:
(1) Racing, including track operation (7948).

(h) Other uses:
(1) Solid waste transfer stations.

Section 116. SRC 158.050 is amended to read as follows:
158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to 158.040, 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 117. SRC 158.900 is amended to read as follows:
158.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:
Landslide Hazards SRC Chapter 69
Lot Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Off-street Parking, Loading, and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Lot Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Off-street Parking, Loading, and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Section 118. SRC 159.030 is amended to read as follows:

159.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an II district:

(1) Antennas attached to an existing and approved structure;

(2) Freestanding support structures 35 feet or less in height and equipment enclosures;

(3) Ambulance Station;

(4) Ambulance Service Facility.

Section 119. SRC 159.040 is amended to read as follows:

159.040. Conditional Uses.

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

(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater then 70 feet in height whose base is within 300 feet of an R or CO zone and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(c) Animal and marine fats and oils (2077).

(d) Ordinance and Accessories except vehicles and guided missiles (348).

(e) Eating and drinking places (58).

(f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded.

(g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC Chapter 118.

(h) Solid waste transfer stations.

Section 120. SRC 159.050 is amended to read as follows:

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020.
to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 121. SRC 159.900 is amended to read as follows:

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-Street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 122. SRC 160.020 is amended to read as follows:

160.020. Prohibited Uses. Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular district under SRC 160.030 to 160.120 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 123. SRC 160.100 is amended to read as follows:

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

1. Mobile home as a dwelling for a caretaker.
2. Existing wildlife rehabilitation facility.
3. Wildlife rehabilitation facility.
4. Mobile food unit.
5. Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission.
(6) Antennas attached to existing or approved structures.

(7) Freestanding support structures 70-feet or less in height whose base is greater than 300-feet from a R or GO zone and equipment enclosures.

(8) Ambulance Station.

(9) Ambulance Service Facility.

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

Section 124. SRC 160.900 is amended to read as follows:

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation SRC Chapter 68
- Landslide Hazards SRC Chapter 69
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units SRC Chapter 142
- Wireless Communications Facilities SRC Chapter 703

Section 125. SRC 161.060 is amended to read as follows:

161.060. Height. No building, or structure or freestanding support structure in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, or structure or freestanding support structure that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

Section 126. SRC 161.170 is amended to read as follows:

161.170. Additional Standards. Additional standards may apply to development in the EC
Zone as a result of regulations found in the following Chapters:

- SRC Chapter 69: Landslide Hazards
- SRC Chapter 140: Flood Plain Overlay Zone
- SRC Chapter 125: Airport Overlay Zone
- SRC Chapter 703: Wireless Communications Facilities

Section 127. SRC 162.050 is amended to read as follows:

162.050. Special Uses.

The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

(a) Antennas attached to existing or approved structures.

(b) Mobile food unit.

Section 128. SRC 162.120 is amended to read as follows:

162.120. Design Approval.

(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

(b) Lawful non-conforming buildings or structures may be structurally altered or enlarged provided such new development reduces the degree of non-conformity, and meets all other provisions of the Zoning Code and other laws, ordinances and regulations.

Section 129. SRC 162.130 is amended to read as follows:

162.130. Additional Standards. Additional standards may apply to development in the SWMU Zone. In the event there is any conflict between the standards of this Chapter and those contained in other chapters of the Salem Revised Code, the provisions of this Chapter shall control. Chapters that provide additional standards include, but may not be limited to:

- Sign Code: SRC Chapter 900
- Home Occupations: SRC Chapter 124
- General Development Standards: SRC Chapter 130
Section 130. SRC 215.055 is amended to read as follows:

215.055. Additional Standards. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU shall apply.

(a) Signs
(b) Preservation of Trees and Vegetation
(c) Landslide Hazards
(d) Trees and Shrubs
(e) Home Occupations
(f) Wetlands
(g) General Development Standards
(h) Accessory Structures
(i) Landscaping
(j) Off-Street Parking, Loading, and Driveways
(k) Flood Plain Overlay Zones
(l) Wireless Communications Facilities

Section 131. SRC 220.005 is amended to read as follows:

220.005. Site Plan Review.

(a) Applicability.

(1) Except as provided in paragraph (2) of this subsection, any development that requires a building permit must receive site plan review approval prior to issuance of the building permit.

(2) Exemptions. The following development that requires a building permit is
exempt from 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) Sign installation.

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

(D) The alteration to the facade of a building.

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

(F) Wireless communications facilities.

(b) Classes. The three classes of Site Plan Review are:

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

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

(3) **Class 3 Site Plan Review.** Class 3 Site Plan Review is required for any
development that requires a building permit, and that involves a land use decision
or limited land use decision, as those terms are defined in ORS 197.015. As used
in this paragraph, 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 the Salem
Transportation System Plan;

(B) Requires a geotechnical report or geologic assessment under SRC
Chapter 69, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;

(C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;

(D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

(E) Requires deviation from the clear and objective standards of the UDC and where the review authority is granted the authority to use limited discretion in deviating from the standard; or

(F) Requires a variance, adjustment, or conditional use permit.

(e) 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:

(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, buffers, berms, walls,
and other proposed screening as they relate to buffer yard and
landscaping required by SRC Chapter 132;
(viii) The location of all trees and vegetation required to be protected
pursuant to SRC Chapter 68;

(ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC Chapter 86; and

(x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

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

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

(iii) The location of the one-hundred-year flood plain, if applicable.

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

(2) Class 3 Site Plan Review. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for Class 3 Site Plan Review shall include:

(A) All submittal requirements for a Class 2 Site Plan Review under subsection (e)(1) of this section;

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

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

(E) The location of drainage patterns and drainage courses, if applicable;
(F) A preliminary utility plan showing capacity needs for municipal water, stormwater management, and sewer service and schematic location of connection points to existing municipal water and sewer services;

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

(H) A geological assessment or geotechnical report, if required by SRC Chapter 69, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

(I) A Transportation Impact Analysis, if required for the development, in the format specified, and based on thresholds specified in standards established, by the Director of Public Works.

(f) Criteria.

(1) Class 1 Site Plan Review. An application for a Class 1 Site Plan Review shall be granted if:

(A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

(B) Only construction or improvements to the interior of the building or structure will be made;

(C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

(D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

(E) The application meets all applicable standards of the UDC.
(2) **Class 2 Site Plan Review.** An application for a Class 2 Site Plan Review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

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

(3) **Class 3 Site Plan Review.** An application for Class 3 Site Plan Review shall be granted if:

(A) The application meets all applicable standards of the UDC;

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

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

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

**Section 132.** SRC 300.100 is amended to read as follows:

300.100. **Procedure Types.**

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300-1. The procedure type governs the decision-making process for the specific land use application.
### TABLE 300-1

**LAND USE PROCEDURE TYPES**

<table>
<thead>
<tr>
<th>Procedure Type</th>
<th>Decision Process</th>
<th>Decision Type</th>
<th>Process Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>Ministerial</td>
<td>Permit</td>
<td>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.</td>
</tr>
<tr>
<td>Type II</td>
<td>Administrative</td>
<td>Limited Land Use</td>
<td>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.</td>
</tr>
<tr>
<td>Type III</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>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.</td>
</tr>
</tbody>
</table>
The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(e) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

1. Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.
2. Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.
3. Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.
4. Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

<table>
<thead>
<tr>
<th>Type IV</th>
<th>Quasi-Judicial</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>
standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

**TABLE 300-2**

**LAND USE APPLICATIONS BY PROCEDURE TYPE**

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Decision</th>
<th>Appeal</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
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<tbody>
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<td>ADJUSTMENT</td>
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<tr>
<td>- Class I Adjustment</td>
<td>II</td>
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<td>HO</td>
<td>N</td>
<td>SRC 250</td>
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<tr>
<td>- Class 2 Adjustment</td>
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<td>HO</td>
<td>Y</td>
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<td>SRC 116</td>
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<td>CC</td>
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<td>(Applicant Initiated)</td>
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<td>- Minor Plan Change</td>
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<td>SRC 64</td>
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<td>PC</td>
<td>Y</td>
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<td>Applicable Code Chapter(s)</td>
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<td>-</td>
<td>N</td>
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<td>- Floodplain Development Permit</td>
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<td>BO &amp; PWD</td>
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<td>- Floodplain Overlay Zone Variance</td>
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<td>HLC</td>
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<td>- Local Historic Resource Designation</td>
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<td>N</td>
<td>HLC – Recommendation; CC – Decision</td>
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<td>SRC 230</td>
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<td>- Local Historic Resource Designation Removal (Class 1)</td>
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<td>SRC 230</td>
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<td>MANUFACTURED DWELLING PARK PERMIT</td>
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<td>HO</td>
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<tr>
<td>NEIGHBORHOOD CENTER MASTER PLAN</td>
<td>III</td>
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<td>- Class 2 NCMP</td>
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<td>Y</td>
<td>PC</td>
<td>CC</td>
<td>SRC 215</td>
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<tr>
<td>- Class 2 NCMP Detailed Plan (Subsequent Phases)</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>PC</td>
<td>SRC 215</td>
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<tr>
<td>- Class 3 NCMP (First Subarea)</td>
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Table 300-2: Land Use Applications by Procedure Type

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<table>
<thead>
<tr>
<th>Application</th>
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<th>Decision</th>
<th>Appeal</th>
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**LEGEND**

- PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HIO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council

**Section 333.** SRC 300.520 is amended to read as follows:

**300.520. Type II Procedure.**

(a) Application Requirements.

(1) Application Form. Type II applications shall be made on forms provided by the Planning Administrator.

(2) Submittal Requirements. Type II applications shall include the information
(b) Public Notice and Comment. Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities Siting, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

1. Mailed Notice. Mailed notice shall be provided as follows:
   (A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.
   (B) Notice of the application shall be mailed to:
      (i) The applicant(s) and/or the applicant’s authorized representative(s);
      (ii) The owner(s) or contract purchaser(s) of record of the subject property;
      (iii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
      (iv) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;
      (v) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and
      (vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.
   (C) Mailed notice shall include:
      (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
      (ii) The type of application and a concise description of the nature of the land use action;
      (iii) The proposed site plan;
      (iv) The street address, or other easily understood geographical
reference, for the subject property;

(v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;

(vi) A list of the approval criteria by name and code section;

(vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;

(viii) A brief summary of the decision making process for the application;

(ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;

(x) A statement that comments received after the close of the public comment period will not be considered;

(xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;

(xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and

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

(2) Posted Notice. Posted notice shall be provided, when required, as follows:

(A) The applicant shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than 5 days after the date of original posting. The affidavit shall be made a part of the file.

(B) Notice shall be posted on each street frontage of the subject property, in a
conspicuous place that is visible from the public right-of-way. If no street
abuts the subject property, the notice shall be placed as near as possible to the
subject property in a conspicuous place that can be readily seen by the public.
(C) Posted notice shall be on signs prepared by the Planning Administrator.
(D) To replace signs that are lost or damaged to the extent they can no longer
be reused, the Planning Administrator shall establish a refundable sign deposit
fee required for each sign, to be paid by the applicant at the time signs are
issued to the applicant.
(E) The applicant shall remove the signs from the subject property and return
them to the Planning Administrator within 7 days after the date the decision is
issued. The Planning Administrator shall refund the sign deposit fee if the
sign is returned within the required seven days, in an undamaged and reusable
condition.

(e) 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 5 days after
the decision is signed. An affidavit of mailing shall be prepared and made part of the
file.

(I) 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) Any City-recognized neighborhood association whose boundaries
include, or are adjacent to, the subject property;
(D) Any group or individual who submitted written comments during the comment period;
(E) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;
(F) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
(G) 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 City
Council pursuant to SRC 300.1050, the decision by the Planning Administrator 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 300.406-2. Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City 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 or a Class 2 adjustment, notice of the appeal shall be provided to the City 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 City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

(B) The decision on a Class I adjustment is not subject to Council review. The decision of the Review authority is the final decision of the City.

(4) Appeal of the City’s final decision is to the Oregon Land Use Board of Appeals.

(g) Expiration of Approval. Approval of a Type II application expires automatically as provided by SRC 300.860(a).

Section 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the
characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Use Categories.

(1) Residential.

(A) Characteristics. Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.

(B) Examples. Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

(A) Characteristics. A Senior Care Facility consists of facilities that provide
multi-family housing meeting the Federal Fair Housing Act definition of
"housing for older persons," in conjunction with the provision of residential
care, where medical care is not a major element.

(B) Examples. Assisted living.

(3) Retail Sales and Service.

(A) Characteristics. Retail Sales and Service consists of the sale, lease, or
rental of new or used products to the general public or the provision of
personal services, entertainment, or the repair or service of consumer and
business goods.

(B) Examples. Retail Sales and Service permitted activities include the
following activities:

(i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer
home and business goods including art, art supplies, bicycles, clothing,
dry goods, electronic equipment, fabric, furniture, garden supplies, gifts,
groceries, hardware and home improvements, household products,
jewelry, pets, pet food, pharmaceuticals, plants, printed material,
stationery, or video.

(ii) Personal Service-Oriented. Banks; urgent medical care;
laundromats; photographic studios; photocopy and blueprint services;
hair, tanning, and personal care services; business, martial arts, and other
trade schools; dance or music studios; and veterinarians and animal
grooming.

(iii) Entertainment-Oriented. Restaurants, cafes, delicatessens, taverns,
and bars; health clubs and gyms; membership clubs, lodges, and
temporary lodging establishments with five or fewer guest rooms.

(iv) Product Repair or Service Oriented. Repair of TVs, bicycles,
clocks, watches, shoes, guns, appliances and office equipment; quick
printing; tailors; locksmiths; and upholsterers.

(4) Office.

(A) Characteristics. Office consists of uses conducted in an office setting
and generally involves business, professional, medical, or financial services.

(B) Examples. Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) Institutional.

(A) Characteristics. Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) Examples. Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations, police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.
(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.

Section 135. SRC 532.020 is amended to read as follows:

352.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

### TABLE 532-1
NCMU ZONE USES WITH MASTER PLAN

<table>
<thead>
<tr>
<th>Use</th>
<th>Status Inside Core</th>
<th>Status Outside Core</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>N</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>N</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Use</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>---</td>
<td>---</td>
<td>------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Multiple Family</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>Residential Facility</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td>P</td>
<td>N</td>
<td>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Vehicle services such as motor vehicle repair, gas station, or car wash;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Taxidermists;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Mortuaries;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Kennels;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Casinos;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Temporary lodging establishments with more than 5 guest rooms;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Recreational vehicle parks;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Indoor firing ranges;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Theaters greater than 5,000 square feet;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Pool halls;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</td>
</tr>
<tr>
<td>Office Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>P</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Institutional Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
</tbody>
</table>
### Parks and Open Space Use

<table>
<thead>
<tr>
<th>Parks and Open Space</th>
<th>P</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Cemeteries;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Open areas used for grazing.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Public Utilities Use

<table>
<thead>
<tr>
<th>Public Utilities</th>
<th>P/C</th>
<th>P/C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Wireless Communications Facilities Use

<table>
<thead>
<tr>
<th>Wireless Communications Facilities</th>
<th>W</th>
<th>W</th>
</tr>
</thead>
</table>

#### LEGEND

- **P** – Permitted Use; **S** – Special Use (Subject to SRC Chapter 119); **C** – Conditional Use (Subject to SRC Chapter 447-240); **W** – Wireless Communications Facilities Use (Subject to SRC Chapter 703); **N** – Prohibited Use.

#### Section 136.

SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.
<table>
<thead>
<tr>
<th>Use</th>
<th>Status</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling (Townhouse)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Residential Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Office Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Institutional Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Public Utilities Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities</td>
<td>P/C</td>
<td>Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.</td>
</tr>
</tbody>
</table>

Table 532-2: NCMU Zone Uses In Lieu of Master Plan

ORDINANCE 24-13 – Page 134 COUNCIL OF THE CITY OF SALEM, OREGON
<table>
<thead>
<tr>
<th>Wireless Communications Facilities Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Communications Facilities</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**LEGEND**

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 147.240); W – Wireless Communications Facilities Use (Subject to SRC Chapter 703); N – Prohibited Use.

**Section 137.** SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

(a) Signs [SRC Chapter 900]
(b) Preservation of Trees and Vegetation [SRC Chapter 68]
(c) Landslide Hazards [SRC Chapter 69]
(d) Trees and Shrubs [SRC Chapter 86]
(e) Home Occupations [SRC Chapter 124]
(f) Wetlands [SRC Chapter 126]
(g) General Development Standards [SRC Chapter 130]
(h) Accessory Structures [SRC Chapter 131]
(i) Landscaping [SRC Chapter 132]
(j) Off-Street Parking, Loading, and Driveways [SRC Chapter 133]
(k) Flood Plain Overlay Zones [SRC Chapter 140]
(l) Wireless Communications Facilities [SRC Chapter 703]

**Section 138.** Repeal. SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

**Section 139.** Savings Clause. A prosecution or code enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of a section of the Salem Ordinance.
Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is started within one year after the effective date of this Ordinance arising from a violation of a section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined exactly as if the section or sections had not been repealed.

Section 140. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;
(b) Rearrange sections;
(c) Change reference numbers to agree with renumbered chapters, sections or other parts;
(d) Delete references to repealed sections;
(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 141. 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 the ordinance shall remain in full force and effect.

Section 142. 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).

PASSED by the City Council this 24th day of March, 2014.

ATTEST:

Kathy Hall
City Recorder

Approved by City Attorney:

Checked by: P Cole
TO:       MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, INTERIM DIRECTOR
        COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC)
        ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES
        ORDINANCE (SRC CHAPTER 703), AMENDING AND
        SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS
        COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND
        119, AND MAKING CORRESPONDING AMENDMENTS TO THE
        APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE
        SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed
Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to
second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in
proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No.
24-13, to second reading for enactment.

SUMMARY:

Council received a Future Report prior to the First Reading of Ordinance Bill No. 24-13 on
November 18, 2013, summarizing proposed amendments to application requirements,
review processes, development standards, and criteria applicable to wireless
communications facilities. Adoption of the updated wireless communications ordinance
would provide needed clarity, streamline review and processing of wireless
communications facility applications, and provide additional opportunity for public comment
on proposals for new cell towers and certain proposals for facilities in public rights-of-way.
This staff report for the January 13, 2014 public hearing conveys the Planning
Commission's recommendation and record to Council, provides information that Council
requested regarding radio frequency emissions, includes staff recommendations for
several revisions to the proposed amendments in Engrossed Ordinance Bill No. 24-13,
and includes findings demonstrating that the proposed amendments are consistent with
the Salem Area Comprehensive Plan.
**FACTS AND FINDINGS:**

*Procedural Findings*

1. City Council received a Future Report and held a first reading of proposed Ordinance No. 24-13 on November 18, 2013 and set a public hearing for January 13, 2014.


*Substantive Findings*

**Planning Commission Recommendation**

The Planning Commission recommendation is included as Exhibit A, the staff report for the February 26 Planning Commission Public Hearing is included as Exhibit B, and the supplemental staff report for the March 26 continued Planning Commission Public Hearing is included as Exhibit C.

**Significant Changes from Current Code**

A Future Report regarding proposed Ordinance No. 24-13 was made available to the City Council on November 18, 2013. The November 18 Future Report is incorporated herein by reference and highlights the significant changes that are proposed to current code provisions regulating wireless communication facilities.

**Testimony from Wireless Communications Industry Representatives and Utility Providers**

Representatives of the Northwest Wireless Association, T-Mobile, AT&T, Verizon, and PGE testified in opposition to the proposed amendments. Written testimony received prior to staff report deadlines for the Planning Commission Public Hearing is included in Exhibits B and C, and additional written testimony received prior to the close of the Planning Commission Public Hearing is included in Exhibit D.

**Testimony from Citizens and Neighborhood Associations**

Fourteen citizens and one Neighborhood Association (Northeast Neighborhood Association) testified in opposition to the proposed amendments. Written testimony received prior to staff report deadlines for the Planning Commission Public Hearing is included in Exhibits B and C, and additional written testimony received prior to the close of the Planning Commission Public Hearing is included in Exhibit D. After the Planning Commission issued its recommendation, one citizen provided testimony for Council's consideration (Exhibit E).

**Information Requested by Council at the July 22, 2013, Work Session**

At a July 22 joint work session of the City Council and Planning Commission, Council
members requested information on radio frequency emissions. The City may not regulate the placement, construction, modification of wireless communication facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communications Commission's (FCC's) regulations concerning such emissions. The FCC's document, A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance, is included as Exhibit F and answers to frequently asked questions from the FCC website are included as Exhibit G.

Staff Recommendations for Revisions Prior to Adoption

Subsequent to the Planning Commission recommendation, staff received additional information regarding several provisions in the proposed ordinance, which includes public testimony and advice from the City's consultant. As a result of this information, staff has made several modifications to the proposed amendments as shown in the engrossed ordinance (Exhibit H). The following are the most notable.

1. Third party review

The proposed Ordinance would allow the City to charge the applicant a fee to cover costs for the City to retain a consultant to review technical evidence submitted for an adjustment or for a new support tower in a residential, public, mixed-use, or overlay zone. In order to respond to concerns raised subsequent to the Planning Commission recommendation regarding the technical justification to locate wireless facilities nearer to residential areas, staff recommends expanding the possible third party review provision to new support towers within 300 feet of residential zones.

2. Auxiliary support equipment development standards

Staff recommends requiring auxiliary support equipment to be placed underground where all other utilities are required to be placed underground.

3. Provisions referring to capacity

Staff recommends removing terms referring to capacity or capacity objectives because the terms are not defined and use of the terms would make administration difficult. Those terms had been added at the request of representatives of T-Mobile, the Northwest Wireless Association, AT&T, and Verizon.

Consistency with the Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The SACP requires that all zoning ordinances be consistent with and support the Comprehensive Plan. Because the proposed amendments make changes to the City's regulations for wireless communications facilities, the proposed amendments must therefore conform to and comply with the applicable goals and policies of the Comprehensive Plan. The proposed code amendment is consistent with and supportive of the goals and polices of the SACP as described below.
Chapter IV, Title A. Coordination Policies:

- **Policy 1, Plan and Code Coordination:** All zoning ordinances, subdivision regulations, functional plans and specific development standards relative to the Salem urban area and prepared by the City of Salem, Marion County, Polk County, special districts and functional planning agencies shall support and be in conformance with the Salem Area Comprehensive Plan.

  **Finding:** The proposed development standards support and are in conformance with the SACP as described below.

- **Policy 5, Land Use Decision Criteria:** Criteria on which land use decisions within the Salem urban area are made by the City and Counties, shall be developed and be coordinated among the three jurisdictions.

  **Finding:** The Marion County Board of Commissioners and Polk County Board of Commissioners have been notified of the proposed code amendment, including criteria, and have submitted no comments.

Chapter IV, Title B. General Development:

- **Policy 1, Citizen Involvement:** Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.

  **Finding:** Staff solicited feedback from Neighborhood Associations on early drafts of the proposed code amendment, presented information to Neighborhood Associations upon request, and notified Neighborhood Associations of public hearings before the Planning Commission and City Council.

  A website for the wireless code amendment was also established where individuals could go to learn more about the project, view upcoming meetings, and review proposed code language and background documents.

  A city-wide notice of the Planning Commission public hearing was mailed to all property owners. Two open houses were held, and staff answered hundreds of phone calls and emails.

  A public hearing to receive testimony on the proposed wireless code amendment was held before the Planning Commission on February 26, 2013 and continued to March 26, 2013. A public hearing will be held with the City Council on December 2, 2013.
• **Policy 12, Development Compatibility:** Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

**Finding:** The proposed development standards for wireless communications facilities include screening, landscaping, setbacks, height limitations, and dimensional limitations. The standards proposed for antennas, auxiliary support equipment, utility poles, and support towers (cell towers) are more extensive and specific than in the current code and promote greater visual compatibility.

• **Policy 15, Lighting:** Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

**Finding:** The proposed development standards allow lighting of antennas and support towers only if required by the FAA or the Oregon Aeronautics Division, limit motion detecting lighting of auxiliary support equipment to 0.4 foot candles measured directly beneath the lighting at ground level and require shielding of such lighting to prevent direct light from falling on adjacent properties, and allow lighting of replacement utility structures only if the existing utility structure or original structure was lighted.

Chapter IV, Title E. Residential Development:

• **Policy 8, Protection of Residential Areas:** Residential areas shall be protected from more intensive land use activity in abutting zones.

**Finding:** The proposed siting priority and siting standards require wireless providers to locate antennae on existing structures (cell towers, tall buildings, and utility poles) before constructing new facilities and to locate new cell towers in non-residential zones unless a residential zone is the least intrusive means of filling a significant service gap. The proposed development standards are intended to mitigate the visual impacts of unmanned wireless communications facilities and require setbacks, fencing, and landscaping between new support towers and property lines in and abutting residential zones.

• **Policy 11, Urban Design:** Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.

**Finding:** In addition to setbacks, fencing and landscaping applicable to all new cell towers, the proposed wireless code amendments include design standards that require new cell towers in and within 300 feet of residential zones to be designed as objects commonly found in residential areas such as trees or light poles.

**Conclusion**

The proposed wireless code amendments represent an important and needed update and improvement to the city's regulations for wireless communications facilities. The proposed
amendments clarify, streamline, and update provisions related to these facilities, include new standards for facilities located in rights-of-way, allow more opportunities for public comment on new cell towers, accommodate increased demand for wireless services while incorporating design standards that reduce visual impact of facilities on surrounding development, and are consistent with the Salem Area Comprehensive Plan.

ALTERNATIVES:

The City Council may:

1. Advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment;
2. Refer Engrossed Ordinance Bill No. 24-13 back to the Planning Commission for additional deliberation; or
3. Take no action.

Exhibits:  
A. Planning Commission Order and Recommendation  
B. Staff Report for February 26, 2013 Planning Commission Public Hearing  
C. Supplemental Staff Report for March 26, 2013 Continued Planning Commission Public Hearing  
D. Additional Testimony Received Prior to the Close of the Planning Commission Public Hearing  
E. Testimony Received for Council  
G. FCC Frequently Asked Questions on Radio Frequency Safety  
H. Engrossed Ordinance Bill No. 24-13

Prepared by Pamela Cole, Planner II
RECOMMENDATION OF PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA10-04

WHEREAS, on October 6, 2009, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to update the City's standards for wireless communication facilities; and

WHEREAS, after due notice, a public hearing on the proposed amendments was held before the Planning Commission on February 26, 2013 and March 26, 2013, at which time witnesses were heard and testimony received; and

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

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

Section 1. FINDINGS:
The Planning Commission hereby adopts as its findings of fact the staff reports on this matter dated February 26, 2013 and March 26, 2013, herewith attached and by this reference incorporated herein.

Section 2. ORDER:
Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS the City Council take the following action:

That the City Council approve the proposed amendments to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118 and 119 and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715, with one amendment to allow three-foot antenna extension arms.

PLANNING COMMISSION VOTE
YES 6 NO 0 ABSENT 1 (Palmateer)

Jim Lewis, President
Salem Planning Commission

ATTACHMENT A

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

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

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Pamela Cole, Case Manager, at 503-540-2309 or pcole@cityofsalem.net to review the case file.
CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

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

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
(b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The provision of wireless communication services through facilities with minimal visual impact.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

(a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.
(c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the right-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include mixed use building;
(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.
(p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.
(q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.
(r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.
(s) Skipped pole means:
   (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
   (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.
(t) Substantially change the physical dimensions means:
   (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
   (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
   (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
   (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or
owned property surrounding the support tower and any access or utility easements currently related to the site.

(u) Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

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

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

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

(B) Ham radios and associated equipment.

(C) Ordinary maintenance or repair of a wireless communications facility.
Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a) 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

Collocation Required. All wireless communications facilities located in right-of-way shall be collocated. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, or jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. All wireless communications facilities located in right-of-way shall be collocated.

Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

1. First priority: collocation outside of the right-of-way on a support tower, support structure, or utility structure;
2. Second priority: collocation inside of the right-of-way replacement of a utility structure for the purpose of collocation;
3. Third priority: replacement of a utility structure outside of the right-of-way substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
4. Fourth priority: replacement of a utility structure inside of the right-of-way construction of a new support tower;
5. Fifth priority: replacement or substantial increase in the size of a support tower;

Wireless Communications Facility Siting Permits.

Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.
(b) Classes. There are three classes of wireless communications facilities siting permits.

(1) A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures a first priority siting.
(2) A Class 2 Permit is a permit for the replacement of utility structures a second priority siting.
(3) A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers a third priority siting or fourth priority siting.

(c) Procedure Type.

(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:
   (A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are is not feasible.
   (B) A site plan that includes:
      (i) Description of the proposed wireless communications facility’s design and dimensions.
      (ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.
   (C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.
   (D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.
   (E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) Class 1 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:
   (A) An engineer’s certification that the support structure, utility structure, or support tower will safely handle the load created by the collocation and
comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

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

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

(B) Documentation that the replacement utility structure is no greater in width than at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

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

(E) Coverage maps and field tests for the proposed antennas.

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

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

(A) An engineer’s certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.
(B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
(vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing replacement-utility structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(C)-(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

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

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

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.
(E) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five viewpoints within a one-mile radius. The viewpoints shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(G) Field strength survey Coverage maps or capacity documentation showing existence of any gap in the provider’s service and minimum height or configuration of the facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

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

(1) For Class 1 Applications:
   (A) The proposed collocation meets the standards in this Chapter.
   (B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
   (B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practically be located on an existing or modified structure outside right-of-way.
   (C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.
   (D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practically be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.
   (E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:
   (A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design and operating characteristics of the wireless communications facility.
The support tower will not be located in the right-of-way.

If the proposal is to construct a new support tower or replace an existing support tower:

1. Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.
2. Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and
3. Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

715.030. Siting Standards.

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

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

2. Inside Right-of-Way.
   (A) All wireless communications facilities located in right-of-way shall be collocated.
   (B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.
      (i) First priority: parkway or freeway;
      (ii) Second priority: major arterials;
      (iii) Third priority: minor arterials;
      (iv) Fourth priority: collectors;
      (v) Fifth priority: local streets.

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

1. Inside Right-of-Way.
   (A) All wireless communications facilities located in right-of-way shall be collocated.
   (B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.
      (i) First priority: parkway or freeway;
      (ii) Second priority: major arterials;
      (iii) Third priority: minor arterials;
Fourth priority: collectors;
Fifth priority: local streets.

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

1. **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new, replaced, or modified or substantially changed support tower and future collocated facilities on the proposed tower.

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

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

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

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

715.040. Antenna Development Standards.

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

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

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

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

(b) Antennas on Existing Buildings.

1. Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:
(A) **Height:**
   (i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or
   (ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

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

(2) Whip antennas located on the roof of a building shall comply with the following development standards:
   (A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.
   (B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:
   (A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.
   (B) **Screening, Surface and Coloration.**
      (i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or
      (ii) If the building is located in any zone other than a residential zone, the antenna shall be either:
         (aa) Flush-mounted and painted the same color as the exterior of the building, or
         (bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) **Antennas on Support Structures Other than Existing Buildings.** Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:
   (1) **Height.** Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.
   (2) **Surface and Coloration.** Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.
(3) **Mounting.** Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

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

1. **Physical integrity.** The antennas shall not jeopardize the utility structure’s physical integrity.

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

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

   (B) **Utility structures in right-of-way.**
      
      (i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:
         
         (aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;
         
         (bb) Eighteen feet above the top of a utility structure on a minor arterial; or
         
         (cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

      (ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:
         
         (aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
         
         (bb) Ten feet above the top of a utility structure on a minor arterial; or
         
         (cc) Five feet above a utility structure located on a collector street or local street.

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

   (A) Flush with the utility structure; or

   (B) On extension arms that are no greater than one foot in length.

5. **Surface and Coloration.** Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

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

715.050. **Auxiliary Support Equipment Development Standards.**

(a) **Screening.**

1. **Equipment Associated with Support Towers.** Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).
(2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment on an existing building shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

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

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

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:
(i) Project no more than eighteen inches from the surface of the utility structure;
(ii) Be less than or equal to twenty-four inches in height.
(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

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

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

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

(e) Coloration.
(1) **Equipment Associated with Support Towers and Support Structures.** All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(2) **Equipment Associated with Utility Structures.** Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

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

(g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

715.060. **Replacement Utility Structure Development Standards.**

(a) **Height.**

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

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

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

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

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

   (i) Seventy eight feet for a replacement structure located on a parkway or freeway;

   (ii) Seventy three feet for a replacement structure on a major arterial;

   (iii) Sixty three feet for a replacement structure on a minor arterial; or

   (iv) Fifty three feet for a replacement structure located on a collector street or local street.

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

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

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

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

(e) Lighting. Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

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

(a) Height.
(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 715-1.
### TABLE 715-1

Maximum Support Tower Height by Zone

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>NCMU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

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

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO
zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

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

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

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

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

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
(2) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.
(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.
(4) To the greatest extent possible, the antennas shall not be easily recognized.

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

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

(h) Collocation.

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

(i) Access.

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

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

715.080. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

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

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

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

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

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

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

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

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

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

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

715.090. Wireless Communications Facilities Variance Adjustment.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance adjustment has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance adjustment provisions under SRC § 116.

(b) Procedure Type. A wireless communications facility variance adjustment is a Type III procedure under SRC Chapter 300.

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

1. A written statement demonstrating how the variance adjustment would meet the criteria.
2. A site plan that includes:
   (A) Description of the proposed siting’s design and dimensions, as it would appear with and without the variance adjustment.
   (B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance adjustment.
   (C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance adjustment.

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

1. The variance adjustment is consistent with the purpose of the development standard for which the variance adjustment is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
3. The owner demonstrates the existence of either of the following:
   (A) Gap in Service.
      (i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
      (ii) The gap can only be filled through a variance adjustment in one or more of the standards in this Chapter; and
(iii) The variance adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

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

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
(ii) Better preservation of views or view corridors;
(iii) A decrease in negative impacts on property values; or
(iv) A decrease in any other identifiable negative impacts to the surrounding area’s primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City’s costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner’s findings.

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

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

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98.50. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.
(g) **Relocation.**
(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.
(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.
(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.
(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) **Measurements.** Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.
TO: PLANNING COMMISSION
FROM: GLENN W. GROSS
URBAN PLANNING ADMINISTRATOR

SUBJECT: PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC)
ESTABLISHING A NEW LAND USE PROCEDURES ORDINANCE (CA 10-04)

ISSUE

Should the City amend the Salem Revised Code (SRC) to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715?

RECOMMENDATION

That the Planning Commission recommend that the City Council accept first reading of an ordinance bill to establish a new wireless communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated, corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715.

BACKGROUND

In 2009, several telecommunications companies expressed a desire to expand in the Salem area and relied heavily on attaching wireless antennae on existing and/or new utility poles in street right-of-way. In reviewing their applications, staff identified the following issues:

1. The existing zoning code lacks clarity with regard to applicability to utility poles located in public right-of-way, particularly with regard to height limitations.
2. The existing zoning code regulations for wireless communications were created in the 1990s and do not reflect best practices with regard to visual impact of wireless communications facilities.
3. The existing zoning code contains gaps and inconsistencies in the provisions dealing with wireless communications facilities and is in need of “clean-up.”
4. Individual franchise agreements for locating in right-of-way were being negotiated individually and thus there was a potential that providers were being treated differently.

The proposed amendments are intended to resolve these issues. The basic premise of the proposal is that wireless communications facilities in public rights-of-way are more appropriately regulated as a land use issue rather than through franchise agreements.

The proposed ordinance consolidates into one code chapter, SRC Chapter 715, the various application requirements, review processes, development standards, and criteria applicable to
wireless communications facilities, currently distributed throughout the Salem Revised Code.

The proposed ordinance is also intended to bring the SRC into conformance with other recently adopted and proposed regulations. It is consistent with SRC 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) and is organized and formatted to be consistent with the proposed Unified Development Code (UDC). It is also intended to bring the SRC into compliance with recent federal law which provides that a state or local government "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Adoption of the wireless communications ordinance will help to provide needed clarity, streamline the review and processing of wireless communications facility applications, provide additional opportunity for public comment on certain proposals for facilities in public rights-of-way, and improve the overall process.

City staff, with the help of a consultant, prepared a draft ordinance. Staff solicited feedback on the draft from public and cooperative utilities, wireless telecommunications industry representatives, and Neighborhood Associations. The proposed ordinance is the result of the public outreach process.

FACTS AND FINDINGS

1. Under SRC Chapter 300.1100, legislative land use proceedings include proposals to amend the City's land use regulations and involve the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties. The final decision in a legislative land use proceeding is an ordinance enacted by the City Council. Zoning code text amendments may be initiated by adoption of a resolution either by the City Council, which shall state whether the matter is to be referred to another Review Authority for public hearing and recommendation, or by the Planning Commission or Historic Landmarks Commission, which shall refer the matter to public hearing for review and recommendation to the City Council. The Planning Administrator must fix a date for a public hearing before the Planning Commission and cause notice to be published as provided in SRC 114.080.

The code amendment process to update the City's standards for wireless communications facilities was initiated by the Planning Commission at the request of staff. The Planning Administrator subsequently set a public hearing for February 26, 2013, and caused notice of the hearing to be mailed and published in the newspaper as required by the SRC.

SRC 300.1110(e)(1)(A)(iii) requires notice to be mailed to the owner(s) or contract purchaser(s) of record of each property that will be rezoned, as defined by ORS 227.186(9), in order to comply with the proposal. ORS 227.186(9) states that property is rezoned when the city (a) changes the base zoning classification of the property or (b) adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone. The proposed amendment would not change the base zoning classification of any property. However, the proposed amendment would make changes in all zoning districts and these changes could limit or prohibit wireless communications land uses that were previously allowed. The required notice was mailed to all property owners or contract purchasers of record within the City of Salem on January 22, 2013.

Staff mailed notice required by SRC 300.1110(e)(1)(A) on February 6, 2013, and published notice in the newspaper on February 14, 2013, and February 21, 2013.
2. ORS 197.610 and OAR 660-018-0020 require that the Department of Land Conservation and Development (DLCD) receive notification of any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice was mailed to DLCD on January 17, 2013.

3. The proposed new chapter, SRC 715 (Attachment 1), consolidates and updates application requirements, review processes, development standards, and criteria applicable to wireless communications facilities, which are currently found in SRC 119.460 (special uses), SRC 116.130 (administrative conditional uses), and SRC 118.340 (specific conditional uses). The proposed corresponding amendments (Attachment 2) include changes to definitions (SRC Chapter 111), height exceptions for wireless communications facilities and utility structures located in public rights-of-way (SRC 130.210), an exemption of wireless communications facilities from bufferyard requirements (SRC 132.220), an exemption of wireless communications facilities from off-street vehicle parking requirements (SRC 163.030), procedure types for wireless communications facilities (SRC 300.100), and revisions to wireless communications facilities provisions in overlay zones and zoning districts.

Some of the key concepts and changes embodied in the proposed amendments include:

A. Siting Priority (SRC 715.010(c), 715.030(a)(2)(B), 715.030(b)(1)(B))

The proposed requirements employ a siting priority to encourage collocation of new facilities on existing facilities or existing structures, encourage location of new support towers in non-residential zones, and regulate enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities. Facilities shall be sited according to the following priority, by descending order of preference:

1. First Priority: Attach antennas to an existing structure outside right-of-way.
2. Second Priority: Attach antennas to an existing utility structure inside right-of-way, in descending order of preference based on the street classification in the Salem Transportation Systems Plan.
   a) Parkway or freeway
   b) Major arterial
   c) Minor arterial
   d) Collector
   e) Local street.
3. Third Priority: Attach antennas to a replacement utility structure outside right-of-way.
4. Fourth Priority: Attach antennas to a replacement utility structure inside right-of-way, in descending order of preference based on the street classification in the Salem Transportation Systems Plan.
   a) Parkway or freeway
   b) Major arterial
   c) Minor arterial
   d) Collector
   e) Local street.
5. Fifth Priority: Replace or substantially increase the size of an existing cell tower.

If a facility is proposed for a site other than First Priority, SRC 715.020(d) requires the applicant to submit documentation establishing that placement at a higher-priority site and alternate options to provide service, such as collocation on existing support towers or
support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

In addition to the general siting priority, siting standards in SRC 715.030(c)(1) prohibit new support towers, replacement of existing support towers, or substantial increases in the size of existing support towers in residential zones, public zones, mixed-use zones, or overlay zones unless the applicant demonstrates that the tower would be the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services.

B. Classes and Procedure Types for Wireless Communications Facilities (SRC 715.020(b) and SRC 715.020(c))

The proposed amendments establish three classes of wireless communication facilities:

1. A Class 1 permit and Type I procedure would apply for collocation of facilities on existing support towers (commonly known as cell towers), utility structures (utility poles, light poles and similar poles), and support structures (buildings or other structures such as water towers);
2. A Class 2 permit and Type II procedure would apply for replacement of an existing utility structure for the purpose of attaching wireless communication facilities;
3. A Class 3 permit and Type III procedure would apply for a new support tower, replacement of an existing support tower, or substantial change in the physical dimension of an existing support tower.

The three proposed classes would replace and simplify existing and more complicated provisions for classifying wireless communications facilities. The current code regulates wireless communication facilities as special uses subject to standards of SRC 119.460, administrative conditional uses subject to SRC 116.130, or specific conditional uses subject to SRC 118.340. Facilities are classified as antennas attached to existing or approved structures, freestanding support structures, and equipment enclosures. Antennas attached to existing or approved structures are allowed in most zones as special uses. However, freestanding support structures may be classified as special uses, administrative conditional uses, or specific conditional uses, depending on the zone and the height of the freestanding support structure. Freestanding support structures are generally classified in three height categories, although there are some exceptions: 35 feet or less, between 36 and 70 feet, and greater than 70 feet. Some zones also categorize freestanding support structures based on whether they are within 300 feet of an R or CO district or greater than 300 feet of an R or CO district.

The three proposed procedure types would simplify application processing and, for some applications, allow more opportunity for public comment, testimony, and appeals. The procedure type would not change for antennas attached to existing support towers, support structures, or utility structures, which would continue to be processed as Type I applications. The proposed Type II process for replacement of utility structures would afford opportunity for public comment and appeals to the Hearings Officer, which are not now provided.

C. Changes to Height Regulations for New Support Towers (SRC 715.070(a))

The proposed code specifies maximum support tower by zone in Table 715-1, which would replace the current method of specifying freestanding support structures of various height ranges in the allowed uses in the zones. The current height ranges are generally 35 feet or less, between 36 and 70 feet, and greater than 70 feet. The proposed maximum heights differ from the current maximum heights in some zones, as shown in Table 1 (Attachment 3). Maximum heights proposed in the residential and CO (Commercial Office) zones are
equal to the current maximum heights for non-residential structures in those zones. Staff recommended the changes to height in the residential and CO zones in response to wireless providers’ requests for more flexibility in locating in residential areas due to increased service demands and their comments that it would be reasonable to allow a cell tower at the same maximum height allowed for other non-residential structures. To reduce visual impacts on residential areas, the proposed amendments would restrict a support tower located 300 feet or less from an EFU (Exclusive Farm Use), RA (Residential Agriculture), RS (Single Family Residential), RD (Duplex Residential), RM1 (Multi-Family Residential), or CO (Commercial Office) zone to the lowest maximum allowed height in any of those applicable zones within 300 feet of the tower. For example, the maximum height for a new tower proposed for a CR (Retail Commercial) zone would be 100 feet if it is more than 300 feet from all EFU, RA, RS, RD, RM1 and CO zones, but the maximum height would be restricted to 50 feet if it is located within 300 feet of an RA, RS, or RD zone or 70 feet if it is located within 300 feet of an RM1 or CO zone. The maximum heights in Table 715-1 could be increased if an applicant applies for and receives a wireless communications facility variance.

D. Changes to Setback Provisions for New Support Towers (SRC 715.070(b))

Table 2 (Attachment 4) illustrates proposed setbacks for new support towers. With the proposed amendment, in all industrial zones and the CN, CR, CG, or EC zones, the minimum setback to the base of the support tower would be 15 feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the minimum setback to the base of the support tower would be 30 feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the minimum setback to the base of the support tower would be 30 feet from all property lines. Current special use standards for a freestanding support tower require that the base be separated from all residential and CO zones by a setback equal to or greater than the height of the tower, but the special use standards do not specify setbacks from property lines or setbacks from other zones. Current administrative conditional use and specific conditional use approval criteria and minimum conditions state that freestanding support structures greater than 35 feet in height shall be at least 300 feet from residential and CO zones, but the setback may be varied if the decision maker finds that the criteria in SRC 115.020 are met. Staff recommended the reduced setbacks in response to wireless providers’ requests for more flexibility in locating near residential areas due to increased service demands.

E. Requirements for Camouflage Design of Cell Towers (SRC 715.070(d))

The proposed amendment would require camouflage design for new support towers in or within 300 feet of all residential zones, mixed-use zones, CO zones or PC zones. The standards would require that towers be designed to resemble an object that would be commonly found in the area and permitted in the zone, such as a tree or flag pole; that the object would be appropriate to the context of the surrounding environment and similar in scale to the type of object; and that the antennas would not be easily recognized. Current code does not require camouflage design; however, recent decisions for several variances for cell towers located within 300 feet of residential or CO zones have included conditions of approval requiring that the towers be designed to resemble evergreen trees.

F. Variance Provisions for Wireless Communications Facilities (SRC 715.090)

The proposed amendment would create specific submittal requirements and criteria for a variance that would apply exclusively to wireless communications facilities instead of the general variance provisions currently in SRC Chapter 115. The variance would be a Type III procedure with a public hearing. The proposed criteria would require applicants to
demonstrate that the variance is necessary to fill a gap in coverage or capacity or that the variance would minimize or eliminate negative impacts to surrounding properties and their uses.

G. Third Party Review Provision (SRC 715.100(b))

The proposed amendment would allow City Council to establish fees to recover all of the City’s costs in retaining consultants to review and evaluate evidence submitted as part of a wireless communications facility application. The provision would also allow the City to impose a third-party review fee to obtain the services of an engineer to review the applicant’s findings. The current code does not include such a provision.

4. Testimony Received

As of the date of completing this staff report, the following written comments or testimony have been received on the proposed amendments:

A. Sarah L. Burbidge, Mackenzie & Albritton LLP, telecommunications counsel for Verizon wireless submitted written comments (Attachment 5) and raised the following issues:

1. Some aspects of the Ordinance are likely to result in permit processing times well in excess of the FCC’s “Shot Clock” deadlines of 90 days to act on a collocation application or 150 days to act on other applications, particularly where there are issues regarding collocation on existing structures or utility poles or where “absolute” requirements may prevent appropriate design and location solutions.

   Staff response: No revisions are necessary, as the proposed amendment would not be likely to result in processing times that exceed the “Shot Clock” deadlines. A collocation on an existing support tower that does not substantially change the physical dimensions of the support tower or base station would be exempt from a siting permit under SRC 715.010(a)(2)(C) and would be processed as a building permit. Final actions on collocations processed as Type I land use applications would meet the 90-day deadline. Type II and Type III applications would be subject to the state-mandated 120-day decision date, and final land use decisions would be issued before the 150-day deadline.

2. P.L. 112-6, Section 6409(a) has now been codified at 47 U.S.C. § 1455 and the citation should be updated.

   Staff response: Staff recommends the following revision:

   715.010(a)(2)(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-6, Section 6409(a) 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless
communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

3. The definition of “collocation” in SRC 715.005(f) should contemplate the use of “replacement” structures as well as existing structures. To avoid any delay, add the phrase “or replacement structure that does not substantially increase the overall height” after the words “existing support structure” in the definition of collocation.

**Staff response:** Staff recommends the following revision:

715.005(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

4. There is an internal inconsistency in the current provisions concerning collocation. While section 715.010(c) states that collocation is the highest preference, it is not mandatory in all cases. Section 715.010(b) appears to make collocation mandatory with only very limited exceptions. These mandates do not acknowledge many issues that come into play when determining whether collocation is feasible. The problem should be solved by beginning each of the two sentences in section 715.010(b) with the phrase “Where reasonably feasible,...”. In addition, if the definition of “collocation” continues to exclude all replacement structures, even those that do not involve a substantial increase in height, it would be virtually impossible to meet the mandate that all right-of-way facilities “shall” be collocated.

**Staff response:** The requirement for collocation outside right-of-way with limited exceptions is intended to limit the number of new support towers. The requirement for collocation in right-of-way is intended to prevent the net addition of utility structures in right-of-way. The proposed change to the definition of collocation would allow applicants to comply with the mandate that facilities in rights-of-way shall be collocated. Staff recommends the following revision to the collocation requirement outside right-of-way, which is consistent with the documentation required for Class 3 applications in SRC 715.020(d)(4)(B):

**715.010(b) Collocation Required.** All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure. All wireless communications facilities located in right-of-way shall be collocated.

5. The requirements in section 715.020(d)(4) to justify construction of a new tower are unduly burdensome, and should be deleted: 715.020(d)(4)(C) – copy of proposed lease or agreement to show that it does not preclude future collocation; 715.020(d)(4)(B)(vi) – contract terms to prove that a potential existing structure cannot be used because of unreasonable lease.
requirements; 715.020(d)(4)(l) – documentation that the new tower will be used within 60 days of completion.

Staff response: These application requirements were recommended by the consultant retained by the City and are not required under current code. Staff agrees with Ms. Burbidge's statement that a copy of the proposed lease (715.020(d)(4)(C)) is not necessary to show that future collocations are not precluded, as the applicant would submit a signed certification that future collocations would be allowed, provided all safety, structural, technological, and monetary requirements are met (715.020(d)(4)(F)). Staff supports deleting 715.020(d)(4)(B)(vi) because it would be difficult for staff to obtain information to compare proposed contract terms and conditions to similar contractual arrangements in Oregon and Washington, and because the applicant would provide an alternatives analysis (715.020(d)(4)(D)) to document why alternative locations within 250 feet of the proposed location would not be acceptable. Staff also supports deleting the requirement for documentation that one or more wireless service provider will be using the support tower within 60 days because there may be unanticipated delays before building permits are issued and facilities are constructed. Staff recommends the following revisions to the Class 3 application requirements:

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

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

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

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

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

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;

(vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or
support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner’s proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(C) (D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

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

(E) (F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) (G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

(G) (H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) (K) Field strength survey showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(L) Coverage maps and field tests for the proposed antennas.

6. A number of “absolute” requirements in the Ordinance allow for no adjustment without obtaining a variance. This approach may make it very difficult for the City to act within the Shot Clock time limits, and there should be more flexibility built into the basic requirements. For example, a drafting solution would be to include the phrase “Where reasonably feasible,...” at the beginning of the sentences in 715.050(a)(2), which requires equipment associated with antennas on existing buildings to be located within or on top of a building, and 715.070(e), which requires camouflage design for support towers in or within 300 feet of residential zones, mixed-use zones, CO zones or PC zones. More flexibility would avoid the need for a variance in every case requiring a minor deviation.

Staff response: Staff recommends adding adjustment provisions to the proposed chapter that would create a Type II process for minor deviations from certain standards. Staff recommends no changes to the camouflage design standards, as they were proposed to mitigate visual impacts in or near certain zones. Staff recommends the following revision to 715.050(a)(2):
715.050(a)(2) Equipment Associated with Antennas on Existing Buildings: Auxiliary support equipment on an existing building shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

7. The requirement for a carrier to provide its specific negative dB levels (SRC 715.020(d)(3)(C) is over-reaching. The negative dB radio frequency information is considered proprietary and should be deleted from the requirements.

Staff response: These application requirements are similar to those in current franchise agreements for facilities in rights-of-way. Staff recommends retaining the requirement for coverage information in the form of color radio frequency contour maps to document the need to place a facility on a local street but accepts Ms. Burbidge’s request to remove the requirement to provide proprietary negative dB information. Staff recommends the following revisions:

715.020(d)(2)(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing wireless communications facilities sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

715.020(d)(3)(C) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing wireless communications facilities sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

8. The third-party review provision (715.100(b)) should be revised so that the City retains consultants only where genuine issues arise and the fees must be limited to "reasonable" fees.

Staff response: Staff recommends no revisions to this provision. The current wording allows the City flexibility to require third party review under reasonable circumstances.

B. John Shepard, Salem resident in Ward 4, submitted written comments (Attachment 6) concerning the use of the word "feasible" (715.020(d)(1)(A), 715.020(d)(4)(B)(iv), 715.020(d)(4)(B)(v), 715.020(e)(3)(C)(i) and 715.030(c)(3)). He suggested rethinking the use of the term or providing more clarity by defining the meaning as it applies to the Code Amendment and suggested several definitions (Attachment 5).
Staff response: The term “feasible” appears in submittal requirements for all applications, criteria for Class 3 applications, and siting standards for Class 3 applications. Staff recommends no revisions because “feasible” is a reasonable qualifier, and staff will apply the term according to the common definition.

C. Rano Ellertson, Salem property owner in Ward 8, submitted written comments (Attachment 7) requesting that the radius for notice to property owners be changed from 250 feet to 1,500 feet, or an absolute minimum of 500 feet; that the City require approval from those within 1,500 feet for the style, size, and height before a facility is constructed; and that choices be limited to the top of the same size (height) pole as existing, or top of water tower, or within the top of a tree reproduction.

Staff response: Salem Revised Code Chapter 300 requires mailed notice to property owners within 250 feet of the subject property for Type II and Type III applications, which would apply to Class 2, Class 3, and Variance applications in the proposed amendment. In the proposed amendment, property owners within the notification area would have an opportunity to comment on the proposed style, size, and height of Class 2 and Class 3 facilities. Public hearing notice would also be posted on the property subject to the application. Proposed SRC 715.070(a) includes height limitations for support towers 300 feet or less from EFU, RA, RS, RD, RM1, or CO zones and proposed SRC 715.070(e) requires camouflage design for support towers in and within 300 feet of residential zones, mixed-use zones, CO zones or PC zones. Staff recommends no change to the notification area because standard notice requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors.

D. George Akel, Newman Development Group of Candalaria, LLC, Salem property owner in Ward 7, submitted written comments (Attachment 8) requesting that consent of the property owner be obtained in all instances, whether the application involves the modification of an existing facility or the construction of additional facilities, by requiring the land owner to sign off on any application submitted by a wireless tower applicant/operator. He comments that facilities are often located on leased lands, and the City should obtain consent of the property owner for specific applications even in situations where a lease exists.

Staff response: Applications for wireless communication facilities would be subject to the general submittal requirements under SRC Chapter 300. SRC 300.200(a) provides that a land use application may be submitted by one or more of the following persons: (1) the owner of the subject property; (2) the contract purchaser of the subject property, when the application is accompanied by proof of the purchaser’s status as such and by the seller’s written consent; (3) a lessee in possession of the property, when the application is accompanied by the owners’ written consent; or (4) the agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (1), (2) or (3) of this subsection, and accompanied by proof of the agent’s authority. Wireless communication facility applications are usually submitted and signed by persons acting as agents for the wireless service provider, who submit supporting documentation such as lease agreements between a property owner and tower owner and wireless service provider or authorization and testing agreements signed by the property owner and granting authority for the wireless service provider to submit land use applications. Staff currently reviews the documentation to verify that the documents create a designation of signature authority from the property owner to the wireless service provider to the person who actually signs the application. For
Type II and Type III applications, staff mails notice of the application to the owners or contract purchasers of the subject property. Staff recommends no change to the procedural requirements because standard submittal requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors.

5. **Staff Recommendations for Additional Revisions Prior to Adoption**

Since preparing the proposed amendments and corresponding amendments, staff has identified the following issues:

A. The definition of wireless communications in SRC 715.005(y) excludes wireless communications services used exclusively by gas and electric utilities for internal communications and should also exclude such services used by cooperative utilities. Staff recommends revising the definition as follows:

715.005 (y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

B. The definition of wireless communications facility in SRC 715.005(z) does not clearly exclude wireless telecommunications facilities for public agencies. Staff recommends revising the definition as follows:

715.005 (z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless telecommunications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

C. The NCMU (Neighborhood Center Mixed Use) zone was omitted from Table 715-1. Staff recommends adding a row to the table as follows:

<table>
<thead>
<tr>
<th>TABLE 715-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Support Tower Height by Zone</strong></td>
</tr>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>NCMU</td>
</tr>
</tbody>
</table>

D. The proposed corresponding amendments to SRC 300 do not include a requirement
to post notice for Class 2 applications. Staff recommends the following amendment to SRC 300.520(b):

300.520 (b) Public Notice and Comment. Public notice is required for Type II applications. The purpose of the notice is to provide property owners in the area and other interested parties with the opportunity to submit written comments concerning the application and invite affected parties to participate in the process prior to the issuance of the decision. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of fourteen days from the date notice is mailed.

E. The proposed amendments do not contain any references to ham radio. Several ham radio operators contacted staff to ask if the proposal would apply to their antennas. Staff recommends adding ham radio antennas and equipment to the list of exemptions in SRC 715.010(a)(2):

715.010(a)(2) Exemptions. A siting permit is not required for the following:
(A) Siting of dish antennas solely for the benefit of persons residing on a property.
(B) Ham radios and associated equipment.
(C) Ordinary maintenance or repair of a wireless communications facility.
(D) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.
(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

Attachment: 1. Proposed SRC Chapter 715, Wireless Communications Facilities
2. Proposed corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with proposed SRC Chapter 715
3. Table 1: Comparison of Proposed and Current Maximum Support Tower Heights by Zone
4. Table 2: Comparison of Proposed and Current Support Tower Setbacks by Zone
5. Comments from Sarah L. Burbidge
6. Comments from John Shepard
7. Comments from Rano Ellertson

8. Comments from George Akel

Prepared by Pamela Cole, Associate Planner
CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

715.001. Purpose
715.005. Definitions
715.010. General Rule; Collocation and Siting Priority
715.020. Wireless Communications Facility Siting Permits
715.030. Siting Standards
715.040. Antenna Development Standards
715.050. Auxiliary Support Equipment Development Standards
715.060. Replacement Utility Structure Development Standards
715.070. Support Tower Development Standards
715.080. Conditions
715.090. Wireless Communications Facilities Variance
715.100. Special Provisions

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

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
(b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

(a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell,
parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

(c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

1. Residential building does not include mixed use building;

2. Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.

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

(q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.

(s) Skipped pole means:
   (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
   (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(t) Substantially change the physical dimensions means:
   (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
   (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
   (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
   (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.
Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to, cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

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

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

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

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

(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station.
However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

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

(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

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

(1) First priority: collocation outside of the right-of-way;
(2) Second priority: collocation inside of the right-of-way;
(3) Third priority: replacement of a utility structure outside of the right-of-way;
(4) Fourth priority: replacement of a utility structure inside of the right-of-way;
(5) Fifth priority: replacement or substantial increase in the size of a support tower;
(6) Sixth priority: erection of a new support tower outside of the right-of-way.

715.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

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

(1) A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures.
(2) A Class 2 Permit is a permit for the replacement of utility structures.
(3) A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers.

(c) Procedure Type.

(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:
(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

(B) A site plan that includes:
   (i) Description of the proposed wireless communications facility’s design and dimensions.
   (ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

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

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

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

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

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

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

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

(B) Documentation that the replacement utility structure is no greater in width than that required by any applicable safety standards adopted by the Oregon
Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Field strength survey showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(E) Coverage maps and field tests for the proposed antennas.

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

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

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

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

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;

(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

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

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;

(vi) Contract terms required by an existing support tower’s owner or existing support structure’s owner or existing or replacement utility
structure’s owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner’s proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

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

(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) Field strength survey showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

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

(1) For Class 1 Applications:
   (A) The proposed collocation meets the standards in this Chapter.
   (B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

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

For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

For Class 3 Applications:

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

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

(C) If the proposal is to construct a new support tower or replace or substantially increase the size of an existing support tower:

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

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

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

715.030. Siting Standards.

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

(1) Outside Right-of-Way.

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

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

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

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

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

(I) Inside Right-of-Way.
(A) All wireless communications facilities located in right-of-way shall be collocated.
(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.
   (i) First priority: parkway or freeway;
   (ii) Second priority: major arterials;
   (iii) Third priority: minor arterials;
   (iv) Fourth priority: collectors;
   (v) Fifth priority: local streets.

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

(I) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height required to provide service to fill the significant wireless communications service gap shall be the maximum height permitted for the new, replaced, or modified support tower and future collocated facilities on the proposed tower.

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

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

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.
(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

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

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

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

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

(b) Antennas on Existing Buildings.

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

(A) Height:

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

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

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

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

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

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

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

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

(B) Screening, Surface and Coloration.
(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or
(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

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

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

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

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

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

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

1. **Physical integrity.** The antennas shall not jeopardize the utility structure’s physical integrity.

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

3. **Height.**

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

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

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

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

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

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

      (ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:
(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
(bb) Ten feet above the top of a utility structure on a minor arterial; or
(cc) Five feet above a utility structure located on a collector street or local street.

(4) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:
   (A) Flush with the utility structure; or
   (B) On extension arms that are no greater than one foot in length.

(5) Surface and Coloration. Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

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


(a) Screening.
   (1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).
   (2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment on an existing building shall be located within or on top of the building.
   (3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure’s footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.
   (4) Equipment Associated with Antennas on Utility Structures.
      (A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.
      (B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.
      (C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:
(i) Project no more than eighteen inches from the surface of the utility structure;
(ii) Be less than or equal to twenty-four inches in height.
(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

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

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

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

(e) Coloration.
   (1) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
   (2) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

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

(g) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

   (a) Height.
      (1) Outside Right of Way.
         (A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.
         (B) Skipped poles. Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the
combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

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

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

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

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

(b) **Width.**

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

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

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

(e) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

### 715.070. **Support Tower Development Standards.**

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

(a) **Height.**

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 715-1.
### TABLE 715-1

**Maximum Support Tower Height by Zone**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
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</tr>
<tr>
<td>EC</td>
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</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

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

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line.
abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

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

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

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

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

1. The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
2. The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.
3. The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.
4. To the greatest extent possible, the antennas shall not be easily recognized.

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

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

(h) Collocation.

1. Support towers one hundred feet in height or higher shall be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.
2. Support towers between fifty feet and one hundred feet in height shall be designed to provide for collocation of at least one future antenna system, in a
manner that will accommodate the additional antenna system without a need to
increase the height or base diameter of the support tower.

(i) Access.
(1) Where a support tower is adjacent to a local street and a collector or arterial
street, access to the support tower shall be from the local street, subject to all
applicable access standards.
(2) Access to the support tower shall be oriented away from existing dwellings,
and any property zoned residential or mixed use.

715.080. Conditions. Every wireless communications facility siting permit shall be
subject to the following conditions:
(a) An obsolete wireless communications facility shall be removed by the owner
within six months of the date the facility ceases to be operational.
(b) All wireless communications facilities shall be operated and maintained in
compliance with all radio frequency emission standards specified by the Federal
Communications Commission.
(c) All wireless communications facilities shall be installed and maintained in
accordance with applicable federal, state and local laws.
(d) All wireless communications facilities shall allow for the collocation of
additional facilities to the greatest extent possible, unless such collocation interferes
with the owner’s wireless communications facilities, jeopardizes the physical
integrity of a structure with which a wireless communications facility is associated, or
the owner refuses to consent to the collocation of additional wireless communications
facilities.
(e) Vegetation that is either removed or destroyed as a result of construction shall be
replanted with appropriate plant materials as prescribed in SRC 132.200.
(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
approval from the City Engineer.
(g) After construction, maintenance or repair of any wireless communications
facility, an owner shall leave any right-of-way disturbed by such activity in as good
or better condition than it was before the commencement of such work. The owner
shall promptly complete restoration work and promptly repair any damage caused by
such work at its sole cost and expense. When any opening or cut is made by the
owner in the pavement of right-of-way, the owner must promptly refill the opening
or cut, and restore the surface to a condition satisfactory to the City Engineer, in
accordance with public works construction standards.
(h) Prior to performing any excavation in right-of-way to underground any auxiliary
support equipment, all necessary city permits shall be obtained and all appropriate
notice given to any franchisees, licensees and grantees, other city departments and
other governmental units that own or maintain facilities which may be affected by
the excavation.
(i) All undergrounding and excavation work must comply with the Oregon Utility
Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
promulgated thereunder.
(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

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

715.090. Wireless Communications Facilities Variance.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance provisions under SRC 115.

(b) Procedure Type. A wireless communications facility variance is a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a wireless communications facility variance shall include:

(1) A written statement demonstrating how the variance would meet the criteria.

(2) A site plan that includes:

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

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

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

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

(1) The variance is consistent with the purpose of the development standard for which the variance is sought.

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

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

(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;

(ii) The gap can only be filled through a variance in one or more of the standards in this Chapter; and

(iii) The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.
(B) Minimization of Impacts. The variance would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
(ii) Better preservation of views or view corridors;
(iii) A decrease in negative impacts on property values; or
(iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City’s costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner’s findings.

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

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

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.
(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees. 

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

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

(b) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.
CHAPTER 111
DEFINITIONS

(a) Abut means to be contiguous at some point.
(b) Accessory building, structure, or use means a building, structure, or use which is incidental and subordinate to and dependent upon the main use on the same premises.
(c) Adjacent means near or close, but not necessarily contiguous with.
(d) Adjoin means to abut.
(e) Administrative body means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.
(f) Administrator or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.
(g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.
(h) Adult Day Care Home (ADCH) means the residence of an adult care provider for 5 or fewer individuals meeting the definition of Adult Day Care.
(l) Adult Day Care Center (ADCC) means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.
(j) Alley means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.
(k) Ambulance Service Facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.
(l) Ambulance Station means a building or a specific portion of a building or development that is utilized for the housing of on-call emergency medical ambulance personnel.
(m) Antenna means the specific device the surface of which is used to capture an incoming and/or transmit an outgoing radio frequency signal from wireless communication facilities. Antennas include the following types:
   (1) Omni-Direction ("whip") Antenna—receives and transmits signals in a 360 degree pattern.
   (2) Directional or Parabolic ("panel" or "dish") Antenna—receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
   The term "antenna" shall not include Ancillary Antenna which are antennas less than 12 inches in its largest dimension and are not directly used to provide personal wireless communications services. An example would be a global positioning satellite (GPS) antenna any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.
(n) Apartment means a court apartment, or a dwelling unit in an apartment house.
(o) Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.
(p) Approved means approved by the administrator or other administrative body or official specifically given jurisdiction to grant such approval.

111.040. "C" Definitions.
(a) Carport means a permanent structure which is not totally enclosed on two or more sides, and which is used or intended for the parking of motor vehicles.
(b) Children or child means a human being under 13 years of age.
(c) City or City of Salem means the City of Salem, an Oregon municipal corporation.
(d) City business day means a day other than a Saturday, Sunday, or holiday, during which the City's administrative offices are open for the transaction of regular and routine business. A city business day begins at 8:00 a.m. and closes, unless otherwise directed by the council or city manager, at 5:00 p.m.
(e) Child Day Care Center (CDCC) means a facility which provides child care (SIC 835) or kindergarten for 13 or more children.
(f) Child Day Care Home means the home of a child care provider for 12 or fewer children.
(g) City engineer means the administrative head of the Engineering Division, Department of Public Works of the City of Salem.
(h) Collocation means the use of a single support structure and/or site by more than one wireless communications provider mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
(i) Commission means the Salem Planning Commission, created by SRC chapter 6.
(j) Contiguity means the state of being contiguous.
(k) Contiguous means touching along a boundary or point. Two or more lots or parcels that are under common ownership and are separated by a public right-of-way shall not be considered contiguous.
(l) Complex means a building or group of buildings, and their accessory buildings and structures, all under common ownership, condominium ownership, or common management, and housing an integrated development of industrial uses, commercial uses, public uses, residential uses, or combinations thereof.
(m) Compliance period means the period prescribed in this zoning code or by the decision on a land use action within which all conditions precedent must be met.
(n) Comprehensive plan means the officially adopted Salem Area Comprehensive Plan, including all components thereof adopted by reference or otherwise lawfully incorporated as parts thereof.
(o) Conditional use means any use which is permitted in a particular zoning district only after review and approval as provided in SRC chapter 117 or 118, and includes where not excepted, "nonconforming" conditional uses and development requiring conditional use review pursuant to SRC chapter 112. See specific conditional use.
(p) Conditional zone change means a land use action under SRC 113.200 to 113.260.
(q) Conditional zone change declaration means a decision imposing conditions precedent to the issuance of a conditional zone change order. See SRC 113.220.
(r) Conditional zone change order means a decision entered upon satisfaction of all conditions precedent stated in a conditional zone change declaration, and finally accomplishing the zone change. See SRC 113.240.
(s) Condition precedent means any condition upon the use or development of property imposed by this zoning code or a decision on a land use action which must be met prior to an unqualified right vesting in the development, use, or continued use of a building, structure or premises. With respect to conditional zone changes it means any condition imposed in a conditional zone change declaration which must be met prior to issuance of a conditional zone change order.
(t) **Corner lot** means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

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

(v) **Council** means the council of the City of Salem, Oregon.

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

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

111.060. "E" Definitions.

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

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

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

111.070. "F" Definitions.

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

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

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

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

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

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

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

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

(i) (h) Freestanding Support Structures: See "lot line, front."

111.130. "L" Definitions.

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

(b) Land use proceeding means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

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

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

(e) Livestock means:

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

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

(f) Loading space means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.
(g) **Lot.** In addition to the meaning given in SRC 63.030, "lot" means any parcel or contiguous unit of lots or other parcels under common or condominium ownership, common life estate, or subject to a common leasehold for a term of at least 99 years.

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

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

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

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

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

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

(n) **Lot line, front** means:
   1. In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;
   2. In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and
   3. In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building faces.

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

(p) **Lot line, rear** means:
   1. In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and
   2. In the case of any other lot, the lot line opposite and most distant from the front lot line.

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

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

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

111.140. "M" Definitions.

(a) **Manufactured dwelling** means:
   1. Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.
   2. Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
   3. Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. “Manufactured dwelling” does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

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

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

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

111.240 "W" Definitions.

(a) **Wetland** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (ORS196.800).

(b) **Wetland restoration** means to restore former wetlands, create new wetlands, or enhance existing wetlands for the purpose of improving ecological or habitat functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. 769 3/2010

Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

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

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

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

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

(g) **Wireless Communication Facilities (WCF)** means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(h) **Wireless communications facility** means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.
CHAPTER 116
ADJUSTMENTS

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116.100. Administrative Conditional Uses; General Concept.
116.110. Approval Required
116.120. Criteria and Imposition of Conditions; Jurisdiction; Appeal
116.130. Wireless Communication Facilities

116.130 Wireless Communication Facilities. Where designated on administrative conditional use, freestanding support structures and equipment enclosures shall be located and developed in compliance with this section. Freestanding support structures 35 feet or less in height and antennas attached to existing structures are, notwithstanding alternative provisions, administrative conditional uses in historic districts and on historic building sites designated by the city, and shall be located and developed in compliance with this section. Wireless communications facilities are not permitted on city-owned historic property.

(a) Application. In addition to any other information generally required under SRC Chapter 300, the following information shall be provided:

(1) An evaluation of the feasibility of collocation of the subject facility as an alternative to the requested permit. The feasibility study must include:
   (A) The location and ownership of existing telecommunication structures within the cell service area not to exceed two (2) miles;
   (B) Written verification or other documentation revealing the availability and/or cooperation shown by other providers to gain access to existing sites/facilities to meet the needs of the applicant;
   (C) The tower type and height of potential collocation facilities;
   (D) Anticipated capacity of the wireless communication facility (including number and types of antennas which can be accommodated); and
   (E) The specific reasons why collocation is or is not feasible.

(2) Alternatives for locating/relocating support structures within 250 feet of the proposed location; and

(3) Analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation.

(b) Approval criteria and minimum conditions:

(1) Collocation on existing wireless communication facilities within the cell service area of the proposed site is not feasible;

(2) The wireless facility shall be located and designed to preserve the ability for collocation of at least one additional user on all support structures exceeding 35 feet in height, if feasible;

(3) Based on the visual analysis and mitigating measures, the location and design of a freestanding wireless communication facility shall be conditioned to minimize visual impacts from residential areas, such as considering setbacks, building heights, bulk, color, and landscaping requirements;

(4) The design minimizes identified adverse impacts of the proposed use to the extent feasible; and
(5) Any obsolete freestanding or attached wireless communication facility shall be removed by the facility owner within 6 months of the date it ceases to be operational or if it falls into disrepair. (6) Freestanding support structures greater than 35 feet in height shall be at least 300 feet from an R or CO zone. Notwithstanding SRC 116.120(b) this setback requirement may be varied by the decision maker upon a finding that the criteria in SRC 115.020 are met.

CHAPTER 118
SPECIFIC CONDITIONAL USES

118.010. Application and Scope of Chapter

SOLID WASTE DISPOSAL SITE
118.100. Solid Waste Disposal Sites
118.110. Definitions
118.120. Minimum Standards
118.130. Reclamation Plan Required
118.140. Site Reclamation Standards
118.150. Bond or Security Deposit
118.160. Failure to Maintain Compliance

CHILD DAY CARE CENTERS
118.170. Child Day Care Centers
118.180. Development Standards
118.190. Nursing and Personal Care and Residential Care Facilities

SURFACE MINING
118.200. Surface Mining; Intent and Purpose
118.210. Definitions; Adoption by Reference
118.220. Reclamation Plan Required; Other Conditions
118.230. Bond or Security Deposit Required
118.240. Failure to Maintain Compliance

HISTORIC, ETC., BUILDINGS
118.300. Historically and Architecturally Significant Buildings and Structures; Intent and Purpose
118.310. Uses Permitted
118.320. Criteria for Designation of Building or Structure
118.330. Development Standards
118.340. Freestanding Support Structures and Equipment Enclosures

OTHER USES
118.410. Other Uses

WIRELESS COMMUNICATION FACILITIES
118.540. Freestanding Support Structures and Equipment Enclosures. Where provided as a specific conditional use, freestanding support structures for wireless communications facilities shall be developed in compliance with this section, together with any other conditions imposed by conditional-use approval.

(a) Application. In addition to any information required under SRC Chapter 300, the applicant shall provide:

(1) An evaluation of the feasibility of collocation as an alternative. The feasibility study must include:
(A) The location and ownership of existing telecommunication facilities within the cell service area not to exceed two miles;
(B) Written verification or other documentation indicating the availability of and/or cooperation shown by other providers to gain access to existing sites or facilities to meet the needs of the applicant;
(C) The tower type and height of potential collocation facilities;
(D) Anticipated capacity of the wireless communication facility, including number and types of antennas which can be accommodated; and
(E) The specific reasons why collocation is or is not feasible.

(2) Alternatives for locating or relocating support structures within two hundred and fifty feet of the proposed location; and

(3) Analysis of the visual impacts of the proposed wireless communication facility on any residential dwellings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site, and an assessment of potential mitigation measures, including relocation.

(b) Approval criteria and minimum conditions:
(1) Collocation on existing wireless communication facilities within the cell service area of the proposed site is not feasible;
(2) If feasible, the wireless communication facility shall be located and designed to provide the ability to collocate at least one additional wireless communication facility on all support structures exceeding seventy feet in height;
(3) Based on the visual impacts analysis and mitigating measures, the wireless communication facility shall be located and designed to minimize visual impacts to residential areas by use of measures such as setbacks, building height restrictions, limitations on bulk, use of color, and landscaping, and to minimize other identified adverse impacts to the extent feasible; and
(4) Any obsolete wireless communication facility shall be removed by the owner within six months of the date it ceases to be operational;
(5) Freestanding wireless communications facilities greater than thirty-five feet in height shall be located at least three hundred feet from an R or CO zone. Notwithstanding SRC 118.010, this setback requirement may be varied upon a finding the criteria in SRC 115.020 are met.

CHAPTER 119
SPECIAL USES

119.010. General Concept
119.020. Parking for Special Activities at a High School with a Community Park
119.050. Veterinary Services for Animal Specialties
119.070. Keeping of Miniature Swine
119.080. Wildlife Rehabilitation Facility
119.090. Existing Wildlife Rehabilitation Facilities
119.100. Scrap and Waste Materials Establishments
119.110. Lumber and other Building Materials
119.150. Gasoline Service Stations
119.160. Individual and Family Social Service
119.200. Used Merchandise Stores
119.210. Retail Nurseries, Lawn and Garden Supply Stores
119.250. Funeral Service and Cemetery Subdividers and Developers
119.270. Orthopedic and Artificial Limb Offices
119.290. Entertainment Establishments
119.340. Adult Day Care Centers
119.400. Elementary and Secondary Schools
119.410. Colleges, Universities, Professional Schools, and Junior Colleges
119.460. Wireless Communication Facilities
119.500. Religious Organizations
119.550. Zero Side Yard Dwelling Units
119.560. Cottage Housing
119.570. Single Family Dwelling Units in Commercial and Industrial Zones
119.600. Two Family Shared Housing
119.650. Boat and Recreational Vehicle Storage Area
119.660. Public Automobile Parking Areas
119.670. General Warehousing and Storage
119.680. Temporary Motor Vehicle and Recreational Vehicle Sales
119.690. Recreational Vehicle Sales
119.700. Mixed Use Buildings
119.705. Construction of a Replacement Single Family Dwelling Unit on an Individual Lot
119.710. Manufactured Homes on Individual Lots
119.720. Bed and Breakfast Establishments
119.750. Secondary Dwellings and Guest Rooms
119.800. Mobile Home as Dwelling for Caretaker
119.850. Mobile Food Units
119.900. Residential Sales/Development Office

119.460 Wireless Communication Facilities. Where permitted as a special use, antennas attached to existing or approved structures and freestanding support facilities and equipment enclosures shall meet the following additional use and development standards:

(a) Vegetation that is either removed or destroyed as a result of construction shall be replanted with material as prescribed in SRC 132.200 and SRC 132.220.

(b) All support structures, antennas and associated equipment, including any equipment enclosures and all exterior mechanical equipment, shall be colored or surfaced so as to blend with the surrounding environment. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective.

(c) All freestanding structures shall be surrounded and screened by a 6-feet high sight obscuring fence, wall, or hedge with a minimum 10-feet landscaped bufferyard along the outside perimeter of the site obscuring fence, wall, or hedge. The landscaped bufferyard meet the bufferyard requirements under SRC 132.220 and maintenance requirements under SRC 132.170.

(d) The base of a freestanding structure must be separated from all "R" or "CO" zones by a setback equal to or greater than the height of the wireless communication facility.

(e) For freestanding structures exceeding 70 feet in height, provisions must be made to allow for collocation sufficient to accommodate at least one additional user on each freestanding support structure.

(f) An obsolete freestanding structure or antenna shall be removed by the facility owner within 6 months of the date it ceases to be operational or if it falls into disrepair.
CHAPTER 130
GENERAL DEVELOPMENT STANDARDS

(a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and monuments, none of which exceeds 185 feet in height, are exempt from all other height restrictions provided they do not contain any rooms, offices, or other habitable space, that the horizontal section does not exceed 625 square feet at the top of the main building; and that the sum of the horizontal section of all such projections at the height limit applicable to the building, structure, or land on which they are located does not exceed 20 percent of the horizontal area of the roof of any building on which they are situated.
(b) Radio, television, and microwave antennas and structures exclusively for their support are exempt from all height restrictions.
(c) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself, including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all other height restrictions provided they do not contain any offices, restrooms, storage rooms, or habitable space; provided further that the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and finally provided that no such device or enclosure projects more than 15 feet above the roof, measured vertically from any point on the device or enclosure.
(d) Wireless communications facilities are subject to the provisions of SRC Chapter 715.
(e) Utility structures located in public rights-of-way and not supporting wireless communications facilities are exempt from the height restrictions of the underlying zone.

CHAPTER 132
LANDSCAPING

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.
(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.
(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,
   (1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.
   (2) Development within the interior of public use zones is exempt from bufferyard requirements.
   (3) Wireless communications facilities are exempt from bufferyard requirements.
(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:
   (1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).
   (2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.
(3) Using the applicable Buffer Category (A, B, C, D, or E), consult the Screening and Buffering Standards Table 132-2 to determine the buffering and screening requirements.
(4) As required by the Bufferyard and Screening Standards Table 132-2, fences shall be sight-obscuring fences and walls shall be constructed of masonry, rock, concrete, concrete block or other similar material.
(5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.

(d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.
(e) In the event a proposed use is not specifically designated in the Buffer Matrix, Table 132-1, the Planning Administrator shall designate to which group the proposed use is most similar in intensity or environmental impact.
(f) If the abutting existing use is a "nonconforming use" in the same comprehensive plan designation, then the proposed use shall provide a Category "A" Bufferyard plus a 6 foot fence or wall.

CHAPTER 133
OFF-STREET PARKING, LOADING AND DRIVEWAYS

133.100. Off-street Vehicle Parking Requirements.
(a) Except as otherwise specifically provided in this zoning code, off-street parking spaces shall be provided in amounts not less than those set forth in Table 133-1.
(b) Off-street parking spaces shall not exceed 2.5 times the amount required under Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such amount is more than 20.
(c) For any proposed use not shown on Table 133-1, the administrator shall determine the parking space requirement for the most nearly similar use listed in Table 133-1 with regard to traffic generation, and render such determination as an adjustment pursuant to SRC Chapter 116.
(d) The provisions of this section shall apply only to residential uses within the boundaries of the Downtown Parking District created by SRC 7.010.
(e) The provisions of this section shall not apply to wireless communications facilities.

133.110. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:
(a) The minimum number of required bicycle parking spaces are listed in Table 133-1.
(b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and provide a minimum four foot access aisle unless spaces are provided to store the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-section (c) of this section.
(c) Bicycle racks must accommodate using the bicyclist's own locking device.
(d) Bicycle parking shall be provided within a convenient distance of, and clearly visible from the primary building entrance as determined by the City. Such parking shall not be further than 50 feet from the public entrance to the building.
(e) Direct access to the public right-of-way, with access ramps if necessary, and pedestrian access from the bicycle parking to the building entrance must be provided.
(f) The following uses are exempted from the bicycle parking requirements:
   (1) Seasonal uses, such as fireworks stands and Christmas tree sales;
   (2) Drive-in theaters;
(3) Self-storage facilities;
(4) Wireless communications facilities.

CHAPTER 135
WEST SALEM INDUSTRIAL OVERLAY ZONE

135.020. Definitions. As used in this chapter, except as the content otherwise requires:
(a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code. “Change of use” does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To “develop” does not include:
   (1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;
   (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
   (3) Reasonable emergency procedures necessary for the safety or operation of property;
   (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
   (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

CHAPTER 136
CHEMAWA/I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE

136.020 Definitions. As used in this chapter, except as the context otherwise requires:
(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To “develop” does not include:
   (1) Completion of a structure or use of land for which a valid building permit has been issued as of March 1, 1996;
   (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
   (3) Reasonable emergency procedures necessary for the safety or operation of the property;
   (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
   (5) Collocation, replacement, installation, modification or construction of wireless communications facilities.
137.020. Definitions.

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

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

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

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
(5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

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

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

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

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

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

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

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

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


(a) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

1. Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.
2. Maintenance and repair, usual and necessary for the continuance of an existing use;
3. Reasonable emergency procedures necessary for the safety or operation of property;
4. Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
5. Collocation, replacement, installation, modification or construction of wireless communications facilities.

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

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

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

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

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

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

CHAPTER 139
COMPACT DEVELOPMENT OVERLAY ZONE

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

(a) Any permitted, special, administrative conditional use, or conditional uses, or wireless communications facilities allowed in the RS, (Single Family Residential) district.
(b) Any combination of single family detached, duplex or triplex units, up to a maximum of three units on a lot subject to the per lot density requirements of SRC 120.060 and development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.
(c) Townhouses on individual lots subject to the per lot density requirements of SRC 120.060 and development design guidelines or standards contained in the Development Design Handbook.

CHAPTER 142
COMMERCIAL/RURAL URBAN DEVELOPMENT OVERLAY ZONES

142.020. Definitions. As used in this chapter, except as the content otherwise requires:

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

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

(1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
(5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

CHAPTER 143
SAGINAW STREET URBAN DEVELOPMENT OVERLAY ZONE

143.020. Definitions. As used in this chapter, except as the context otherwise requires:
(a) "Change of use" means making a different or more intense use of any building, structure, or land that which existed on and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
(5) Collocation, replacement, installation, modification or construction of wireless communications facilities.

CHAPTER 143A
COMMERCIAL/HIGH DENSITY RESIDENTIAL OVERLAY ZONE

143A.010. Intent, Purpose and Scope
143A.020. Definitions
143A.030. Establishment of Overlay Zone
143A.040. Conforming Uses
143A.050. Permitted Uses
143A.060. Special Uses
143A.070. Conditional Uses
143A.075. Wireless Communications Facilities
143A.080. Prohibited Uses
DEVELOPMENT STANDARDS
143A.090. Development Density
143A.100. Dwellings Required
143A.110. Structure Height and Area
143A.120. Yards Adjacent to Streets
143A.130. Interior Side Yards
143A.140. Interior Rear Yards
143A.150. Landscaping
143A.160. Screening
143A.170. Design Approval
143A.180. Variances
143A.190. Reference to Additional Standards

143A.020. Definitions.
(a) "Congregate Residence" means any building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.
(b) "Change of Use" means making a different use of any building, structure or land than which existed on November 30, 1998 and for which permission may be required pursuant to this code. "Change of use" does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(c) "Drive through use" means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving the queuing lanes, service windows, service islands, and service bays for vehicular use.
(d) "Floor Area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.
(e) "Floor Area Ratio" means the floor area of all buildings on a lot divided by the lot area.
(f) "Mixed-use Development" means a combination of retail, office or residential uses in a single building or separate buildings on the same site.
(g) "Redevelopment" means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety an operation of the property; and interior remodeling that does not increase the square footage or height of buildings; and collocation, replacement, installation, modification or construction of wireless communications facilities.
(h) "Residential Structure" means dwellings, hotels, apartment houses, and congregate residences.

143A.060. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.
   (1) Mixed Use Buildings as defined in SRC Chapter 119;
   (2) Bed and Breakfast establishments;
   (3) Nursing and Personal Care Facilities (805);
   (4) Individual and Family Social Services (832);
   (5) Adult Day Care Center;
(6) Used merchandise stores (953) with all retail and storage of merchandise and equipment conducted entirely within a building;
(7) Entertainment establishments;
(8) Keeping of miniature swine;
(9) Antennas attached to existing or approved structures;
(10) Public Automobile Parking Areas;
(11) General Warehousing and Storage;
(12) Construction of a replacement single family dwelling unit on an individual lot;
(13) Ambulance Station;
(14) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

143A.075. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CHR Overlay Zone, subject to SRC Chapter 715.

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070S, except as provided in SRC 113.090(b). Prohibited uses expressly include the following:
(a) Outdoor Advertising Signs (billboards)
(b) Freestanding support structures less than 70 feet in height and equipment enclosures
(c) Wildlife rehabilitation facilities
(d) Outdoor storage of materials and equipment

143A.200. Reference to Additional Standards.
General Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Lanscaping SRC Chapter 132
Off-Street Parking, Loading, and Driveways SRC Chapter 133
Development Design Handbook (multiple family residential uses)
Wireless Communications Facilities SRC Chapter 715

CHAPTER 143 B
PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE

143B.010. Intent, Purpose and Scope
143B.020. Establishment of Overlay Zones
143B.030. Definitions

PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE USE REGULATIONS
143B.040. Conforming Uses
143B.050. Administrative Conditional Uses Within Overlay Zone
143B.060. Conditional Uses Within Overlay Zone
143B.065. Wireless Communications Facilities
143B.070. Prohibited Uses Within Overlay Zone

AREA 1 - PINE STREET MIXED-USE AREA
143B.080. Permitted Uses - Pine Street CG Mixed-Use Area
143B.090. Special Uses - Pine Street CG Mixed-Use Area
143B.100. Conditional Uses - Pine Street CG Mixed-Use Area
143B.110. Permitted Uses - Pine Street IC Mixed-Use Area
143B.120. Special Uses - Pine Street IC Mixed-Use Area
143B.130. Conditional Uses - Pine Street IC Mixed-Use Area

AREA 2 - NORTHGATE CR MIXED-USE AREA
143B.140. Permitted Uses - Northgate CR Mixed-Use Area
143B.150. Special Uses - Northgate CR Mixed-Use Area
143B.160. Conditional Uses - Northgate CR Mixed-Use Area

DEVELOPMENT STANDARDS APPLICABLE TO THE PORTLAND/FAIRGROUNDS
ROAD OVERLAY ZONE
143B.170. Development Density
143B.180. Lot Area and Dimensions
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143B.210. Interior Side Yards
143B.220. Interior Rear Yards
143B.230. Landscaping
143B.240. Parking and Loading Areas
143B.250. Screening 143B.260. Outdoor Storage
143B.270. Pedestrian Access
143B.280. Project Enhancements
143B.290. Variances
143B.300. Design Approval

143B.030. Definitions.
(a) Drive-through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving queuing lanes, service windows, service islands, and service bays for vehicular use.
(b) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.
(c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.
(d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.
(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:
   (1) Maintenance and repair, usual and necessary for the continuance of an existing use;
   (2) Reasonable emergency procedures necessary for the safety or operation of property;
   (3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
   (4) Collocation, replacement, installation, modification or construction of wireless telecommunications facilities.
(4) "Pedestrian Connection" means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. "Pedestrian Scale" means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

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

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

143B.050. Administrative Conditional Uses Within Overlay Zone. Freestanding-support structures between 36 and 70 feet in height and equipment enclosures, both of which are more than 300 feet from the Portland/Fairgrounds Road right-of-way, are permitted with administrative conditional-use approval.

143B.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 715.

143B.070. Prohibited Uses Within Overlay Zone.

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

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

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

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

(1) Used merchandise stores (593);

(2) Entertainment establishments (58);

(3) Wildlife rehabilitation facility;

(4) Antennas attached to existing or approved structures;

(5) (4) Public automobile parking areas;

(6) (5) Mobile food unit;

(7) (6) Ambulance Station;


(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118.

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

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

(1) Entertainment establishments;

(2) Wildlife rehabilitation facility;

(3) Mobile food unit;

(4) Antennas attached to existing structures;

(5) (4) Used Merchandise Stores;

(6) (5) Ambulance Station;

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118.

143B.150. Special Uses - Northgate CR Mixed-Use Area.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:
   (1) Used merchandise store (593);
   (2) Entertainment establishments;
   (3) Existing wildlife rehabilitation facility;
   (4) Mobile food unit;
   (5) Antennas attached to existing or approved structures;
   (6) Ambulance Station;
   (7) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118.

CHAPTER 143C
FAIRVIEW MIXED-USE ZONE

(The following is an excerpt from Table 143C-1 showing only the header, footer, and TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES section that would revised.)

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC 113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 117. Uses requiring an Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100 through 116.120. Wireless Communications Facilities Uses are designated with a “W” and are allowed, subject to SRC Chapter 715.

<table>
<thead>
<tr>
<th>Table 143C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES</strong></td>
</tr>
<tr>
<td>Local and suburban transit and interurban highway passenger transportation (41)</td>
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<td>Motor freight transportation and warehousing (42)</td>
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<tr>
<td>Wireless Communications Facilities [SRC 119.460]</td>
</tr>
<tr>
<td>Antennas attached to existing or approved structures [SRC 119.460]</td>
</tr>
</tbody>
</table>

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.
CHAPTER 143D
EDGEEWATER STREET/WALLACE ROAD AREA OVERLAY ZONE

143D.020. Definitions.
(a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.
(b) Change of Use means changing an activity from one Standard Industrial Classification (SIC) Division to another. Change of use does not include collocation, replacement, installation, modification or construction of wireless communications facilities.
(c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:
   (1) Maintenance and repair, usual and necessary for the continuance of an existing use;
   (2) Reasonable emergency procedures necessary for the safety or operation of property; or
   (3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure; or
   (4) Collocation, replacement, installation, modification or construction of wireless communications facilities.
(d) Owner means the person holding fee title or a beneficial interest under a trust deed or mortgage, or the purchaser under a contract for sale of real estate.
(e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use.
(f) Tuck-Under Parking means parking placed at grade with a building constructed above.
(g) User means the user of property in the overlay zone as of December 1, 2002.

DISTRICT DEVELOPMENT STANDARDS
AREA 1 - WALLACE ROAD CORRIDOR
143D.070. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.

AREA 2 - WEST SALEM GATEWAY
143D.100. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.

AREA 3 - WEST SALEM GENERAL INDUSTRIAL AREA
143D.120. Uses.
(a) Except as provided in subsection (b) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.
(b) The following uses are permitted uses in Area 3:
   (1) Eating and drinking places and entertainment establishments;
   (2) Beauty Shops (723);
   (3) Barber Shops (724);
(4) Business Services (73);
(5) Membership sports and recreation clubs (7997);
(6) Medical and dental laboratories (807);
(7) Outpatient facilities (8093);
(8) Engineering, accounting, research, management and related services (87);
(9) Executive offices (911);
(10) Executive and legislative combined (913);
(11) Police protection (9221), BUT EXCLUDING jail facilities;
(12) Public finance, taxation and monetary policy (93);
(13) Administration of human resources programs (94);
(14) Administration of environmental quality and housing programs (95);
(15) Administration of economic programs (96);
(16) National security and international affairs (97);
(17) Used merchandise stores (593);
(18) General merchandise stores (53);
(19) Food stores (54);
(20) Apparel and accessory stores (56);
(21) Furniture, home furnishings and equipment stores (57);
(22) Miscellaneous retail (59);
(23) Miscellaneous repair services (76);
(24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
(25) Services not elsewhere classified (899).

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

(1) Agricultural production crops (071);
(2) Crop services (072);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products;
(5) Chemicals and allied products (28);
(6) Motorcycle dealers (557);
(7) Automotive dealers, not elsewhere classified (559);
(8) Fuel Dealers (598);
(9) Outdoor advertising services (7312);
(10) Disinfecting and pest control services (7342);
(11) Building cleaning and maintenance services not elsewhere classified (7349);
(12) Recycling Depots;
(13) Scrap and waste material establishments (5093);
(14) Livestock, except dairy, poultry, and animal specialties (021);
(15) Air transportation, Non-scheduled (452);
(16) Crude petroleum and natural gas extraction (131);
(17) Surface mining operations;
(18) Meat products (201);
(19) Animal and marine fats and oils (2077);
(20) Logging camps and logging contractors (241);
(21) Sawmills and planing mills (242);
(22) Paper and allied products (26);
(23) Agricultural chemicals (287);
(24) Miscellaneous chemical products (289);
(25) Petroleum and coal products (29);
(26) Cement hydraulic (324);
(27) Iron and steel foundries (332);
(28) Primary smelting and refining nonferrous metals (333);
(29) Secondary smelting and refining nonferrous metals (334);
(30) Rolling, drawing, and extruding of nonferrous metals (335);
(31) Ordinance and accessories, except vehicles and guided missiles (348);
(32) Storage batteries (3691);
(33) Primary batteries, dry and wet (3692);
(34) Livestock (5154);
(35) Chemicals and allied products (516);
(36) Racing, including track operation (7948); and
(37) Solid waste transfer stations.

AREA 4 - PATTERSON STREET CORRIDOR
143D.180. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.

AREA 5 - EDGEWATER STREET CORRIDOR
143D.190. Uses.
(a) Except as provided in subsection (b) and (c) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone. Otherwise permitted uses in Area 5 may not be conducted as drive-through uses, defined as business activities typically involving queuing lanes, service windows, service islands, and service bays. The additional prohibited uses, identified under subsection (c) of this section that existed within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the lot or parcel where they are located on such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5 that were not previously utilized for such use.
(b) The following uses are permitted uses in Area 5:
   (1) Mixed use developments as defined in this Chapter; and
   (2) Dwellings meeting the density standards of Section 143D.210.
(c) In addition to the prohibited uses in the underlying zone, the following uses that are allowed in the underlying zone are prohibited in Area 5:
   (1) Agricultural production - crops (01);
   (2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);
   (3) Timber tracts (081);
   (4) Forest nurseries and gathering of forest products (0831);
   (5) Crude petroleum and natural gas extraction (131);
   (6) Gas production and distribution (492);
   (7) Lumber and other building materials dealers (521);
   (8) Automotive dealers and gasoline service stations (55), but excluding auto and home supply stores (retail sales only, no service or installation)(5531);
   (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
   (10) Camps and recreational vehicle parks (703);
   (11) Carpet and upholstery cleaning (7217);
   (12) Equipment Rental and Leasing (7359);
   (13) Automotive rental and leasing, without drivers (751);
   (14) Automotive repair shops (753);
   (15) Automotive services, except repair (754);
(16) Motorcycle repair service;
(17) Professional sports clubs and promoters (7941);
(18) Temporary motor vehicle and recreational vehicle sales;
(19) Utilities - secondary truck parking and material storage yard;
(20) Recycling depots;
(21) Solid waste transfer stations.

AREA 6 - SECOND STREET CORRIDOR
143D.230. Uses.
(a) Except as provided in subsection (b) of this section, No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.
(b) The following uses are permitted uses in Area 6:
   (1) Home occupations pursuant with 143D.240.

AREA 7 - WALKER SCHOOL RESIDENTIAL AREA
143D.250. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.

CHAPTER 143E
SOUTH GATEWAY OVERLAY ZONE

143E.055. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the South Gateway Overlay Zone, subject to SRC Chapter 715.

143E.060. Prohibited Uses within Overlay Zone.
(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone, including:
   (1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores (553) and gasoline service stations (554);
   (2) Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way;
   (3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-way.

CHAPTER 144
EFU-EXCLUSIVE FARM USE

144.020. Permitted Uses
144.030. Special Uses
144.035. Administrative Conditional Uses
144.040. Conditional Uses
144.050. Prohibited Uses
144.060. Height
144.070. Parcel/Lot Area
144.080. Front Yards and Yards Adjacent to Streets
144.090. Interior Side Yards
144.100. Interior Rear Yards

144.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the EFU district:
   (1) Antennas attached to existing and approved structures.

144.035. Administrative Conditional Uses. The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in an EFU district:
   (1) Freestanding support structures 35 feet or less in height and equipment enclosures.

144.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EFU district, subject to SRC Chapter 715.

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

CHAPTER 145
RA - RESIDENTIAL AGRICULTURE

145.010. Classification of Uses
145.020. Permitted Uses
145.030. Special Uses
145.040. Conditional Uses
145.045. Wireless Communications Facilities
145.050. Prohibited Uses

DEVELOPMENT STANDARDS
145.060. Height
145.070. Lot Area and Dimensions
145.080. Front Yards and Yards Adjacent to Streets
145.090. Interior Side Yards
145.100. Interior Rear Yards
145.105. Infill Lot Side Yards
145.110. Lot Coverage
145.120. Driveways for Dwellings
145.900. Reference to Additional Standards

145.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RA district:
   (1) Veterinary services for animal specialties (0742).
   (2) Funeral service (726) except crematories.
   (3) Public golf courses (7992).
   (4) Membership sports and recreation clubs (7997) having golf courses.
   (5) Elementary and secondary schools (821).
   (6) Religious organizations (866).
   (7) Boat and recreational vehicle storage area.
   (8) Zero side yard dwellings.
   (9) Two family shared housing.
   (10) Public automobile parking areas.
   (11) Manufactured homes on individual lots.
(12) Bed and breakfast establishments.
(13) Adult day care center.
(14) Keeping of a miniature swine.
(15) Residential Sales/Development Office.
(16) Wildlife Rehabilitation facility.
(17) Construction of a replacement single family dwelling unit on an individual lot.
(18) Individual and Family Social Service (832).
(19) Antennas attached to existing or approved structures.
(20) Parking for Special Activities at High Schools with Community Parks.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

145.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RA district, subject to SRC Chapter 715.

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

145.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
- Preservation of Trees and Vegetation: SRC Chapter 68
- Landslide Hazards: SRC Chapter 69
- Street Trees: SRC Chapter 86
- Planned Unit Developments: SRC Chapter 121
- Increased Residential Density: SRC Chapter 122
- Mobile Home Parks: SRC Chapter 123
- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 715

CHAPTER 146
RS - SINGLE FAMILY RESIDENTIAL

146.010. Classification of Uses
146.020. Permitted Uses
146.030. Special Uses
146.035. Administrative Conditional Uses
146.040. Conditional Uses
146.045. Wireless Communications Facilities
146.050. Prohibited Uses
DEVELOPMENT STANDARDS
146.060. Height
146.070. Lot Area and Dimensions
146.080. Front Yards and Yards Adjacent to Streets
146.090. Interior Side Yards
146.100. Interior Rear Yards
146.105 Infill Lot Side Yards
146.110. Lot Coverage
146.120. Driveways for Dwellings
146.900. Reference to Additional Standards

146.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RS district:
   (1) Funeral service (726) except crematories.
   (2) Public golf courses (7992).
   (3) Membership sports and recreation clubs (7997) having golf courses.
   (4) Elementary and secondary schools (821).
   (5) Religious organizations (866).
   (6) Boat and recreational vehicle storage area.
   (7) Zero side yard dwellings.
   (8) Two family shared housing.
   (9) Public automobile parking areas.
   (10) Manufactured homes on individual lots.
   (11) Bed and breakfast establishments.
   (12) Adult day care center.
   (13) Keeping of a miniature swine.
   (14) Residential Sales/Development Office.
   (15) Existing wildlife rehabilitation facility.
   (16) Construction of a replacement single family dwelling unit on an individual lot.
   (17) Antennas attached to existing or approved structures.
   (18) (17) Parking for Special Activities at High Schools with Community Parks.
   (19) (18) Cottage Housing.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

146.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional-use approval as provided in SRC chapter 116, are permitted in RS district:
   (1) Freestanding support structures 35 feet or less in height and equipment enclosures.

146.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RS district, subject to SRC Chapter 715.

146.050. Prohibited Uses. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.049, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.
146.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Landslide Hazards (SRC Chapter 69)
- Street Trees (SRC Chapter 86)
- Planned Unit Developments (SRC Chapter 121)
- Increased Residential Density (SRC Chapter 122)
- Mobile Home Parks (SRC Chapter 123)
- Home Occupations (SRC Chapter 124)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-street Parking, Loading and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Wireless Communications Facilities (SRC Chapter 715)

CHAPTER 147
RD - DUPLEX RESIDENTIAL

147.010. Classification of Uses
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147.030. Special Uses
147.035. Administrative Conditional Uses
147.040. Conditional Uses
147.045. Wireless Communications Facilities
147.050. Prohibited Uses

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147.070. Lot Area and Dimensions
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147.090. Interior Side Yards
147.100. Interior Rear Yards
147.110. Lot Coverage
147.120. Driveways for Dwellings
147.130. Garages and Setbacks
147.200. Zone Change Restriction
147.900. Reference to Additional Standards

147.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RD district:
   (1) Nursing and personal care facilities (805).
   (2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.
   (3) Zero side yard dwellings.
   (4) Keeping of a miniature swine.
   (5) Manufactured homes on individual lots.
   (6) Antennas attached to existing or approved structures.
   (7) Religious organizations (866).
(b) In lieu of establishing any use listed in subsection (2)(g) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

147.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in RD district:

(1) Freestanding support structures 35 feet or less in height and equipment enclosures.

147.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RD district, subject to SRC Chapter 715.

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Landslide Hazards: SRC Chapter 69
- Street Trees: SRC Chapter 86
- Planned Unit Developments: SRC Chapter 121
- Increased Residential Density: SRC Chapter 122
- Mobile Home Parks: SRC Chapter 123
- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 715

CHAPTER 148
RM1 and RM2 - MULTIPLE FAMILY RESIDENTIAL

148.150. RM1 Classification of Uses
148.160. RM1 Permitted Uses
148.170. RM1 Special Uses
148.180. RM1 Administrative Conditional Uses
148.190. RM1 Conditional Uses
148.195. RM1 Wireless Communications Facilities
148.200. RM1 Prohibited Uses

RM1 DEVELOPMENT STANDARDS
148.210. RM1 Design Approval
148.220. RM1 Dwelling Unit Density
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148.260. RM1 Interior Side and Rear Yards
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148.290. RM1 Storage
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148.350. RM2 Prohibited Uses

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148.420. RM2 Lot Coverage
148.430. RM2 Landscaping
148.440. RM2 Storage
148.450. RM2 Reference to Additional Standards

148.170. RM1 Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RM1 district:
   (1) Nursing and personal care facilities
   (2) Elementary and secondary schools
   (3) Religious organizations
   (4) Zero side yard dwellings
   (5) Manufactured homes on individual lots, provided the minimum density requirements of SRC RM1 148.220 are met
   (6) Adult day care center
   (7) Keeping of miniature swine
   (8) Residential Sales/Development Office
   (9) Antennas attached to existing or approved structures
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118.

148.180. RM1 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in the RM1 district:
   (1) Freestanding support structures less than 35 feet in height and equipment enclosures.

148.195. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM1 district, subject to SRC Chapter 715.

148.200. RM1 Prohibited Uses. Within any RD RM1 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC
147.020 to 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

148.210. **RM1 Design Approval.** Developments subject to SRC 148.160-148.190 and SRC 148.200-148.310 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the adopted Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this chapter.

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

- Landslide Hazards: SRC Chapter 69
- Planned Unit Development: SRC Chapter 121
- Mobile Homes Parks: SRC Chapter 123
- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-Street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 141
- Development Design Review Board: SRC Chapter DB 120
- Development Design Review Process SRC Chapter DR
- City of Salem Development Design Handbook
- Wireless Communications Facilities: SRC Chapter 715

148.330. **RM2 Administrative Conditional Uses.**

(a) The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in the RM2 district:

(1) Freestanding support structures less than 70 feet in height and equipment enclosures.

148.345. **RM2 Wireless Communications Facilities.** Wireless Communications Facilities are allowed in the RM2 district, subject to SRC Chapter 715.

148.350. **RM2 Prohibited Uses.** Within any RM2 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040, 148.310 to 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

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

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

- Landslide Hazards: SRC Chapter 69
- Planned Unit Development: SRC Chapter 121
- Mobile Home Parks: SRC Chapter 123

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CHAPTER 149
RH - MULTIPLE FAMILY HIGH-RISE RESIDENTIAL

149.010. Classification of Uses
149.020. Permitted Uses
149.030. Special Uses
149.035. Administrative Conditional Uses
149.040. Conditional Uses
149.045. Wireless Communications Facilities
149.050. Prohibited Uses

DEVELOPMENT STANDARDS
149.060. Front Yards and Yards Adjacent to Streets
149.070. Interior Side Yards
149.080. Interior Rear Yards
149.090. Landscaping
149.100. Storage
149.900. Reference to Additional Standards

149.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the RH district:
   (1) Nursing and personal care facilities (805);
   (2) Elementary and secondary schools (821);
   (3) Religious organizations (866);
   (4) Mixed use buildings;
   (5) Adult day care center;
   (6) Keeping of a miniature swine;
   (7) Residential Sales/Development Office;
   (8) Antennas attached to existing or approved structures;
   (9) Ambulance Station.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

149.035. Administrative Conditional Uses. (a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in RH district:
   (1) Freestanding support structures less than 70 feet in height and equipment enclosures.
149.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RH district, subject to SRC Chapter 715.

149.050. Prohibited Uses. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

149.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Preservation of Trees and Vegetation: SRC Chapter 68
- Landslide Hazards: SRC Chapter 69
- Planned Unit Developments: SRC Chapter 121
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units: SRC Chapter 715

CHAPTER 150
CO - COMMERCIAL OFFICE

150.010. Classification of Uses
150.020. Permitted Uses
150.030. Special Uses
150.035. Administrative Conditional Uses
150.040. Conditional Uses
150.050. Prohibited Uses

DEVELOPMENT STANDARDS
150.060. Height
150.070. Lot Area and Dimensions
150.080. Yards Adjacent to Streets
150.090. Interior Side and Rear Yards
150.100. Lot Coverage
150.110. Landscaping
150.120. Open Storage Area
150.130. Core Area CO Zone District
150.140. Development Standards in Core Area CO Zone District
150.900. Reference to Additional Standards

150.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the CO district:

(1) Veterinary services for animal specialties (0742);
(2) Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses;
(3) Nursing and personal care facilities (805);
(4) Religious organizations (866);
(5) Boat and recreational vehicle storage area;
(6) Zero side yard dwellings;
(7) Orthopedic and artificial limb offices - retail (5999);
(8) Keeping of miniature swine;
(9) Antennas attached to existing or approved structures;
(10) Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

150.035. Administrative Conditional Uses.
(a) The following uses, with administrative conditional-use approval as provided in SRC chapter 116, are permitted in CO district:
   (1) Freestanding support structures less than 70 feet in height and equipment enclosures.

150.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CO district, subject to SRC Chapter 715.

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to 150.045, unless the use is deemed an equivalent use pursuant to except as provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

150.050. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
- Preservation of Trees and Vegetation
- Landslide Hazards
- Home Occupations
- Lot Development Standards
- Accessory Structures
- Landscaping
- Off-street Parking, Loading and Driveways
- Flood Plain Overlay Zones
- Willamette Greenway Overlay Zones
- Development Design Handbooks for projects including three or more multiple family units

CHAPTER 151
CN - NEIGHBORHOOD COMMERCIAL

151.010. Classification of Uses
151.020. Permitted Uses
151.030. Special Uses
151.035. Administrative Conditional Uses
151.040. Conditional Uses
151.050. Prohibited Uses

DEVELOPMENT STANDARDS
151.060. Height
151.070. Lot Area and Dimensions
151.080. Yards Adjacent to Streets
151.090. Interior Side Yards
151.100. Interior Rear Yards
151.110. Lot Coverage
151.120. Open Storage
151.140. Landscaping
151.150. Hours of Operation
151.200. Zone Change Standards
151.210. Site Plan Required
151.220. Site Plan Composition
151.230. Consistency with Comprehensive Plan
151.900. Reference to Additional Standards

151.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the GR CN district:
   (1) Keeping of a miniature swine.
   (2) Antennas attached to existing or approved structures.
   (3) Freestanding support structures 35 feet or less in height and equipment enclosures.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

151.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CN district:
   (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

151.040. Conditional Uses.
The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the CN district:
(a) Crude petroleum and natural gas extraction (131).
(b) Electric services (491).
(c) Gas production and distribution (492).
(d) Water supply (494).
(e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(f) Freestanding support structures greater than 70 feet in height and equipment enclosures.

151.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CN district, subject to SRC Chapter 715.

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to 151.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

151.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
CHAPTER 152
CR - RETAIL COMMERCIAL

152.010. Classification of Uses
152.020. Permitted Uses
152.030. Special Uses
152.035. Administrative Conditional Uses
152.040. Conditional Uses
152.050. Prohibited Uses

DEVELOPMENT STANDARDS
152.060. Height
152.070. Lot Area and Dimensions
152.080. Yards Adjacent to Streets
152.090. Interior Side Yards
152.100. Interior Rear Yards
152.110. Landscaping
152.120. Core Area CR Zone Districts
152.130. Development Standards in Core Area CR Zone Districts
152.900. Reference to Additional Standards

152.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CR district:
   (1) Gasoline service stations (554);
   (2) Used merchandise store (593);
   (3) Secondary dwellings and guest rooms;
   (4) Entertainment establishments;
   (5) Keeping of a miniature swine;
   (6) Existing wildlife rehabilitation facility;
   (7) Mobile food unit;
   (8) Antennae attached to existing or approved structures;
   (9) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (10) Temporary motor vehicle sales (551);
   (11) Temporary recreational vehicle sales (556);
   (12) One single family dwelling, other than a manufactured home, per lot;
   (13) Ambulance Station;
   (14) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC. Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC. Chapter 117 or 118. See SRC. 119.010.
152.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in S.C. chapter 116, are permitted in CR district:
   (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

152.040 Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the CR district:
(a) Those uses listed in S.C. 152.030, at the developer's option, as provided in subsection (b) of that section.
(b) Crude petroleum and natural gas extraction (131);
(c) Manufacturing:
   (1) Jewelry, silverware, and plated ware (391);
   (2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396);
   (3) Signs and advertising specialties (3993).
(d) Transportation, communications, electric, gas, and sanitary services:
   (1) Local and suburban passenger transportation (411);
   (2) Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413);
   (3) Communication services, not elsewhere classified (489);
   (4) Electric services (491);
   (5) Gas production and distribution (492);
   (6) Water supply (494);
   (7) Freestanding support structures greater than 70 feet in height and equipment enclosures.
(e) Retail:
   (1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554), and auto and home supply stores as permitted under S.C. 152.020(e)(14);
   (2) Nonstore retailers (596).
(f) Services:
   (1) Camps and recreational vehicle parks (703);
   (2) Carpet and upholstery cleaning (7217);
   (3) Automotive rental and leasing, without drivers (751);
   (4) Automotive repair shops (753);
   (5) Automotive services, except repair (754);
   (6) Electrical repair shops (762);
   (7) Reupholstery and furniture repair (764);
   (8) Motorcycle repair service;
   (9) Professional sports clubs and promoters (7941).
   (10) Homeless shelters and room and board facilities serving 6 to 75 persons.
(g) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, condominiums, and residential hotels.
(h) Other uses:
   (1) Utilities - secondary truck parking and material storage yard.
   (2) Recycling depots.
   (3) Solid waste transfer stations.
   (4) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
152.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CR district, subject to SRC Chapter 715.

152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020 to 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) allowed as a nonconforming use pursuant to SRC Chapter 112.

152.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Landslide Hazards
- Lot Development Standards
- Accessory Structures
- Landscaping
- Off-street Parking, Loading, and Driveways
- Flood Plain Overlay Zones
- Willamette Greenway Overlay Zones
- Wireless Communications Facilities

CHAPTER 153
CG - GENERAL COMMERCIAL

153.010. Classification of Uses
153.020. Permitted Uses
153.030. Special Uses
153.035. Administrative Conditional Uses
153.040. Conditional Uses
153.050. Prohibited Uses

DEVELOPMENT STANDARDS
153.060. Height
153.070. Lot Area and Dimensions
153.080. Yards Adjacent to Streets
153.090. Interior Side Yards
153.100. Interior Rear Yards
153.110. Landscaping
153.900. Reference to Additional Standards

153.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CG district:
   (1) Used merchandise stores (593);
   (2) Entertainment establishments;
   (3) Keeping of a miniature swine;
   (4) Wildlife rehabilitation facility;
   (5) Antennas attached to existing or approved structures;
   (6) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (7) Mobile food unit;
   (8) Temporary motor vehicles sales (551);
   (9) Temporary recreational vehicle sales (556);
   (10) One single family dwelling, other than a manufactured home, per lot;
(1) (9) Ambulance Station;  
(12) (10) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

153.035 Administrative Conditional Uses. 
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CG district:  
(1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

153.040 Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118 as applicable, are permitted in the CG district:  
(a) Those uses listed in SRC 153.030, at the developer's option, as provided in subsection (b) of that section.
(b) Animal specialty services, except veterinary (0752).
(c) Farm labor and management services (076).
(d) Crude petroleum and natural gas extraction (131).
(e) Jewelry, silverware, and plated ware (391).
(f) Costume jewelry and notions (396).
(g) Signs and advertising specialties (3993).
(h) Electric services (491).
(i) Gas production and distribution (492).
(j) Water supply (494).
(k) Durable goods, not elsewhere classified (5099).
(l) Fish and seafoods (5146).
(m) Drive-in motion picture theaters (7833).
(n) Racing, including track operations (7948).
(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.
(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.
(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
(r) Solid waste transfer stations.
(s) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.

153.045 Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CG district, subject to SRC Chapter 715.

153.050 Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

153.900 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

<table>
<thead>
<tr>
<th>Landslide Hazards</th>
<th>SRC Chapter 69</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Development Standards</td>
<td>SRC Chapter 130</td>
</tr>
</tbody>
</table>
CHAPTER 154
CB - CENTRAL BUSINESS DISTRICT

154.010. Classification of Uses
154.020. Permitted Uses
154.030. Special Uses
154.035. Administrative Conditional Uses
154.040. Conditional Uses
154.050. Prohibited Uses
154.055. CB Zone Districts

DEVELOPMENT STANDARDS
154.060. Side and Rear Yards
154.070. Yards Adjacent to Streets; Building
154.080. Building Height
154.090. Design Approval
154.900. Reference to Additional Standards

154.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the CB district:
   (1) Keeping of a miniature swine;
   (2) Antennas attached to existing or approved structures;
   (3) Freestanding support structures thirty-five feet or less in height and equipment enclosures;
   (4) Mobile food unit;
   (5) Ambulance station;
   (6) Ambulance service facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or SRC Chapter 118. See SRC 119.010.

154.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in CB district:
   (1) Freestanding support structures between thirty-six and seventy feet in height and equipment enclosures.

The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the CB district:
(a) Helicopter landing area, with or without passenger and freight terminal facilities.
(b) Farm labor and management services (076);
(c) Crude petroleum and natural gas extraction (131);
(d) Jewelry, silverware, and plated ware (391);
(e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396);
(f) Electric services (491);
(g) Gas production and distribution (492);
(h) Water supply (494);
(i) Metals and minerals, except petroleum (505) subject to the retail sales requirement of SRC 154.020(e);
(j) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(e).
(k) Recycling depots.
(l) Solid waste transfer stations.
(m) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.
(n) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(o) Freestanding support structures greater than 70 feet in height and equipment enclosures.
(p) Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.

154.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CB district, subject to SRC Chapter 715.

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.046, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

154.090 Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or relocatable structures not attached to a permanent foundation.

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
CHAPTER 155
IC - INDUSTRIAL COMMERCIAL

155.010. Classification of Uses
155.020. Permitted Uses
155.030. Special Uses
155.035. Administrative Conditional Uses
155.040. Conditional Uses
155.050. Prohibited Uses
155.055. Industrial Performance Standards

DEVELOPMENT STANDARDS
155.060. Height
155.070. Lot Area and Dimensions
155.080. Yards Adjacent to Streets
155.090. Interior Side Yards
155.100. Interior Rear Yards
155.900. Reference to Additional Standards

155.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:
   (1) Mobile home as a dwelling for a caretaker;
   (2) Entertainment establishments;
   (3) Keeping of a miniature swine;
   (4) Wildlife rehabilitation facility;
   (5) Mobile food unit;
   (6) Antennas attached to existing structures;
   (7) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (8) One single family dwelling, other than a manufactured home, per lot;
   (9) (7) Ambulance Station;
   (10) (8) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

155.035 Administrative Conditional Uses.
(a) The following uses, with administrative conditional-use approval as provided in SRC Chapter 116, are permitted in IC district:
   (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the IC district:
(a) Agriculture:
(1) Animal specialty services (0752).

(b) Mining:
   (1) Crude petroleum and gas extraction (131).

(c) Manufacturing:
   (1) Millwork (2431);
   (2) Structural wood members, not elsewhere classified (2439);
   (3) Wooden containers (244);
   (4) Miscellaneous wood products (249);
   (5) Furniture and fixtures (25);
   (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289);
   (7) Rubber and plastics footwear (302);
   (8) Fabricated rubber products, not elsewhere classified (306);
   (9) Miscellaneous plastics products (307);
   (10) Leather tanning and finishing (311);
   (11) Fabricated structural metal products (344);
   (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345);
   (13) Coating, engraving, and allied services (347);
   (14) Miscellaneous fabricated metal products (349);
   (15) Metalworking machinery and equipment (354);
   (16) Woodworking machinery (3553);
   (17) Refrigeration and service industry machinery (358);
   (18) Ship and boat building and repairing (373);
   (19) Jewelry, silverware, and patch ware (391);
   (20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).

(e) Utilities:
   (1) Electrical service (491);
   (2) Gas production and distribution (492);
   (3) Water supply (494).

(f) Wholesale trade:
   (1) Durable goods, not elsewhere classified (5099).

(g) Services:
   (1) Residential care (836).

(h) Residential:
   (1) Single family dwellings, other than mobile homes;
   (2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710;
   (3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums;
   (4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and

(i) Other uses:
   (1) Solid waste transfer stations.
   (2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
   (j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.
155.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IC district, subject to SRC Chapter 715.

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.046, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 715

CHAPTER 156
IBC - INDUSTRIAL BUSINESS CAMPUS

156.010. Classification of Uses
156.020. Permitted Uses
156.030. Special Uses
156.032. Administrative Conditional Uses
156.035. Conditional Uses
156.040. Flexible Space Uses
156.050. Prohibited Uses
156.060. Industrial Performance Standards
156.070. Location Standards
156.080. Height
156.090. Lot Area and Dimensions
156.100. Yards Adjacent to Streets
156.110. Yards Adjacent to Other Districts
156.120. Side and Rear Yards
156.130. Lot Coverage
156.140. Open Storage
156.150. Landscaping
156.160. Off-street Parking and Loading
156.170. Lighting
156.900. Reference to Additional Standards

156.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IBC district:
   (1) Gasoline service stations (554);
   (2) Antennas attached to existing or approved structures;
   (3) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (4) Colleges, universities, professional schools, and junior colleges (8221);
(5) (3) One single family dwelling, other than a manufactured home, per lot;
(6) (4) Ambulance Station;

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:
   (1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and
   (2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

156.032 Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in IBC district:
   (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

156.035. Conditional Uses.
The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IBC district:
(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structures greater than 70 feet in height and equipment enclosures.
(b) Utilities:
   (1) Electrical service (491);
   (2) Gas production and distribution (492);
   (3) Water supply (494).

156.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IBC district, subject to SRC Chapter 715.

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 156.030(d), unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
   Landslide Hazards
   Wireless Communications Facilities

CHAPTER 157
IP - INDUSTRIAL PARK

157.010. Classification of Uses
157.020. Permitted Uses
157.030. Special Uses
157.035. Administrative Conditional Uses
157.040. Conditional Uses
157.050. Prohibited Uses
157.060. Industrial Performance Standards

DEVELOPMENT STANDARDS
157.070. Height
157.080. Lot Area and Dimensions
157.090. Yards Adjacent to Streets
157.100. Interior Side Yards
157.110. Interior Rear Yards
157.120. Open Storage
157.130. Landscaping
157.900. Reference to Additional Standards

157.030. Special Uses.
(a) The following uses, when restricted, developed, and conducted as required in SRC chapter 119, are permitted in the IP district:
   (1) Gasoline service stations (554);
   (2) Mobile home as a dwelling for a caretaker;
   (3) Antennas attached to existing or approved structures;
   (4) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (5) One single family dwelling, other than a manufactured home, per lot;
   (6) Ambulance Station;
   (7) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IP district:
   (1) Freestanding support structures between 36 and 70 feet in height and equipment enclosures.

157.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IP district:
(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Non-scheduled (452); and
   (2) Freestanding support structure greater than 70 feet in height and equipment enclosures.
(b) Crude petroleum and natural gas extraction (131); and
(c) Carpentering and flooring (175).
(d) Manufacturing:
   (1) Food and kindred products (20) BUT EXCLUDING beverages (208);
   (2) Miscellaneous textile goods (229);
   (3) Lumber and wood products, except furniture (24);
   (4) Furniture and fixtures (25);
   (5) Paper and allied products (26);
   (6) Chemicals and allied products (28);
   (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303);
   (8) Leather tanning and finishing (311);
   (9) Flat glass (321);
(10) Glass and glassware, pressed or blown (322);
(11) Pottery and related products (326);
(12) Cut stone and stone products (328);
(13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329);
(14) Coating, engraving, and allied services (347);
(15) Ordnance and accessories, except vehicles and guided missiles (348);
(16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020;
(17) Storage batteries (3691);
(18) Primary batteries, dry and wet (3692);
(19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020; and
(20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

(e) Public utilities:
(1) Electric services (491);
(2) Gas production and distribution (492); and
(3) Water supply (494).

(f) Wholesale trade:
(1) Durable goods, not elsewhere classified (5099);
(2) Chemicals and allied products (516);
(3) Petroleum and petroleum products (517); and

(g) Animal specialty services, excluding veterinary (0752).

(h) Other uses:
(1) Solid waste transfer stations.
(i) Those uses listed in SRC 157.030, at the developer’s option, as provided in subsection (b) of that section.

157.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IP district, subject to SRC Chapter 715.

157.050. Prohibited Uses. Within any IP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to 157.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

157.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 715
CHAPTER 158
IG - GENERAL INDUSTRIAL

158.010. Classification of Uses
158.020. Permitted Uses
158.030. Special Uses
158.035. Administrative Conditional Uses
158.040. Conditional Uses
158.050. Prohibited Uses
158.060. Industrial Performance Standards

DEVELOPMENT STANDARDS
158.070. Height
158.080. Lot Area and Dimensions
158.090. Yards Adjacent to Streets
158.100. Interior Side Yards
158.110. Interior Rear Yards
158.900. Reference to Additional Standards

158.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in the IG district:
   (1) Scrap and waste materials establishments (5093);
   (2) Mobile home as a dwelling for a caretaker;
   (3) Wildlife rehabilitation facility;
   (4) Mobile food unit;
   (5) Lumber and other building materials;
   (6) Retail nurseries, lawn and garden supply stores;
   (7) Antennas attached to existing or approved structures;
   (8) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from an R or CO zone and equipment enclosures;
   (9) (7) Recreational vehicle sales (5561);
   (10) (8) One single family dwelling, other than a manufactured home, per lot;
   (11) (9) Ambulance Station;
   (12) (10) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC chapter 117 or 118. See SRC 119.010.

158.035. Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in IG district:
   (1) Freestanding support structures between 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the IG district:
(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.
(b) Agriculture, forestry, and fishing:
(1) Livestock, except dairy, poultry, and animal specialties (021);
(c) Transportation, communication, electric, gas, and sanitary services:
(1) Air transportation, Nonscheduled (452).
(2) Freestanding support structures greater than 70 feet in height whose base is within 300
feet of a R or CO zone and equipment enclosures.
(d) Mining:
(1) Crude petroleum and natural gas extraction (131);
(2) Surface mining operations as a specific conditional use under SRC chapter 118.
(e) Manufacturing:
(1) Meat products (201);
(2) Animal and marine fats and oils (2077);
(3) Logging camps and logging contractors (241);
(4) Hardwood veneer and plywood (2435);
(5) Softwood veneer and plywood (2436);
(6) Structural wood members, not elsewhere classified (2439);
(7) Sawmills and planing mills (242);
(8) Paper and allied products (26) where not otherwise permitted under SRC 158.020;
(9) Agricultural chemicals (287);
(10) Miscellaneous chemical products (289);
(11) Petroleum and coal products (29);
(12) Cement hydraulic (324);
(13) Structural clay products (325);
(14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271);
(15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329);
(16) Iron and steel foundries (332);
(17) Primary smelting and refining of nonferrous metals (333);
(18) Secondary smelting and refining of nonferrous metals (334);
(19) Rolling, drawing, and extruding of nonferrous metals (335);
(20) Nonferrous foundries (castings) (336);
(21) Miscellaneous primary metal products (339);
(22) Ordnance and accessories, except vehicles and guided missiles (348);
(23) Storage batteries (3691);
(24) Primary batteries, dry and wet (3692);
(f) Wholesale trade:
(1) Livestock (5154).
(2) Chemicals and allied products (516).
(g) Services:
(1) Racing, including track operation (7948).
(h) Other uses:
(1) Solid waste transfer stations.

158.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed
in the IG district, subject to SRC Chapter 715.

158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used,
erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to
158.0405, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) allowed as a
nonconforming use pursuant to SRC Chapter 112.

158.900. Reference to Additional Standards. Additional or alternative use and development
standards may be found in the following chapters:
Landslide Hazards  SRC Chapter 69
Lot Development Standards  SRC Chapter 130
Accessory Structures  SRC Chapter 131
Landscaping  SRC Chapter 132
Off-street Parking, Loading, and Driveways  SRC Chapter 133
Flood Plain Overlay Zones  SRC Chapter 140
Willamette Greenway Overlay Zones  SRC Chapter 141
Lot Development Standards  SRC Chapter 130
Accessory Structures  SRC Chapter 131
Landscaping  SRC Chapter 132
Off-street Parking, Loading, and Driveways  SRC Chapter 133
Flood Plain Overlay Zones  SRC Chapter 140
Willamette Greenway Overlay Zones  SRC Chapter 141
Wireless Communications Facilities  SRC Chapter 715

CHAPTER 159
II - INTENSIVE INDUSTRIAL

159.010. Classification of Uses
159.020. Permitted Uses
159.030. Special Uses
159.035. Administrative Conditional Uses
159.040. Conditional Uses
159.050. Prohibited Uses
159.060. Industrial Performance Standards

DEVELOPMENT STANDARDS
159.070. Height
159.080. Lot Area and Dimensions
159.090. Yards Adjacent to Streets
159.100. Interior Side Yards
159.110. Interior Rear Yards
159.900. Reference to Additional Standards

159.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC chapter 119, are permitted in an II district:
   (1) Antennas attached to an existing and approved structure;
   (2) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (3) (1) Ambulance Station;
   (4) (2) Ambulance Service Facility.

159.035. Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC chapter 116, are permitted in II district:
   (1) Freestanding support structures between 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.

159.040. Conditional Uses.
The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the II district:

(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of an R or CO zone and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131);
(c) Animal and marine fats and oils (2077);
(d) Ordinance and Accessories except vehicles and guided missiles (348);
(e) Eating and drinking places (58);
(f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded;
(g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC chapter 118.
(h) Solid waste transfer stations.

159.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the II district, subject to SRC Chapter 715.

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:

<table>
<thead>
<tr>
<th>Landslide Hazards</th>
<th>SRC Chapter 69</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Development Standards</td>
<td>SRC Chapter 130</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>SRC Chapter 131</td>
</tr>
<tr>
<td>Landscaping</td>
<td>SRC Chapter 132</td>
</tr>
<tr>
<td>Off-Street Parking, Loading and Driveways</td>
<td>SRC Chapter 133</td>
</tr>
<tr>
<td>Flood Plain Overlay Zones</td>
<td>SRC Chapter 140</td>
</tr>
<tr>
<td>Willamette Greenway Overlay Zones</td>
<td>SRC Chapter 141</td>
</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td>SRC Chapter 715</td>
</tr>
</tbody>
</table>

CHAPTER 160

P - PUBLIC USE

160.010. Classification of Uses
160.020. Prohibited Uses
160.030. Permitted Uses; PA (Public Amusement) District
160.040. Permitted Uses; PC (Public and Private Cemeteries) District
160.050. Permitted Uses; PE (Public and Private Educational Services) District
160.060. Permitted Uses; PH (Public and Private Health Services) District
160.070. Permitted Uses; PS (Public Service) District
160.080. Permitted Uses; PM (Capitol Mall) District
160.090. Common Uses
160.100. Special Uses in P Zones
160.110. Administrative Conditional Uses
160.120. Conditional Uses
DEVELOPMENT STANDARDS

160.200. Height
160.210. Lot Area and Dimensions
160.220. Yards Adjacent to Streets
160.230. Interior Side Yards
160.240. Interior Rear Yards
160.250. Lot Coverage
160.260. Storage
160.270. Landscaping
160.900. Reference to Additional Standards

160.020. Prohibited Uses Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular district under SRC 160.030 to 160.120 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 112.

160.100. Special Uses in P Zones.
(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:
   (1) Mobile home as a dwelling for a caretaker;
   (2) Existing wildlife rehabilitation facility;
   (3) Wildlife rehabilitation facility;
   (4) Mobile food unit;
   (5) Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission;
   (6) Antennas attached to existing or approved structures;
   (7) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures;
   (8) Ambulance Station;
   (9) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117 or 118. See SRC 119.010.

160.110. Administrative Conditional Uses.
(a) The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in P district:
   (1) Freestanding support structures 36 and 70 feet in height, the base of which is within 300 feet of an R or CO district.

160.120. CONDITIONAL USES. The following uses, with conditional use approval as provided in SRC chapter 117 or 118, as applicable, are permitted in the P district:
(a) Freestanding support structures greater than 70 feet in height and equipment enclosures.

160.125. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the P district, subject to SRC Chapter 715.

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following chapters:
Preservation of Trees and Vegetation SRC Chapter 68
CHAPTER 161
EMPLOYMENT CENTER

161.005. Intent and Purpose
161.010. Classification of Uses.
161.020. Permitted Uses
161.030. EC Retail - Service Center Subzone
161.040. Administrative Conditional Uses
161.050. Industrial Performance Standards
161.060. Height
161.070. Lot Size and Frontage
161.080. Lot Coverage
161.090. Setbacks
161.100. Parking
161.120. Landscaping, Generally
161.130. Landscaping in Parking Lot and Vehicular Use Areas
161.140. Screening
161.150. Outdoor Storage
161.160. Lighting
161.170. Additional Standards

161.040. Administrative Conditional Uses. Freestanding support structures and equipment enclosures are administrative conditional uses in the EC Zone.

161.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EC Zone, subject to SRC Chapter 715.

161.060. Height. No building, or structure or freestanding support structure in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, or structure or freestanding support structure that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

161.170. Additional Standards. Additional standards may apply to development in the EC Zone as a result of regulations found in the following chapters:

SRC Chapter 69 Landslide Hazards
SRC Chapter 140 Flood Plain Overlay Zone
SRC Chapter 125 Airport Overlay Zone
SRC Chapter 715 Wireless Communications Facilities
CHAPTER 162
SWMU – SOUTH WATERFRONT MIXED-USE

162.010. Intent and Purpose
162.020. Definitions
162.030. Classification of Uses
162.040. Permitted Uses
162.050. Special Uses
162.060. Administrative Conditional Uses
162.070. Mix of Uses Required
162.080. Height
162.090. Lot Size
162.100. Lot Coverage
162.110. Setbacks
162.120. Design Approval
162.130. Additional Standards

162.050. Special Uses.
The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

(a) Antennas attached to existing or approved structures.
(b) Mobile food unit.

162.060. Administrative Conditional Uses. The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in SWMU Zone:

Freestanding support structures between thirty-six feet and seventy feet in height and equipment enclosures.

162.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the SWMU Zone, subject to SRC Chapter 715.

162.120 Design Approval.
(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or relocatable structures not attached to a permanent foundation.
(b) Lawful non-conforming buildings or structures may be structurally altered or enlarged provided such new development reduces the degree of non-conformity, and meets all other provisions of the Zoning Code and other laws, ordinances and regulations.

162.130. Additional Standards. Additional standards may apply to development in the SWMU Zone. In the event there is any conflict between the standards of this Chapter and those contained in other chapters of the Salem Revised Code, the provisions of this Chapter shall control.

Chapters that provide additional standards include, but may not be limited to:

- Sign Code SRC Chapter 62
- Home Occupations SRC Chapter 124
- General Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-Street Parking, Loading, and Driveways SRC Chapter 133
CHAPTER 163
SITE PLAN REVIEW

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

163.030. Site Plan Review, Exemptions. The following development applications shall not require site plan review:
(a) The construction of single-family or duplex dwellings on an individual lot, including the construction of accessory structures associated with such dwellings.
(b) The installation of signs pursuant to SRC Chapter 62.
(c) Regular and ordinary repair or maintenance of existing structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
(d) The alteration or regular and ordinary repair or maintenance of the front or face of an existing building.
(e) Interior construction or tenant improvements that involve no change of use.
(f) Wireless communications facilities.

CHAPTER 215
NEIGHBORHOOD CENTER MASTER PLAN

215.055. Additional Standards. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU shall apply.
(a) Signs
(b) Preservation of Trees and Vegetation
(c) Landslide Hazards
(d) Trees and Shrubs
(e) Home Occupations
(f) Wetlands
(g) General Development Standards
(h) Accessory Structures
(i) Landscaping
(j) Off-Street Parking, Loading, and Driveways
(k) Flood Plain Overlay Zones
(l) Wireless Communications Facilities
CHAPTER 300
PROCEDURES FOR LAND USE APPLICATIONS
AND LEGISLATIVE LAND USE PROPOSALS

APPLICATION PROCEDURE TYPES AND REVIEW AUTHORITIES

300.100. Procedure Types.
(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300.100-1. The procedure type governs the decision-making process for the specific land use application.

<table>
<thead>
<tr>
<th>Procedure Type</th>
<th>Decision Process</th>
<th>Decision Type</th>
<th>Process Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>Ministerial</td>
<td>Permit</td>
<td>Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by the staff. Public notice and hearing are not required.</td>
</tr>
<tr>
<td>Type II</td>
<td>Administrative</td>
<td>Limited Land Use</td>
<td>Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of decision is provided. A public hearing is not required unless the decision is appealed.</td>
</tr>
<tr>
<td>Type III</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>The Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.</td>
</tr>
<tr>
<td>Type IV</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council which</td>
</tr>
</tbody>
</table>
then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300.100-2.

(c) When the procedure type for a land use application is not identified in Table 300.100-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADJUSTMENT</td>
<td>II</td>
<td>N</td>
<td>PA HO</td>
</tr>
<tr>
<td>ADMINISTRATIVE CONDITIONAL USE</td>
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<td>PA</td>
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<tr>
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<td>I</td>
<td>N</td>
<td>PWD</td>
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<td>VALIDATION OF UNITS OF LAND</td>
<td>III</td>
<td>Y</td>
<td>HO</td>
</tr>
<tr>
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<td>III</td>
<td>Y</td>
<td>HO</td>
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<td>WILLAMETTE GREENWAY</td>
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<td>-Greenway Development Permit - Outside Compatibility Review</td>
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# Table 300.100-2: Land Use Applications by Procedure Type

<table>
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<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
<th>Applicable Code Chapter(s)</th>
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<td>Boundary</td>
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<tr>
<td>- Greenway Development Permit</td>
<td>III Y</td>
<td></td>
<td>HO PC</td>
<td>SRC 141</td>
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<td>- Compatibility Review</td>
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<td>Boundary</td>
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<td>WIRELESS COMMUNICATIONS FACILITIES SITING</td>
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<tr>
<td>- Temporary</td>
<td>I N</td>
<td>PA</td>
<td>- SRC 715</td>
<td></td>
</tr>
<tr>
<td>- Class A</td>
<td>I N</td>
<td>PA</td>
<td>- SRC 715</td>
<td></td>
</tr>
<tr>
<td>- Class B</td>
<td>II N</td>
<td>PA HO PC</td>
<td>SRC 715</td>
<td></td>
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<tr>
<td>- Class C</td>
<td>III Y</td>
<td>HO PC</td>
<td>SRC 715</td>
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<tr>
<td>- Variance</td>
<td>III Y</td>
<td>HO PC</td>
<td>SRC 715</td>
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<td>ZONE CHANGE</td>
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<td>SRC 113</td>
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<td>III Y</td>
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<td>SRC 113; SRC 64</td>
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</table>

**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

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**CHAPTER 532**

**NCMU - NEIGHBORHOOD CENTER MIXED-USE ZONE**

532.001. Purpose
532.005. Definitions
532.010. Requirements for Application of Neighborhood Center Mixed-Use Zone
532.015. Uses, Generally
532.020. Uses Allowed with Neighborhood Center Master Plan
532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan
532.030. Development in a NCMU District
532.035. Development Standards for Residential Development in Lieu of Neighborhood Center Master Plan
532.040. Other Provisions

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 13.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Use Categories.

(1) Residential.

(A) Characteristics. Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.

(B) Examples. Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

(A) Characteristics. A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.

(B) Examples. Assisted living.

(3) Retail Sales and Service.

(A) Characteristics. Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.

(B) Examples. Retail Sales and Service permitted activities include the following activities:
(i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware and home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

(ii) Personal Service-Oriented. Banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.

(iii) Entertainment-Oriented. Restaurants, cafes, delicatessens, taverns, and bars; health clubs and gyms; membership clubs, lodges, and temporary lodging establishments with five or fewer guest rooms.

(iv) Product Repair or Service Oriented. Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailors; locksmiths; and upholsterers.

(4) Office.

(A) Characteristics. Office consists of uses conducted in an office setting and generally involves business, professional, medical, or financial services.

(B) Examples. Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) Institutional.

(A) Characteristics. Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) Examples. Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations, police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of un-staffed facilities for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary
elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities.

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

(The following is an excerpt from Table 532-1 showing only the Wireless Communications Facilities Use subsection that would be added and Legend, which would be revised.)

**TABLE 532-1**

**NCMU ZONE USES WITH MASTER PLAN**

<table>
<thead>
<tr>
<th>Use</th>
<th>Status</th>
<th>Limitations &amp; Qualifications</th>
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<tbody>
<tr>
<td>Wireless Communications Facilities Use</td>
<td>Inside Core</td>
<td>Outside Core</td>
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<tr>
<td>Wireless Communications Facilities</td>
<td>W</td>
<td>W</td>
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**LEGEND**

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); W – Wireless Communications Facilities Use (Subject to SRC Chapter 715); N – Prohibited Use.

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

(The following is an excerpt from Table 532-1 showing only the Wireless Communications Facilities Use subsection that would be added and Legend, which would be revised.)

**TABLE 532-2**

**NCMU ZONE USES IN LIEU OF MASTER PLAN**

<table>
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<tbody>
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<td>Wireless Communications Facilities Use</td>
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<td>Outside Core</td>
</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td>W</td>
<td>W</td>
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**LEGEND**

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); W – Wireless Communications Facilities Use (Subject to SRC Chapter 715); N – Prohibited Use.
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<thead>
<tr>
<th>Zone</th>
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<th>Current Maximum Cell Tower Height (feet)</th>
<th>Current Maximum Non-residential Structure Height (feet)</th>
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<td>35</td>
<td>35</td>
<td>35 for non-residential and non-farm structures, no limit for farm-related structures</td>
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<tr>
<td>RA</td>
<td>50</td>
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<tr>
<td>RS</td>
<td>50</td>
<td>35</td>
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<td>35</td>
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<td>35</td>
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<td>RM2</td>
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<td>70</td>
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<tr>
<td>RH</td>
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<td>To be determined in refinement plan</td>
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<tr>
<td>CO</td>
<td>70</td>
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<tr>
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<td>70</td>
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January 2, 2013

By Email and Facsimile (503-588-6005)
Ms. Pamela Cole
Department of Community Development
City of Salem
555 Liberty Street SE, Room 305
Salem, Oregon 97301-3503

Re: January 2013 Work Sessions: Proposed Ordinance for City of Salem for Wireless Communication Facilities

Dear Ms. Cole:

As telecommunications counsel for Verizon Wireless, we are writing in connection with the proposed ordinance that would revise permitting requirements for all wireless telecommunications facilities (the “Draft Ordinance” or “Ordinance”) within the City of Salem (the “City” or “Salem”). We understand that you are accepting written comments for various work sessions; Verizon Wireless’ representative, Ed Fournier, will be in attendance.

Verizon Wireless is the leading carrier in the nation and seeks to improve its wireless service for those who work and reside in Salem. In order to achieve the national goal of increased broadband deployment and access set forth in the Federal Communications Commission’s National Broadband Plan, it is extremely important that the City’s requirements provide workable criteria. Verizon Wireless’s service provides daily communication and is a critical component of virtually all emergency response systems. As you know, for example, cell sites now incorporate E-911 equipment, which allows emergency personnel to “pinpoint” the origin of 911 calls from cellular telephones.

The federal Telecommunications Act imposes significant restrictions on local regulation of wireless facilities. In addition to its well-known preemption of local regulation based on the environmental effects of radio-frequency (“RF”) emissions,\(^1\) the statute:

- Bars local regulation that would prohibit or have the effect of prohibiting the provision of personal wireless services.\(^2\)

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1 See 47 USC § 332(c)(7)(B)(iv).
2 47 USC 332(c)(7)(B)(i)(II).
• Requires the City to take final action on a permit application within a reasonable period of time; 

• Requires that any permit denial be in writing and based on substantial evidence; 

• Prohibits unreasonable discrimination among competing wireless carriers.

Many of our concerns about the Ordinance relate to potential delay in the process. At the end of 2009, the Federal Communications Commission (FCC) issued a ruling interpreting the requirement in the Act (cited above) that local jurisdictions act on wireless applications within a “reasonable period of time.” That ruling established a legal presumption that local governments violate the “reasonable time” requirement if they take longer than 90 days to finally act on a collocation application, or 150 days to finally act on any other application. Please see In Re: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review, Etc., FCC 09-99 (FCC November 18, 2009) (the “Shot Clock Ruling”). Failure to act within the specified time periods gives rise to a cause of action for unreasonable delay.

From the perspective of a carrier attempting to improve service in Salem, some aspects of the Ordinance are likely to result in permit processing times well in excess of the applicable deadlines under the Shot Clock Ruling, particularly where there are issues regarding collocation on existing structures or utility poles, or where “absolute” requirements in individual provisions of the Ordinance may prevent Planning Department staff and Verizon Wireless from achieving appropriate design and location solutions.

Codification of New Federal Law

We appreciate that the current draft now contains an exemption from permitting requirements for eligible facilities requests, as mandated by federal law. Please note that P.L. 112-96, Section 6409(a) has now been codified at 47 U.S.C. §1455; the citation should therefore be updated in section 715.010 of the Ordinance.

Definition of Collocation

In Section 715.005, we believe the definition of “collocation” should contemplate the use of "replacement" structures as well as existing structures. It currently reads:

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for

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3 47 USC § 332(c)(7)(B)(iii).
4 47 USC § 332(c)(7)(B)(iii).
5 47 USC § 332(c)(7)(B)(i)(I).
the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

As the City is aware, collocation often requires replacement of an existing structure, such as a utility or flag pole, to meet separation requirements, to provide a stronger structure, or to allow space for internal conduit. To avoid any delay, we suggest adding the phrase "or replacement structure that does not substantially increase the overall height" after the words "existing support structure" in the definition of collocation. There does not appear to be any justification within the Ordinance for treating the two facilities completely differently; the only truly differing factor is that a replacement structure’s width must meet safety standards under 715.020(d)(2)(B).

Collocation Required.

There is an internal inconsistency in the current provisions concerning collocation. While section 715.010(c) lists various priorities and states that collocation is the highest preference, it is just that -- a preference -- and is not mandatory in all cases. And yet, section 715.010(b) appears to make collocation mandatory with only very limited exceptions. The two sentences of this provision currently read:

All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated. (Emphasis added.)

These mandates do not acknowledge the many issues that come into play when determining whether collocation is feasible, including location, minor height increases, and requirements for radio frequency coverage and capacity. The problem should be solved by beginning each of the two sentences in section 715.010(b) with the phrase "Where reasonably feasible,..." In addition, as noted above, if the definition of "collocation" continues to exclude all replacement structures, even those that do not involve a substantial increase in overall height, it would be virtually impossible to meet the mandate that all right-of-way facilities "shall" be collocated.

New Support Towers

Carriers will collocate on existing structures wherever possible. This is due to inherent incentives: it is less expensive and less time-consuming to use an existing structure. Accordingly, the very burdensome requirements set forth in section 715.020(d)(4) required to justify construction of a new tower are not only over-reaching,
but are unnecessary. The following requirements are unduly burdensome, and should be deleted.

Subpart C requires the applicant to provide a copy of its lease for the proposed site to show that the lease or other agreement does not preclude future collocation. A carrier’s lease contains proprietary and confidential information and should not be disclosed. Furthermore, the City will not need to examine the lease to ensure the possibility of future collocation. The same result is accomplished by means of the signed certification already required in subpart F (stating that the owner will allow collocation), and in a condition of approval.

Similarly, the same section requires the applicant to provide contract terms in order to prove that a potential existing structure cannot be used because of unreasonable lease requirements. This section is over-reaching. The Alternatives Analysis, required in subpart D, will already set forth the limitations and/or impossibility of using any available alternatives.

In part I, the applicant must submit documentation that the new tower will be used within 60 days of completion. While Verizon Wireless makes every effort to ensure that its sites go on-air right after completion, it is unreasonable to establish a rigid requirement that prevents adjustment due to unforeseeable circumstances.

Mandatory Standards

As noted above, there are a number of “absolute” requirements in the Ordinance that allow for no adjustment without obtaining a variance under section 715.090. We believe this approach may make it very difficult for the City to act within the Shot Clock time limits, and we therefore suggest that there be more flexibility built into the basic requirements.

For example, under 715.050(a)(2), “Auxiliary support equipment on an existing building shall be located within or on top of the building.” (Emphasis added.) In some circumstances, there may not be sufficient space within or on top of the building, but there might, at the same time, be a location behind the building that is well-suited for equipment and hidden from view. A drafting solution would be to include the phrase “Where reasonably feasible,...” at the beginning of this sentence. This would avoid the need for a variance in every case requiring a minor deviation.

Similarly, under section 715.070(e) new support structures in certain zones must always be designed to resemble an object commonly found in the area, such as a conifer tree, silo, or flag or light pole. Again, we believe there may be certain circumstances where a simple pole will be sufficiently hidden or non-descript, and suggest that the sentence begin with the phrase “Where reasonably feasible,...”
Radio Frequency – dB Levels

We note that as currently drafted, the Ordinance requires a carrier to provide its specific negative dB levels. For example, under section 750.050(3)(C), if a replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, “plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites” of the owner.

The dB request is over-reaching, as Verizon Wireless typically limits its coverage information to 4 gradients of coverage -- excellent, good, poor, and none -- in its coverage plots. The negative dB radio frequency information is considered proprietary and should be deleted from the requirements.

The City’s Outside Consultants

Finally we note that the City has included the extremely open-ended section 715.100(b) to require payment from any applicant for the City’s use of outside consultants -- to review the very detailed, and often duplicative evidence required by the Ordinance.

Clearly consultants should be retained by the City only where genuine issues arise, and even then, the fees must be limited to “reasonable” fees. This section should be revised accordingly.

***

This description of problematic provisions is not intended to be exhaustive, but we believe the proposed Ordinance as presently drafted raises a number of serious issues that need to be addressed. Verizon Wireless looks forward to working with you in order to achieve the City’s goals while ensuring a timely permitting process that meets the requirements under federal law and avoids conflict with national broadband deployment objectives.

Very truly yours,

Sarah L. Burbidge
Ms. Pamela Cole
Department of Community Development
January 2, 2013

Page 6

cc: (by email only)
    Verizon Wireless
    Ed Fournier
TO: Planning Commission
Subj: Code Amendment CHAPTER 715 WIRELESS COMMUNICATIONS FACILITIES

I understand the intent is to provide clear and supportive Zoning Code for "WIRELESS COMMUNICATIONS FACILITIES".

In reading the proposed document I find much that I support and commend you to support in this amendment to our Code.

I have concern with the usage of the word "feasible" in this new code.

It occurs 4 times as a negative criteria "not feasible" on Pages 6, 7, and 9 and one time in a positive but limiting use "feasible" on page 10 of the 21 page document.

Feasible is defined in the Concise Oxford Dictionary 'possible to do easily or conveniently'. When I hear my child say "not feasible" I understand the meaning ("I don't want to!").

With the effort to provide clarity in this section of our Salem Revised Code I ask that we rethink the use of the term "feasible". If you find it is the only word acceptable, at the least provide more clarity by defining the meaning of the word as it applies to the Code Amendment.

Perhaps - Operation plan review criterion is intended. Feasible - The determination as to whether the assigned task can be accomplished by using available resources and meeting identified standards.

Or I would suggest you identify measurable criteria in a definition since the overall apparent intent of the ordinance is to focus and clarify the Salem regulation of something that is permit by federal law. Since "not feasible" a primary focus I would urge listing acceptable reasons for not being feasible, e.g. signal interference due to geography, structures, competing signals, etc.

Thank you for your consideration of this important matter.

Sincerely
John Shepard, Salem resident
Ward 4
Pamela Cole  Associate Planner, Case Manager  
City of Salem  

RE: Cell phone tower placement (SRC 715)

Dear Ms. Cole,

My request is that the distance for "Notice to property owners" be changed from 250' to 1,500'. The absolute minimum needs to be 500'.

Please also require approval from those within 1,500' for the style, size, and height before being constructed. If this must be established prior for inclusion in the SRC, then please limit choices to the top of the same size (height) pole as existing, or top of water tower, or within the top of a tree reproduction.

Thank you for your consideration of these requests.

Rano Ellertson  
Owner of 1776 Macaw St. NW.  

ATTACHMENT 7
February 8, 2013

City of Salem
Attn: Pamela Cole - Community Development
555 Liberty Street SE
Salem, OR 97301

RE: Proposed Code Amendment - 10-04-Wireless Communications Facilities

Dear Ms. Cole:

I am contacting you on behalf of Newman Development Group of Candalaria, LLC ("NDG"), the owner of Candalaria Crossing Shopping Center located at 2755 Commercial Street SE, Salem, Oregon. We understand that the City of Salem is in the process of amending its Code with respect to the operation of wireless communication facilities. I am providing this letter as written testimony for proposed Code Amendment 10-04.

I am writing this letter to express our concerns with respect to the proposed Amendment. More specifically, we are concerned that the proposed Amendment has a negative impact on the rights of property owners. Section 715.020 appears to state that only Class 3 Applications will involve a determination of whether or not additional wireless communication facilities are permitted on the subject property. We request that the consent of the property owner be obtained in all instances, regardless of whether it involves the modification of an existing facility or the construction of additional facilities. We believe this can easily be achieved by requiring the land owner to sign off on any application submitted by a wireless tower applicant/operator.

Wireless communication facilities are often located on leased lands. The underlying lease typically provides for whether or not the operator may modify an existing facility and/or construct additional facilities on the subject property. Simply identifying whether or not a lease exists is not sufficient, as often times the lease requires the consent of the property owner under these circumstances. If modifications to an existing facility or the construction of additional facilities are permitted without obtaining the consent of the property owner, it is anticipated that wireless communication facilities are going to be expanded on private property without proper authority to do so.

In most instances, the consent of the property owner is required in connection with the issuance of building permits and the approval of land use applications. Therefore, we do not see a basis for deviating from this standard under these circumstances.

Any questions or concerns please contact me. Our mailing address is 2255 Van Ness Avenue - Suite #102 San Francisco, CA 94109. Thank you for your consideration.

Very truly yours,

NEWMAN DEVELOPMENT GROUP OF CANDALARIA, LLC

By:
Name/Title: George Akel, Member
TO:      PLANNING COMMISSION
FROM:    GLENN W. GROSS
         URBAN PLANNING ADMINISTRATOR
SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING AMENDMENTS TO THE
SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS
COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 715), AMENDING
AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS
COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND
MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS
INCLUDED UNDER TITLE X (ZONING CODE) OF THE SALEM REVISED CODE
TO ESTABLISH CONSISTENCY WITH PROPOSED SRC CHAPTER 215

ISSUE
Should the City amend the Salem Revised Code (SRC) to establish a new wireless
communications facilities ordinance (SRC Chapter 715), amend and supplement existing provisions
for wireless communications facilities in SRC Chapters 116, 118, and 119, and make associated,
corresponding amendments to the applicable chapters included under Title X (Zoning Code) of the
Salem Revised Code to establish consistency with proposed SRC Chapter 715?

RECOMMENDATION
That the Planning Commission recommend that the City Council approve the proposed
amendments to establish a new wireless communications facilities ordinance (SRC Chapter 715),
amend and supplement existing provisions for wireless communications facilities in SRC Chapters
116, 118, and 119, and make associated, corresponding amendments to the applicable chapters
included under Title X (Zoning Code) of the Salem Revised Code to establish consistency with
proposed SRC Chapter 715.

FACTS AND FINDINGS
1. On February 26, 2013, the Planning Commission held a public hearing to receive testimony
   on proposed amendments to the Salem Revised Code related to wireless communications
   facilities.
2. The Planning Commission continued the hearing to March 26, 2013 to allow staff to respond
   to new information presented at the hearing and to allow the public to submit additional
   testimony.
3. Staff's responses to testimony received as of March 19, 2013 are included in this
   supplemental report.
4. Staff will respond to additional testimony received through March 26, 2013 in the Future
   Report to be presented to City Council prior to first reading.
5. Testimony Received from Citizens and Neighborhood Associations
   Since completion of the February 26, 2013 staff report, the following written comments or
   testimony have been received on the proposed amendments:
A. **Emissions**
Several citizens expressed concerns over possible health impacts of emissions from antennas, cited health studies, suggested that the City could be liable for impacts, and requested that the City establish a system to monitor emissions. The Northeast Neighborhood Association (NEN) commented that they support establishment of a system to monitor emissions.

**Staff response:** The City of Salem cannot regulate placement, construction, and modification of cell towers and antennas on the basis of environmental effects of radio frequency emissions. The Federal Communication Commission (FCC) sets the allowable levels for radio frequency emissions and cell service providers are required to comply with them. Information is available from the FCC website: [http://www.fcc.gov/encyclopedia/radio-frequency-safety](http://www.fcc.gov/encyclopedia/radio-frequency-safety). The proposed submittal requirements would include documentation demonstrating compliance with radiation emissions standards established by the Federal Communications Commission. The City may not set standards for emissions. Staff does not recommend requiring periodic measurements or other monitoring.

B. **Setbacks**
Several citizens requested that the City retain the existing 300-foot setback from R and CO zones and certain buildings and facilities in order to minimize neighborhood health concerns from emissions and reduce impacts on property values.

**Staff response:** The City may not impose setbacks on the basis of radio frequency emissions to the extent that facilities comply with FCC standards but may impose setbacks based on safety, visual compatibility, and property values.

Staff recommends no revisions to the proposed setbacks. The proposed setbacks were intended to reduce barriers to providing service in or near residential areas and were proposed in combination with stealth design standards and height limits within 300 feet of residential, mixed-use, CO zones or PC zones which are intended to promote visual compatibility.

C. **Height**
Several citizens requested that the City retain existing maximum cell tower heights, particularly the height of 35 feet in an RM1 (Multiple Family Residential 1) zone on 14th Street NE with historic homes. NEN requested retaining the 35-foot maximum tower height in residential neighborhoods zoned RS and RM1, explained that these areas in the NEN neighborhood contain rezoned single-family historic homes dating to 1890, and noted that the proposed new code should be mindful of how it will affect neighborhood property values and City tax revenue for funding essential services.

**Staff response:** In the current draft, staff proposed maximum cell tower heights of 50 feet in the RA, RS, and RD zones and 70 feet in the RM1 and CO zones; these heights are equal to the current maximum heights of nonresidential structures in these zones. Staff recommends no changes to the proposed maximum height in this particular area or in other RM1 or RM2 zones because the proposed heights are reasonable.

D. **Undergrounding of equipment in residential areas**
A citizen and NEN requested that the City require equipment in residential areas to be placed underground to address noise, aesthetic, and health concerns from emissions.

**Staff response:** Proposed SRC 715.050(g) would require auxiliary support equipment installed in right-of-way in historic districts or in right-of-way adjacent to...
historic districts or historic resources to be placed underground. Staff does not recommend expanding this requirement to all equipment in residential areas. The City cannot require equipment to be placed underground due to health concern related to emissions. The City could require undergrounding to reduce noise from equipment and improve aesthetics. However, wireless industry representatives have stated that undergrounding is very expensive, exposes equipment to the potential for water damage, and poses safety issues for workers. Through franchise agreements, the City has allowed wireless providers to place equipment above ground outside of the historic district. The proposed amendments are intended to be similar to the requirements for previous franchise agreements. The proposed amendments allow alternatives to underground placement and require screening. Equipment will be subject to the City’s noise regulations in SRC Chapter 93.

E. Facilities in residential areas
A citizen expressed concern that the proposal would allow facilities to be placed on arterial streets in residential areas, requested that the City should not encourage location of wireless facilities in residential areas that have been disproportionately affected by commercial and industrial development such as large billboards, electronic display signs, etc., and requested that the City should require stealth design even for facilities in right-of-way in these areas. Several citizens and NEN commented that property values could decrease near wireless communications facilities.

Staff response: The priorities for locations within rights-of-way are based on street classification and were proposed to balance the need to reduce barriers to providing service in residential areas with the need to mitigate visual impacts in residential areas. The amendments would allow facilities to be located in residential areas on busier arterial and collector streets before they are located on local streets. The proposal does not require stealth or camouflage design for facilities on utility poles but does require antennas to be mounted close to the poles so that they have similar visual impacts to other types of equipment located on utility poles, and staff does not recommend more restrictive design standards. The proposed design standards for support towers in and within 300 feet of residential zones are intended to mitigate negative impacts on property values.

F. Notification Requirements
a. A citizen commented that notification of nearby property owners should be required for all antennas, even for Class 1/Type I applications.

Staff response: Staff does not recommend creating exceptions to the notification requirements established in SRC 300 for Class 1 / Type I applications, which are approved administratively if they meet standards.

b. A citizen requested that notification should be extended to property owners within 1,500 feet because the elderly, disabled and other homebound residents who would continuously be in their homes would not be aware of public hearing notice posted on the property subject to the application. She also stated that, if SRC Chapter 300 is not changed to 1,500-foot notification, then the City should maintain a list of all interested property owners who request notification, and comments should not be restricted to only the proposed small 250’ radius, and wireless provider application fees should pay for any notification costs. NEN also commented that notice should be sent within a 1,500-foot radius because the 250-foot radius does not include all affected parties and is not adequate.

Staff response: Staff does not recommend expanding the required notification area of property owners within 250 feet of the subject property because standard
notice requirements for land use applications, rather than exceptions for certain types of applications, reduce the likelihood of procedural errors. SRC Chapter 300 requires mailed notice of Type II and Type III applications to any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City, and they may submit comments or testimony.

c. A citizen requested that the notification process for Type II applications in SRC 300.520(b) should allow 30 days for comments because the U.S. Postal Service is discontinuing weekend mail service, property owners may be out-of-town for business or pleasure, 14 days is not adequate time to research and prepare comments, a 30-day comment period is more consistent with the notification policy of other county, state and federal government entities. NEN also requested that the comment period be extended to 30 days because Salem Neighborhood Associations only meet monthly or bi-monthly and the 14-day period is out-dated and inadequate.

**Staff response:** Staff does not recommend increasing the length of the comment period established in SRC 300. This would lengthen the timeline for decisions and make it more difficult to meet the Federal "shot clock" timelines of 90 days for collocations and 150 days for other applications and the State maximum of 120 days for land use decisions.

G. **Stealth or camouflage design**

A citizen and NEN requested that the City change the word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings" to address neighborhood concerns of additional design standards for screening and landscaping and that the City apply this design requirement to all towers.

**Staff response:** This wording was included on posters provided at the Open House meetings to illustrate that staff may require stealth design as a condition of approval under the current code. The proposed text in SRC 715.070(e) states that additional design standards shall [emphasis added] apply to support towers in or within 300 feet of all residential zones, mixed-use zones, CO (Commercial Office) zones or PC (Public Cemetery) zones. Proposed text in 715.070(e)(1) states that a support tower in any of these zones shall [emphasis added] be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone. These additional "stealth" or "camouflage" design standards, in combination with Table 715-1 height limitations within 300 feet of EFU, RA, RS, RD, RM1 and CO zones and restrictions on siting in residential, public, mixed use and overlay zones in SRC 715.030(c), encourage providers to locate away from residences. Wireless industry representatives have commented that these design standards are too inflexible as written and may require many variances. Staff does not recommend expanding these design standards to other zones and areas.

H. **Use of the word "feasible."**

A citizen and NEN requested that the City Eliminate all use of the weak word "feasible" in the new code because the word gives wireless providers a way to circumvent the City code by claiming something is not "easy" or "convenient" for them to do and weakens the code.

**Staff response:** Staff recommends no revisions because "feasible" is a reasonable qualifier, and staff will apply the term according to the common definition.
I. Removal of obsolete facilities

A citizen and NEN requested that the City require that wireless carriers promptly remove obsolete facilities to address noise, aesthetics, and public health concerns over emissions.

Staff response: The City may not regulate wireless communications facilities on the basis of emissions. All siting permits would be subject to condition SRC 715.080(a), which would require removal of an obsolete facility within six months of the date it ceases to be operational. A special provision in SRC 715.100(f) would deem any wireless communications facility that has not provided service for six months a nuisance subject to abatement and would require that any obsolete freestanding or attached wireless communications facility be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair. Neighborhoods and other interested parties could report obsolete facilities to the City for investigation and enforcement. The Neighborhood Enhancement Division reviewed this section and stated that it should be revised to refer to SRC 50, Property Maintenance, rather than SRC 98, Public Nuisance. Staff recommends the following revision:

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

6. Testimony Received from Wireless Communications Industry Representatives

A. Objectives

The Northwest Wireless Association commented that the code did not have a clear objective and that it should focus on how to best provide wireless communication services with the least visual impact.

Staff response: The Purpose section states the objectives of the proposed chapter. Staff recommends adding a provision similar to suggested language.

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

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
(b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities;
(f) The provision of wireless communication services through facilities with minimal visual impact.
B. Capacity and coverage
Representatives of T-Mobile, the Northwest Wireless Association, AT&T, and Verizon noted that the proposed amendment focuses on sites proposed for a carrier's coverage needs and does not address customers' and carriers' needs to provide additional network capacity to process existing service demands and wireless traffic. Wireless communications (voice, data, and broadband) can be dropped in areas where an antenna site is overloaded with traffic due to a number of factors, including a growing customer base; greater numbers or longer durations of voice calls; and larger numbers of and more intensive use of data and/or broadband services. Many of the items required for documentation (radio frequency propagation maps, field strength measurements, and related evidence) are related to coverage issues. Capacity is mentioned only in the application requirements for Class 3 applications (SRC 715.020(e)(3)(c)(ii)) and the criteria for a variance (SRC 715.090(d)(3)(A)(i)). Capacity needs are not acknowledged or addressed in the first four siting priorities and their approval requirements. This evidences a fundamental misconception and misunderstanding of the wireless industry, customer demands, and infrastructure needs; as written the draft forces carriers into public hearings or variance proceedings for approval of a capacity site.

Staff response: Staff understands that many applications will be submitted to address capacity needs and concurs that the draft should be revised to address capacity as well as coverage for all priorities and classes. Staff proposes several revisions in the application requirements to address this concern, addressed in later sections of this report.

C. Definitions
Representatives of T-Mobile and AT&T commented that the proposed definitions of "auxiliary support equipment" (SRC 715.005(d)) and "base station" (SRC 715.005(d)) conflict with the FCC's recent interpretation of a "base station," which specifically includes antennas and any other necessary equipment to operate a wireless facility. The FCC issued this interpretation and guidance about the meaning of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 in a Public Notice dated January 25, 2013.

Staff response: Staff concurs that the proposed definition of "base station" is different than the interpretation in the Public Notice and proposes the following revisions to the definitions:

715.005. Definitions. Unless the context specifically requires, as used in the Chapter, the following mean:

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

Industry representatives also commented that auxiliary support equipment should be considered as part of the base station. Staff concurs and will evaluate the auxiliary support equipment development standards and other provisions of the chapter and make revisions, if appropriate, in the draft that will be presented to City Council.
AT&T suggested deleting the definition of support tower and incorporating monopoles, lattice towers, guyed towers, and self-supporting towers into the definition of support structure and proposed related changes in other sections of the code, deleting references to support towers and changing these references to support structures.

**Staff response:** Staff does not recommend these revisions, as many of the other sections of the code refer specifically to support towers.

### D. Collocation requirement in general rule

T-Mobile, the Northwest Wireless Association, and AT&T requested revisions to the general collocation rule in SRC 715.010(b). They found that the proposed text contained inconsistencies and was confusing and that if did not acknowledge many issues that determine whether collocation is feasible.

**Staff response:** The requirement for collocation outside right-of-way, with limited exceptions, is intended to limit the number of new support towers. The requirement for collocation in right-of-way is intended to prevent the net addition of utility structures in right-of-way. Staff prepared several alternatives for revision, based on the specific comments submitted by the providers, and recommends option 4.

**Alternate wording 1 (T-Mobile):**

715.010(b) **Collocation Required.** All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure. All wireless communications facilities located in right-of-way shall be collocated.

**Alternate wording 2 (AT&T):**

715.010(b) **Collocation Required.** To the extent feasible, all wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

**Alternate wording 3 (Northwest Wireless Association):**

715.010(b) **Collocation Required.** All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. All wireless communications facilities located in right-of-way shall be collocated. New support towers shall be allowed only if collocation is proven to not be feasible.

**Alternate wording 4 (Staff recommendation):**

715.010(b) **Collocation Required.** All wireless communications facilities located in right-of-way shall be collocated. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would
interfere with other wireless communications facilities located on the same facility, or jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives. All wireless communications facilities located in right-of-way shall be collocated.

E. Siting priority, classes, and procedures

T-Mobile, AT&T, and the Northwest Wireless Association commented that the proposed sitting priority in 715.010(c) and classes in 715.020(b) are cumbersome and contradictory.

T-Mobile commented that the draft purports to encourage collocation, but replacement of a support tower to achieve such collocation is the next to last priority, requiring public hearings for approval even where no additional height is proposed; that this would re-open and place at risk antenna sites that are fully approved, permitted, constructed, and operating, with no public benefit other than what can be termed a "second look"; that this is the same procedure required for construction of a new support tower; and that it is not explained how the costs, delays, expense and risks of full public hearings to replace an existing support tower, at the same height, aid the stated goal of encouraging collocation.

T-Mobile recommended revising the permit classifications as follows so that the classes in 715.020(b) more closely correlate the level of permit review to the relative impacts of the proposed facilities:

1. Class 1: projects that involve locating a wireless communication facility on an existing or replacement structure below the "substantial increase" threshold of 47 U.S.C. § 1455 (2012) (previously P.L. 112-6, § 6409(a));
2. Class 2: projects that involve locating a wireless communication facility on a replacement structure where the replacement structure exceeds the "substantial increase" threshold; and
3. Class 3: projects that involve the construction of a new single purpose wireless support structure.

AT&T commented that replacement of existing towers that are structurally failing with new ones that are the same size should be encouraged, rather than discouraged by the draft code language; that replacement towers should not be put into the same category as "substantial changes" to existing towers, nor should they be considered a lesser priority than the four preceding categories; and that there are very significant (and unintended) consequences of this potential policy:

1. Structurally unsafe towers should be replaced to protect the health and safety of the public; the proposed policy could delay, and in some cases preclude, these critical improvements at the expense of public safety;
2. If failing (or at maximum capacity) towers are left in place, it will discourage collocations (the code's top priority) and new technology upgrades by existing collocators;
3. If a tower is non-conforming and cannot be structurally upgraded or replaced with the same size/height, multiple collocators would need to build several new sites to replace the coverage provided from the tower that is being removed. This creates substantially more impact that just replacing towers that already exist;
4. In replacing an existing tower with one that is the same size, the applicant would need to show the City that it is not feasible to located the facility in a higher priority classification. This type of process shouldn't be necessary to upgrade existing sites because these towers are already in place – there are no new impacts that need to be assessed.
This provision also appears to conflict with the new federal collocation law. If the existing tower is replaced or structurally modified such that the end result is a tower that is not substantially different (and in most cases, virtually identical) from the existing, it is consistent with the intent of the federal law, and should be treated as such under the code.

AT&T requested that tower replacements be deleted from the priority list and added as an exempt activity under 715.010(a)(2) and that references to a Type 3 process for replacement towers be removed from 715.020(d)(4)(B), 715.020(e)(3)(C) and 715.030(c).

The Northwest Wireless Association requested that the siting priority be changed to:

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

(1) First priority: collocation outside of the right-of-way on an existing support structure;
(2) Second priority: collocation inside of the right-of-way;
(3) Third priority: replacement of a utility structure outside of the right-of-way;
(4) Fourth priority: replacement of a utility structure inside of the right-of-way;
(5) Fifth priority: replacement or substantial increase in the size of a support tower;
(6) Sixth priority: erection of a new support tower outside of the right-of-way.

Staff response: Staff concurs that the proposed siting priority and classes unintentionally discourage replacement of older support towers with stronger support towers that can be used to support additional antenna arrays. The result would be more new support towers rather than collocation on existing support towers. Staff also recognizes that the siting priority favoring collocations and replacement of utility structures outside right of way over those inside right-of-way will not in itself have the desired result of provision of facilities with the least visual impact.

Staff recommends the following revisions to the exemptions:

715.010(a)(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.
(B) Ordinary maintenance or repair of a wireless communications facility.
(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L.-112-96, Section 6409(a) 47 U.S.C. § 1455, and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station. However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.
(D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.
(E) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

Staff recommends the following revisions to the siting priority:

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

1. First priority: collocation outside of the right-of-way on a support tower, support structure, or utility structure;
2. Second priority: collocation inside of the right-of-way replacement of a utility structure for the purpose of collocation;
3. Third priority: replacement of a utility structure outside of the right-of-way substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;
4. Fourth priority: replacement of a utility structure inside of the right-of-way construction of a new support tower;
5. Fifth priority: replacement or substantial increase in the size of a support tower;

Staff recommends the following revisions to the classes:

715.020(b) Classes. There are three classes of wireless communications facilities siting permits.

1. A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures a first priority siting.
2. A Class 2 Permit is a permit for the replacement of utility structures a second priority siting.
3. A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers a third priority siting or fourth priority siting.

Staff will re-evaluate all provisions in the proposed chapter related to the exemptions, siting priority and classes and make additional revisions as necessary in the draft that will be presented to City Council.

F. Nonconforming towers
The Northwest Wireless Association asked for clarification of the process to modify nonconforming towers with a tower extension that would exceed the code’s height limits for the purpose of collocation; are such modifications not allowed, allowed under a conditional use permit, or allowed under a variance?

Staff response: The exemption in proposed SRC 715.010(a)(2)(C) was drafted to follow 47 U.S.C. § 1455 (Section 6409), and modifications of nonconforming towers that would not substantially change the physical dimensions from the dimensions approved as part of the original decision or building permit for the support tower would be exempt from siting permits. Building permits would be required. Modifications of nonconforming towers that exceed the “substantial change” threshold would be third siting priority and processed as Class 3 Permits with Type III procedures. This procedure is consistent with the City’s nonconforming development chapter, SRC 112, which requires a conditional use approval for expansion of a nonconforming development or use.

G. Barriers to entry in residential areas and in general
Providers including AT&T have objected to the proposed requirement in 715.070(a)(2) limiting a support tower located three hundred feet or less from EFU,
RA, RS, RD, RM1 or CO to the lowest maximum allowed height in any of those zones. AT&T suggested deleting that requirement and replacing it with "The height limits set forth in 715.070(a)(1) may be exceeded pursuant to Section 715.090, if the owner demonstrates that the additional height is the minimum necessary to provide service to fill the significant wireless communications service gap in coverage and/or capacity."

T-Mobile commented that the proposed code encourages commercial wireless providers to locate antennas on existing structures and to locate new cell towers in non-residential zones, while imposing severe limits on new, enlarged, or expanded structures in rights-of-way; that permits for any other site other than collocations outside the right-of-way required that applicants prove, among other things, that "multiple but less-obtrusive replacement structures, are not feasible" (715.020(d)(1)(A)); that this amounts to a codified preference for distributed antenna systems (DAS), a preference which contradicts federal law; that there will rarely be an antenna site where roughly comparable coverage could not be achieved by numerous, shorter replacement structures, but the draft ordinance nowhere defines — and thus gives city staff unbridled discretion to determine — "feasibility"; that these provisions effectively elevate City decision-makers to the role of design architects for the carriers' wireless networks, with no requirement that staff and others making these decisions identify alternative locations which are readily available, technologically functional, and economically and otherwise feasible, according to defined, published standards; and that by establishing these and similarly fluid criteria, the draft creates burdens of proof which are extraordinarily difficult for applicants to satisfy, effectively raising barriers to entry into the Salem market for the continued provision of wireless services.

**Staff response:** Citizens have commented that they support current height restrictions and current setbacks for support towers in and near residential areas, and staff drafted the proposed amendments to balance their concerns with the need for improved coverage and capacity in residential areas. The proposed amendments contain many provisions to reduce current barriers to service in and near residential areas. The proposed code amendment significantly reduces the setback to residential zones for towers greater than 35 feet in height. In the current code, these towers either must be located at least 300 feet from Residential and Commercial Office zones or must obtain a variance in addition to an Administrative Conditional Use or Specific Conditional Use approval. Proposed maximum heights for support towers in Residential zones equal the current maximum heights allowed in those zones for non-residential structures. Staff proposed the requirement limiting a support tower located three hundred feet or less from EFU, RA, RS, RD, RM1 or CO to the lowest maximum allowed height in any of those zones to mitigate the reduced setback and the increased heights in some of those zones. Requirements for stealth or camouflage design in and within 300 feet of Residential zones are reasonable in combination with the reduced setback. Heights, setbacks, and design are all eligible for variances in SRC 715.090. Staff does not recommend revisions to the height, setback, or design provisions.

Staff drafted the proposed language in 715.020(d)(1)(A) to ensure that an applicant would provide documentation establishing why a particular site was selected and that higher priority sites were not feasible. Staff did not intend to force providers toward DAS and removed a previous reference to DAS from an earlier draft. Staff recommends the following revisions to the submittal requirements for all applications:

**715.020(d) Submittal Requirements.**

1. **All Applications.** In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:
The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are is not feasible.

H. Submittal requirements
The Northwest Wireless Association and AT&T provided comments on various submittal requirements in 715.020(d).

715.020(d)(1)(A)
The Northwest Wireless Association commented that 715.020(d)(1)(A) was confusing and suggested alternate wording: "The location of the proposed wireless communication facility, according to the siting priorities set forth in 715.010(c), shall be First priority, unless documentation is provided that demonstrates that this is not feasible." AT&T also commented on this section, questioning why an applicant for a second priority site would have to justify why replacement structures (lower priority sites) were not feasible, commenting that this section makes the assumption that multiple facilities on replacement structures (which are presumably taller to meet separation requirements) are less obtrusive when the siting priority assumes the opposite, and suggesting deletion of "and multiple but less-obtrusive replacement structures."

Staff response: Staff's recommendation for revised wording is included above in the discussion of barriers to entry.

715.020(d)(1)(C)
The Northwest Wireless Association commented that staff may want to define what is required to document compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

Staff response: Staff recommends no revisions.

715.020(d)(1)(E)
The Northwest Wireless Association commented that not all sites are subject to State Historic Preservation Office review and questioned the requirement for documentation. AT&T suggested adding "If applicable," to this requirement.

Staff response: Staff recommends the following revision:

715.020(d)(1)(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

715.020(d)(2)(A), 715.020(d)(3)(A), and 715.020(d)(4)(A)
PGE asked for a clearer definition of the engineer's certification.

Staff response: Staff recommends no revisions.

715.020(d)(2)(C) and (D)
AT&T suggested revisions to (C) and deletion of (D). The Northwest Wireless Association asked for a clarification of "field tests" for second priority sites in (D).

Staff response: Because staff is recommending a revision that would remove second priority sites from Class 1, staff recommends the following revisions to the application requirements for Class 1:
715.020(d)(2)(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

715.020(d)(2)(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

715.020(d)(3)(B)
AT&T suggested deleting "that required by any applicable safety standards adopted by the Oregon Public Utility Commission or" and the Northwest Wireless Association commented that the width/diameter of the pole should be up to the utility provider. PGE commented that they prefer to install utility poles that exceed the minimum width allowed by law in order to provide a safety margin.

Staff response: Staff recommends the following revisions:

715.020(d)(3)(B) Documentation that the replacement utility structure is no greater in width than at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

AT&T suggested deleting (E), Coverage maps and field tests for the proposed antennas, and revising (D), Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

Staff response: Staff finds that these changes correspond with the providers' requests that the City consider capacity as well as coverage and recommends the following revisions:

715.020(d)(3)(D) Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

715.020(d)(3)(E) Coverage maps and field tests for the proposed antennas.


715.020(d)(4)(B) through (K)
The Northwest Wireless Association (NWWA) and AT&T commented on the application requirements for Class 3 applications. Staff had previously addressed some of these comments and recommended revisions in the February 26 staff report. NWWA commented that the alternatives analysis for new support towers, including alternatives for locating support towers within 250 feet of the proposed location, did not make sense because the carrier has already done due diligence to find the best location within its search parameters and questioned the purpose of this requirement. NWWA commented that a statement of compliance with collocation requirements be required instead of a lease showing that collocation would be allowed. Both NWWA and AT&T commented on requirements for documentation demonstrating that the Federal Aviation Administration and Oregon Aeronautics Division had reviewed and approved the proposal; AT&T recommended deletion of the requirement, and NWWA said that it is the carrier's responsibility to ensure compliance with the federal and state rules and noted that the FAA does not review all proposed sites. NWWA suggested removing the requirement for a field strength survey and keeping the requirements for coverage maps and field tests. AT&T suggested deleting the requirement for coverage maps and field tests and revising the requirement for information related to gaps in service to include documentation of capacity issues.
Staff response: Staff recommends the following revisions to the application requirements to correspond to the changes in siting priority and classes, to account for documentation related to capacity as well as coverage, and to eliminate unnecessary or duplicative requirements:

715.020(d)(4)

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

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
(vi) Contract terms required by an existing support tower's owner or existing support structure's owner or existing or replacement utility structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

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

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

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposal.

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design
standards in 715.070(e), the graphic simulation shall include the proposed design.

(i) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(G) (4) Field strength survey Coverage maps or capacity documentation showing contours of any gap in the provider’s service and minimum height or configuration of the facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

I. Criteria

The Northwest Wireless Association commented on the criteria for Class 3 applications (715.020(e)(3)(C)) and gave an example: There are two existing towers within the search ring. AT&T owns one and T-Mobile owns the other. AT&T needs to increase the height of the existing site due to surrounding tree growth, but they could conceptually collocate on the T-Mobile site as it is. Are the criteria saying that AT&T would have to close the lease on the property, tear down the existing tower, and locate on the T-Mobile tower?

Staff response: Staff recommends the following revisions to clarify that this section applies to new support towers and is not intended to prevent logical modifications of existing towers:

715.020(e)(3)(C) If the proposal is to construct a new support tower or replace or substantially increase the size of an existing support tower:

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

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

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

J. Siting standards.

The Northwest Wireless Association (NWWA) and AT&T commented on siting standards for Class 1 applications in 715.030.

715.030(a)(1)(A)

The standard for Class 1 applications outside right-of-way states, “The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure.” NWWA asked if antennas attached to an existing utility pole that is outside the right-of-way would be allowed to extend into the right-of-way. AT&T suggested deleting “or modification of an existing,” from the standard.

Staff response: The standard would not allow antennas attached to a structure outside right-of-way to extend into the right-of-way. Staff recommends the following revision removing the reference to modification because collocation applications may involve minor modifications to existing structures.

715.030(a)(1)(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure.

715.030(c)(1)

Northwest Wireless Association (NWWA) and AT&T commented on the siting standards for Class 3 applications in 715.030(c). NWWA proposed alternate wording: “New support towers or increases in the size of existing support towers can only be located in Residential, Mixed-Use, Public and Overlay zones if it has been
demonstrated that there is no other way to provide wireless telecommunication services to the area. AT&T proposed revisions to add references to configuration, and gaps in coverage and/or capacity and suggested changing references to "replaced, or modified" support towers to "substantially changed" support towers. NWWA and AT&T proposed deleting Public zones from this section.

**Staff response:** Staff does not recommend major changes to the language provided by our consultant but proposes the following revision:

715.030(c)(1): (1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new, replaced, or modified or substantially changed support tower and future collocated facilities on the proposed tower.

10. Development standards for antennas, auxiliary support equipment, replacement utility structures, and support structures
AT&T and NWWA provided comments on development standards including screening and mounting of antennas and auxiliary support equipment, height and width of replacement utility structures, height of support towers, and design standards for support towers.

**Staff response:** Staff will prepare a detailed analysis and recommend revisions, if appropriate, in the draft that will be presented to City Council.

11. Administrative relief provisions
AT&T suggested revisions to SRC 715.090 to create a method of administrative relief for development standards that would not require a Type III variance.

**Staff response:** In the February 26 staff report, staff recommended adding adjustment provisions to the proposed chapter that would create a Type II process for minor deviations from certain standards. Staff will include these provisions in the draft to be presented to City Council.

12. Variance criteria
T-Mobile commented that the variance criteria in 715.090(d)(3) limit a carrier's ability to fill significant gaps in wireless coverage and that this is an unlawful attempt to define "service gaps" in a way that conflicts with well-established federal case law holding that a gap in personal wireless service is measured by whether or not a customer is able to achieve reliable wireless coverage within a building.

**Staff response:** Staff recommends the following revision:

715.090(d)(3) The owner demonstrates the existence of either of the following:
(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
(ii) The gap can only be filled through a variance in one or more of the standards in this Chapter; and
(iii) The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

15. Third party review and associated fees

T-Mobile requested that the special provision in 715.100(b) be revised so that the City retains consultants only where genuine issues arise and the fees must be limited to "reasonable" fees.

Staff response: Staff recommends no revisions to the fee because the current wording allows the City flexibility. Staff recommends the following revisions to limit third party review to circumstances involving variances and new support towers in residential zones, public zones, mixed-use zones, and overlay zones:

715.100(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for a variance or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

Attachment: 1. Comments from Phyllis Shoemake
2. Comments from Northeast Neighborhood Association (NEN)
3. Comments from Ken Lyons for AT&T

Prepared by Pamela Cole, Planner II
From: Phyllis Shoemake <phyllis.shoe@gmail.com>
To: <pcole@cityofsalem.net>
Date: 3/5/13 1:04 PM
Subject: planning commission hearing

Thank you for keeping open the record of homeowners for a proposed land use regulation.

The purpose of my letter is to object to any reduction in existing standards for wireless communication facilities. It is my understanding that Salem currently does not have restrictive standards and I am concerned that lowering them would not be advantageous to property owners. Further, the proposed 14 day notice to homeowners of proposed facilities in not adequate.

Thank you for your attention to my concerns. Please include this letter in the public record.

Phyllis A. Shoemake
1702 Toucan St NW
Salem OR 97304
NEN WIRELESS HEARING COMMENTS

NEN NEIGHBORHOOD ASSOCIATION PLANNING COMMISSION HEARING COMMENTS
CODE AMENDMENT CASE NO. CA10-04 REGARDING WIRELESS COMMUNICATION FACILITIES

March 5, 2013

Community Development Dept./Planning Commission
Attn: Pamela Cole, Case Manager
City of Salem
555 Liberty Stret SE, Room 305
Salem OR 97301

THE SALEM NORTHEAST NEIGHBORHOOD ASSOCIATION (NEN) SUPPORTS:

1. **Change 300.520 (6) Public Notice & Comment Period to 30-days.**
   Since Salem Neighborhood Associations only meet monthly, or bi-monthly now, the "14-days from date of mailing" is out-dated, inadequate notification time.

2. **Send Notice to Property Owner to a 1,500' radius of proposed site.**
   It is the public's right of all affected parties to be adequately notified. The proposed 250' does not include all affected parties and is not adequate.

3. **Retain the current 300' setback and maximum 35' tower height in residential neighborhoods zoned RS and RM1,** which in the NEN neighborhood contain rezoned single-family historic homes dating to 1890. The 300' setback is only 1/2 a football field distance. The proposed new code should be mindful of how it will affect neighborhood property values and City tax revenue for funding essential services.

4. **Monitor EMF emission levels.**
   Have the City use revenue fees to monitor wireless carriers to ensure emissions do not exceed the FCC lawful limits. Industry self-regulation is not in the public's interest.

5. **Put new equipment underground and require wireless carriers to remove obsolete facilities.**
   This addresses neighborhood noise, aesthetic and public health concerns from emissions.

6. **Require towers to be visible blending city-wide.**
   Change current code word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings."

7. **Do not weaken code by using wording "when feasible."**
   "Feasible" gives wireless carriers a way to circumvent the City code by claiming a requirement is not "easy" or "convenient" (Oxford Dictionary definition) for them to do.

   Thank you for addressing our NEN Neighborhood Association concerns to help keep our Salem neighborhoods safe and liveable.
Hi Pamela:

As discussed, I have put together some suggestions on how to change the code language. I took a look at Mr. Topp's notes (as you suggested) and well as notes from some of the carrier attorneys. I did not capture all of their thoughts, but made some suggestions on how to smooth out some of the rough edges of the code – these rough edges would result in variances being necessary for the vast majority of new site applications. That is a very dangerous path.

If you would, please give me a call to discuss. I had a number of questions. I'll write up a more formal explanation for the suggested changes after we have a chance to talk.

Did the City ever consider incentivizing stealth designs with easier processes? For example, a new stealth flagpole in a non-residential area would have the same process (Type 3) as a monopole or lattice tower. Another way to incentivize stealth facilities is to allow more height...

Thanks again for your work on this – it has been a long road, especially for you and your staff, and my hope is that we can get to a good, workable code sooner than later...

Best regards,

Ken Lyons
Jurisdictional Relations Director, PNW

Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesscounsel.com
CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES

715.001. Purpose
715.005. Definitions
715.010. General Rule; Collocation and Siting Priority
715.020. Wireless Communications Facility Siting Permits
715.030. Siting Standards
715.040. Antenna Development Standards
715.050. Auxiliary Support Equipment Development Standards
715.060. Replacement Utility Structure Development Standards
715.070. Support Tower Development Standards
715.080. Conditions
715.090. Wireless Communications Facilities Variance
715.100. Special Provisions

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

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
(b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

(a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as "ham radio."
(b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro-cell, and
parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

c) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

f) Collocation means the mounting or installation of an antenna on an existing support structure or utility structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxx.

h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

j) Lattice tower means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

k) Monopole means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person's or entity's agent.

n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

1) Residential building does not include mixed use building;

2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.

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

(q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.

(s) Skipped pole means:

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

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

(t) Substantially change the physical dimensions means:

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

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

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

(4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.
(u) Support structure means an existing building or structure, other than single family dwellings and duplexes, to which an antenna is or will be attached, including, but not limited to, monopoles, lattice towers, guyed towers, self-supporting towers, buildings, steeples, water towers, and outdoor advertising signs.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

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

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

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

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

(C) Modification or replacement of an existing support structure or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support structure or base station from the dimensions approved as part of the original decision or building permit for the support structure or base station. However, any modification to a support structure or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support structure

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or base station, shall be subject to the siting permits and authorizations as required by this chapter.

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

(b) Collocation Required. To the extent feasible, all wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

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

- (1) First priority: collocation outside of the right-of-way;
- (2) Second priority: collocation inside of the right-of-way;
- (3) Third priority: replacement of a utility structure outside of the right-of-way;
- (4) Fourth priority: replacement of a utility structure inside of the right-of-way;
- (5) Fifth priority: substantial increase in the size of a support structure;
- (6) Sixth priority: erection of a new support structure outside of the right-of-way.

715.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) Classes. There are three classes of wireless communications facilities siting permits:

- (1) A Class 1 Permit is a permit for the collocation on utility structures and support structures.
- (2) A Class 2 Permit is a permit for the replacement of utility structures.
- (3) A Class 3 Permit is a permit for the siting of new support structures or the substantial change in the physical dimensions of existing support structures.

(c) Procedure Type.

- (1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
- (2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
- (3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

- (1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:
  
  - (A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support structures or utility structures, are not feasible.
  - (B) A site plan that includes:
    
    - deleted: support towers,
    - deleted: towers,
    - deleted: replacement of existing support towers,
    - deleted: towers,

Comment [KL1]: Replacement structures are the 3rd and 4th priorities—why would an applicant have to justify this for a 2nd priority site? Also, makes the assumption that multiple facilities in replacement structures (which presumably are taller to meet separation requirements) is less obtrusive when the siting priority assumes the opposite.

- deleted: towers as support
- deleted: and multiple but less-obtrusive replacement structures.
(i) Description of the proposed wireless communications facility's design and dimensions.

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

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

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) If applicable, documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

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

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

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage or capacity need using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage or capacity reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

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

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

(B) Documentation that the replacement utility structure is no greater in width than the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps or documentation clearly showing the calculated coverage or capacity need using the proposed antennas at the applicant's target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-
radio frequency coverage reasons, the owner shall provide a statement
identifying and justifying those reasons.

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

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

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

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

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

(i) No existing support or utility structures are located within
the geographic area where service will be provided;
(ii) Existing support structures or utility structures or replacement utility
structures would not be of sufficient height or configuration to provide the
identified necessary service within the geographic area;
(iii) Existing support structures or utility structures do not have sufficient
structural strength to support the proposed antennas and related
equipment and such support structures or utility structures cannot
reasonably be improved or replaced to support the proposed antennas and related
equipment;
(iv) The proposed antenna or antennas would electromagnetically
interfere with an antenna on an existing support structure or utility
structure or a replacement utility structure and it is not feasible to
effectively address such interference;
(v) Other limiting engineering factors render existing support structures
and utility structures and replacement utility structures not feasible;
(vi) Contract terms required by an existing support structure owner or
existing or replacement utility structure's owner, as applicable, to share or
adapt the existing tower or support structure or utility structure for
colocation are unreasonable. Reasonableness shall be judged, to the
extent possible, by comparing the owner's proposed terms and conditions
to similar contractual arrangements in Oregon and Washington.

(D) An alternatives analysis for new support towers demonstrating
compliance with the support tower siting requirements of 715.030(c) and
including alternatives for locating support towers within two hundred and fifty
feet of the proposed location.

(E) The number and type of antennas that the support tower is designed to
accommodate.
(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) A visual study containing at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but, to the extent feasible, shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support structure must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(H) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed and approved the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

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

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

1. For Class 1 Applications:
   (A) The proposed collocation meets the standards in this Chapter.
   (B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, or support structures located outside right-of-way available to meet the service requirements of the wireless provider.

2. For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
   (B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.
   (C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.
   (D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.
   (E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

3. For Class 3 Applications:
   (A) The support structure conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of reasonable conditions relating to
the location, size, design and operating characteristics of the wireless communications facility.

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

(C) If the proposal is to construct a new support structure or substantially increase the size of an existing support structure:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.
(ii) Proposed location for the structure is the least intrusive means feasible of filling a significant wireless communications service gap in coverage and/or capacity; and
(iii) Prohibiting a new structure would prohibit or have the effect of prohibiting the provision of wireless communications services.

715.030. Siting Standards.

(a) Class 1. The collocation on utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

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

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

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

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

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(c) Class 3. The construction of a new support structure or substantial increase in the size of an existing support structure shall comply with the following siting standards:

1. Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support structures may not be sited in residential zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means feasible, to fill a significant wireless communications service gap in coverage and/or capacity, and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support structure and future collocated facilities on the proposed tower.

2. New support structures may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

3. The location of the support structure minimizes visual impacts to residential zones to the extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

4. To the extent feasible, the support structure is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

5. No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot reasonably be provided by collocation on, or modification to, an existing support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

(b) Antennas on Existing Buildings.

1. Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) Height:

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) Screening: To the extent feasible, antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other

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Deleted: (a) Antennas on Support Towers. Antennas attached to a support tower shall comply with the following development standards:
(1) Height. Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.
(2) Surface and Coloration. Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.
(3) Mounting. Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.
architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:
   (A) **Height**. Whip antennas shall extend no higher than fifteen feet above the building.
   (B) **Surface and Coloration**. Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:
   (A) **Height**. Antennas shall extend no higher than ten feet above the point of attachment to the building.
   (B) **Screening, Surface and Coloration**.
      (i) If the building is located in a residential zone, the antenna shall, to the extent feasible, be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or
      (ii) If the building is located in any zone other than a residential zone, the antenna shall, to the extent feasible, be either:
         (aa) Flush-mounted and painted the same color as the exterior of the building, or
         (bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) **Antennas on Support Structures Other than Existing Buildings**. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:
   (1) **Height**. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.
   (2) **Surface and Coloration**. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.
   (3) **Mounting**. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the extent practicable.

(d) **Antennas on Utility Structures**. Antennas attached to utility structures shall comply with the following development standards:
   (1) **Physical integrity**. The antennas shall not jeopardize the utility structure’s physical integrity.
   (2) **Guy poles**. Antennas shall not be located on guy poles.
   (3) **Height**.
(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than the minimum separation required by the utility provider, or fifteen feet, whichever is greater, above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than the minimum separation required by the utility provider, or the following height allowances, whichever is greater:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;
(bb) Eighteen feet above the top of a utility structure on a minor arterial; or
(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than the minimum separation required by the utility provider, or the following height allowances, whichever is greater:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
(bb) Ten feet above the top of a utility structure on a minor arterial; or
(cc) Five feet above a utility structure located on a collector street or local street.

(4) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or
(B) On extension arms that are no greater than the minimum length required by the utility provider, or one foot, whichever is greater.

(5) Surface and Coloration. Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably feasible.

(6) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.


(a) Screening.

(2) Equipment Associated with Antennas on Existing Buildings. To the extent feasible, auxiliary support equipment on an existing building shall be located within or on top of the building, or screened from the right-of-way and adjacent properties.

(3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Above-ground auxiliary support equipment associated with a support structure that is a tower shall, to the extent feasible, be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c). Any auxiliary support equipment on support structures other than existing buildings or
It's difficult to read the entire content of the document due to the fragmented and unclear nature of the text. However, the text seems to be discussing regulations or guidelines related to the installation and screening of equipment, particularly in the context of utility structures. The text appears to be discussing the requirements for the installation of equipment, the location of equipment within structures, and the visual and structural integration of equipment to blend with the surrounding environment.

The document is a part of a larger piece of text, possibly a regulatory or policy document, that outlines specific guidelines and requirements for the installation and screening of equipment associated with utility structures. The text is fragmented, making it challenging to provide a coherent summary without more context or a clearer version of the document.
natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(f) Lighting. Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment and shall, to the extent practicable, be shielded to prevent direct light from falling on adjacent properties.

(g) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.


(a) Height.

(1) Outside Right of Way.

(A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(B) Skipped poles. Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(2) Inside Right of Way.

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

(i) Seventy eight feet for a replacement structure located on a parkway or freeway;

(ii) Seventy three feet for a replacement structure on a major arterial;

(iii) Sixty three feet for a replacement structure on a minor arterial; or

(iv) Fifty three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.
(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support.

(c) **Surface and Coloration.** To the extent feasible, a replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) **External cables and wires.** All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. **Support Structure Development Standards.** The construction of a new support structure, or substantial increase in the size of an existing support structure, shall comply with the following development standards:

(a) **Height.**

(1) Except as provided in paragraph (2) of this subsection, support structures shall comply with the height limitations in Table 715-1.
### TABLE 715-1

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>85 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>60 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) The height limits set forth in 715.070(a)(1) may be exceeded pursuant to Section 715.090, if the owner demonstrates that the additional height is the minimum necessary to provide service to fill the significant wireless communications service gap in coverage and/or capacity.

(b) Setbacks. The base of a new support structure shall be set back from adjacent property lines as follows:

1. In all industrial zones and the CN, CR, CG, or EC zones, the base of the new support structure shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO

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**Comment [11(4)]:** What were the height limits before the City investigated the height limits in the incorporated Market District? Any limit under 70' effectively precludes collocation.

**Comment [18(5)]:** Increased setback requirements (or design requirements as found below), as provided in the old code, would be better. These types of requirements, as passed over and over again, could have the effect of prohibiting service.
zones, the base of the new support structure shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the new support structure shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

(c) Screening. New support structures shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
(2) SRC 132.150 (Standards for Landscaping Materials);
(3) SRC 132.160 (Installation);
(4) SRC 132.170 (Maintenance);
(5) SRC 132.180 (Compliance/Performance Assurance);
(6) SRC 132.190 (Irrigation);
(7) SRC 132.200 (Open Space);
(8) SRC 132.210 (Street Trees); and
(9) SRC Table 132-3 (Plant Unit Definition).

(d) Surface and Coloration. New support structures shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) Design Standards. The following additional design standards shall apply to support structures located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support structure shall, to the extent feasible, be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to, a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
(2) The object chosen shall, to the extent feasible, be appropriate to the context of surrounding environment, both natural and man-made.
(3) The physical dimensions of the support structure shall, to the extent feasible, have proportions that are similar in scale to the natural or manmade object.
(4) To the extent feasible, the antennas shall not be easily recognized.

(f) External cables and wires. All external cables and wires shall be placed in conduit or painted to match the support structure.

(g) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, support structures shall not be lighted.

(h) Collocation.

(1) Support structures one hundred feet in height or higher shall, to the extent feasible, be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support structure.
715.070 Conditions. Every wireless communications facility siting permit shall, to the extent applicable, be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.
(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.
(d) All new wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.
(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted, to the extent feasible, with appropriate plant materials as prescribed in SRC 132.200.
(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.
(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.
(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licenses and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.
All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities - Modification to Development Standards:

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a modification has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities.

(d) Criteria. A request for a wireless communications facility development standard modification shall be granted if the following criteria are met:

(1) Except for height requirements, the modification is consistent with the purpose of the development standard for which the modification is sought.

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:

(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;

(ii) The gap can only be filled through a modification in one or more of the standards in this Chapter; and

(iii) The modification is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the extent feasible.

(B) Minimization of Impacts. The modification would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there are one or more of the following:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.
715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, unless for emergency purposes, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any unused freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.
(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.
Ms. Cole,

Please see the attached letter with comments regarding the above-referenced matter for tonight's meeting. Should you have any questions, please call or email me.

Thank you,

Monica

Monica Sloboda
Corporate Counsel
T-Mobile
1855 Gateway Boulevard, 9th Floor
Concord, CA 94520
Office (925) 521-5857

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February 26, 2013

VIA ELECTRONIC MAIL
Salem Planning Commission
C/o Ms. Pamela Cole, Associate Planner
Community Development Dept.
555 Liberty St. SE, Rm. 305
Salem, OR 97301-3513

Re: Code Amendment Case No. CA10-04; Wireless Communications Facilities

Dear Commission Members and Ms. Cole:

On behalf of T-Mobile West LLC ("T-Mobile"), I am writing with respect to the draft Wireless Communications Facilities Ordinance scheduled to be presented this evening at the Commission’s public hearing. T-Mobile currently has 33 existing wireless communication facilities ("WCFs") in Salem, including 7 antenna sites in the public rights-of-way. These facilities include a combination of monopoles, building/rooftop mounted WCFs, and utility pole-mounted WCFs.

We appreciated the opportunity to comment on earlier drafts of the ordinance, which T-Mobile representatives undertook in writing and in person, and we understand the considerable time required for planning personnel to prepare the current draft. Without diminishing in any way their efforts, there continue to be, unfortunately, significant areas of concern.

Siting Priority Classes

The draft ordinance creates six new siting priorities, divided into three separate permit classes, with approval procedures ranging from administrative review to full public hearings. Draft Ordinance, §§715.010(c), 715.020(b),(c). As T-Mobile and other industry participants have pointed out, this treatment is highly cumbersome and, in places, inherently contradictory. Whereas the draft purports to encourage collocation, §715.010(b), replacement of a support tower to achieve such collocation is a fifth (that is, next to last) priority, requiring public hearings for approval – even where no additional height is proposed. §§715.010(c)(5), 715.020(d)(4)(B)(iii). The net effect of this treatment is to re-open, and thereby place at risk, antenna sites that are fully-approved, permitted, constructed and operating, with no public benefit other than what can only be termed a “second look.” Moreover, this is the very same
procedure required for construction of a brand new wireless support tower. It is not explained how the costs, delays, expense and risks of full public hearings to replace an existing support tower, at the same height, aid the stated goal of encouraging collocation.

T-Mobile again recommends that the City consider revising the permit classifications as follows:

1) Class 1: projects that involve locating a wireless communication facility on an existing or replacement structure below the “substantial increase” threshold of 47 U.S.C. §1455 (2012) (previously P.L. 112-6, §6409(a));

2) Class 2: projects that involve locating a wireless communication facility on a replacement structure where the replacement structure exceeds the “substantial increase” threshold; and

3) Class 3: projects that involve the construction of new single purpose wireless support structures.

These classifications more closely correlate the level of permit review to the relative impacts of the proposed wireless facilities.

Permitting Approval Requirements Create Barriers to Entry

The proposed code encourages commercial wireless providers to locate antennas on existing structures and to locate new cell towers in non-residential zones, while imposing severe limits on new, enlarged or expanded structures in rights-of-way. Draft Ordinance, §715.001(d), (e). Permits for any site other than collocations outside the right-of-way require that applicants prove, among other things, that “multiple but less-obtrusive replacement structures, are not feasible.” §715.020(d)(A).

As has been pointed out, this amounts to a codified preference for distributed antenna systems (DAS), a preference which contradicts federal law. Moreover, there will rarely be an antenna site where roughly comparable coverage could not be achieved by numerous, shorter replacement structures, but the draft ordinance nowhere defines — and thus gives city staff unbridled discretion to determine — “feasibility.” These provisions effectively elevate City decision-makers to the role of design architects for the carriers’ wireless networks, with no requirement that staff and others making these decisions identify alternative locations which are readily available, technologically functional, and economically and otherwise feasible, according to defined, published standards. By establishing these and similarly fluid criteria, the draft creates burdens of proof which are extraordinarily difficult for applicants to satisfy, effectively raising barriers to entry into the Salem market for the continued provision of wireless services.
The Ordinance Conflicts with Federal Law

The Federal Communications Commission has recently issued guidance about the meaning of Section 6409(a) of the Middle Tax Relief Act and Job Creation of 2012 ("TRA"). (A copy of the FCC Public Notice dated January 25, 2013 is attached for your convenient reference.) The draft ordinance conflicts with the FCC’s interpretations of Section 6409(a).

The definitions of “auxiliary support equipment” and “base station” (§§715.005 (d) and (e), respectively) conflict with the FCC’s interpretation of a “base station”, which specifically includes antennas and any other necessary equipment to operate a wireless facility. (See page 3 of the Public Notice.)

Additionally, Section 715.090(d)(3) of the draft code limits a wireless carrier’s ability to fill significant gaps in wireless coverage. This is an unlawful attempt to define “service gaps” in a way that conflicts with well-established federal case law holding that a gap in personal wireless service is measured by whether or not a customer is able to achieve reliable wireless coverage within a building. (See, e.g., T-Mobile NE v. City of Lowell, 2012 US Dist. Lexis 18020 MA (D MA 1/27/2012), T-Mobile NE v. Borough of Leonia, NJ, Civil Action No. 11-234 (SDW)(MCA) slip opinion 1/10/2013 (D NJ), T-Mobile West v. City of Huntington Beach, CA, Civil Action CV 10-2835 (CAS) Findings of Fact and Conclusions of Law filed CD CA 10/10/2012, and T-Mobile Central LLC v. City of West Bloomfield, MI, 6th Cir., 8/21/12.)

The Ordinance Fails to Account for Capacity Issues & Remedies

The draft ordinance is directed to WCF sites which are proposed for a carrier’s coverage needs. Applicants will bear the burden of providing extensive documentation of existing and proposed coverage, field strength measurements, propagation maps, and related evidence to establish need. See, e.g., §§715.020(d)(2)(B)-(D) (Class I applications require color radio frequency contour maps clearly showing calculated coverage; second priority sites require field strength surveys, coverage maps and field tests showing contours “of any gap” and minimum facility height required to “fill the gap”); 715.020(d)(3)(C)-(F) (same requirements for Class 2 applications); 715.020(d)(4)(J)-(K) (same requirements for Class 3 applications).

Coverage sites are those where a carrier seeks to expand its wireless footprint into new geographic areas that are not currently served by existing antenna arrays. However, particularly in urban, developed areas such as the City of Salem, customers’ and carriers’ needs are often not a matter of new, expanded coverage but a matter of network capacity, that is, the network’s ability to process existing service demands and wireless traffic. Wireless communications (voice, data and broadband) can be dropped or blocked in areas where an antenna site is overloaded with traffic, meaning beyond the antennas’ capacity to accept and process the customers’ demands on the system. This can arise from any number of factors, including; a growing customer base; greater numbers or longer durations of voice calls; larger numbers of and more intensive use of data and/or broadband services; and more.
These capacity issues demand ongoing network and infrastructure solutions no less than coverage concerns. Unlike coverage issues, however, capacity issues do not lend themselves to radio frequency propagation plots, field strength measurements, or other physical manifestations. Moreover, capacity issues are not static, but may vary by day of the week, and particular hours of a given day, based as they all are on customer usage and demands.

Although T-Mobile and other industry participants have previously raised this issue, the draft ordinance mentions network capacity only twice. First, it is among the alternatively required findings for a Class 3 application, which by definition requires a public hearing. §715.020(e)(3)(c)(ii) (siting permit shall only be granted for a new support tower, or a replacement tower, or substantial increase in the size of an existing support tower, where proposed location “is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity” (emphasis added); §715.020(c)(3) (Class 3 permits are a Type III procedure under SRC Chapter 300, requiring a public hearing).

Second, the draft ordinance identifies network capacity as an optionally required element of proof where an applicant seeks a variance from the development standards, which is also a Type III proceeding requiring a public hearing. §715.090(d)(3)(A) (applicant must demonstrate that either “[a] gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection”) (emphasis added); §715.090(b) (wireless communications facility variance is a Type III procedure).

In the context of the draft ordinance as a whole, customers’ and carriers’ capacity needs are recognized only in the circumstance of Class III proceedings or as a variance from the development standards. Capacity needs are not acknowledged or addressed anywhere in the first, and topmost, four siting priorities and their corresponding approval requirements. Regrettably, this evidences a fundamental misconception and misunderstanding of the wireless industry, customer demands, and infrastructure needs; as written the draft forces carriers into public hearings or variance proceedings for approval of a capacity site.

Conclusion

For reasons stated above and in our prior correspondence to the City, T-Mobile requests that the Planning Commission return the draft ordinance to staff for further work with carriers and industry representatives. We understand and we agree that within the constraints on local zoning jurisdictions imposed by federal law, a comprehensive, balanced, thorough development ordinance for wireless communications facilities can benefit all stakeholders - residents, businesses, customers, constituents, carriers and the local government. However, the draft ordinance presented to the Commission this evening does not meet those standards.

T-Mobile West LLC, hereby authorizes William Howard and Odelia Pacific Corporation, one of our principal development contractors in the State of Oregon, to speak on its behalf before
the Planning Commission, Salem City Council, and in other matters relating to the proposed ordinance. Thank you for your time and consideration.

Yours very truly,
T-MOBILE WEST, LLC

[Signature]
Monica Sloboda
Corporate Counsel

MS:wgh
cc (via e-mail): Luis Reyes, T-Mobile Acting Director, PNW
Brandon Braunlich, T-Mobile Engineering/Operations Mgr.
Bill Howard, Odelia Pacific Corp.

Encls.
On February 22, 2012, the Middle Class Tax Relief and Job Creation Act of 2012 (Tax Act) became law. Section 6409(a) of the Tax Act provides that a state or local government "may not deny, and shall approve" any request for collocation, removal, or replacement of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station. The full text of Section 6409(a) is reproduced in the Appendix to this Public Notice.

To date, the Commission has not received any formal petition to interpret or apply the provisions of Section 6409(a). We also are unaware of any judicial precedent interpreting or applying its terms. The Wireless Telecommunications Bureau has, however, received informal inquiries from service providers, facilities owners, and state and local governments seeking guidance as to how Section 6409(a) should be applied. In order to assist interested parties, this Public Notice summarizes the Bureau's understanding of Section 6409(a) in response to several of the most frequently asked questions.

What does it mean to "substantially change the physical dimensions" of a tower or base station?

Section 6409(a) does not define what constitutes a "substantial[] change" in the dimensions of a tower or base station. In a similar context, under the Nationwide Collocation Agreement with the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers, the Commission has applied a four-prong test to determine whether a collocation will effect a "substantial increase in the size of [a] tower." A proposed collocation that does not involve a substantial increase in

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2 Id., § 6409(a).
3 Although we offer this interpretative guidance to assist parties in understanding their obligations under Section 6409(a), see, e.g., Truckers United for Safety v. Federal Highway Administration, 139 F.3d 934 (D.C.Cir. 1998), the Commission remains free to exercise its discretion to interpret Section 6409(a) either by exercising its rulemaking authority or through adjudication. With two exceptions not relevant here, the Tax Act expressly grants the Commission authority "to implement and enforce" this and other provisions of Title VI of that Act "as if this title is a part of the Communications Act of 1934 (47 U.S.C. 151 et seq.)." Tax Act § 6003.
size is ordinarily excluded from the Commission's required historic preservation review under Section 106 of the National Historic Preservation Act (NHPA). The Commission later adopted the same definition in the 2009 Declaratory Ruling to determine whether an application will be treated as a collocation when applying Section 332(c)(7) of the Communications Act of 1934. The Commission has also applied a similar definition to determine whether a modification of an existing registered tower requires public notice for purposes of environmental review.

Under Section I.C of the Nationwide Collocation Agreement, a "substantial increase in the size of the tower" occurs if:

1) [t]he mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

2) [t]he mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

3) [t]he mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

4) [t]he mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

Although Congress did not adopt the Commission's terminology of "substantial increase in size" in Section 6409(a), we believe that the policy reasons for excluding from Section 6409(a) collocations that substantially change the physical dimensions of a structure are closely analogous to those that animated the Commission in the Nationwide Collocation Agreement and subsequent proceedings. In light of the Commission's prior findings, the Bureau believes it is appropriate to look to the existing definition of "substantial increase in size" to determine whether the collocation, removal, or replacement of equipment

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5 See 16 U.S.C. § 470ff, see also 47 C.F.R. § 1.1307(c)(4) (requiring applicants to determine whether proposed facilities may affect properties that are listed, or are eligible for listing, in the National Register of Historic Places).


A wireless tower or base station substantially changes the physical dimensions of the underlying structure within the meaning of Section 6409(a).

What is a "wireless tower or base station"?

A "tower" is defined in the Nationwide Collocation Agreement as "any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities." The Commission has described a "base station" as consisting of "radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics." Section 6409(a) applies to the collocation, removal, or replacement of equipment on a wireless tower or base station. In this context, we believe it is reasonable to interpret a "base station" to include a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station. Moreover, given the absence of any limiting statutory language, we believe a "base station" encompasses such equipment in any technological configuration, including distributed antenna systems and small cells.

Section 6409(a) by its terms applies to any "wireless" tower or base station. By contrast, the scope of Section 332(c)(7) extends only to facilities used for "personal wireless services" as defined in that section. Given Congress's decision not to use the pre-existing definition from another statutory provision relating to wireless siting, we believe the scope of a "wireless" tower or base station under Section 6409(a) is not intended to be limited to facilities that support "personal wireless services" under Section 332(c)(7).

May a state or local government require an application for an action covered under Section 6409(a)?

Section 6409(a) states that a state or local government "may not deny, and shall approve, any eligible facilities request...." It does not say that a state or local government may not require an application to be filed. The provision that a state or local government must approve and may not deny a request to take a covered action, in the Bureau's view, implies that the relevant government entity may require the filing of an application for administrative approval.

8 See Nationwide Collocation Agreement, § 1.B.


10 See also 47 C.F.R. Part 1, App. C, Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process, § II.A.14 (defining "tower" to include "the on-site fencing, equipment, switches, wiring, cabling, power sources, shelters, or cabinets associated with that Tower but not installed as part of an Antenna as defined herein").

11 47 U.S.C. § 332(c)(7)(A). "Personal wireless services" is in turn defined to mean "commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services." Id. § 332(c)(7)(C)(1).
Is there a time limit within which an application must be approved?

Section 6409(a) does not specify any period of time for approving an application. However, the statute clearly contemplates an administrative process that invariably ends in approval of a covered application. We believe the time period for processing these applications should be commensurate with the nature of the review.

In the 2009 Declaratory Ruling, the Commission found that 90 days is a presumptively reasonable period of time to process collocation applications. In light of the requirement of Section 6409(a) that the reviewing authority "may not deny, and shall approve" a covered request, we believe that 90 days should be the maximum presumptively reasonable period of time for reviewing such applications, whether for "personal wireless services" or other wireless facilities.

Wireless Telecommunications Bureau contact: Marla Kirby at (202) 418-1476 or by email: Marla.Kirby@fcc.gov.

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\(^{12}\) See 2009 Declaratory Ruling, 24 FCC Red. at 14012-13, paras. 46-47.
APPENDIX

SEC. 6409. WIRELESS FACILITIES DEPLOYMENT.

(a) FACILITY MODIFICATIONS.

(1) IN GENERAL. Notwithstanding section 704 of the Telecommunications Act of 1996 (Public Law 104–104) or any other provision of law, a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

(2) ELIGIBLE FACILITIES REQUEST. For purposes of this subsection, the term "eligible facilities request" means any request for modification of an existing wireless tower or base station that involves—
(A) collocation of new transmission equipment;
(B) removal of transmission equipment; or
(C) replacement of transmission equipment.

(3) APPLICABILITY OF ENVIRONMENTAL LAWS. Nothing in paragraph (1) shall be construed to relieve the Commission from the requirements of the National Historic Preservation Act or the National Environmental Policy Act of 1969.
Hi Pamela -

I intend on attending tonight, but just in case something happens, here are comments on behalf of the NorthWest Wireless Association.

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503-708-7337

The staff report for the February 26 Planning Commission Public Hearing is available on our web page.

http://www.cityofsalem.net/WirelessCodeAmendment

Thanks.

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CHAPTER 715
WIRELESS COMMUNICATIONS FACILITIES
COMMUNITY DEVELOPMENT

715.001. Purpose
715.005. Definitions
715.010. General Rule; Collocation and Siting Priority
715.020. Wireless Communications Facility Siting Permits
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715.060. Replacement Utility Structure Development Standards
715.070. Support Tower Development Standards
715.080. Conditions
715.090. Wireless Communications Facilities Variance
715.100. Special Provisions

715.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
(b) The careful consideration of the topography, natural features and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities.

715.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

(a) Amateur radio means the licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license grant from the Federal Communications Commission. Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna means any pole, panel rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and
parabolic antenna (dish). Antenna does not include support structures, utility structures or support towers.

(e) Array means a grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment means all equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station means any on-site fencing, equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with a support tower or support structure or utility structure but not installed as part of an antenna.

(f) Collocation means the mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility means a wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. xx-xxxxx.

(h) Guy pole means a pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines means either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower means a support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole means a support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure means a lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.

(m) Owner means the person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

(n) Replacement structure means a utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy or support poles in the rights-of-way or on private property.

(o) Residential building means a building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include mixed use building;

(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family.
(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both.

(p) Right-of-way means the space upon, above, below, in, along, across, over or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City’s right, title, interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

(q) Screening means to obscure effectively the view of the base of a wireless communications facility and its auxiliary support equipment.

(r) Siting means the location, construction, collocation, modification or installation of a wireless communications facility.

(s) Skipped pole means:
   (1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
   (2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(t) Substantially change the physical dimensions means:
   (1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
   (2) The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
   (3) The mounting of a proposed antenna would involve adding an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
   (4) The mounting of the proposed antenna would involve excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility easements currently related to the site.
(u) Support structure means an existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower means a freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility means any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure means any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications means any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities for internal communications of an operational nature.

(z) Wireless communications facility means any un-staffed facility for the transmission and/or reception of radio frequency signals for wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

715.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless communications facility may be sited in the City without a siting permit having first been obtained.

(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a property.

(B) Ordinary maintenance or repair of a wireless communications facility.

(C) Modification of an existing support tower or base station for the collocation of new transmission equipment or removal or replacement of existing transmission equipment, pursuant to P.L. 112-96, Section 6409(a), and notwithstanding any provision of this chapter to the contrary, provided that such modification does not substantially change the physical dimensions of such support tower or base station from the dimensions approved as part of the original decision or building permit for the support tower or base station.
However, any modification to a support tower or base station which substantially changes the physical dimensions of either the support tower or base station, and any other modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this chapter.

(D) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(b) Collocation Required. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility, jeopardizes the physical integrity of the facility upon which collocation will be made, or consent cannot be obtained for the collocation on a support structure. All wireless communications facilities located in right-of-way shall be collocated.

c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

1. First priority: collocation on existing support structure
2. Second priority: collocation inside the RoW
3. Third priority: replacement of a utility structure in the RoW
4. Fourth priority: replacement of a utility structure outside the RoW
5. Fifth priority: replacement or substantial increase in the size of a support tower
6. Sixth priority: erection of a new support tower outside the RoW

715.020 Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.

(b) Classes. There are three classes of wireless communications facilities siting permits.

1. A Class 1 Permit is a permit for the collocation on support towers, utility structures and support structures.
2. A Class 2 Permit is a permit for the replacement of utility structures.
3. A Class 3 Permit is a permit for the siting of new support towers, replacement of existing support towers, or the substantial change in the physical dimensions of existing support towers.

(c) Procedure Type.

1. Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
2. Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
3. Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

1. All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

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(A) The location of the siting, according to the siting priorities set forth in 715.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site and alternate options to provide service, including, but not limited to, collocation on existing support towers or support structures or utility structures, and multiple but less-obtrusive replacement structures, are not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility's design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC chapter 93, or designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review.

(2) Class 1 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer's certification that the support structure, utility structure, or support tower will safely handle the load created by the collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant's target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(C) If the application is for a second priority site, field strength surveys showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(D) If the application is for a second priority site, coverage maps and field tests for the proposed antennas.

(3) Class 2 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer's certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is no greater in width than that required by any applicable safety standards adopted by the Oregon
Public Utility Commission or the minimum necessary to accommodate collocation on the proposed replacement structure.

(C) If the replacement utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level, plus and minus 5 dB, and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 715.010(c). If collocation on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(D) Field strength survey showing contours of any gap in the provider’s service and minimum height of facility needed to fill the gap.

(E) Coverage maps and field tests for the proposed antennas.

(F) Color simulations of the wireless communications facility after construction.

(4) Class 3 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer’s certification that the support tower will safely handle the load created by the proposed antennas and any future collocated communications facilities and will comply with ANSI and other industry safety, structural codes and standards.

(B) For new support towers or replacement support towers, documentation from a radio frequency (RF) engineer or a licensed civil engineer that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure for one or more of the following:

(i) No existing support towers or support structures or utility structures are located within the geographic area where service will be provided;
(ii) Existing support towers or support structures or utility structures or replacement utility structures would not be of sufficient height to provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible;
(vi) Contract terms required by an existing support tower’s owner or existing support structure’s owner or existing or replacement utility
structure's owner, as applicable, to share or adapt the existing tower or support structure or utility structure for collocation are unreasonable. Reasonableness shall be judged, to the extent possible, by comparing the owner's proposed terms and conditions to similar contractual arrangements in Oregon and Washington.

(C) A copy of the proposed lease or other agreement for the proposed site showing that the lease or other agreement does not preclude future collocation of additional communications facilities, provided all safety, structural, and technological requirements are met.

(D) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 715.030(c) and including alternatives for locating support towers within two hundred and fifty feet of the proposed location.

(E) The number and type of antennas that the support tower is designed to accommodate.

(F) A signed certification from the owner of the wireless communications facility that the owner will allow collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(G) Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division FAA does not review all. Typically provide TOWAIR which states no registration required.

(F) - what? why? what purpose does this serve? Do we need to tie up options with other property owners within the 250?? what is the objective of this requirement?

(H) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 715.070(e), the graphic simulation shall include the proposed design.

(I) Documentation that one or more wireless communications service providers will be using the support tower within sixty days of completion of construction.

(J) Field strength survey showing contours of any gap in the provider's service and minimum height of facility needed to fill the gap.

(K) Coverage maps and field tests for the proposed antennas.

(e) Criteria. A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

1) For Class 1 Applications:
   (A) The proposed collocation meets the standards in this Chapter.
   (B) For collocation in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause another person to increase the number of utility structures on the property or cause another person or entity to enlarge or expand an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause another person to increase the number of utility structures in the right-of-way or cause another person or entity to enlarge or expand an existing utility structure in the right-of-way.

(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower or replace or substantially increase the size of an existing support tower:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

So, let's say there are two existing towers within the search ring. AT&T owns one, TMO owns the other. AT&T needs to increase the height of the existing site due to surrounding tree growth. But they could conceptually collocate on the TMO site as it is. Are you saying that AT&T has to close the lease on the property, tear down the existing tower and locate on the TMO tower?

715.030. Siting Standards.

(a) Class 1. The collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new, or modification of an existing, support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph,
streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(c) Class 3. The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap and prohibiting the siting would effectively prohibit the provision of wireless communications services. If the siting meets these criteria, the minimum height required to provide service to fill the significant wireless communications service gap shall be the maximum height permitted for the new, replaced, or modified support tower and future collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland /Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

Are you sure you want to include Public Zones in this grouping?

AT&T did a flagpole at Clark County Fairgrounds, and it looks nice. But this would not allow similar. Seems too restrictive.
(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation on a replacement utility structure.

715.040. Antenna Development Standards.

(a) Antennas on Support Towers. Antennas attached to a support tower shall comply with the following development standards:

1. **Height.** Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

2. **Surface and Coloration.** Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.

3. **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) Antennas on Existing Buildings.

1. Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

   (A) **Height:**
   
   (i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or
   
   (ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

   (B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

2. Whip antennas located on the roof of a building shall comply with the following development standards:

   (A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

   (B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

3. Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

   (A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.

   (B) **Screening, Surface and Coloration.**
If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building, or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.
2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.
3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

1) Physical integrity. The antennas shall not jeopardize the utility structure’s physical integrity.
2) Guy poles. Antennas shall not be located on guy poles.
3) Height.

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:
(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway or major arterial;
(bb) Ten feet above the top of a utility structure on a minor arterial; or
(cc) Five feet above a utility structure located on a collector street or local street.

(4) Mounting. Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:
(A) Flush with the utility structure; or
(B) On extension arms that are no greater than one foot in length.

(5) Surface and Coloration. Antennas must be painted, coated or given a surface application that is similar to the color and surface texture of the utility structure so as to minimize visual impact as much as reasonably possible.

(6) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.


(a) Screening.

(1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 715.070(c).

(2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment on an existing building shall be located within or on top of the building.

(3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure’s footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:
(i) Project no more than eighteen inches from the surface of the utility structure;
(ii) Be less than or equal to twenty-four inches in height.
(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(c) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) Coloration.
(1) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.
(2) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(f) Lighting. Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

(g) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource shall be placed underground.

(a) Height.
(1) Outside Right of Way.
(A) Outside right of way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.
(B) Skipped poles. Outside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the
combined height of a replacement structure, antenna mounting device and antennae does not exceed the maximum height for a structure in the zone.

(2) **Inside Right of Way.**

(A) Inside right of way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device and antennae is no greater than:

(i) Seventy eight feet for a replacement structure located on a parkway or freeway;
(ii) Seventy three feet for a replacement structure on a major arterial;
(iii) Sixty three feet for a replacement structure on a minor arterial; or
(iv) Fifty three feet for a replacement structure located on a collector street or local street.

(B) **Skipped poles.** Inside right of way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) **Width.**

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be no greater in width than the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) **Surface and Coloration.** A replacement structure shall be painted, coated or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) **External cables and wires.** All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) **Lighting.** Unless the existing utility structure or original structure was lighted, a replacement structure shall not be lighted.

715.070. **Support Tower Development Standards.** The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) **Height.**

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 715-1.
Some of these height limits make no sense. 100’ makes sense in EFU, not 35’. There needs to be a CUP that allows structures to be taller provided the need can be shown and/or it could reduce the number of facilities needed. need to make sure that a wireless facility can at least meet the limits of the zone and can be conditioned similar to other non-conforming structures. At a minimum, should be allowed the same height as a power pole.

TABLE 715-1

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 715.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line.
abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 715.070(c) shall be set back a minimum of ten feet from all property lines.

c) Screening. Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

1. SRC 132.140 (Landscape Plan and Irrigation Plan Information);
2. SRC 132.150 (Standards for Landscaping Materials);
3. SRC 132.160 (Installation);
4. SRC 132.170 (Maintenance);
5. SRC 132.180 (Compliance/Performance Assurance);
6. SRC 132.190 (Irrigation);
7. SRC 132.200 (Open Space);
8. SRC 132.210 (Street Trees); and
9. SRC Table 132-3 (Plant Unit Definition).

d) Surface and Coloration. Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

e) Design Standards. The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

1. The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
2. The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.
3. The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.
4. To the greatest extent possible, the antennas shall not be easily recognized.

External cables and wires. All external cables and wires shall be placed in duct or painted to match the support tower.

Lighting. Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

f) Collocation.

1. Support towers one hundred feet in height or higher shall be designed to provide for collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.
2. Support towers between fifty feet and one hundred feet in height shall be designed to provide for collocation of at least one future antenna system, in a
manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) Access.
1. Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.
2. Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

715.080. Conditions. Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state and local laws.

(d) All wireless communications facilities shall allow for the collocation of additional facilities to the greatest extent possible, unless such collocation interferes with the owner's wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments and other governmental units that own or maintain facilities which may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.
(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC chapter 93.

715.090. Wireless Communications Facilities Variance.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless a variance has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable variance provisions under SRC 115.

(b) Procedure Type. A wireless communications facility variance is a Type III procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type III application under SRC Chapter 300, an application for a wireless communications facility variance shall include:

1. A written statement demonstrating how the variance would meet the criteria.
2. A site plan that includes:
   A. Description of the proposed siting’s design and dimensions, as it would appear with and without the variance.
   B. Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the variance.
   C. Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the variance.

(d) Criteria. An application for a wireless communications facility variance shall be granted if the following criteria are met:

1. The variance is consistent with the purpose of the development standard for which the variance is sought.
2. Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
3. The owner demonstrates the existence of either of the following:
   A. Gap in Service.
      i. A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection;
      ii. The gap can only be filled through a variance in one or more of the standards in this Chapter; and
      iii. The variance is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter’s standards to the greatest extent possible.
(B) Minimization of Impacts. The variance would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site's size, shape, location, topography, improvements and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
(ii) Better preservation of views or view corridors;
(iii) A decrease in negative impacts on property values; or
(iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.

715.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City's costs in retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter. The City may impose a third-party review fee to obtain the services of an engineer to review the owner's findings.

(c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(f) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 98. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(g) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.
(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(h) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

The main problem with this code is that it doesn't have an objective. There are a lot of rules and guidelines but it doesn't state why they are there. Instead, the code should focus on how to best provide wireless communication services with the least visual impact. These are wireless telephone poles.
RE: Code Amendment Case No. 10-04

Salem Planning Commission:

As someone who has experienced “Nimby” after Nimby, this appears to be another plan to concentrate undesirable uses in already hard hit areas rather than fairly distributing, in this case, cell towers, in neighborhoods.

I assume my street would now be considered a minor arterial. At the time I bought my house it was between two houses on a quiet block with stop signs at either end. The first sign of trouble was when we learned that our street was to become part of a new East-West Corridor system. At meetings we were continually assured that the residential nature would be maintained, but at the same time arrangements were apparently being made for a nearby church to acquire a vacant lot for parking as the city was taking a corner of the area they used for parking for the road. The entire lot (larger than supposedly allowed in a residential area) was paved over with nary a speck of landscaping anywhere. When a neighborhood association member asked me how I felt about my block becoming a one way I said that I thought I could live with it but was concerned about parking. I was assured that parking would be allowed on both sides of the street.

After finally reaching the end of the lengthy disruption the project caused, a new threat emerged. A businessman bought the residence next to mine and went around to neighbors saying that he wanted to rezone the property and offered to pay the filing fee if we also requested to rezone our properties. He stated that he wouldn’t even try for a zone change if neighbors didn’t go along with it. Of course everyone turned down the offer, but he applied for the zone change anyway and removed the house and many trees. Only a row of evergreens remained which buffered our residential street from the sights and pollution of 12th St. He sat in a pre-hearing meeting with city staff and the neighborhood association and assured everyone that he wasn’t going to remove any more trees. A short time later he removed all the trees.

At first the Planning Commission remembered their promise to maintain the residential character of the area and also expressed concern about the removal of the house in order to increase the chances of getting a zone change and denied the request.
The applicant simply waited about a year and a half and applied again. By then the vacant lot had become a nuisance and he presented a nice drawing of a kitchen show room that he “intended” to put on the property. At that point neighbors didn’t fight it as that didn’t seem so bad considering what we now had. He got the zone change and promptly leased the property to a large lumber company from Tualatin. We were told that once he had the zone change, he could do what he wanted with the property. How can residents have meaningful input if truthfulness isn’t required at hearings? The several years that that company was there operating seven days a week were absolutely horrible. They had three to four extremely loud smelly diesel trucks and three fork lifts racing around all day, and there was a constant stream of semis off the lot and past our houses. (The East-West Corridor project representatives had also promised no trucks.) One day my nerves were so shot that I threw together some food and reading material and went camping without even taking the time to try and find someone to go with me. They tried to buy me out a couple of times, but I was so stressed that there was no way I could deal with obtaining another house and moving, and I wouldn’t do that to my neighbors or want to see further destruction of the creek area anyway. We lost the promised parking on my side of the street at that time, probably related to the business. Though visitors could no longer park in front of my house, overflow semis parked there and idled many times a day.

This company was replaced by a smaller lumber yard, still not a good business next to residences, but more tolerable than the previous business.

Then came the news that the property was sold to Willamette Urology, a large clinic, and finally I am pushed to the brink of having to move from the home I’ve resided in for 30 years. What is essentially a new street connecting Bluff Ave. to 12th St. goes past my patio and bedrooms without adequate screening, forcing me to unexpectedly have to come up with screening and I sacrificed shade on my patio and trimmed a large laurel to make it grow in denser to block headlights from the 25 staff cars that exit there. (The previous businesses were well screened the length of my property and privacy was not one of the many problems.) A condition of the zone change that the property be gated after hours has apparently vanished with the new owners, and there is foot and vehicle traffic shortcutting through to 12th St. all hours of the day and night, seven days a week. I am surrounded on three sides by traffic and the public and have no privacy. Picnic tables placed next to my property without screening compound the problem. Last summer I saw men urinating in the area three different times as well as a small boy, and I think I’ve twice seen drug deals going on there. I frequently find evidence of prowlers having been in my back yard at night. The parking lot lights at both the clinic and the church are intrusive. I place cardboard in my window at night to block the light placed right across from my bedroom as well as headlights from the cleaning crew that comes in the middle of the night. The dumpster was placed in an area close to many houses, rather than near 12th St. Three times a week a garbage truck roars past my bedroom, goes down and bangs the dumpster a few times, then beeps all the way back to my house. There was a 5:25 A.M. pick up from the time they opened, and when they began to also have a 6:15 pick up, I thought being wakened early twice a week was too much. I called the garbage company and luckily they changed the 5:25 pick up to later in the day. Loud, smelly FedEx and UPS trucks arrive at least twice a day, often three times, and park right across from my patio. Very noisy landscapers arrive once a week. The clinic was also granted a larger parking lot than supposedly allowed in a residential
area, so between the church and the clinic there is lengthy racket from blowers cleaning the lots, and I have yet to see anyone who uses a blower corral the dust and debris toward their own buildings. There are back up beepers from wheelchair vans and a myriad of delivery vehicles and constant horn honking since someone came up with the inane idea that everyone should honk their horns every time they lock and unlock their vehicles.

Actually, compared to all this, a quiet non privacy-invading cell tower doesn’t seem so bad. But seriously, I urge that cell towers and other Nimby’s not be concentrated in areas already hard hit. Those of us who by choice or necessity live in more modest neighborhoods should be appreciated, not penalized. We are helping to conserve resources and protect the environment. A city staff once stated that one has to accept some Nimby’s. This Nimby should be fairly distributed among people who use them, and a cell tower located on a minor arterial, for example, should also be disguised as a tree. There are people living there, too. I would also urge that policies for screening, etc., actually be enforced and not routinely be waived. From my experience, things that look good on paper, like limiting the size of parking lots in residential areas, are routinely waived.

I didn’t stick to the cell tower topic very well, but as you can see, I am very frustrated with the number of Nimby’s that have been allowed in our neighborhood and we don’t need yet another.

Karen Cook

I’ve included pictures of what a lot of "Nimby’s" concentrated in one area looks like in real life.
View from my back yard. Though the electronic billboard is placed on 21st st, it intrudes on my residence. The clinic's parking lot lamp is just 8-10 ft. from my property, and the lamp in it is aimed toward my back yard, entirely lighting it up. This is apparently what draws so many intruders into my back yard since the clinic opened.

I paid taxes for nearly 30 years on about 425 sq. feet that the previous owner had paved over and used for their business. The present owners returned it to me as a sloping filled with rocks and sand. (after they removed the construction trailer they went ahead and placed on it.)
They managed to obtain a waiver to install landscaping in lieu of a sight-obscuring fence. Left a wide gap right at the exit to parking lot, and headlights shine onto my patio + dining room. There are many gaps. The church can now have bigger celebrations by parking here on the weekend. I imagine they can greatly expand, too, by using this parking space on a weekly basis.
February 26, 2013

City of Salem
Department of Community Development
c/o Pamela Cole, Associate Planner
555 Liberty Street SE
Salem, OR 97301

VIA EMAIL TRANSMISSION

RE: Public Hearing Comments on Proposed Ordinance
SRC Chapter 715 – Wireless Communications Facility

Dear Pamela:

The purpose of this letter is to provide additional comments on the proposed rewrite of the City of Salem’s Wireless Communications Facilities ordinance, provided on behalf of AT&T.

AT&T agrees with the comments provided by Verizon’s counsel, dated January 2, 2013, and by other carriers and industry representatives that have commented throughout the process. The following are just a few issues that we would like to highlight and make sure they are addressed prior to final adoption of the new code:

Replacement of Existing Towers – Section 715.010(c):
Replacing existing towers that are structurally failing with new ones that are the same size should be encouraged, rather than discouraged by the draft code language. Replacement towers should not be put into the same category as “substantial changes” to existing towers, nor should they be considered a lesser priority than the four preceding categories. There are very significant (and unintended) consequences of this potential policy:

- Replacement of structurally unsafe towers should be replaced to protect the health and safety of the public. This policy could delay, and in some cases preclude, these critical improvements at the expense of public safety.
- If failing (or at maximum capacity) towers are left in place, it will discourage collocations (the code’s top priority as found in 715.010(b)) and new technology upgrades by existing collocators.
- If a tower is non-conforming and cannot be structurally upgraded or replaced with the same size/height, multiple collocators would need to build several new sites to replace the coverage provided from tower that is being removed. This creates substantially more impact than just replacing the existing towers that already exist.
- In replacing an existing tower with one that is the same size, the applicant would need to show the City that it is not feasible to locate the facility in a higher priority classification. This type of process shouldn’t be necessary to upgrade existing sites because these towers are already in place – there are no new impacts that need to be assessed.

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This provision also appears to conflict with new federal collocation law. If the existing tower is replaced or structurally modified such that the end result is a tower that is not substantially different (and in most cases, virtually identical) from the existing, it is consistent with the intent of the federal law, and should be treated as such under the Code.

We request that tower replacements be deleted from the priority list, and added as an exempt activity under 715.010(a)(2). References to a Type 3 process for replacement towers will need to be removed from 715.020(d)(4)(b), 715.020(e)(3)(C) and 715.030(c).

Antenna Development Standards – Section 715.040:
This section should be modified to allow more flexibility for antenna mounting configurations. The requirement to flush mount antennas on existing towers (715.040(a)) appears to conflict with the new federal collocation law (and the exemption section), which allows for appurtenances and antenna connections that do not meet the flush-mount definition. Further, requiring flush-mounted antennas (the term “shall” provides no flexibility) will reduce the amount of space available for collocators since carriers will need much more vertical space on the tower to fit the same number of antennas. This would result in additional towers being built and additional visual impacts in the surrounding neighborhood.

Collocating antennas on existing buildings could have significant challenges as well. Under 715.040(b)(1), no flexibility is provided for where adding architectural features are not structurally feasible. There may be ideas to make antennas less visible, but extensive structural modifications are often not feasible. These requirements could eliminate buildings where antennas that are painted/flush-mounted (and not screened by an architectural feature) should still be preferred over the construction of new towers or other lower priority classifications.

Please note that the new federal collocation law does apply to existing installations on rooftops and other types of structures that do not meet the “tower” definition. Please see the attached FCC interpretation of the federal collocation law that was recently released (January 25, 2013). The City may need to consider revising this Section to create separate standards for new installations and upgrades to existing installations, and modify the definitions related to “base stations” accordingly.

Design Standards for New Support Structures – Section 715.070(e):
Stealth towers, such as flagpoles, light standards, and “mono-pines”, often do not have the same physical characteristics of natural/manmade structures, particularly related to width. In order to conceal antennas inside of a new flagpole/light standard, the width needs to be substantially larger than “normal” flagpoles/light standards. To give you an example, it is not uncommon for 60-75’ flagpoles to have a 10” diameter at the base. In contrast, a 60-70’ tall stealth wireless flagpoles need 30-36” diameter to accommodate the antennas inside of the pole. In the case of “mono-pines”, please note that the diameter of these poles tend to be much larger than their natural counterparts to be structurally capable of supporting the fiberglass.
limbs that attach to the pole. These standards, as written, are unachievable without a variance, and could lead to a prohibition of service.

**Alternative to the Variance Process:**
An additional section should be added that allows City staff to administratively modify requirements, within certain limitations, without having to apply for a variance. The variance process was intended to provide a rarely used “safety valve.” However, since the code generally lacks even a minimal amount of flexibility/discretion as compared with many other jurisdictional regulations, that it is likely that variances will be required quite often. Staff should be given the latitude to apply design standards with reasonable amounts of discretion to minimize impacts without having to resort to a variance every single time.

If you have any questions, feel free to contact me at (206) 227-0020 or at ken.lyons@wirelesscounsel.com.

Sincerely,

Ken Lyons
Jurisdictional Relations Director, PNW, LTE.

cc: File

---

1 Section 6409, “Middle Class Tax Relief and Job Creation Act of 2012”
February 26, 2013

Pamela Cole, Case Manager
City of Salem
Community Development Department
555 Liberty St SE
Room 305
Salem OR 97301

RE: Code Amendment 10-04 Comments

Dear Ms. Cole:

I would first like to commend the City of Salem for the outreach provided to inform the community on the proposed wireless communication standards which included conducting two public forums. I attended a forum held on February 20th and was impressed with the materials available to view and with the City representatives who took the time to answer questions. Both you and Bryan were quite informative and knowledgeable on the subject matter and willing to answer the questions brought up by others and myself.

I am pleased to see that the City is considering standards which prioritize the placement of wireless facilities and to make them more visually compatible with their surroundings.

I do request the City consider changing the notification process and public input process for the siting of wireless communication facilities in residential neighborhoods under all of the priorities. For instance, under priority 2, the installation of an antenna on an existing structure in the right of way, requires only review and approval of an application by the city. No notification of the public or comment period is required. In residential neighborhoods, surrounding residents should always have an opportunity to provide input and comment on the proposed siting and design prior to its approval.

Thank you for the opportunity to comment.

Sincerely

Betty Markey
2590 Crestview Dr S
Salem, Oregon 97302
DEAR CASE MANAGER MS. COLE,

MY PROPERTY WAS DEVALUED 13 percent this year.

Is someone anticipating a cell phone tower on the lots the City of Salem bought close to my property line?

One news article after the other cite county assessor devaluing of roughly 10 percent in residential areas.

Please see page 1 of DeKalb Co. Georgia.

Thank you,

Jeannie Reutter
620 Plaza Del Rey NE
Salem, OR 97303-5025
7/1/12-6/30/13 REAL PROPERTY TAX STATEMENT
ACCOUNT NO.: R86051
MARION COUNTY, OREGON - 1115 COMMERCIAL ST NE - SALEM, OR 97301

PROPERTY DESCRIPTION
620 PLAZA DEL REY NE
SALEM, OR 97303
ACRES: 0.188
MAP: 073W11CC04200
CODE: 92401000

REUTTER, CAROLE JEAN
620 PLAZA DEL REY
SALEM, OR 97303

VALUES:

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If a mortgage company pays your taxes, this statement is for your records only.

TAX TOTALS

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See back for explanation of taxes marked with (•)
The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes liability for variations, if any, in dimensions and location ascertained by actual survey.
Yes, a Cell Tower Will Lower Property Values. And, Yes, Lower Property Values Result in Less Money for the Operating Fund of Our Public Schools

We have been talking about the many, many reasons why there might be some upset people when they wake up in DeKalb County, after an overwhelming majority of voters sent a clear message that we do not want T-mobile towers on our school grounds... only to see a giant cell tower going up right outside their window.

One good reason they might be concerned is that their property values, already taking a beating, might get even worse. And, they would probably be justified in thinking that way.

Who would want to live right next to one of these things, seriously?

The DeKalb County School Board Chairman Dr. Eugene Walker said he would take one in his front yard, but that was before a cell tower in Lilburn caught fire and fell over. He probably had second thoughts after he saw that happen.

And imagine what it's like for people who purchase or build their dream home or neighborhood, only to later have an unwanted cell tower installed just outside their window?

This negative effect can also contribute to urban blight, a deterioration of neighborhoods and school districts that can happen when residents move away or pull their children out of school because they do not want to spend so much time near urban health hazards, like cell towers.

People don't want to live next to one not just because of health concerns, but also due to aesthetics and public safety reasons. Cell towers become eyesores, obstructing or tarnishing cherished views, and also can attract crime, are potential noise nuisances, and fire and fall hazards. There is also concern for injuries to people and property on the ground below a cell tower in winter as ice and debris often accumulate up top, then fall to the ground as the weather gets warmer throughout the day.

These points underscore why wireless facilities are commercial / industrial facilities that don't belong in residential areas, parks and schools. In addition, your county officials have the power to regulate the placement and
February 24, 2013

Community Development Department/Planning Commission
Attn: Pamela Cole, Case Manager
City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301-3503

RE: February 26, 2013 5:30pm Planning Commission Public Hearing Comments for Proposed Cell Tower Code 10-04 Regulation Amendments and Establish New Wireless Ordinance (SRC 715)

Dear Planning Commission President Lewis and Commission Members,

I support the intent that the proposed ordinance consolidates into one code chapter, SRC 715, the various application requirements, review processes, development standards, and criteria applicable to wireless communication facilities.

After attending the staff-hosted Library Open House on February 7, reviewing the City's New Cell Tower Regulations web page (with Neighborhood Comments and Staff Report Code Amendment 10-04 Recommendations), I suggest the following be incorporate to make Salem more livable and safe for residents and visitors:

1. NEIGHBORHOOD CONCERNS & REMEDIES

* Put underground equipment in residential areas to address the neighborhood noise, aesthetic and health concerns from emissions.

* Retain the current code 300' residential setbacks to help minimize neighborhood health concerns from emissions (Staff Report Attachment 4, Table 2). This is the minimum residential setback recommended by the World Health Organization that has linked four-times as many cancer patients (and a high rate of childhood leukemia) to living near cell towers. Maintaining the existing 300' setbacks reduces emf exposure exponentially of distance from the source, so WHY change residential setbacks to mere 30' and 15'?

* Use a portion of the wireless carrier land use and franchise revenue fees paid to the City ($122,210 in
2012; increases 4% annually) to regularly monitor unhealthy electro-magnetic field (emf) transmissions. City watermeter readers could easily do this with small cell phone size emf monitors available for as little as $40. Monitors could also be made available to each Neighborhood Association for use by residents whose health (like a heart condition or pacemaker) are severely affected by emf.

Monitoring is needed because court cases show that The Federal Communication Commission’s allowable levels for emissions have been exceeded when not monitored--to the detriment of the public's welfare, particularly the most vulnerable subject to emf 24/7--the homebound, young, disabled and elderly. The FCC sets emf levels which the City can, and should, monitor for compliance. This is in the City’s best interest.

* Require that wireless carriers promptly remove obsolete facilities, as neighborhoods have requested. This is in the City’s best interest.

* Change the current code word "may" to "must" in "conditions of approval may (must) require tower to be designed as a tree or other object that is compatible with surroundings." This would help address neighborhood concerns of additional design standards for screening and landscaping. Apply this to ALL cell towers (not just limited to within 300' of certain zones). Both residents and visitors are concerned how the City looks and deserve visible blending city-wide. This is in the City’s best interest.

* Retain the current maximum 35' cell tower height for zone RM1 Multiple Family. This affects previously zoned RS Single Family 1920’s historic homes that have been rezoned RM1. A proposed 70' cell tower height change would be incompatible with the single family residential NEN neighborhood (Staff Report Attachment 3, Table 1).

* Maintain the current code 300' setbacks and maximum 35' cell tower height to help mitigate neighborhood concerns of reduced home property values (Staff Report Attachments 3/4, Tables 1/2). According the The Appraisal Journal's Summer 2005 report on "The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," there was a market sales loss of over 20%. This also is a property tax loss to the City for financing essential city services, so this is in the best interest of the City.

### 2. PROPERTY OWNER CONCERNS IN STAFF REPORT & REMEDIES

* Eliminate all use of the weak word "feasible" in the new code. As Ward 4 resident John Shepard points out, "feasible" is defined in the Oxford Dictionary as "possible to do easily or conveniently" (Staff Report Attachment 6). Feasible gives wireless providers a way to circumvent the City code by claiming something is not "easy" or "convenient" for them to do. This weakens the code and is not in the City's best interest.

* Send Notice to Property Owners to a 1,500' radius, as Ward 8 property owner Rano Ellertson and others have requested, and they should have an opportunity to comment on the proposed style, size and height of facilities (Staff Report Attachment 7). Property owners outside the proposed short 250' distance of wireless applications who want to be notified should be. The elderly, disabled and other homebound residents who would continuously be in their homes would not be aware of a public hearing notice posed on the property subject to the application.
If SRC Chapter 300 is not changed to 1,500' notification, then the City should maintain a list of all interested property owners who request notification, and comments should not be restricted to only the proposed small 250' radius. This is in keeping with the City's policy of encouraging residents to be involved in City planning and governance. Wireless provider application fees should pay for any notification costs.

* Change 300.520(6) Public Notice and Comment period to 30 day. The proposed "14 days from the date notice is mailed" is outdated and insufficient given that the U.S. Postal Service is discontinuing weekend mail service. Property owners may also be out-of-town for business or pleasure. Furthermore, 14 days is not adequate time to research and prepare comments. A 30-day comment period is more consistent with the notification policy of other county, state and federal government entities. This is in keeping with the City's policy of encouraging residents to be involved in City planning and governance.

In summary, before The Planning Commission recommends that the City Council accept a first reading, some revisions can be made for the benefit of the City and its residents.

Thank you for being part of Salem at Your Service.

Respectfully submitted,

L.R. Schellin
NEN Neighborhood
Ward 1 Resident/Property Owner
Former Salem Land Use Commission Member
& Salem Neighbor-to-Neighbor Board of Directors

c: Ward 1 Councilor Chuck Bennett
Salem Mayor Anna Peterson
From: Peter Dane <peterdane2000@yahoo.com>  
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>  
Date: 2/25/2013 10:36 AM  
Subject: Public comment on Cell Towers.

February 25, 2013  
To: Pamela Cole, Associate Planner, Community Development, City of Salem  
Re: Public comment on Cell Tower plan  

Dear Ms. Cole:

In regards, to the Public Hearings about the new plan for more cell transmission installations in Salem, I would like to make a comment. It's surprising there has been little mention of the related health studies, e.g., the Horst Eger, 2004 study, the British researcher, Dr. John Walker's 2007 study, and more. Some persons who are more vulnerable to intense electro-magnetic fields (EMF). Could there a liability issue, due to negligence?

Is this plan, to allow more cell tower installations in Salem, part of the "First Responders National Network?" It sounds like it's similar to the old Federal program to boost national security, by building an interstate highways and freeway systems. It proved to have high maintenance costs, compounded by the increase in public services for suburbs, along with more non-point pollution.

Maybe the public needs to be better informed on the side effects of installing more cell towers in Salem. Thank you.

Respectfully,

Peter Dane
Public comment on Cell Towers.

From: Peter Dane, 720 Capitol St, NE, Salem, OR, 97301, tel: 503-463-1617

February 25, 2013

To: Pamela Cole, Associate Planner, Community Development, City of Salem

Re: Public comment on Cell Tower plan, WITH DOCUMENTATION

Dear Ms. Cole:

In regards, to the Public Hearings about the new plan for more cell transmission installations in Salem, I would like to make a comment. It's surprising there has been little mention of the related health studies, e.g., the Horst Eger, 2004 study, the British researcher, Dr. John Walker's 2007 study, and more. Some persons who are more vulnerable to intense electromagnetic fields (EMF). Could there a liability issue, due to negligence?

Is this plan, to allow more cell tower installations in Salem, part of the "First Responders National Network?" It sounds like it's similar to the old Federal program to boost national security, by building an interstate highways and freeway systems. It proved to have high maintenance costs, compounded by the increase in public services for suberbs, along with more non-point pollution.

Maybe the public needs to be better informed on the side effects of installing more cell towers in Salem. Thank you.

Respectfully,

Peter Dane
Dr. med. Horst Eger: Specific symptoms and radiation from mobile basis stations in Selbitz, Bavaria, Germany: evidence for a dose-effect relationship. Umwelt medizin gesellschaft 2010; 23(2): 130-139. ESTUDIO COMPLETO EN INGLÉS Y ALEMAN

Specific symptoms and radiation from mobile basis stations in Selbitz, Bavaria, Germany: evidence for a dose-effect relationship. Abstract In January 2009 the municipality of the Bavarian town of Selbitz, carried out a health survey by which the data of 251 citizens was recorded and then analyzed regarding radiation intensity by microwaves. In a second step, the radiation data was used to stratify the participants in pollution intensity groups, utilizing place of residence and available readings of the regional mobile telephone radiation. The mean radiation measurements of the groups exposed at most in Selbitz (1.2 V/m) was substantially higher than the mean radiation of the study population studied in the QUEBEC study (1) of the German mobile telephone research program (Deutsches Mobilfunkforchungsprogramm DMF, established mean value DMF 0.07 V/m). A significant correlation was found dependent on dose-effects for insomnia, depressions, cerebral symptoms, joint illnesses, infections, skin changes, heart and circulation disorders, and disorders of the optical and acoustic sensory systems and the gastro-intestinal tract with objectively determined locations of exposure, which can be related by the influence of microwaves on the human nervous system. This work, which has been carried out without external resources, provides a protocol for surveys of medical practitioners and municipality administrations to estimate possible health effects of mobile telephone basic stations situated near population residents.

Keywords: symptoms, HF-radiation, dose-effect evidence
Cell Tower Radiation—Is it Hazardous?

Published May 31, 2011 | By Vidya, Editor

Dangers of cell towers have been well-documented over the last decade. Cell tower radiation is indeed hazardous, and more and more people are concerned about it.

Although the telecom industry and federal governments maintain there’s no conclusive evidence of health risks of cell tower radiation, literally dozens of studies world-wide consistently warn us about the dangers. Following is just a sampling of these studies.

Research on Cell Tower Radiation

Australia: As far back as 1995, Prof. Henri Lai and N.P. Singh documented damage to the DNA of rats when exposed to the same kind of radiation as that emitted by cell towers. He conducted another study in 2004, which confirmed these earlier results. DNA damage can lead to a wide variety of disorders, including cancer.

In another Australian study two years later, Dr. Bruce Hocking in Sidney found that children living near TV and FM broadcast towers (emitting the same kind of radiation as cell towers) had more than twice the rate of leukemia than children living more than seven miles away.

New Zealand: In 2002, Dr. Neil Cherry, biophysicist at the University of New Zealand, wrote a 120-page review of 188 scientific studies on the dangers of cell towers. He stated that the government standards were based only on thermal effects, and did not take into consideration the non-thermal effects that also take place—such as cell death and DNA breakdown. “To claim there is no adverse effect from phone towers flies in the face of a large body of evidence.”
France: In 2003, a study was conducted by R. Santini, et al, in Rennes, France. They found that people living within 300 meters of cell antennas reported the following disorders: “fatigue, sleep disturbances, headaches, feeling of discomfort, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, cardiovascular disorders and dizziness.”

Spain: Also in 2003, E.A. Navarro in Valencia, Spain conducted a study in which he concluded that “exposed individuals that lived within 50 and 150 meters of the base station...experienced more headaches, sleep disturbances, irritability, difficulty concentrating, dizziness, appetite loss and dizziness.”

Germany: Horst Eger, et al, in a study conducted in 2004 in Naila, Germany, gathered evidence from 1000 patients residing at the same address during a period of 10 years. Their findings were that the proportion of newly-developed cancer cases was three times higher among those who had lived at a distance of up to 400 m (1300 ft) from a cell tower, compared to those living further away. They also fell ill on the average of 8 years earlier.

UK: In 2007, Dr. John Walker compiled a series of cluster studies on the effects of cell tower radiation. Seven clusters of cancer and other serious illnesses were discovered around mobile phone masts. Studies of the sites showed high incidences of cancer, brain hemorrhages and high blood pressure within a radius of 400 yards of mobile phone masts. One of the studies, showed a cluster of 31 cancers around a single street. A quarter of the 30 staff at a special school within sight of the 90ft high mast had developed tumors since 2000, while another quarter had suffered significant health problems.

Israel: In 2010, Dr. Siegal Sadetzki of Tel Aviv University testified at a US Senate Hearing that she had examined 622 people living from 3-7 years within 350 meters of a cell tower. They were compared to a group who lived further away. The results were startling: there were over four times as many cancer patients from the area near the cell tower. Women were especially susceptible.

India: In 2011, Dr. Neha Kumar at India’s Anna University, et al., indicated a rise in attention disorders in people (especially in children) who received prolonged exposure to EMFs from cell towers.

What will it take to Alert People to the Dangers of Cell Towers?

With so much evidence about cell tower radiation health risks, how is it that governments allow cell phone companies to continue to erect more and more cell towers and antennas? One factor, of course, is that although ever-growing numbers of people are voicing concerns about possible health risks of cell towers, most people want good reception on their phones, wherever they happen to be. And competing cell phone companies are very accommodating; they strive to put up as many cell towers and antennas as they can to keep their far-roaming customers satisfied.

But another reason is that governments continue to protect the right of the telecom industry to put up as many towers as they want. In the US, the wireless industry is protected by Article 704 of the Telecommunications Act, signed by President Clinton in 1996. This act does not allow rejection of a tower based on health risks. It even prohibits arguments of potential health risks from towers to be made at a public hearing.

It’s well-known that the US government receives sizable revenues every year in taxes from the telecommunications industry. And the telecom industry, of course, benefits greatly from its sales that are now sky-rocketing, even in a

depressed economy. A speaker at a recent hearing on the subject of the dangers of cell towers aptly quoted Upton Sinclair: “It is difficult to get a man to understand something when his salary depends on him not understanding it.”

**Approaches to Minimize the Risks**

There are several approaches you can take to minimize the risks of living near cell towers:

1. Avoid or minimize your exposure. If you find your home is surrounded by cell towers and moving isn’t an option, you can find some help from specially-formulated EMF protection paint, shielding fabric or shielding glass or tinting for windows.

2. Use EMF protection devices, such as pendants, chips or other protective devices. Good products will ground you into the earth’s electro-magnetic field to strengthen your biofield. This helps to restore cellular function and strengthen your immune system.

3. Reverse the damage that EMFs have already done. Do this through nutritional support, such as with anti-oxidant supplementation, which can counteract the effects of free radicals caused by EMF exposure. Glutathione and CoQ 10 are also helpful.

**EarthCalm’s Solution**

The EMF Home Protection System will give you effective protection from cell towers around your home. One unit covers the entire home, regardless of size of house.

---

Posted in EMF Dangers | Tagged cell phone tower health risks, cell towers, DNA damage, leukemia and cell towers, radiation danger

**Leave a Reply**

Your email address will not be published. Required fields are marked *

Name *

Email *

February 22, 2013

Community Development/Planning Division
City of Salem
555 Liberty Street SE, Room 305
Salem Oregon 97301


Land Use Commission Members:

I am a 90-year old Salem grandmother opposed to code amendments that allow any cell towers, or antennas, closer than 300' to any residence, health care facility or day care/school because the vulnerable young, the ill and the elderly would be continually exposed to harmful wireless carrier radiation that affect these populations the most.

Fees that the City gets from wireless carriers should be used to at least semi-annually monitor their transmissions to be sure they are in compliance.

Helen Howard
Former Marion County Volunteer of the Year
944 Fir Street
Salem Oregon 97302

Phone: 503-362-4051
Cell Towers and Cancer

Perhaps the most serious cell tower health risk is cancer. Many studies have now linked a number of different cancers to living near cell towers.

One notable study headed by Horst Eger in 2004 involving 1,000 patients showed that the proportion of newly developing cancer cases was three times higher among those patients who had lived during the past 10 years at a distance within 400 meters of a cell tower.

In another study in 2010, Dr. Siegal Sadetzki of Tel Aviv University, examined 622 people living from 3-7 years within 350 meters of a cell tower. They were compared to a group who lived further away. The results showed that there were over four times as many cancer patients from the area near the cell tower.

Other studies have been done on children living near TV and FM broadcast towers (emitting the same kind of radiation as cell towers). Dr. Bruce Hocking in Sidney Australia found that those children had more than twice the rate of leukemia than children living more than seven miles away.

Research on Cell Towers and Other Health Risks

In 2003, R. Santini, et al in Rennes, France conducted a study in which they found that people living within 300 meters of cell antennas reported the following disorders: "fatigue, sleep disturbances, headaches, difficulty concentrating, depression, memory loss, visual disruptions, irritability, hearing disruptions, skin problems, cardiovascular disorder and dizziness.

In the same year, E.A. Navarro in Valencia, Spain conducted a study in which he concluded that “exposed individuals that lived within 50-150 meters of the base station...experience more headaches, sleep disturbances, irritability, difficulty concentration, appetite loss and dizziness”.

In 2007, British researcher, Dr. John Walker compiled a series of cluster studies on the effects of cell tower radiation. Studies showed high incidences of cancer, brain hemorrhages and high blood pressure within a radius of 400 yards of mobile phone masts.
MARCH 26, 2013

DEAR MR. COLE AND PLANNING COMMISSION MEMBERS,

I.e: SETBACKS AND TOWER HEIGHTS
HAS ANYONE DONE AN IMPACT STUDY ON PROPERTY VALUES?

THANK YOU,

JEANNIE REUTTER
3/26/13
RE: Code Amendment 10-04 (Wireless Comm. Facilities)

To whom it may concern:

I am writing this letter as a concerned citizen of Salem, particularly as a resident in the Northeast Neighborhood.

I am protesting Code Amendment for the following reasons:

A - possible property value reduction
B - health concerns
C - antennas on historic buildings

I do perceive these changes would affect the value of our property. Our street would probably be considered an second or third arterial street. There are already many negatives in NE Salem. (Railroad, heavy traffic, half-way houses, etc.) The street light is on the NW corner of our property right in front of our porch. The possibility of antennas on top of that pole would add another negative to the value of our property.

I am very disappointed that the city, as Salem, would not be monitoring & regulating the radio frequency emissions from antennas. After hearing regarding reports regarding health problems near school, I am extremely concerned about future health issues in our neighborhood.
As to historic buildings, I feel that Salem has a terrible record in preserving our history (starting with City Hall). Anything that reduces the aesthetics of our historic building should be out of the question.

The bottom line for the wireless communication companies is expanding their business. They would be doing that at the expense of the residents of Salem. Their loyalty is to their company and their profits.

They reside in Portland. I do not have a vested interest in Salem except the money they can make. They are not interested in or concerned about the mess they leave behind.

Please do not approve this amendment. No matter what other cities have done, we have to do what is best for Salem and its citizens.

Thank you for your time and consideration.

Sincerely,

Renee Pittler
Good afternoon Pamela:

As requested, here are some additional comments I have following reading the Staff Report:

* Further Review Needed: Although the Staff Report makes references to changes that Staff intended to make in the draft ordinance, these changes were not available prior to tonight’s Planning Commission meeting. Without being able to see how the changes work within the context of the previous draft, I would request that the Commission continue the public hearing to ensure that any concerns arising from the changes can be expressed and addressed accordingly.

* Type II Variance Process: It appears that Staff intends to add a more administrative variance process (Item #11 in the Staff Report), but has not provided a list of which development standards could be deviated through such a process. This list should be reviewed to make sure it is appropriate for addressing the majority of deviations that are expected. A Type III Variance should be used very rarely, and only then for exceptional issues. If a variance (Type II or Type III) is required for most sites, then the wireless code is not reasonably written -- the code language is asking carriers to meet standards that are routinely not feasible, in many cases through no fault of the carrier (PGE standards, inherent structural limitations, etc.).

* Additional Discretion by Staff: To avoid requiring most applications to go through the variance process, it is necessary to provide Staff the flexibility to allow a project to be reviewed without a variance if the information provided is reasonable and convincing. To that end, most instances where the word "shall" is used should be prefaced with "to the extent feasible," or similar qualifiers. Suggested additions of such language were provided in my redline version of the Code dated 3/16/2013 (attached, already in the PC packet). Some examples:

* 715.040(b)(1)(B) - Installing new architectural features (bell towers, etc) may not be structurally feasible on rooftop that were not designed for such loads. Not allowing an applicant to provide such documentation as a means to propose an alternative screening proposal is not reasonable.

* 715.040(d)(4)(B) - While the City requires flush-mounting of antennas on utility poles, it requires a standard that cannot be met in some cases due to the utility provider and their requirements. It’s reasonable to require that the antennas be mounted as close as the utility provider will allow, and not require the carrier to obtain a variance to do so.

* 715.070(e)(3) - Even stealth designs for wireless facilities are distinguishable from the structures they are trying to mimic. For example, a normal 50' tall flagpole would have a diameter of approximately 8-10", where a stealth flagpole of a similar height would need to be 30-36" in diameter to fit the antennas/coax cable inside the pole. It’s not reasonable to require a variance when it is demonstrated that the width is the minimum necessary to support the facility.

We appreciate the City’s consideration of our comments. Please let me know if you have any questions.

Best regards,

Ken Lyons
Jurisdictional Relations Director, PNW

Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesscounsel.com
SALEM

Mobile dental clinic gets grant funding

The Dental Foundation of Oregon announced this week that it received a $30,000 grant from Spirit Mountain Community Fund for the Spirit Mountain Community Fund for support of Youth Taxi, a free, mobile dental clinic.

"Youth Taxi is an invaluable community resource," said Bette LaBarre, executive director of the Foundation. "Children have been among the worst hit by the economic downturn, and the program is especially appreciated during this very challenging time, when so many families are suffering." (Youth Taxi is a mobile dental van that travels to schools throughout Oregon to deliver free dental care and oral health education to underserved children.)

"We are very grateful to the Fund for this significant support," said Charles DeJong, executive director of the Foundation. "The Fund's generosity is critical in ensuring that our children have access to the dental care they need to grow and thrive." (Youth Taxi was created in 1997 by OHSU and the Oregon Dental Association as a joint effort to provide free dental care to children in underserved areas.)

For information, call Bette LaBarre at 503-684-2100 or visit youth-taxi.org.

Gardening's benefits for healthy aging is topic of talk

"Gardening is a great physical activity for older adults and an activity in which one can participate outside," said OSU Extension professor Beate de Minch, who will be one of the speakers. "Gardening helps improve physical fitness, reduce stress, and increase social interaction and community involvement." (Gardening is a great way to stay active and healthy for people of all ages. It allows participants to connect with nature, improve their health, and build community.)

The workshop will take place from 10 a.m. to 1 p.m. Wednesday, April 18, at the Polk County Extension Center, 10795 E. Richland Rd., Monmouth. For information, call 503-429-0276 or visit oregonextension.org.

For information, contact Beate de Minch at 503-352-5345 or beate.de-minch@oregonstate.edu.

SALEM

Development plan up for comment

For information, call 503-352-5345 or visit oregonextension.org.

Spring break lunch program begins today

A spring break lunch program will begin serving meals today at 45 sites in Marion and Polk counties. Coordinated by Marion-Polk Food Share, the program is expected to serve about 3,000 meals and distribute thousands of books.

From noon to 1 p.m. Monday through Friday, 45 sites in Polk County and 35 sites in Marion County will offer a free lunch at area schools, churches, Boys & Girls Clubs, apartments complexes and other locations.

For information, call 503-352-5345 or visit oregonextension.org.

Help them call home.
Opinion

I, like several others, am getting in line to complain about parking meter rate changes in Salem.

My beef is less about the amount (though the increase is a bit of a shock) and more about convenience.

City of Salem, if your goal is to continue to have “Parking Services” be the most maligned department in city government, by all means, stay the course. As a financial strategy, it is certainly more efficient to glean revenue through a $15 infraction than a paltry $3 in meter deposits.

If, however, you are interested in a show of good faith to your citizens, please invest in your infrastructure; do your part with a nod to modernity by letting me swipe a bank card to pay for the parking meter. I know of no one who keeps 12 quarters at a time in their pocket or purse.

Michelle Deister
Salem

Don’t subject wild horses to rodeo races

Wild, terrified horses should not be subjected to a rodeo horse race.

It’s extremely dangerous for the horses and people. The trauma could ruin a horse for becoming a reliable riding horse.

It is possible that a herd of horses that have no fear of a noisy crowd could run free style (no roping or riding) around the arena. Or domestic breeds like flashy Arabs or gaited breeds could run free style.

The wild horse once tamed could have a future as a race horse. All wild horses need a large area to run in.

I had a small Owyhee Mountain filly and it took them most of the day to rope her from the herd in a small corral. Star-lyte had both speed and endurance and later become a saddle horse.

Michelle Deister
Salem

Cellular code should include funds to monitor radiation

As a mother and grandmother, I am concerned that the city of Salem does not know how much cancer-causing radiation is being emitted from cell towers and the wireless cell antennas being installed on power and telephone poles all over town.

The new city of Salem cellular code being drafted should include a provision that land use and franchise fees the city receives from wireless providers be used to monitor these emissions monthly to ensure they do not exceed the federal government’s lawful limits.

This especially affects my young grandchildren and older neighbors with pacemakers who are continually exposed to unhealthy radiation.

The public has a right to know the amount of radiation in their neighborhoods. Some residents might even have to sell their homes and move for health reasons.

Linda Sozzi
Salem

Having a staycation in Mid-Valley

Why doesn’t city monitor radiation?

- Our elected city officials, staff and commissioners who oversee cell towers should be looking out for the good of the community and its residents.

- So why aren’t they monitoring cell tower and wireless antenna radiation (like other cities do) to be sure the levels are within the Federal Communications Commission’s lawful limits?

- This is important to people with pacemakers and other health problems.

- Monitoring can easily be done at no cost to the city by using revenue the city receives from the cell tower/Anne Taylor
Salem

Today’s Question

Should chickens be raised in city backyards?

Join the Conversation

To vote, go to StatesmanJournal.com/opinion by 5 p.m.
Letter: Cellular code should include funds to monitor radiation

Mar 23, 2013  |  2 Comments  |  Recommend  |  6 people recommend

As a mother and grandmother, I am concerned that the city of Salem does not know how much cancer-causing radiation is being emitted from cell towers and the wireless cell antennas being installed on power and telephone poles all over town.

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The public has a right to know the amount of radiation in their neighborhoods. Some residents might even have to sell their homes and move for health reasons.

Linda Sozzi

Salem

Letter: Why doesn't city monitor radiation?

Our elected city officials, staff and commissioners who oversee cell towers should be looking out for the good of the community and its residents.

So why aren't they monitoring cell tower and wireless antenna radiation (like other cities do) to be sure the levels are within the Federal Communications Commission's lawful limits?

This is important to people with pacemakers and other health problems.

Monitoring can easily be done at no cost to the city by using revenue the city receives from the cell tower/antenna franchise and land use fees. Letting a billion-dollar industry self-regulate itself is like putting a fox in charge of the hen house.

Salem residents deserve better.

Helen Howard

Salem
Pamela Cole - Cell Tower Application—Center & 17th St. NE

From: Laurelyn Schellin <laurelynschellin@hotmail.com>
To: "pcole@cityofsalem.net" <pcole@cityofsalem.net>
Date: 5/16/2013 1:29 PM
Subject: Cell Tower Application—Center & 17th St. NE
CC: Joan Lloyd <jello_878@comcast.net>, Nancy McDaniel <nanmcdn@yahoo.com> ...

Pamela,

As case manager for the AT&T Mobility almost 70' free-standing cell tower application at Center & 17th Street in NEN, have you checked if this wireless carrier has any court judgments against it for exceeding the Federal Communication Commission's allowable levels for emf radiation limits?

Besides AT&T Mobility, what other wireless carriers is the City working with?

Have any of them exceeded the FCC emf limits?

In the proposed new Cell Tower Code you are sending to Council for first reading June 10, what provisions are there to monitor for compliance, and protect Salem citizens against, the wireless carriers exceeding the FCC radiation limits?

As you know from the Planning Commission's February 26, 2013 cell tower code hearing, there are wireless carriers in violation of this, even resulting in a school closing when the judge ruled the outbreak of student cancer was due to cell tower radiation levels.

With a similar public concern at West Salem High, has the City monitored those West Salem wireless emf levels for FCC compliance?

Laurelyn Schellin, NEN

ATTACHMENT E

Over the past two years, the Federal Communications Commission (FCC) and its Local and State Government Advisory Committee (LSGAC) have been working together to prepare a voluntary guide to assist state and local governments in devising efficient procedures for ensuring that the antenna facilities located in their communities comply with the FCC’s limits for human exposure to radiofrequency (RF) electromagnetic fields. The attached guide is the product of this joint effort.

We encourage state and local government officials to consult this guide when addressing issues of facilities siting within their communities. This guide contains basic information, in a form accessible to officials and citizens alike, that will alleviate misunderstandings in the complex area of RF emissions safety. This guide is not intended to replace OET Bulletin 65, which contains detailed technical information regarding RF issues, and should continue to be used and consulted for complex sites. The guide contains information, tables, and a model checklist to assist state and local officials in identifying sites that do not raise concerns regarding compliance with the Commission’s RF exposure limits. In many cases, the model checklist offers a quick and effective way for state and local officials to establish that particular RF facilities are unlikely to exceed specific federal guidelines that protect the public from the environmental effects of RF emissions. Thus, we believe this guide will facilitate federal, state, and local governments working together to protect the public while bringing advanced and innovative communications services to consumers as rapidly as possible. We hope and expect that use of this guide will benefit state and local governments, service providers, and, most importantly, the American public.

We wish all of you good luck in your facilities siting endeavors.

William E. Kennard, Chairman
Federal Communications Commission

Kenneth S. Fellman, Chair
Local and State Government Advisory Committee
A common question raised in discussions about the siting of wireless telecommunications and broadcast antennas is, "Will this tower create any health concerns for our citizens?" We have designed this guide to provide you with information and guidance in devising efficient procedures for assuring that the antenna facilities located in your community comply with the Federal Communication Commission's (FCC's) limits for human exposure to radiofrequency (RF) electromagnetic fields.\(^1\)

We have included a checklist and tables to help you quickly identify siting applications that do not raise RF exposure concerns. Appendix A to this guide contains a checklist that you may use to identify "categorically excluded" facilities that are unlikely to cause RF exposures in excess of the FCC's guidelines. Appendix B contains tables and figures that set forth, for some of the most common types of facilities, "worst case" distances beyond which there is no realistic possibility that exposure could exceed the FCC's guidelines.

As discussed below, FCC rules require transmitting facilities to comply with RF exposure guidelines. The limits established in the guidelines are designed to protect the public health with a very large margin of safety. These limits have been endorsed by federal health and safety agencies such as the Environmental Protection Agency and the Food and Drug Administration. The FCC's rules have been upheld by a Federal Court of Appeals.\(^2\) As discussed below, most facilities create maximum exposures that are only a small fraction of the limits. Moreover, the limits themselves are many times below levels that are generally accepted as having the potential to cause adverse health effects. Nonetheless, it is recognized that any instance of noncompliance with the guidelines is potentially very serious, and the FCC has therefore implemented procedures to enforce compliance with its rules. At the same time, state and local governments may wish to verify compliance with the FCC's exposure limits in order to protect their own citizens. As a state or local government official, you can play an important role in ensuring that innovative and beneficial communications services are provided in a manner that is consistent with public health and safety.

This document addresses only the issue of compliance with RF exposure limits established by the FCC. It does not address other issues such as construction, siting, permits, inspection, zoning, environmental review, and placement of antenna facilities within communities. Such issues fall generally under the jurisdiction of states and local governments, within the limits imposed for personal wireless service facilities by Section 332(c)(7) of the Communications Act.\(^3\)

---

\(^1\) This guide is intended to complement, but not to replace, the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997. Bulletin 65 can be obtained from the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: rfsafety@fcc.gov). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website: http://www.fcc.gov/oet/rfsafety.

\(^2\) See Cellular Phone Taskforce v. FCC, 205 F.3d 82 (2d Cir. 2000).
This document is not intended to provide legal guidance regarding the scope of state or local government authority under Section 332(c)(7) or any other provision of law. Section 332(c)(7) generally preserves state and local authority over decisions regarding the placement, construction, and modification of personal wireless service facilities, subject to specific limitations set forth in Section 332(c)(7). Among other things, Section 332(c)(7) provides that "[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC’s] regulations concerning such emissions.” The full text of Section 332(c)(7) is set forth in Appendix C.

State and local governments and the FCC may differ regarding the extent of state and local legal authority under Section 332(c)(7) and other provisions of law. To the extent questions arise regarding such authority, they are being addressed by the courts. Rather than address these legal questions, this document recognizes that, as a practical matter, state and local governments have a role to play in ensuring compliance with the FCC’s limits, and it provides guidance to assist you in effectively fulfilling that role. The twin goals of this document are: (1) to define and promote locally-adaptable procedures that will provide you, as a local official concerned about transmitting antenna emissions, with adequate assurance of compliance, while (2), at the same time, avoiding the imposition of unnecessary burdens on either the local government process or the FCC’s licensees.

First, we’ll start with a summary of the FCC’s RF exposure guidelines and some background information that you’ll find helpful. Next, we’ll review the FCC’s procedures for verifying compliance with the guidelines and enforcing its rules. Finally, we’ll offer you some practical guidance to help you determine if personal wireless service facilities may raise compliance concerns. Note, however, that this guide is only intended to help you distinguish sites that are unlikely to raise compliance concerns from those that may raise compliance concerns, not to identify sites that are out of compliance. Detailed technical information necessary to determine compliance for individual sites is contained in the FCC’s OET Bulletin 65 (see footnote 1, above).

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1 47 U.S.C. § 332(c)(7). Under limited circumstances, the FCC also plays a role in the siting of wireless facilities. Specifically, the FCC reviews applications for facilities that fall within certain environmental categories under the National Environmental Policy Act of 1969 (NEPA), see 47 C.F.R. § 1.1307(a). Antenna structures that are over 200 feet in height or located near airport runways must be marked or lighted as specified by the Federal Aviation Administration and must be registered with the FCC, see 47 C.F.R. Part 17.

4 Section 332(c)(7) of the Communications Act is identical to Section 704(a) of the Telecommunications Act of 1996.

5 “Personal wireless services” generally includes wireless telecommunications services that are interconnected with the public telephone network and are offered commercially to the public. Examples include cellular and similar services (such as Personal Communications Service or “PCS”), paging and similar services, certain dispatch services, and services that use wireless technology to provide telephone service to a fixed location such as a home or office.
Before we start, however, let’s take a short tour of the radiofrequency spectrum. RF signals may be transmitted over a wide range of frequencies. The frequency of an RF signal is expressed in terms of cycles per second or “Hertz,” abbreviated “Hz.” One kilohertz (kHz) equals one thousand Hz, one megahertz (MHz) equals one million Hz, and one gigahertz (GHz) equals one billion Hz. In the figure below, you’ll see that AM radio signals are at the lower end of the RF spectrum, while other radio services, such as analog and digital TV (DTV), cellular and PCS telephony, and point-to-point microwave services are much higher in frequency.

As the frequency increases, the wavelength of the transmitted signal decreases

\[ \text{Mhz} = \text{Megahertz} = \text{Millions of cycles per second} \]

Illustration 1

The FCC’s limits for maximum permissible exposure (MPE) to RF emissions depend on the frequency or frequencies that a person is exposed to. Different frequencies may have different MPE levels. Later in this document we’ll show you how this relationship of frequency to MPE limit works.

I. The FCC’s RF Exposure Guidelines and Rules.

Part 1 of the FCC’s Rules and Regulations contains provisions implementing the National Environmental Policy Act of 1969 (NEPA). NEPA requires all federal agencies to evaluate the potential environmental significance of an agency action. Exposure to RF energy has been identified by the FCC as a potential environmental factor that must be considered before a facility, operation or transmitter can be authorized or licensed. The FCC’s requirements dealing with RF exposure can be found in Part 1 of its rules at 47 C.F.R. § 1.1307(b). The exposure limits themselves are specified in 47 C.F.R. § 1.1310 in terms of frequency, field strength, power density and averaging time. Facilities and transmitters licensed and authorized by the FCC must either comply with these guidelines or else an applicant must file an Environmental Assessment (EA) with the FCC as specified in 47 C.F.R. § 1.1301 et seq. An EA is an official document required by the FCC’s rules whenever an action may have a significant environmental impact (see discussion below). In practice, however, a potential environmental RF exposure problem is typically resolved before an EA would become necessary. Therefore, compliance with the FCC’s RF guidelines constitutes a de facto threshold for obtaining FCC approval to construct or operate a station or transmitter. The FCC guidelines are based on exposure criteria.
recommended in 1986 by the National Council on Radiation Protection and Measurements (NCRP) and on the 1991 standard developed by the Institute of Electrical and Electronics Engineers (IEEE) and later adopted as a standard by the American National Standards Institute (ANSI/IEEE C95.1-1992).

The FCC's guidelines establish separate MPE limits for "general population/uncontrolled exposure" and for "occupational/controlled exposure." The general population/uncontrolled limits set the maximum exposure to which most people may be subjected. People in this group include the general public not associated with the installation and maintenance of the transmitting equipment. Higher exposure limits are permitted under the "occupational/controlled exposure" category, but only for persons who are exposed as a consequence of their employment (e.g., wireless radio engineers, technicians). To qualify for the occupational/controlled exposure category, exposed persons must be made fully aware of the potential for exposure (e.g., through training), and they must be able to exercise control over their exposure. In addition, people passing through a location, who are made aware of the potential for exposure, may be exposed under the occupational/controlled criteria. The MPE limits adopted by the FCC for occupational/controlled and general population/uncontrolled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

Determining whether a potential health hazard could exist with respect to a given transmitting antenna is not always a simple matter. Several important factors must be considered in making that determination. They include the following: (1) What is the frequency of the RF signal being transmitted? (2) What is the operating power of the transmitting station and what is the actual power radiated from the antenna? (3) How long will someone be exposed to the RF signal at a given distance from the antenna? (4) What other antennas are located in the area, and what is the exposure from those antennas? We'll explore each of these issues in greater detail below.

For all frequency ranges at which FCC licensees operate, Section 1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. The MPE limits vary by frequency because of the different absorptive properties of the human body at different frequencies when exposed to whole-body RF fields. Section 1.1310 establishes MPE limits in terms of "electric field strength," "magnetic field strength," and "far-field equivalent power density" (power density). For most frequencies used by the wireless services, the most relevant measurement is power density. The MPE limits for power density are given in terms of "milliwatts per square centimeter" or mW/cm$^2$. One milliwatt equals one thousandth of one watt (1/1000 of a watt). In terms of power density, for a given frequency the FCC MPE limits can be interpreted as specifying the maximum rate that energy can be transferred (i.e., the power) to a square centimeter of a person's body over a period of time (either 6 or 30 minutes, as explained

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6 Power travels from a transmitter through cable or other connecting device to the radiating antenna. "Operating power of the transmitting station" refers to the power that is fed from the transmitter (transmitter output power) into the cable or connecting device. "Actual power radiated from the antenna" is the transmitter output power minus the power lost (power losses) in the connecting device plus an apparent increase in power (if any) due to the design of the antenna. Radiated power is often specified in terms of "effective radiated power" or "ERP" or "effective isotropic radiated power" or "EIRP" (see footnote 14).

7 Thus, by way of illustration, it takes 100,000 milliwatts of power to fully illuminate a 100 watt light bulb.
below). In practice, however, since it is unrealistic to measure separately the exposure of each square centimeter of the body, actual compliance with the FCC limits on RF emissions should be determined by “spatially averaging” a person’s exposure over the projected area of an adult human body (this concept is discussed in the FCC’s OET Bulletin 65).

For determining compliance, exposure is averaged over the approximate projected area of the body.

Power decreases as the distance from the antenna increases.

Illustration 2

Electric field strength and magnetic field strength are used to measure “near field” exposure. At frequencies below 300 MHz, these are typically the more relevant measures of exposure, and power density values are given primarily for reference purposes. However, evaluation of far-field equivalent power density exposure may still be appropriate for evaluating exposure in some such cases. For frequencies above 300 MHz, only one field component need be evaluated, and exposure is usually more easily characterized in terms of power density. Transmitters and antennas that operate at 300 MHz or lower include radio broadcast stations, some television broadcast stations, and certain personal wireless service facilities (e.g., some paging stations). Most personal wireless services, including all cellular and PCS, as well as some television broadcast stations, operate at frequencies above 300 MHz. (See Illustration 1.)

As noted above, the MPE limits are specified as time-averaged exposure limits. This means that exposure can be averaged over the identified time interval (30 minutes for general population/uncontrolled exposure or 6 minutes for occupational/controlled exposure). However, for the case of exposure of the general public, time averaging is usually not applied because of uncertainties over exact exposure conditions and difficulty in controlling time of exposure. Therefore, the typical conservative approach is to assume that any RF exposure to the general public will be continuous. The FCC’s limits for exposure at different frequencies are shown in Illustration 3, below:
Illustration 3. **FCC Limits for Maximum Permissible Exposure (MPE)**

(A) **Limits for Occupational/Controlled Exposure**

<table>
<thead>
<tr>
<th>Frequency Range (MHz)</th>
<th>Electric Field Strength (E) (V/m)</th>
<th>Magnetic Field Strength (H) (A/m)</th>
<th>Power Density (S) (mW/cm²)</th>
<th>Averaging Time [E², H²] or S (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3-3.0</td>
<td>614</td>
<td>1.63</td>
<td>(100)*</td>
<td>6</td>
</tr>
<tr>
<td>3.0-30</td>
<td>1842/f</td>
<td>4.89/f</td>
<td>(900/f²)*</td>
<td>6</td>
</tr>
<tr>
<td>30-300</td>
<td>61.4</td>
<td>0.163</td>
<td>1.0</td>
<td>6</td>
</tr>
<tr>
<td>300-1500</td>
<td>--</td>
<td>--</td>
<td>f/300</td>
<td>6</td>
</tr>
<tr>
<td>1500-100,000</td>
<td>--</td>
<td>--</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

(B) **Limits for General Population/Uncontrolled Exposure**

<table>
<thead>
<tr>
<th>Frequency Range (MHz)</th>
<th>Electric Field Strength (E) (V/m)</th>
<th>Magnetic Field Strength (H) (A/m)</th>
<th>Power Density (S) (mW/cm²)</th>
<th>Averaging Time [E², H²] or S (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3-1.34</td>
<td>614</td>
<td>1.63</td>
<td>(100)*</td>
<td>30</td>
</tr>
<tr>
<td>1.34-30</td>
<td>824/f</td>
<td>2.19/f</td>
<td>(180/f²)*</td>
<td>30</td>
</tr>
<tr>
<td>30-300</td>
<td>27.5</td>
<td>0.073</td>
<td>0.2</td>
<td>30</td>
</tr>
<tr>
<td>300-1500</td>
<td>--</td>
<td>--</td>
<td>f/1500</td>
<td>30</td>
</tr>
<tr>
<td>1500-100,000</td>
<td>--</td>
<td>--</td>
<td>1.0</td>
<td>30</td>
</tr>
</tbody>
</table>

f = frequency in MHz  
* = Plane-wave equivalent power density

**NOTE 1:** Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

**NOTE 2:** General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

Finally, it is important to understand that the FCC’s limits apply cumulatively to all sources of RF emissions affecting a given area. A common example is where two or more wireless operators have agreed to share the cost of building and maintaining a tower, and to place their antennas on that joint structure. In such a case, the total exposure from the two facilities taken together must be within the FCC guidelines, or else an EA will be required.

**A. Categorically Excluded Facilities**

The Commission has determined through calculations and technical analysis that due to their low power or height above ground level, many facilities by their very nature are highly unlikely to
cause human exposures in excess of the guideline limits, and operators of those facilities are exempt from routinely having to determine compliance. Facilities with these characteristics are considered "categorically excluded" from the requirement for routine environmental processing for RF exposure.

Section 1.1307(b)(1) of the Commission's rules sets forth which facilities are categorically excluded. If a facility is categorically excluded, an applicant or licensee may ordinarily assume compliance with the guideline limits for exposure. However, an applicant or licensee must evaluate and determine compliance for a facility that is otherwise categorically excluded if specifically requested to do so by the FCC. If potential environmental significance is found as a result, an EA must be filed with the FCC.

No radio or television broadcast facilities are categorically excluded. Thus, broadcast applicants and licensees must affirmatively determine their facility's compliance with the guidelines before construction, and upon every facility modification or license renewal application. With respect to personal wireless services, a cellular facility is categorically excluded if the total effective radiated power (ERP) of all channels operated by the licensee at a site is 1000 watts or less. If the facility uses sectorized antennas, only the total effective radiated power in each direction is considered. Examples of a 3 sector and a single sector antenna array are shown below:

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**Illustration 4**

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8 "The appropriate exposure limits ... are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits ... (routine environmental evaluation), and preparation of an EA if the limits are exceeded, is necessary only for facilities, operations and transmitters that fall into the categories listed in table 1 [of §1.1307], or those specified in paragraph (b)(2) of this section. All other facilities, operations and transmitters are categorically excluded from making studies or preparing an EA ... ."

9 See 47 C.F.R §1.1307(c) and (d).
In addition, a cellular facility is categorically excluded, regardless of its power, if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. A broadband PCS antenna array is categorically excluded if the total effective radiated power of all channels operated by the licensee at a site (or all channels in any one direction, in the case of sectorized antennas) is 2000 watts or less. Like cellular, another way for a broadband PCS facility to be categorically excluded is if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. The power threshold for categorical exclusion is higher for broadband PCS than for cellular because broadband PCS operates at a higher frequency where exposure limits are less restrictive. For categorical exclusion thresholds for other personal wireless services, consult Table 1 of Section 1.1307(b)(1). \(^{10}\)

For your convenience, we have developed the checklist in Appendix A that may be used to streamline the process of determining whether a proposed facility is categorically excluded. You are encouraged to adopt the use of this checklist in your jurisdiction, although such use is not mandatory.

**B. What If An Applicant Or Licensee Wants To Exceed The Limits Shown In Illustration 3?**

Any FCC applicant or licensee who wishes to construct or operate a facility that, by itself or in combination with other sources of emissions (i.e., other transmitting antennas), may cause human exposures in excess of the guideline limits must file an Environmental Assessment (EA) with the FCC. Where more than one antenna is collocated (for example, on a single tower or rooftop or at a hilltop site), the applicant must take into consideration all of the RF power transmitted by all of the antennas when determining maximum exposure levels. Compliance at an existing site is the shared responsibility of all licensees whose transmitters produce exposure levels in excess of 5% of the applicable exposure limit. A new applicant is responsible for compliance (or submitting an EA) at a multiple-use site if the proposed transmitter would cause non-compliance and if it would produce exposure levels in excess of 5% of the applicable limit. \(^{11}\)

An applicant or licensee is not permitted to construct or operate a facility that would result in exposure in excess of the guideline limits until the FCC has reviewed the EA and either found no significant environmental impact, or pursued further environmental processing including the preparation of a formal Environmental Impact Statement. As a practical matter, however, this process is almost never invoked for RF exposure issues because applicants and licensees normally undertake corrective actions to ensure compliance with the guidelines before submitting an application to the FCC.

Unless a facility is categorically excluded (explained above), the FCC’s rules require a licensee to evaluate a proposed or existing facility's compliance with the RF exposure guidelines and to

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\(^{10}\) Table 1 of §1.1307(b)(1) is reproduced in Appendix A to this guide.

\(^{11}\) For more information, see OET Bulletin 65, or see 47 CFR §1.1307(b)(3).
determine whether an EA is required. In the case of broadcast licensees, who are required to obtain a construction permit from the FCC, this evaluation is required before the application for a construction permit is filed, or the facility is constructed. In addition, if a facility requires the filing of an EA for any reason other than RF emissions, the RF evaluation must be performed before the EA is filed. Factors other than RF emissions that may require the filing of an EA are set out in 47 C.F.R. § 1.1307(a). Otherwise, new facilities that do not require FCC-issued construction permits should be evaluated before they are placed in operation. The FCC also requires its licensees to evaluate existing facilities and operations that are not categorically excluded if the licensee seeks to modify its facilities or renew its license. These requirements are intended to enhance public safety by requiring periodic site compliance reviews.

All facilities that were placed in service before October 15, 1997 (when the current RF exposure guidelines became effective) are expected to comply with the current guidelines no later than September 1, 2000, or the date of a license renewal, whichever is earlier.\(^\text{12}\) If a facility cannot meet the September 1, 2000, date, the licensee of that facility must file an EA by that date. Section 1.1307(b) of the FCC's rules requires the licensee to provide the FCC with technical information showing the basis for its determination of compliance upon request.

II. How the FCC Verifies Compliance with and Enforces Its Rules.

A. Procedures Upon Initial Construction, Modification, and Renewal.

The FCC’s procedures for verifying that a new facility, or a facility that is the subject of a facility modification or license renewal application, will comply with the RF exposure rules vary depending upon the service involved. Applications for broadcast services (for example, AM and FM stations, and television stations) are reviewed by the FCC’s Mass Media Bureau (MMB). As part of every relevant application, the MMB requires an applicant to submit an explanation of what steps will be taken to limit RF exposure and comply with FCC guidelines. The applicant must certify that RF exposure procedures will be coordinated with all collocated entities (usually other stations at a common transmitter site or hill or mountain peak). If the submitted explanation does not adequately demonstrate a facility's compliance with the guidelines, the MMB will require additional supporting data before granting the application.

The Wireless Telecommunications Bureau (WTB) reviews personal wireless service applications (for cellular, PCS, SMR, etc.). For those services that operate under blanket area licenses, including cellular and PCS, the license application and renewal form require the applicant to certify whether grant of the application would have a significant environmental impact so as to require submission of an EA. The applicant's answer to this question covers all of the facilities sites included within the area of the license.

For those services that continue to be licensed by site (e.g., certain paging renewals), the WTB requires a similar certification on the application form for each site. To comply with the FCC’s rules, an applicant must determine its own compliance before completing this certification for

\(^\text{12}\) Prior to October 15, 1997, the Commission applied a different set of substantive guidelines.
every site that is not categorically excluded. The WTB does not, however, routinely require the submission of any information supporting the determination of compliance.

B. Procedures For Responding To Complaints About Existing Facilities.

The FCC frequently receives inquiries from members of the public as to whether a particular site complies with the RF exposure guidelines. Upon receiving these inquiries, FCC staff may ask the inquiring party to describe the site at issue. In many instances, the information provided by the inquiring party does not raise any concern that the site could exceed the limits in the guidelines. FCC staff will then inform the inquiring party of this determination.

In some cases, the information provided by the inquiring party does not preclude the possibility that the limits could be exceeded. Under these circumstances, FCC staff may ask the licensee who operates the facility to supply information demonstrating its compliance. FCC staff may also inspect the site to determine whether it is accessible to the public, and examine other relevant physical attributes. Usually, the information obtained in this manner is sufficient to establish compliance. If compliance is established in this way, FCC staff will inform the inquiring party of this determination.

In some instances, a licensee may be unable to provide information sufficient to establish compliance with the guideline limits. In these cases, FCC staff may test the output levels of individual facilities and evaluate the physical installation. Keep in mind, however, that instances in which physical testing is necessary to verify compliance are relatively rare.

If a site is found to be out of compliance with the RF guidelines, the FCC will require the licensees at the site to remedy the situation. Depending on the service and the nature and extent of the violation, these remedies can include, for example, an immediate reduction in power, a modification of safety barriers, or a modification of the equipment or its installation. Actions necessary to bring a site into compliance are the shared responsibility of all licensees whose facilities cause exposures in that area that exceed 5% of the applicable MPE limit. In addition, licensees may be subject to sanctions for violating the FCC's rules and/or for misrepresentation.

The FCC is committed to responding fully, promptly, and accurately to all inquiries regarding compliance with the RF exposure guidelines, and to taking swift and appropriate action whenever the evidence suggests potential noncompliance. To perform this function effectively, however, the FCC needs accurate information about potentially problematic situations. By applying the principles discussed in this guide about RF emissions, exposure and the FCC's guidelines, state and local officials can fulfill a vital role in identifying and winnowing out situations that merit further attention.

III. Practical Guidance Regarding Compliance.

This section is intended to provide some general guidelines that can be used to identify sites that should not raise serious questions about compliance with FCC RF exposure guidelines. Sites that don't fall into the categories described here may still meet the guidelines, but the determination
of compliance will not be as straightforward. In such cases, a detailed review may be required. The tables and graphs shown in Appendix B are intended only to assist in distinguishing sites that should not raise serious issues from sites that may require further inquiry. They are not intended for use in identifying sites that are out of compliance. As noted above, the factors that can affect exposure at any individual site, particularly a site containing multiple facilities, are too numerous and subtle to be practically encompassed within this framework.

Applying the basic principles discussed in this guide should allow you to eliminate a large number of sites from further consideration with respect to health concerns. You may find it useful to contact a qualified radio engineer to assist you in your inquiry. Many larger cities and counties, and most states, have radio engineers on staff or under contract. In smaller jurisdictions, we recommend you seek initial assistance from other jurisdictions, universities that have RF engineering programs, or perhaps the engineer in charge of your local broadcast station(s).

We'll exclude any discussion of broadcast sites. As explained before, broadcast licensees are required to submit site-specific information on each facility to the FCC for review, and that information is publicly available at the station as long as the application is pending. The focus in this section is on personal wireless services, particularly cellular and broadband PCS, the services that currently require the largest numbers of new and modified facilities. Many other personal wireless services, however, such as paging services, operate in approximately the same frequency ranges as cellular and broadband PCS. Much of the information here is broadly applicable to those services as well, and specific information is provided in Appendix B for paging and narrowband PCS operations over frequency bands between 901 and 940 MHz.

Finally, this section only addresses the general population/uncontrolled exposure guidelines, since compliance with these guidelines generally causes the most concern to state and local governments. Compliance with occupational/controlled exposure limits should be examined independently.

A. Categorically Excluded Facilities.

As a first step in evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

B. Single Facility Sites.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed below and the tables and figures in Appendix B.

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13 The major exception is fixed wireless services, which often operate at much higher frequencies. In addition, some paging and other licensees operate at lower frequencies.
If you "run the numbers" using the conservative approaches promoted in this paper and the site in question does not exceed these values, then you generally need look no further. Alternately, if the "numbers" don't pass muster, you may have a genuine concern. But remember, there may be other factors (i.e., power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

Where a site contains only one antenna array, the maximum exposure at any point in the horizontal plane can be predicted by calculations. The tables and graphs in Appendix B show the maximum distances in the horizontal plane from an antenna at which a person could possibly be exposed in excess of the guidelines at various levels of effective radiated power (ERP). Thus, if people are not able to come closer to an antenna than the applicable distance shown in Appendix B, there should be no cause for concern about exposure exceeding the FCC guidelines. The tables and graphs apply to the following wireless antennas: (1) cellular omni-directional antennas (Table B1-1 and Figure B1-1); (2) cellular sectorized antennas (Table B1-2 and Figure B1-2); (3) broadband PCS sectorized antennas (Table B1-3 and Figure B1-3); and (4) high-power (900 MHz-band) paging antennas (Table B1-4 and Figure B1-4). Table B1-4 and Figure B1-4 can also be used for omni-directional, narrowband (900 MHz) PCS antennas. Note that both tables and figures in Appendix B have been provided. In some cases it may be easier to use a table to estimate exposure distances, but figures may also be used when a more precise value is needed that may not be listed in a table.

It's important to note that the predicted distances set forth in Appendix B are based on a very conservative, "worst case" scenario. In other words, Appendix B identifies the furthest distance from the antenna that presents even a remote realistic possibility of RF exposure that could exceed the FCC guidelines. The power levels are based on the approximate maximum number of channels that an operator is likely to operate at one site. It is further assumed that each channel operates with the maximum power permitted under the FCC's rules and that all of these channels are "on" simultaneously, an unlikely scenario. This is a very conservative assumption. In reality, most sites operate at a fraction of the maximum permissible power and many sites use fewer than the maximum number of channels. Therefore, actual exposure levels would be expected to be well below the predicted values. Another mitigating factor could be the presence of intervening structures, such as walls, that will reduce RF exposure by variable amounts. For all these reasons, the values given in these tables and graphs are considered to be quite conservative and should over-predict actual exposure levels.

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14 ERP is the apparent effective amount of power leaving the transmit antenna. The ERP is determined by factors including but not limited to transmitter output power, coaxial line loss between the transmitter and the antenna, and the "gain" (focusing effect) of the antenna. In some cases, power may also be expressed in terms of EIRP (effective isotropically radiated power). Therefore, for convenience, the tables in Appendix B also include a column for EIRP. ERP and EIRP are related by the mathematical expression: \( (1.64) \times \text{ERP} = \text{EIRP} \).

15 Because broadband PCS antennas are virtually always sectorized, no information is provided for omni-directional PCS antennas.
Personal wireless service antennas typically do not emit high levels of RF energy directed above or below the horizontal plane of the antenna. Although the precise amount of energy transmitted outside the horizontal plane will depend upon the type of antenna used, we are aware of no wireless antennas that produce significant non-horizontal transmissions. Thus, exposures even a small distance below the horizontal plane of these antennas would be significantly less than in the horizontal plane. As discussed above, the tables and figures in Appendix B show distances in the horizontal plane from typical antennas at which exposures could potentially exceed the guidelines, assuming "worst case" operating conditions at maximum possible power levels. In any direction other than horizontal, including diagonal or straight down, these "worst case" distances would be significantly less.

Where unidirectional antennas are used, exposure levels within or outside the horizontal plane in directions other than those where the antennas are aimed will typically be insignificant. In addition, many new antennas are being designed with shielding capabilities to minimize emissions in undesired directions.

C. Multiple Facility Sites.

Where multiple facilities are located at a single site, the FCC's rules require the total exposure from all facilities to fall within the guideline limits, unless an EA is filed and approved. In such cases, however, calculations of predicted exposure levels and overall evaluation of the site may become much more complicated. For example, different transmitters at a site may operate different numbers of channels, or the operating power per channel may vary from transmitter to transmitter. Transmitters may also operate on different frequencies (for example, one antenna array may belong to a PCS operator, while the other belongs to a cellular operator). A large number of variables such as these make the calculations more time consuming, and make it difficult to apply a simple rule-of-thumb test. See the following illustration.
Illustration 6

However, we can be overly conservative and estimate a "worst case" exposure distance for compliance by assuming that the total power (e.g., ERP) of all transmitting antennas at the site is concentrated in the antenna that is closest to the area in question. (In the illustration above, this would be the antenna that is mounted lower on the building.) Then the values in the tables and graphs in Appendix B may be used as if this were the only antenna at the site, with radiated power equal to the sum of the actual radiated power of all antennas at the site. Actual RF exposure at any point will always be less than the exposure calculated using these assumptions. Thus, if people are not able to come closer to a group of antennas than the applicable distance shown in Appendix B using these assumptions, there should be no cause for concern about exposure exceeding the FCC guidelines. This is admittedly an extremely conservative procedure, but it may be of assistance in making a "first cut" at eliminating sites from further consideration.

IV. Conclusion.

We've highlighted many of the most common concerns and questions raised by the siting of wireless telecommunications and broadcast antennas. Applying the principles outlined in this guide will allow you to make initial conservative judgments about whether RF emissions are or should be of concern, consistent with the FCC's rules.

As we have explained, when first evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed in Part III of this paper and the tables and figures in Appendix B. If the site in question does not exceed the values, then you generally need look no further. Alternately, if the values don't pass muster, you may have a genuine concern. But
remember, there may be other factors (i.e., power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

If you have questions about compliance, your initial point of exploration should be with the facilities operator in question. That operator is required to understand the FCC’s rules and to know how to apply them in specific cases at specific sites. If, after diligently pursuing answers from the operator, you still have genuine questions regarding compliance, you should contact the FCC at one of the numbers listed below. Provision of the information identified in the checklist in Appendix A may assist the FCC in evaluating your inquiry.

General Information: Compliance and Information Bureau, (888) CALL-FCC

Concerns About RF Emissions Exposure at a Particular Site: Office of Engineering and Technology, RF Safety Program, phone (202) 418-2464, FAX (202) 418-1918, e-mail rfsafety@fcc.gov

Licensing and Site Information Regarding Wireless Telecommunications Services: Wireless Telecommunications Bureau, Commercial Wireless Division, (202) 418-0620

Licensing and Site Information Regarding Broadcast Radio Services: Mass Media Bureau, Audio Services Division, (202) 418-2700

Licensing and Site Information Regarding Television Service (Including DTV): Mass Media Bureau, Video Services Division, (202) 418-1600

Also, note that the RF Safety Program Web site is a valuable source of general information on the topic of potential biological effects and hazards of RF energy. For example, OET recently updated its OET Bulletin 56 (“Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields”). This latest version is available from the program and can be accessed and downloaded from the FCC’s web site at:

http://www.fcc.gov/oet/rfsafety/
APPENDIX A

Optional Checklist for Determination

Of Whether a Facility is Categorically Excluded
Optional Checklist for Local Government
To Determine Whether a Facility is Categorically Excluded

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC’s guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility’s compliance with the RF exposure guidelines.

<table>
<thead>
<tr>
<th>BACKGROUND INFORMATION</th>
</tr>
</thead>
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<tr>
<td>2. Facility Operator’s Mailing Address:</td>
</tr>
<tr>
<td>3. Facility Operator’s Contact Name/Title:</td>
</tr>
<tr>
<td>4. Facility Operator’s Office Telephone:</td>
</tr>
<tr>
<td>5. Facility Operator’s Fax:</td>
</tr>
<tr>
<td>6. Facility Name:</td>
</tr>
<tr>
<td>7. Facility Address:</td>
</tr>
<tr>
<td>8. Facility City/Community:</td>
</tr>
<tr>
<td>9. Facility State and Zip Code:</td>
</tr>
<tr>
<td>10. Latitude:</td>
</tr>
<tr>
<td>11. Longitude:</td>
</tr>
</tbody>
</table>
EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1):

13. Structure Type (free-standing or building/roof-mounted):

14. Antenna Type [omnidirectional or directional (includes sectored)]:

15. Height above ground of the lowest point of the antenna (in meters):

16. □ Check if all of the following are true:
   
   (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
   
   (b) This facility will not be mounted on a building (see question 13).
   
   (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC’s guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: EIRP = (1.64) X ERP):

18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna:

19. Enter the ERP or EIRP per channel (using the same units as in question 17):

20. Multiply answer 18 by answer 19:

21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC’s guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC’s guidelines.

---

"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"
<table>
<thead>
<tr>
<th>SERVICE (TITLE 47 CFR RULE PART)</th>
<th>EVALUATION REQUIRED IF:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental Radio Services (part 5)</td>
<td>power &gt; 100 W ERP (164 W EIRP)</td>
</tr>
</tbody>
</table>
| Multipoint Distribution Service (subpart K of part 21) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP  
building-mounted antennas:  
power > 1640 W EIRP |
| Paging and Radiotelephone Service (subpart E of part 22) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1000 W ERP (1640 W EIRP)  
building-mounted antennas:  
power > 1000 W ERP (1640 W EIRP) |
| Cellular Radiotelephone Service (subpart H of part 22) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP)  
building-mounted antennas:  
total power of all channels > 1000 W ERP (1640 W EIRP) |
TABLE 1 (cont.)

<table>
<thead>
<tr>
<th>SERVICE (TITLE 47 CFR RULE PART)</th>
<th>EVALUATION REQUIRED IF:</th>
</tr>
</thead>
</table>
| Personal Communications Services (part 24) | (1) Narrowband PCS (subpart D): non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels > 1000 W ERP (1640 W EIRP)  
(2) Broadband PCS (subpart E): non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and total power of all channels > 2000 W ERP (3280 W EIRP) building-mounted antennas: total power of all channels > 2000 W ERP (3280 W EIRP) |
<p>| Satellite Communications (part 25) | all included |
| General Wireless Communications Service (part 26) | total power of all channels &gt; 1640 W EIRP |
| Wireless Communications Service (part 27) | total power of all channels &gt; 1640 W EIRP |
| Radio Broadcast Services (part 73) | all included |</p>
<table>
<thead>
<tr>
<th>Service (Title 47 CFR Rule Part)</th>
<th>Evaluation Required If:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Experimental, auxiliary, and special broadcast and other program distributional services (part 74)</td>
<td>subparts A, G, L: power &gt; 100 W ERP subpart I: non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1640 W EIRP building-mounted antennas: power &gt; 1640 W EIRP</td>
</tr>
<tr>
<td>Stations in the Maritime Services (part 80)</td>
<td>ship earth stations only</td>
</tr>
<tr>
<td>Private Land Mobile Radio Services Paging Operations (part 90)</td>
<td>non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and power &gt; 1000 W ERP (1640 W EIRP) building-mounted antennas: power &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
<tr>
<td>Private Land Mobile Radio Services Specialized Mobile Radio (part 90)</td>
<td>non-building-mounted antennas: height above ground level to lowest point of antenna &lt; 10 m and total power of all channels &gt; 1000 W ERP (1640 W EIRP) building-mounted antennas: total power of all channels &gt; 1000 W ERP (1640 W EIRP)</td>
</tr>
</tbody>
</table>
TABLE 1 (cont.)

<table>
<thead>
<tr>
<th>SERVICE (TITLE 47 CFR RULE PART)</th>
<th>EVALUATION REQUIRED IF:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amateur Radio Service (part 97)</td>
<td>transmitter output power &gt; levels specified in § 97.13(c)(1) of this chapter</td>
</tr>
</tbody>
</table>
| Local Multipoint Distribution Service (subpart L of part 101) | non-building-mounted antennas: height above ground level to lowest point of antenna < 10 m and power > 1640 W EIRP  
building-mounted antennas: power > 1640 W EIRP  
LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, e.g., information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter. |
APPENDIX B

Estimated "Worst Case" Distances that Should be Maintained from
Single Cellular, PCS, and Paging Base Station Antennas
Table B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single, omni-directional, cellular base-station antenna to meet FCC RF exposure guidelines.

<table>
<thead>
<tr>
<th>Effective Radiated Power (watts) per channel based on maximum total of 96 channels per antenna</th>
<th>Effective Isotropic Radiated Power (watts) per channel based on a maximum total of 96 channels per antenna</th>
<th>Horizontal* distance (feet) that should be maintained from a single omni-directional cellular antenna</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
<td>0.82</td>
<td>3.4</td>
</tr>
<tr>
<td>1</td>
<td>1.6</td>
<td>4.8</td>
</tr>
<tr>
<td>5</td>
<td>8.2</td>
<td>10.8</td>
</tr>
<tr>
<td>10</td>
<td>16.4</td>
<td>15.2</td>
</tr>
<tr>
<td>25</td>
<td>41</td>
<td>24.1</td>
</tr>
<tr>
<td>50</td>
<td>82</td>
<td>34.1</td>
</tr>
<tr>
<td>100</td>
<td>164</td>
<td>48.2</td>
</tr>
</tbody>
</table>

For intermediate values not shown on this table, please refer to the Figure B1-1.

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.
Figure B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional cellular base station antenna to meet FCC RF exposure guidelines.

* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground.
Table B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single, sectorized, cellular base-station antenna to meet FCC RF exposure guidelines

<table>
<thead>
<tr>
<th>Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector</th>
<th>Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector</th>
<th>Horizontal* distance (feet) that should be maintained from a single sectorized cellular antenna</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
<td>0.82</td>
<td>1.6</td>
</tr>
<tr>
<td>1</td>
<td>1.6</td>
<td>2.3</td>
</tr>
<tr>
<td>5</td>
<td>8.2</td>
<td>5</td>
</tr>
<tr>
<td>10</td>
<td>16.4</td>
<td>7.1</td>
</tr>
<tr>
<td>25</td>
<td>41</td>
<td>11.3</td>
</tr>
<tr>
<td>50</td>
<td>82</td>
<td>16</td>
</tr>
<tr>
<td>100</td>
<td>164</td>
<td>22.6</td>
</tr>
</tbody>
</table>

For intermediate values not shown on this table, please refer to the Figure B1-2

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.
Figure B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, cellular base station antenna to meet FCC RF exposure guidelines.

* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.
Table B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized Broadband PCS base station antenna to meet FCC RF exposure guidelines

<table>
<thead>
<tr>
<th>Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector</th>
<th>Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector</th>
<th>Horizontal* distance (feet) that should be maintained from a single sectorized Broadband PCS antenna</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.5</td>
<td>0.82</td>
<td>1.2</td>
</tr>
<tr>
<td>1</td>
<td>1.6</td>
<td>1.7</td>
</tr>
<tr>
<td>5</td>
<td>8.2</td>
<td>3.8</td>
</tr>
<tr>
<td>10</td>
<td>16.4</td>
<td>5.4</td>
</tr>
<tr>
<td>25</td>
<td>41</td>
<td>8.6</td>
</tr>
<tr>
<td>50</td>
<td>82</td>
<td>12.1</td>
</tr>
<tr>
<td>100</td>
<td>164</td>
<td>17.2</td>
</tr>
</tbody>
</table>

For intermediate values not shown on this table, please refer to the Figure B1-3

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the system is using fewer than 21 channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.
Figure B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, PCS base station antenna to meet FCC RF exposure guidelines.

* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.
Table B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional paging or narrowband PCS antenna to meet FCC RF exposure guidelines. Note: this table and the associated figure only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values.

<table>
<thead>
<tr>
<th>Effective Radiated Power (watts) based on one channel per antenna</th>
<th>Effective Isotropic Radiated Power (watts)</th>
<th>Horizontal* distance (feet) that should be maintained from a single omnidirectional paging or narrowband PCS antenna</th>
</tr>
</thead>
<tbody>
<tr>
<td>50</td>
<td>82</td>
<td>3.4</td>
</tr>
<tr>
<td>100</td>
<td>164</td>
<td>4.8</td>
</tr>
<tr>
<td>250</td>
<td>410</td>
<td>7.5</td>
</tr>
<tr>
<td>500</td>
<td>820</td>
<td>10.6</td>
</tr>
<tr>
<td>1,000</td>
<td>1,640</td>
<td>15.1</td>
</tr>
<tr>
<td>2,000</td>
<td>3,280</td>
<td>21.3</td>
</tr>
<tr>
<td>3,500</td>
<td>5,740</td>
<td>28.2</td>
</tr>
</tbody>
</table>

For intermediate values not shown on this table, please refer to the Figure B1-4.

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.
Figure B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional **paging or narrowband PCS** antenna to meet FCC RF exposure guidelines. Note: this figure and the associated table only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values.

<table>
<thead>
<tr>
<th>Effective Radiated Power (watts)</th>
<th>Horizontal distance from an omnidirectional paging or narrowband PCS antenna (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 watts/antenna</td>
<td>0</td>
</tr>
<tr>
<td>50 watts/antenna</td>
<td>5</td>
</tr>
<tr>
<td>100 watts/antenna</td>
<td>10</td>
</tr>
<tr>
<td>250 watts/antenna</td>
<td>15</td>
</tr>
<tr>
<td>500 watts/antenna</td>
<td>20</td>
</tr>
<tr>
<td>1000 watts/antenna</td>
<td>25</td>
</tr>
<tr>
<td>2000 watts/antenna</td>
<td>30</td>
</tr>
<tr>
<td>3500 watts/antenna</td>
<td>35</td>
</tr>
</tbody>
</table>

* These distances are based on exposure at the same level as the antenna, for example, on a rooftop or building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy towards the ground.
APPENDIX C

Text of 47 U.S.C. § 332(c)(7)

(7) PRESERVATION OF LOCAL ZONING AUTHORITY.

(A) GENERAL AUTHORITY. Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.

(B) LIMITATIONS.

(i) The regulation of the placement, construction, and modification of personal wireless service facilities by and State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.

(ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.

(iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.

(iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.

(v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.

(C) DEFINITIONS. For purposes of this paragraph

(i) the term “personal wireless services” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;

(ii) the term “personal wireless service facilities” means facilities for the provision of personal wireless services; and

(iii) the term “unlicensed wireless service” means the offering of telecommunications service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).

Frequently asked questions about the safety of radiofrequency (RF) and microwave emissions from transmitters and facilities regulated by the FCC

WHAT ARE "RADIOFREQUENCY" AND MICROWAVE RADIATION?

Electromagnetic radiation consists of waves of electric and magnetic energy moving together (i.e., radiating) through space at the speed of light. Taken together, all forms of electromagnetic energy are referred to as the electromagnetic "spectrum." Radio waves and microwaves emitted by transmitting antennas are one form of electromagnetic energy. They are collectively referred to as "radiofrequency" or "RF" energy or radiation. Note that the term "radiation" does not mean "radioactive." Often, the terms "electromagnetic field" or "radiofrequency field" may be used to indicate the presence of electromagnetic or RF energy.

The RF waves emanating from an antenna are generated by the movement of electrical charges in the antenna. Electromagnetic waves can be characterized by a wavelength and a frequency. The wavelength is the distance covered by one complete cycle of the electromagnetic wave, while the frequency is the number of electromagnetic waves passing a given point in one second. The frequency of an RF signal is usually expressed in terms of a unit called the "hertz" (abbreviated "Hz"). One Hz equals one cycle per second. One megahertz ("MHz") equals one million cycles per second.

Different forms of electromagnetic energy are categorized by their wavelengths and frequencies. The RF part of the electromagnetic spectrum is generally defined as that part of the spectrum where electromagnetic waves have frequencies in the range of about 3 kilohertz (3 kHz) to 300 gigahertz (300 GHz). Microwaves are a specific category of radio waves that can be loosely defined as radiofrequency energy at frequencies ranging from about 1 GHz upward.

WHAT IS NON-IONIZING RADIATION?

"Ionization" is a process by which electrons are stripped from atoms and molecules. This process can produce molecular changes that can lead to damage in biological tissue, including effects on DNA, the genetic material of living organisms. This process requires interaction with high levels of electromagnetic energy. Those types of electromagnetic radiation with enough energy to ionize biological material include X-radiation and gamma radiation. Therefore, X-rays and gamma rays are examples of ionizing radiation.

The energy levels associated with RF and microwave radiation, on the other hand, are not great enough to cause the ionization of atoms and molecules, and RF energy is, therefore, is a type of non-ionizing radiation. Other types of non-ionizing radiation include visible and infrared light. Often the term "radiation" is used, colloquially, to imply that ionizing radiation (radioactivity), such as that associated with nuclear power plants, is present. Ionizing radiation should not be confused with the lower-energy, non-ionizing radiation with respect to possible biological effects, since the mechanisms of action are quite different.

HOW IS RADIOFREQUENCY ENERGY USED?
Probably the most important use for RF energy is in providing telecommunications services. Radio and television broadcasting, cellular telephones, personal communications services (PCS), pagers, cordless telephones, business radio, radio communications for police and fire departments, amateur radio, microwave point-to-point links and satellite communications are just a few of the many telecommunications applications of RF energy. Microwave ovens are an example of a non-communication use of RF energy. Radiofrequency radiation, especially at microwave frequencies, can transfer energy to water molecules. High levels of microwave energy will generate heat in water-rich materials such as most foods. This efficient absorption of microwave energy via water molecules results in rapid heating throughout an object, thus allowing food to be cooked more quickly in a microwave oven than in a conventional oven. Other important non-communication uses of RF energy include radar and industrial heating and sealing. Radar is a valuable tool used in many applications range from traffic speed enforcement to air traffic control and military surveillance. Industrial heaters and sealers generate intense levels of RF radiation that rapidly heats the material being processed in the same way that a microwave oven cooks food. These devices have many uses in industry, including molding plastic materials, gluing wood products, sealing items such as shoes and pocketbooks, and processing food products. There are also a number of medical applications of RF energy, such as diathermy and magnetic resonance imaging (MRI).

**HOW IS RADIOFREQUENCY RADIATION MEASURED?**

An RF electromagnetic wave has both an electric and a magnetic component (electric field and magnetic field), and it is often convenient to express the intensity of the RF environment at a given location in terms of units specific to each component. For example, the unit "volts per meter" (V/m) is used to express the strength of the electric field (electric "field strength"), and the unit "amperes per meter" (A/m) is used to express the strength of the magnetic field (magnetic "field strength"). Another commonly used unit for characterizing the total electromagnetic field is "power density." Power density is most appropriately used when the point of measurement is far enough away from an antenna to be located in the "far-field" zone of the antenna.

Power density is defined as power per unit area. For example, power density is commonly expressed in terms of watts per square meter (W/m²), milliwatts per square centimeter (mW/cm²), or microwatts per square centimeter (μW/cm²). One mW/cm² equals 10 W/m², and 100 μW/cm² equal one W/m². With respect to frequencies in the microwave range, power density is usually used to express intensity of exposure.

The quantity used to measure the rate at which RF energy is actually absorbed in a body is called the "Specific Absorption Rate" or "SAR." It is usually expressed in units of watts per kilogram (W/kg) or milliwatts per gram (mW/g). In the case of exposure of the whole body, a standing ungrounded human adult absorbs RF energy at a maximum rate when the frequency of the RF radiation is in the range of about 70 MHz. This means that the "whole-body" SAR is at a maximum under these conditions. Because of this "resonance" phenomenon and consideration of children and grounded adults, RF safety standards are generally most restrictive in the frequency range of about 30 to 300 MHz. For exposure of parts of the body, such as the exposure from hand-held mobile phones, "partial-body" SAR limits are used in the safety standards to control absorption of RF energy (see later questions on mobile phones).

**WHAT BIOLOGICAL EFFECTS CAN BE CAUSED BY RF ENERGY?**
Biological effects can result from exposure to RF energy. Biological effects that result from heating of tissue by RF energy are often referred to as "thermal" effects. It has been known for many years that exposure to very high levels of RF radiation can be harmful due to the ability of RF energy to heat biological tissue rapidly. This is the principle by which microwave ovens cook food. Exposure to very high RF intensities can result in heating of biological tissue and an increase in body temperature. Tissue damage in humans could occur during exposure to high RF levels because of the body's inability to cope with or dissipate the excessive heat that could be generated. Two areas of the body, the eyes and the testes, are particularly vulnerable to RF heating because of the relative lack of available blood flow to dissipate the excess heat load.

At relatively low levels of exposure to RF radiation, i.e., levels lower than those that would produce significant heating; the evidence for production of harmful biological effects is ambiguous and unproven. Such effects, if they exist, have been referred to as "non-thermal" effects. A number of reports have appeared in the scientific literature describing the observation of a range of biological effects resulting from exposure to low-levels of RF energy. However, in most cases, further experimental research has been unable to reproduce these effects. Furthermore, since much of the research is not done on whole bodies (in vivo), there has been no determination that such effects constitute a human health hazard. It is generally agreed that further research is needed to determine the generality of such effects and their possible relevance, if any, to human health. In the meantime, standards-setting organizations and government agencies continue to monitor the latest experimental findings to confirm their validity and determine whether changes in safety limits are needed to protect human health.

**CAN PEOPLE BE EXPOSED TO LEVELS OF RADIOFREQUENCY RADIATION THAT COULD BE HARMFUL?**

Studies have shown that environmental levels of RF energy routinely encountered by the general public are typically far below levels necessary to produce significant heating and increased body temperature. However, there may be situations, particularly in workplace environments near high-powered RF sources, where the recommended limits for safe exposure of human beings to RF energy could be exceeded. In such cases, restrictive measures or mitigation actions may be necessary to ensure the safe use of RF energy.

**CAN RADIOFREQUENCY RADIATION CAUSE CANCER?**

Some studies have also examined the possibility of a link between RF exposure and cancer. Results to date have been inconclusive. While some experimental data have suggested a possible link between exposure and tumor formation in animals exposed under certain specific conditions, the results have not been independently replicated. Many other studies have failed to find evidence for a link to cancer or any related condition. The Food and Drug Administration has further information on this topic with respect to RF exposure from mobile phones at the following Web site: FDA Radiation-Emitting Products Page.

**WHAT RESEARCH IS BEING DONE ON RF BIOLOGICAL EFFECTS?**

For many years, research into the possible biological effects of RF energy has been carried out in laboratories around the world, and such research is continuing. Past research has resulted in a large number of peer-reviewed scientific publications on this topic. For many years the U.S. Government has sponsored research into the biological effects of RF energy. The majority of this work has been funded by the Department of Defense, due in part, to
the extensive military interest in using RF equipment such as radar and other relatively high-powered radio transmitters for routine military operations. In addition, some U.S. civilian federal agencies responsible for health and safety, such as the Environmental Protection Agency (EPA) and the U.S. Food and Drug Administration (FDA), have sponsored and conducted research in this area. At the present time, most of the non-military research on biological effects of RF energy in the U.S. is being funded by industry organizations, although relatively more research by government agencies is being carried out overseas, particularly in Europe.

In 1996, the World Health Organization (WHO) established a program called the International EMF Project, which is designed to review the scientific literature concerning biological effects of electromagnetic fields, identify gaps in knowledge about such effects, recommend research needs, and work towards international resolution of health concerns over the use of RF technology. The WHO maintains a Web site that provides extensive information on this project and about RF biological effects and research (www.who.ch/peh-emf).

The FDA, the EPA and other federal agencies responsible for public health and safety have worked together and in connection with the WHO to monitor developments and identify research needs related to RF biological effects. More information about this can be obtained at the FDA Web site: FDA Radiation-Emitting Products Page.

**WHAT LEVELS ARE SAFE FOR EXPOSURE TO RF ENERGY?**

Exposure standards for radiofrequency energy have been developed by various organizations and countries. These standards recommend safe levels of exposure for both the general public and for workers. In the United States, the FCC has adopted and used recognized safety guidelines for evaluating RF environmental exposure since 1985. Federal health and safety agencies, such as the EPA, FDA, the National Institute for Occupational Safety and Health (NIOSH) and the Occupational Safety and Health Administration (OSHA) have also been involved in monitoring and investigating issues related to RF exposure.

The FCC guidelines for human exposure to RF electromagnetic fields were derived from the recommendations of two expert organizations, the National Council on Radiation Protection and Measurements (NCRP) and the Institute of Electrical and Electronics Engineers (IEEE). Both the NCRP exposure criteria and the IEEE standard were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The exposure guidelines are based on thresholds for known adverse effects, and they incorporate prudent margins of safety. In adopting the most recent RF exposure guidelines, the FCC consulted with the EPA, FDA, OSHA and NIOSH, and obtained their support for the guidelines that the FCC is using.

Many countries in Europe and elsewhere use exposure guidelines developed by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). The ICNIRP safety limits are generally similar to those of the NCRP and IEEE, with a few exceptions. For example, ICNIRP recommends somewhat different exposure levels in the lower and upper frequency ranges and for localized exposure due to such devices as hand-held cellular telephones. One of the goals of the WHO EMF Project (see above) is to provide a framework for international harmonization of RF safety standards. The NCRP, IEEE and ICNIRP exposure guidelines identify the same threshold level at which harmful biological effects may occur, and the values for Maximum Permissible Exposure (MPE) recommended for electric and magnetic field strength and power density in both documents are based on this
level. The threshold level is a Specific Absorption Rate (SAR) value for the whole body of 4 watts per kilogram (4 W/kg).

In addition, the NCRP, IEEE and ICNIRP guidelines for maximum permissible exposure are different for different transmitting frequencies. This is due to the finding (discussed above) that whole-body human absorption of RF energy varies with the frequency of the RF signal. The most restrictive limits on whole-body exposure are in the frequency range of 30-300 MHz where the human body absorbs RF energy most efficiently when the whole body is exposed. For devices that only expose part of the body, such as mobile phones, different exposure limits are specified (see below).

The exposure limits used by the FCC are expressed in terms of SAR, electric and magnetic field strength and power density for transmitters operating at frequencies from 300 kHz to 100 GHz. The actual values can be found in either of two informational bulletins available at this Web site (OET Bulletin 56 or OET Bulletin 65), see listing for "OET Safety Bulletins."

WHY HAS THE FCC ADOPTED GUIDELINES FOR RF EXPOSURE?

The FCC authorizes and licenses devices, transmitters and facilities that generate RF radiation. It has jurisdiction over all transmitting services in the U.S. except those specifically operated by the Federal Government. However, the FCC's primary jurisdiction does not lie in the health and safety area, and it must rely on other agencies and organizations for guidance in these matters.

Under the National Environmental Policy Act of 1969 (NEPA), all Federal agencies are required to implement procedures to make environmental consideration a necessary part of an agency's decision-making process. Therefore, FCC approval and licensing of transmitters and facilities must be evaluated for significant impact on the environment. Human exposure to RF radiation emitted by FCC-regulated transmitters is one of several factors that must be considered in such environmental evaluations. In 1996, the FCC revised its guidelines for RF exposure as a result of a multi-year proceeding and as required by the Telecommunications Act of 1996.

Facilities under the jurisdiction of the FCC having a high potential for creating significant RF exposure to humans, such as radio and television broadcast stations, satellite-earth stations, experimental radio stations and certain cellular, PCS and paging facilities are required to undergo routine evaluation for compliance with RF exposure guidelines whenever an application is submitted to the FCC for construction or modification of a transmitting facility or renewal of a license. Failure to show compliance with the FCC's RF exposure guidelines in the application process could lead to the preparation of a formal Environmental Assessment, possible Environmental Impact Statement and eventual rejection of an application. Technical guidelines for evaluating compliance with the FCC RF safety requirements can be found in the FCC's OET Bulletin 65.

Low-powered, intermittent, or inaccessible RF transmitters and facilities are normally "categorically excluded" from the requirement of routine evaluation for RF exposure. These exclusions are based on calculations and measurement data indicating that such transmitting stations or devices are unlikely to cause exposures in excess of the guidelines under normal conditions of use. The FCC's policies on RF exposure and categorical exclusion can be found in Section 1.1307(b) of the FCC's Rules and Regulations [47 CFR 1.1307(b)]. It should be emphasized, however, that these exclusions are not exclusions from compliance, but, rather, only exclusions from routine evaluation. Transmitters or facilities
that are otherwise categorically excluded from evaluation may be required, on a case-by-case basis, to demonstrate compliance when evidence of potential non-compliance of the transmitter or facility is brought to the Commission's attention [see 47 CFR 1.1307(c) and (d)].

HOW SAFE ARE MOBILE AND PORTABLE PHONES?

In recent years, publicity, speculation, and concern over claims of possible health effects due to RF emissions from hand-held wireless telephones prompted various research programs to investigate whether there is any risk to users of these devices. There is no scientific evidence to date that proves that wireless phone usage can lead to cancer or a variety of other health effects, including headaches, dizziness or memory loss. However, studies are ongoing and key government agencies, such as the Food and Drug Administration (FDA) continue to monitor the results of the latest scientific research on these topics. Also, as noted above, the World Health Organization has established an ongoing program to monitor research in this area and make recommendations related to the safety of mobile phones.

The FDA, which has primary jurisdiction for investigating mobile phone safety, has stated that it cannot rule out the possibility of risk, but if such a risk exists, "it is probably small." Further, it has stated that, while there is no proof that cellular telephones can be harmful, concerned individuals can take various precautionary actions, including limiting conversations on hand-held cellular telephones and making greater use of telephones with hands-free kits where there is a greater separation distance between the user and the radiating antenna. The Web site for the FDA's Center for Devices and Radiological Health provides further information on mobile phone safety: FDA Radiation-Emitting Products Page.

The Government Accounting Office (GAO) prepared a report of its investigation into safety concerns related to mobile phones. The report concluded that further research is needed to confirm whether mobile phones are completely safe for the user, and the report recommended that the FDA take the lead in monitoring the latest research results.

The FCC's exposure guidelines specify limits for human exposure to RF emissions from hand-held mobile phones in terms of Specific Absorption Rate (SAR), a measure of the rate of absorption of RF energy by the body. The safe limit for a mobile phone user is an SAR of 1.6 watts per kg (1.6 W/kg), averaged over one gram of tissue, and compliance with this limit must be demonstrated before FCC approval is granted for marketing of a phone in the United States. Somewhat less restrictive limits, e.g., 2 W/kg averaged over 10 grams of tissue, are specified by the ICNIRP guidelines used in Europe and most other countries.

Measurements and analysis of SAR in models of the human head have shown that the 1.6 W/kg limit is unlikely to be exceeded under normal conditions of use of cellular and PCS hand-held phones. The same can be said for cordless telephones used in the home. Testing of hand-held phones is normally done under conditions of maximum power usage, thus providing an additional margin of safety, since most phone usage is not at maximum power. Information on SAR levels for many phones is available electronically through the FCC's Web site and database (see next question).

HOW CAN I OBTAIN THE SPECIFIC ABSORPTION RATE (SAR) VALUE FOR MY MOBILE PHONE?
As explained above, the Specific Absorption Rate, or SAR, is the unit used to determine compliance of cellular and PCS phones with safety limits adopted by the FCC. The SAR is a value that corresponds to the rate at which RF energy absorbed in the head of a user of a wireless handset. The FCC requires mobile phone manufacturers to demonstrate compliance with an SAR level of 1.6 watts per kilogram (averaged over one gram of tissue).

Information on SAR for a specific cell phone model can be obtained for almost all cellular telephones by using the FCC identification (ID) number for that model. The FCC ID number is usually printed somewhere on the case of the phone or device. In many cases, you will have to remove the battery pack to find the number. Once you have the number proceed as follows. Go to the following website: Equipment Authorization. Click on the link for "FCC ID Search". Once you are there you will see instructions for inserting the FCC ID number. Enter the FCC ID number (in two parts as indicated: "Grantee Code" is comprised of the first three characters, the "Equipment Product Code" is the remainder of the FCC ID). Then click on "Start Search." The grant(s) of equipment authorization for this particular ID number should then be available. Click on a check under "Display Grant" and the grant should appear. Look through the grant for the section on SAR compliance, certification of compliance with FCC rules for RF exposure or similar language. This section should contain the value(s) for typical or maximum SAR for your phone.

For portable phones and devices authorized since June 2, 2000, maximum SAR levels should be noted on the grant of equipment authorization. For phones and devices authorized between about mid-1998 and June 2000, detailed information on SAR levels is typically found in one of the "exhibits" associated with the grant. Therefore, once the grant is accessed in the FCC database, the exhibits can be viewed by clicking on the appropriate entry labeled "View Exhibit." Electronic records for FCC equipment authorization grants were initiated in 1998, so devices manufactured prior to this date may not be included in our electronic database.

Although the FCC database does not list phones by model number, there are certain nongovernment Web sites such as www.cnet.com that provide information on SAR from specific models of mobile phones. However, the FCC has not reviewed these sites for accuracy and makes no guarantees with respect to them. In addition to these sites, some mobile phone manufacturers make this information available at their own Web sites. Also, phones certified by the Cellular Telecommunications and Internet Association (CTIA) are now required to provide this information to consumers in the instructional materials that come with the phones.

If you want additional consumer information on safety of cell phones and other transmitting devices please consult the information available below at this Web site. In particular, you may wish to read or download our OET Bulletin 56 (see "OET RF Safety Bulletins" listing) entitled: "Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields." If you have any problems or additional questions you may contact us at: rfsecurity@fcc.gov or you may call: 1-888-225-5322. You may also wish to consult a consumer update on mobile phone safety published by the U.S. Food and Drug Administration (FDA) that can be found at: FDA Radiation-Emitting Products Page.

DO "HANDS-FREE" EAR PIECES FOR MOBILE PHONES REDUCE EXPOSURE TO RF EMISSIONS? WHAT ABOUT MOBILE PHONE ACCESSORIES THAT CLAIM TO SHIELD THE HEAD FROM RF RADIATION?
"Hands-free" kits with ear pieces can be used with cell phones for convenience and comfort. In addition, because the phone, which is the source of the RF emissions, will not be placed against the head, absorption of RF energy in the head will be reduced. Therefore, it is true that use of an ear piece connected to a mobile phone will significantly reduce the rate of energy absorption (or "SAR") in the user's head. On the other hand, if the phone is mounted against the waist or other part of the body during use, then that part of the body will absorb RF energy. Even so, mobile phones marketed in the U.S. are required to meet safety limit requirements regardless of whether they are used against the head or against the body. So either configuration should result in compliance with the safety limit. Note that hands-free devices using "Bluetooth" technology also include a wireless transmitter; however, the Bluetooth transmitter operates at a much lower power than the cell phone.

A number of devices have been marketed that claim to "shield" or otherwise reduce RF absorption in the body of the user. Some of these devices incorporate shielded phone cases, while others involve nothing more than a metallic accessory attached to the phone. Studies have shown that these devices generally do not work as advertised. In fact, they may actually increase RF absorption in the head due to their potential to interfere with proper operation of the phone, thus forcing it to increase power to compensate.

CAN MOBILE PHONES BE USED SAFELY IN HOSPITALS AND NEAR MEDICAL TELEMETRY EQUIPMENT?

The FCC does not normally investigate problems of electromagnetic interference from RF transmitters to medical devices. Some hospitals have policies, which limit the use of cell phones, due to concerns that sensitive medical equipment could be affected. The FDA's Center for Devices and Radiological Health (CDRH) has primary jurisdiction for medical device regulation. FDA staff provide more information at their Web site: http://www.fda.gov/Radiation EmittingProducts/RadiationEmittingProductsandProcedures/HomeBusinessandEntertainment/default.htm.

ARE CELLULAR AND PCS TOWERS AND ANTENNAS SAFE?

Cellular radio services transmit using frequencies between 824 and 894 megahertz (MHz). Transmitters in the Personal Communications Service (PCS) use frequencies in the range of 1850-1990 MHz. Antennas used for cellular and PCS transmissions are typically located on towers, water tanks or other elevated structures including rooftops and the sides of buildings. The combination of antennas and associated electronic equipment is referred to as a cellular or PCS "base station" or "cell site." Typical heights for free-standing base station towers or structures are 50-200 feet. A cellular base station may utilize several "omni-directional" antennas that look like poles, 10 to 15 feet in length, although these types of antennas are less common in urbanized areas.

In urban and suburban areas, cellular and PCS service providers commonly use "sector" antennas for their base stations. These antennas are rectangular panels, e.g., about 1 by 4 feet in size, typically mounted on a rooftop or other structure, but they are also mounted on towers or poles. Panel antennas are usually arranged in three groups of three each. It is common that not all antennas are used for the transmission of RF energy; some antennas may be receive-only.
At a given cell site, the total RF power that could be radiated by the antennas depends on the number of radio channels (transmitters) installed, the power of each transmitter, and the type of antenna. While it is theoretically possible for cell sites to radiate at very high power levels, the maximum power radiated in any direction usually does not exceed 50 watts.

The RF emissions from cellular or PCS base station antennas are generally directed toward the horizon in a relatively narrow pattern in the vertical plane. In the case of sector (panel) antennas, the pattern is fan-shaped, like a wedge cut from a pie. As with all forms of electromagnetic energy, the power density from the antenna decreases rapidly as one moves away from the antenna. Consequently, ground-level exposures are much less than exposures if one were at the same height and directly in front of the antenna.

Measurements made near typical cellular and PCS installations, especially those with tower-mounted antennas, have shown that ground-level power densities are thousands of times less than the FCC's limits for safe exposure. This makes it extremely unlikely that a member of the general public could be exposed to RF levels in excess of FCC guidelines due solely to cellular or PCS base station antennas located on towers or monopoles.

When cellular and PCS antennas are mounted at rooftop locations it is possible that a person could encounter RF levels greater than those typically encountered on the ground. However, once again, exposures approaching or exceeding the safety guidelines are only likely to be encountered very close to and directly in front of the antennas. For sector-type antennas, RF levels to rear are usually very low.

For further information on cellular services go to [http://wireless.fcc.gov/services/index.htm?job=service_home&id=cellular](http://wireless.fcc.gov/services/index.htm?job=service_home&id=cellular)

**ARE CELLULAR AND OTHER RADIO TOWERS LOCATED NEAR HOMES OR SCHOOLS SAFE FOR RESIDENTS AND STUDENTS?**

As discussed above, radiofrequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits. These safety limits were adopted by the FCC based on the recommendations of expert organizations and endorsed by agencies of the Federal Government responsible for health and safety. Therefore, there is no reason to believe that such towers could constitute a potential health hazard to nearby residents or students.

Other antennas, such as those used for radio and television broadcast transmissions, use power levels that are generally much higher than those used for cellular and PCS antennas. Therefore, in some cases there could be a potential for higher levels of exposure to persons on the ground. However, all broadcast stations are required to demonstrate compliance with FCC safety guidelines, and ambient exposures to nearby persons from such stations are typically well below FCC safety limits.

**ARE EMISSIONS FROM RADIO AND TELEVISION BROADCAST ANTENNAS SAFE?**

Radio and television broadcast stations transmit their signals via RF electromagnetic waves. There are thousands of radio and TV stations on the air in the United States. Broadcast stations transmit at various RF frequencies, depending on the channel, ranging from about 540 kHz for AM radio up to about 800 MHz for UHF television stations. Frequencies for FM
radio and VHF television lie in between these two extremes. Broadcast transmitter power levels range from a few watts to more than 100,000 watts. Some of these transmission systems can be a significant source of RF energy in the local environment, so the FCC requires that broadcast stations submit evidence of compliance with FCC RF guidelines.

The amount of RF energy to which the public or workers might be exposed as a result of broadcast antennas depends on several factors, including the type of station, design characteristics of the antenna being used, power transmitted to the antenna, height of the antenna and distance from the antenna. Note that the power normally quoted for FM and TV broadcast transmitters is the "effective radiated power" or ERP not the actual transmitter power mentioned above. ERP is the transmitter power delivered to the antenna multiplied by the directivity or gain of the antenna. Since high gain antennas direct most of the RF energy toward the horizon and not toward the ground, high ERP transmission systems such as used for UHF-TV broadcast tend to have less ground level field intensity near the station than FM radio broadcast systems with lower ERP and gain values. Also, since energy at some frequencies is absorbed by the human body more readily than at other frequencies, both the frequency of the transmitted signal and its intensity is important. Calculations can be performed to predict what field intensity levels would exist at various distances from an antenna.

Public access to broadcasting antennas is normally restricted so that individuals cannot be exposed to high-level fields that might exist near antennas. Measurements made by the FCC, EPA and others have shown that ambient RF radiation levels in inhabited areas near broadcasting facilities are typically well below the exposure levels recommended by current standards and guidelines. There have been a few situations around the country where RF levels in publicly accessible areas have been found to be higher than those recommended in applicable safety standards. As they have been identified, the FCC has required that stations at those facilities promptly bring their combined operations into compliance with our guidelines. Thus, despite the relatively high operating powers of many broadcast stations, such cases are unusual, and members of the general public are unlikely to be exposed to RF levels from broadcast towers that exceed FCC limits.

Antenna maintenance workers are occasionally required to climb antenna structures for such purposes as painting, repairs, or lamp replacement. Both the EPA and OSHA have reported that in such cases it is possible for a worker to be exposed to high levels of RF energy if work is performed on an active tower or in areas immediately surrounding a radiating antenna. Therefore, precautions should be taken to ensure that maintenance personnel are not exposed to unsafe RF fields.

**HOW SAFE ARE RADIO ANTENNAS USED FOR PAGING AND "TWO-WAY" COMMUNICATIONS? WHAT ABOUT "PUSH-TO-TALK" RADIOS SUCH AS "WALKIE-TALKIES"?**

"Land-mobile" communications include a variety of communications systems, which require the use of portable and mobile RF transmitting sources. These systems operate in several frequency bands between about 30 and 1000 MHz. Radio systems used by the police and fire departments, radio paging services and business radio are a few examples of these communications systems. They have the advantage of providing communications links between various fixed and mobile locations.

There are essentially three types of RF transmitters associated with land-mobile systems: base-station transmitters, vehicle-mounted transmitters, and hand-held transmitters. The
antennas and power levels used for these various transmitters are adapted for their specific purpose. For example, a base-station antenna must radiate its signal to a relatively large area, and therefore, its transmitter generally has to use higher power levels than a vehicle-mounted or hand-held radio transmitter. Although base-station antennas usually operate with higher power levels than other types of land-mobile antennas, they are normally inaccessible to the public since they must be mounted at significant heights above ground to provide for adequate signal coverage. Also, many of these antennas transmit only intermittently. For these reasons, base-station antennas are generally not of concern with regard to possible hazardous exposure of the public to RF radiation. Studies at rooftop locations have indicated that high-powered paging antennas may increase the potential for exposure to workers or others with access to such sites, e.g., maintenance personnel. This could be a concern especially when multiple transmitters are present. In such cases, restriction of access or other mitigation actions may be necessary.

Transmitting power levels for vehicle-mounted land-mobile antennas are generally less than those used by base-station antennas but higher than those used for hand-held units. Some manufacturers recommend that users and other nearby individuals maintain some minimum distance (e.g., 1 to 2 feet) from a vehicle-mounted antenna during transmission or mount the antenna in such a way as to provide maximum shielding for vehicle occupants. Studies have shown that this is probably a conservative precaution, particularly when the percentage of time an antenna is actually radiating is considered. Unlike cellular telephones, which transmit continuously during a call, two-way radios normally transmit only when the "push-to-talk" button is depressed. This significantly reduces exposure, and there is no evidence that there would be a safety hazard associated with exposure from vehicle-mounted, two-way antennas when the manufacturer's recommendations are followed.

Hand-held "two-way" portable radios such as walkie-talkies are low-powered devices used to transmit and receive messages over relatively short distances. Because of the low power levels used, the intermittency of these transmissions ("push-to-talk"), and due to the fact that these radios are held away from the head, they should not expose users to RF energy in excess of safe limits. Although FCC rules do not require routine documentation of compliance with safety limits for push-to-talk two-way radios as it does for cellular and PCS phones (which transmit continuously during use and which are held against the head), most of these radios are tested and the resulting SAR data are available from the FCC's Equipment Authorization database. Click on the link for "FCC ID Search <imbed hypertext link>".

HOW SAFE ARE MICROWAVE AND SATELLITE ANTENNAS?

Point-to-point microwave antennas transmit and receive microwave signals across relatively short distances (from a few tenths of a mile to 30 miles or more). These antennas are usually circular ("dish") or rectangular in shape and are normally mounted on a supporting tower, rooftop, sides of buildings or on similar structures that provide clear and unobstructed line-of-sight paths between both ends of a transmission path. These antennas have a variety of uses, such as relaying long-distance telephone calls, and serving as links between broadcast studios and transmitting sites.

The RF signals from these antennas travel in a directed beam from a transmitting antenna to the receiving antenna, and dispersion of microwave energy outside of this narrow beam is minimal or insignificant. In addition, these antennas transmit using very low power levels, usually on the order of a few watts or less. Measurements have shown that ground-level power densities due to microwave directional antennas are normally thousands of times or
more below recommended safety limits. Moreover, microwave tower sites are normally inaccessible to the general public. Significant exposures from these antennas could only occur in the unlikely event that an individual were to stand directly in front of and very close to an antenna for a period of time.

Ground-based antennas used for satellite-earth communications typically are parabolic "dish" antennas, some as large as 10 to 30 meters in diameter, that are used to transmit ("uplink") or receive ("downlink") microwave signals to or from satellites in orbit around the earth. These signals allow delivery of a variety of communications services, including television network programming, electronic newsgathering and point-of-sale credit card transactions. Some satellite-earth station antennas are used only to receive RF signals (i.e., like the satellite television antenna used at a residence), and because they do not transmit, RF exposure is not an issue for those antennas.

Since satellite-earth station antennas are directed toward satellites above the earth, transmitted beams point skyward at various angles of inclination, depending on the particular satellite being used. Because of the longer distances involved, power levels used to transmit these signals are relatively large when compared, for example, to those used by the terrestrial microwave point-to-point antennas discussed above. However, as with microwave antennas, the beams used for transmitting earth-to-satellite signals are concentrated and highly directional, similar to the beam from a flashlight. In addition, public access would normally be restricted at uplink sites where exposure levels could approach or exceed safe limits.

Although many satellite-earth stations are "fixed" sites, portable uplink antennas are also used, e.g., for electronic news gathering. These antennas can be deployed in various locations. Therefore, precautions may be necessary, such as temporarily restricting access in the vicinity of the antenna, to avoid exposure to the main transmitted beam. In general, however, it is unlikely that a transmitting earth station antenna would routinely expose members of the public to potentially harmful levels of RF energy.

**ARE RF EMISSIONS FROM AMATEUR RADIO STATIONS HARMFUL?**

There are hundreds of thousands of amateur radio operators ("hams") worldwide. Amateur radio operators in the United States are licensed by the FCC. The Amateur Radio Service provides its members with the opportunity to communicate with persons all over the world and to provide valuable public service functions, such as making communications services available during disasters and emergencies. Like all FCC licensees, amateur radio operators are required to comply with the FCC's guidelines for safe human exposure to RF fields. Under the FCC's rules, amateur operators can transmit with power levels of up to 1500 watts. However, most operators use considerably less power than this maximum. Studies by the FCC and others have shown that most amateur radio transmitters would not normally expose persons to RF levels in excess of safety limits. This is primarily due to the relatively low operating powers used by most amateurs, the intermittent transmission characteristics typically used and the relative inaccessibility of most amateur antennas. As long as appropriate distances are maintained from amateur antennas, exposure of nearby persons should be well below safety limits.

To help ensure compliance of amateur radio facilities with RF exposure guidelines, both the FCC and American Radio Relay League (ARRL) have issued publications to assist operators in evaluating compliance for their stations. The FCC's publication (Supplement B to OET
WHAT IS THE FCC'S POLICY ON RADIOFREQUENCY WARNING SIGNS? FOR EXAMPLE, WHEN SHOULD SIGNS BE POSTED, WHERE SHOULD THEY BE LOCATED AND WHAT SHOULD THEY SAY?

Radiofrequency warning or "alerting" signs should be used to provide information on the presence of RF radiation or to control exposure to RF radiation within a given area. Standard radiofrequency hazard warning signs are commercially available from several vendors. Appropriate signs should incorporate the format recommended by the Institute for Electrical and Electronics Engineers (IEEE) and as specified in the IEEE standard: IEEE C95.2-1999 (Web address: www.ieee.org). Guidance concerning the placement of signs can be found in IEEE Standard C95.7-2005. When signs are used, meaningful information should be placed on the sign advising affected persons of: (1) the nature of the potential hazard (i.e., high RF fields), (2) how to avoid the potential hazard, and (3) whom to contact for additional information. In some cases, it may be appropriate to also provide instructions to direct individuals as to how to work safely in the RF environment of concern. Signs should be located prominently in areas that will be readily seen by those persons who may have access to an area where high RF fields are present.

CAN IMPLANTED ELECTRONIC CARDIAC PACEMAKERS BE AFFECTED BY NEARBY RF DEVICES SUCH AS MICROWAVE OVENS OR CELLULAR TELEPHONES?

Over the past several years there has been concern that signals from some RF devices could interfere with the operation of implanted electronic pacemakers and other medical devices. Because pacemakers are electronic devices, they could be susceptible to electromagnetic signals that could cause them to malfunction. Some anecdotal claims of such effects in the past involved emissions from microwave ovens. However, it has never been shown that the RF energy from a properly operating microwave oven is strong enough to cause such interference.

Some studies have shown that mobile phones can interfere with implanted cardiac pacemakers if a phone is used in close proximity (within about 8 inches) of a pacemaker. It appears that such interference is limited to older pacemakers, which may no longer be in use. Nonetheless, to avoid this potential problem, pacemaker patients can avoid placing a phone in a pocket close to the location of their pacemaker or otherwise place the phone near the pacemaker location during phone use. Patients with pacemakers should consult with their physician or the FDA if they believe that they may have a problem related to RF interference. Further information on this is available from the FDA website for Radiation-Emitting Products.

DOES THE FCC REGULATE EXPOSURE TO THE ELECTROMAGNETIC RADIATION FROM MICROWAVE OVENS, TELEVISION SETS AND COMPUTER MONITORS?

The Commission does not regulate exposure to emissions from these devices. Protecting the public from harmful radiation emissions from these consumer products is the responsibility of the U.S. Food and Drug Administration (FDA). Inquires should be directed to the FDA's Center for Devices and Radiological Health (CDRH), and, specifically, to the CDRH Office of Compliance at (301) 594-4654.
DOES THE FCC ROUTINELY MONITOR RADIOFREQUENCY RADIATION FROM ANTENNAS?

The FCC does not have the resources or the personnel to routinely monitor the emissions for all of the thousands of transmitters that are subject to FCC jurisdiction. However, the FCC does have measurement instrumentation for evaluating RF levels in areas that may be accessible to the public or to workers. If there is evidence of potential non-compliance with FCC exposure guidelines for an FCC-regulated facility, staff from the FCC’s Office of Engineering and Technology or the Enforcement Bureau can conduct an investigation, and, if appropriate, perform actual measurements. It should be emphasized that the FCC does not perform RF exposure investigations unless there is a reasonable expectation that the FCC exposure limits may be exceeded. Potential exposure problems should be brought to the FCC's attention by contacting the FCC at: 1-888-225-5322 or by e-mailing: rfssafety@fcc.gov.

DOES THE FCC MAINTAIN A DATABASE THAT INCLUDES INFORMATION ON THE LOCATION AND TECHNICAL PARAMETERS OF ALL OF THE TRANSMITTER SITES IT REGULATES?

The Commission does not have a comprehensive, transmitter-specific database for all of the services it regulates. The Commission has information for some services such as radio and television broadcast stations, and many larger antenna towers are required to register with the FCC if they meet certain criteria. In those cases, location information is generally specified in terms of degrees, minutes, and seconds of latitude and longitude. In some services, licenses are allowed to utilize additional transmitters or to increase power without notifying the Commission. Other services are licensed by geographic area, such that the Commission has no knowledge concerning the actual number or location of transmitters within that geographic area.

The FCC General Menu Reports (GenMenu) search engine unites most of the Commission’s licensing databases under a single umbrella. Databases included are the Wireless Telecommunications Bureau’s ULS, the Media Bureau’s CDBS, COALS (cable data) and BLS, and the International Bureau’s IBFS. Entry points or search options in the various databases include frequency, state/county, latitude/longitude, call sign and licensee name.

The FCC also publishes, generally on a weekly basis, bulk extracts of the various Commission licensing databases. Each licensing database has its own unique file structure. These extracts consist of multiple, very large files. OET maintains an index to these databases.

OET has developed a Spectrum Utilization Study Software tool-set that can be used to create a Microsoft Access version of the individual exported licensing databases and then create MapInfo “mid” and “mif” files so that radio assignments can be plotted. This experimental software is used to conduct internal spectrum utilization studies needed in the rulemaking process. While the FCC makes this software available to the public, no technical support is provided.

For further information on the Commission’s existing databases, please contact Donald Campbell at donald.campbell@fcc.gov or 202-418-2405.

WHICH OTHER FEDERAL AGENCIES HAVE RESPONSIBILITIES RELATED TO POTENTIAL RF HEALTH EFFECTS?
Certain agencies in the Federal Government have been involved in monitoring, researching or regulating issues related to human exposure to RF radiation. These agencies include the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the National Telecommunications and Information Administration (NTIA) and the Department of Defense (DOD).

By authority of the Radiation Control for Health and Safety Act of 1968, the Center for Devices and Radiological Health (CDRH) of the FDA develops performance standards for the emission of radiation from electronic products including X-ray equipment, other medical devices, television sets, microwave ovens, laser products and sunlamps. The CDRH established a product performance standard for microwave ovens in 1971 limiting the amount of RF leakage from ovens. However, the CDRH has not adopted performance standards for other RF-emitting products. The FDA is, however, the lead federal health agency in monitoring the latest research developments and advising other agencies with respect to the safety of RF-emitting products used by the public, such as cellular and PCS phones.

The FDA's microwave oven standard is an emission standard (as opposed to an exposure standard) that allows specific levels of microwave energy leakage (measured at five centimeters from the oven surface). The standard also requires ovens to have two independent interlock systems that prevent the oven from generating microwaves if the latch is released or if the door of the oven is opened. The FDA has stated that ovens that meet its standards and are used according to the manufacturer's recommendations are safe for consumer and industrial use. More information is available from: FDA's website for Radiation-Emitting Products.

The EPA has, in the past, considered developing federal guidelines for public exposure to RF radiation. However, EPA activities related to RF safety and health are presently limited to advisory functions. For example, the EPA chairs an Inter-agency Radiofrequency Working Group, which coordinates RF health-related activities among the various federal agencies with health or regulatory responsibilities in this area.

OSHA is part of the U.S. Department of Labor, and is responsible for protecting workers from exposure to hazardous chemical and physical agents. In 1971, OSHA issued a protection guide for exposure of workers to RF radiation [29 CFR 1910.97]. However, this guide was later ruled to be only advisory and not mandatory. Moreover, it was based on an earlier RF exposure standard that has now been revised. At the present time, OSHA uses the IEEE and/or FCC exposure guidelines for enforcement purposes under OSHA's "general duty clause" (for more information see: www.osha.gov/SLTC/radiofrequencyradiation/).

NIOSH is part of the U.S. Department of Health and Human Services. It conducts research and investigations into issues related to occupational exposure to chemical and physical agents. NIOSH has, in the past, undertaken to develop RF exposure guidelines for workers, but final guidelines were never adopted by the agency. NIOSH conducts safety-related RF studies through its Physical Agents Effects Branch in Cincinnati, Ohio.

The NTIA is part of the U.S. Department of Commerce and is responsible for authorizing Federal Government use of the RF electromagnetic spectrum. Like the FCC, the NTIA also has NEPA responsibilities and has considered adopting guidelines for evaluating RF exposure from U.S. Government transmitters such as radar and military facilities.
CAN LOCAL AND STATE GOVERNMENTAL BODIES ESTABLISH LIMITS FOR RF EXPOSURE?

In the United States, some local and state jurisdictions have also enacted rules and regulations pertaining to human exposure to RF energy. However, the Telecommunications Act of 1996 contained provisions relating to federal jurisdiction to regulate human exposure to RF emissions from certain transmitting devices. In particular, Section 704 of the Act states that, "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions." Further information on FCC policy with respect to facilities siting is available from the FCC's Wireless Telecommunications Bureau (see http://wireless.fcc.gov/siting/).

WHERE CAN I OBTAIN MORE INFORMATION ON POTENTIAL HEALTH EFFECTS OF RADIOFREQUENCY ENERGY?

Although relatively few offices or agencies within the Federal Government routinely deal with the issue of human exposure to RF fields, it is possible to obtain information and assistance on certain topics from the following federal agencies, all of which also have Internet Web sites.

FDA: For information about radiation from microwave ovens and other consumer and industrial products contact: Center for Devices and Radiological Health (CDRH), Food and Drug Administration. [FDA website for Radiation-Emitting Products]

EPA: The Environmental Protection Agency's Office of Radiation Programs is responsible for monitoring potential health effects due to public exposure to RF fields. Contact: Environmental Protection Agency, Office of Radiation and Indoor Air, Washington, D.C. 20460, (202) 564-9235. [EPA Non-Ionizing Radiation Web Page]

OSHA: The Occupational Safety and Health Administration's (OSHA) Health Response Team has been involved in studies related to occupational exposure to RF radiation. [http://www.osha.gov/SLTC/radiation_nonionizing/index.html]

NIOSH: The National Institute for Occupational Safety and Health (NIOSH) conducts research on RF-related safety issues in workplaces and recommends measures to protect worker health. Contact: NIOSH, Engineering and Physical Hazards Branch, Mail Stop R-5, 4676 Columbia Parkway, Cincinnati, Ohio 45226, or phone 1-513-841-4221. Toll-free public inquiries: 1-800-CDC-INFO (1-800-232-4636), or by email: cdcinfo@cdc.gov. Internet information on workplace RF safety: http://www.cdc.gov/niosh/topics/emf/#rffields.

NCI: The National Cancer Institute, part of the U.S. National Institutes of Health, conducts and supports research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention, and treatment of cancer. Contact: NCI Public Inquiries Office, 6116 Executive Boulevard, Room 3036A, Bethesda, MD 20892-8322. [http://www.cancer.gov/cancertopics/factsheet/Risk/cellphones]

Toll-free number: 1-800-4-CANCER (1-800-422-6237).
FCC: Questions regarding potential RF hazards from FCC-regulated transmitters can be directed to the Federal Communications Commission, Consumer & Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C. 20554; Phone: 1-888-225-5322; E-mail: rfSafety@fcc.gov; or go to: www.fcc.gov/oet/rfsafety.

In addition to federal government agencies, there are other sources of information regarding RF energy and health effects. Some states and localities maintain non-ionizing radiation programs or, at least, some expertise in this field, usually in a department of public health or environmental control. The following table lists some representative Internet Web sites that provide information on this topic. However, the FCC neither endorses nor verifies the accuracy of any information provided at these sites. They are being provided for information only.

- **Bioelectromagnetics Society**: http://www.bioelectromagnetics.org/
- **EPA's RadTown USA**: http://www.epa.gov/radtown/
- **International Commission on Non-Ionizing Radiation Protection (ICNIRP Europe)**: http://www.icnirp.de/
- **IEEE Committee on Man & Radiation**: http://ewh.ieee.org/soc/embs/comar/
- **Microwave News**: http://www.microwavenews.com/
- **National Council on Radiation Protection & Measurements**: http://www.ncrponline.org/
- **RFcom (Canada)**: http://www.rfcom.ca/welcome/index.shtml
- **Wireless Industry (CTIA)**: http://www.ctia.org/
- **World Health Organization (WHO)**: http://www.who.ch/peh-emf
- **Germany's EMF Portal**: http://www.emf-portal.de/

For more information on this topic please note:

**OET Bulletin 56**: Questions and Answers About the Biological Effects and Potential Hazards of Radiofrequency Radiation.
ENGROSSED ORDINANCE BILL NO. 24-13
AN ORDINANCE RELATING TO ESTABLISHING NEW SALEM REVISED CODE
CHAPTER 703, WIRELESS COMMUNICATIONS FACILITIES; ADDING SRC 143A.075,
143B.065, 143E.055, 144.045, 145.045, 146.045, 147.045, 148.195, 148.345, 149.045, 150.045,
151.045, 152.045, 153.045, 154.045, 155.045, 156.045, 157.045, 158.045, 159.045, 160.125,
161.045, AND 162.065; AMENDING SRC 111.020, 111.040, 111.060, 111.070, 111.130,
111.140, 111.240, 130.210, 132.220, 133.100, 135.020, 136.020, 137.020, 138.020,
139.040, 142.020, 143.020, 143A.020, 143A.060, 143A.080, 143A.200, 143B.030, 143B.070,
143B.090, 143B.120, 143B.150, 143C.060, 143D.020, 143D.070, 143D.100, 143D.120,
143D.180, 143D.190, 143D.230, 143D.250, 143E.060, 144.050, 145.030, 145.050, 145.900,
146.030, 146.050, 146.900, 147.030, 147.050, 147.900, 148.170, 148.200, 148.210, 148.300,
148.350, 148.360, 148.450, 149.030, 149.050, 149.900, 150.030, 150.050, 150.900, 151.030,
151.040, 151.050, 151.900, 152.030, 152.040, 152.050, 152.900, 153.030, 153.050, 153.040,
153.060, 154.030, 154.040, 154.050, 154.090, 154.900, 155.030, 155.040, 155.050, 155.900,
156.030, 156.035, 156.050, 156.900, 157.030, 157.040, 157.050, 157.900, 158.030, 158.040,
158.050, 158.900, 159.030, 159.040, 159.050, 159.900, 160.020, 160.100, 160.900, 161.060,
161.170, 162.050, 162.120, 162.130, 215.055, 220.005, 300.100, 300.520, 532.015, 532.020,
532.025, AND 532.040; AND REPEALING SRC 116.130, 118.340, 119.460, 143B.050,
144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035,
153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040,
AND 162.060
The City of Salem ordains as follows:

Section 1. SRC Chapter 703 is added to the Salem Revised Code as follows:

703.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless
communications facilities are located, designed, installed, maintained, and removed in a
manner that provides for the effective provision of wireless communications within the City,
while protecting and promoting the health, safety, and welfare of the City and its residents by
requiring:

(a) The collocation, to the greatest extent possible, of new wireless
communications facilities on existing facilities in order to minimize the number of
support towers and related equipment;

(b) The careful consideration of the topography, natural features, and historical significance in potential wireless communications facility sites;

(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;

(d) The encouragement of the location of new support towers and related equipment in non-residential zones;

(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities;

(f) The provision of wireless communication services through facilities with minimal visual impact.

703.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:

(a) Amateur radio: The licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license granted from the Federal Communications Commission. Amateur radio is also commonly referred to as “ham radio.”

(b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.

(c) Array: A grouping of two or more antennas on a single support structure, support tower, or utility structure.

(d) Auxiliary support equipment: All equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary
support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

(f) Collocation: The mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(g) Existing facility: A wireless communication facility that was lawfully in place at the time an application is submitted.

(h) Guy pole: A pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(i) High voltage transmission lines: Either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(j) Lattice tower: A support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole: A support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(l) Original structure: A lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.
(m) Owner: The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

(n) Replacement structure: A utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy, or support poles in the rights-of-way or on private property.

(o) Residential building: A building used for household living or group living, regardless of zone. For the purposes of this definition:

(1) Residential building does not include a mixed use building;

(2) Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;

(3) Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

(p) Right-of-way: The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City’s right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

(q) Screening: To obscure effectively the view of the base of a wireless
communications facility and its auxiliary support equipment.

(r) Siting: The location, construction, collocation, modification, or installation of a wireless communications facility.

(s) Skipped pole:

(1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or

(2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(t) Substantially change the physical dimensions:

(1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility
easements currently related to the site.

(u) Support structure: An existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

(v) Support tower: A freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

(w) Temporary wireless communications facility: Any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

(x) Utility structure: Any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

(y) Wireless communications: Any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(z) Wireless communications facility: Any un-staffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless
communications services used exclusively by gas and electric utilities and
cooperative utilities for internal communications of an operational nature.

703.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless
communications facility may be sited in the City without a siting permit having
first been obtained.

(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a
property.

(B) Ham radios and associated equipment.

(C) Ordinary maintenance or repair of a wireless communications facility.

(D) Modification of an existing support tower or base station for the
collocation of or attachment of new transmission equipment or removal or
replacement of existing transmission equipment, pursuant to 47 U.S.C. §
1455, and notwithstanding any provision of this Chapter to the contrary,
provided that such modification does not substantially change the physical
dimensions of such support tower or base station from the dimensions
approved as part of the original decision or building permit for the support
tower or base station, that the applicant requesting a modification or
expansion of a support tower or base station establishes by substantial
evidence that the requested separation between antennas is the minimum
necessary to avoid interference, and, to the extent feasible, that the
additional equipment or modified equipment shall maintain the appearance
and design of the original facility, including, but not limited to, color,
screening, landscaping, stealth or camouflage design, mounting
configuration, and architectural treatment. However, any modification to a
support tower or base station which substantially changes the physical
dimensions of either the support tower or base station, and any other
modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this Chapter.

(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(F) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

(b) Collocation Required. All wireless communications facilities located in right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility structure or jeopardize the physical integrity of the facility structure upon which collocation will be made, consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(1) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure;

(2) Second priority: replacement of a utility structure for the purpose of collocation attachment of an antenna or antenna array;

(3) Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(4) Fourth priority: construction of a new support tower.

703.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.
(b) Classes. There are three classes of wireless communications facilities siting permits.

(1) A Class 1 Permit is a permit for a first priority siting.
(2) A Class 2 Permit is a permit for a second priority siting.
(3) A Class 3 Permit is a permit for a third priority siting or fourth priority siting.

(c) Procedure Type.

(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 703.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility’s design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC Chapter 93, or
designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) Class 1 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer’s certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 703.010(c). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(3) Class 2 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer’s certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation attachment on the proposed replacement structure.
(C) If the replacement utility structure is on a local street, color radio
frequency contour maps clearly showing the calculated coverage using the
proposed antennas at the applicant's target signal level and the calculated
coverage areas for all existing adjacent wireless communications facility
sites of the owner to support the site selected for the proposed facility
considering the siting priority established by SRC 703.010(c). If collocation
or attachment on other utility structures was ruled out for non-radio
frequency coverage reasons, the owner shall provide a statement identifying
and justifying those reasons.

(D) Coverage maps or capacity documentation showing any gap in the
provider's service and minimum height or configuration of the facility
needed to fill the gap.

(E) Color simulations of the wireless communications facility after
construction.

(4) Class 3 Applications. In addition to the submittal requirements under
paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the
load created by the proposed antennas and any future attached or collocated
communications facilities and will comply with ANSI and other industry
safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF)
engineer or a licensed civil engineer that the necessary service cannot be
provided by collocation on, or modification to, an existing support tower or
support structure or utility structure, or by collocation attachment on a
replacement utility structure for one or more of the following reasons:

(i) No existing support towers or support structures or utility structures
are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or
replacement utility structures would not be of sufficient height to
provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 703.030(c).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 703.070(e), the graphic simulation shall include the proposed design.
(G) Coverage maps or capacity documentation showing any gap in the
provider's service and minimum height or configuration of the facility
needed to fill the gap.

(e) Criteria. A wireless communications facility siting permit shall be granted
only if each of the following criteria is met:

(1) For Class 1 Applications:
   (A) The proposed collocation or attachment of an antenna or antenna array
       meets the standards in this Chapter.
   (B) For collocation or attachment of an antenna or antenna array in right-
       of-way, the proposed wireless communications facility cannot be located
       outside right-of-way because there are no existing utility structures, support
       structures, or support towers located outside right-of-way available to meet
       the service requirements of the wireless provider.

(2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
   (B) For replacement of a utility structure outside right-of-way, the proposed
       wireless communications facility cannot practicably be located on an
       existing or modified structure outside right-of-way.
   (C) For replacement of a utility structure outside right-of-way, the approval
       will not cause an increase in the number of utility structures on the property
       or cause an enlargement or expansion of an existing utility structure on the
       property.
   (D) For replacement of a utility structure in right-of-way, the proposed
       wireless communications facility cannot practicably be located on an
       existing structure inside or outside right-of-way or on a modified or
       replacement structure outside right-of-way.
   (E) For replacement of a utility structure in right-of-way, the approval will
       not cause an increase in the number of utility structures in the right-of-way
       or cause an enlargement or expansion of an existing utility structure in the
       right-of-way.
(3) For Class 3 Applications:
   (A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design, and operating characteristics of the wireless communications facility.
   (B) The support tower will not be located in the right-of-way.
   (C) If the proposal is to construct a new support tower:
      (i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.
      (ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and
      (iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

703.030. Siting Standards.
   (a) Class 1. The attachment or collocation on support towers, utility structures and support structures shall comply with the following siting standards:
      (1) Outside Right-of-Way.
         (A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new support tower, utility structure, or support structure.
      (2) Inside Right-of-Way.
         (A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.
         (B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation...
System Plan.

(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.
(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.
(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(c) Class 3. The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless
communications services. If the siting meets these criteria, the minimum height
and/or configuration required to provide service to fill the significant wireless
communications service gap in coverage and/or capacity shall be the maximum
height permitted for the new or substantially changed support tower and future
attached or collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic
district, or on property that has been designated as a historic resource under
federal, state, or local law; within three hundred feet of public right-of-way in
the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential
zones to the maximum extent feasible, through the effective use of setbacks,
height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by
taking advantage of existing buildings, topography, or other existing features.

(5) No new support tower shall be constructed, unless the owner submits the
required statement and documentation from a radio frequency (RF) engineer or
licensed civil engineer to demonstrate that the necessary service cannot be
provided by collocation on, or modification to, an existing support tower or
support structure or utility structure or by collocation attachment on a
replacement utility structure.

703.040. Antenna Development Standards.

(a) Antennas on Support Towers. Antennas attached to a support tower shall
comply with the following development standards:

(1) Height. Antennas attached to a support tower shall be no higher than
fifteen feet above the top of the support tower.

(2) Surface and Coloration. Antennas attached to a support tower shall be
made of non-reflective material and painted to match the support tower or
existing antennas, whichever results in the new antennas being less visible.
(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

- **(A) Height:**
  - (i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or
  - (ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

- **(B) Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

- **(A) Height.** Whip antennas shall extend no higher than fifteen feet above the building.

- **(B) Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

- **(A) Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.
(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

   (aa) Flush-mounted and painted the same color as the exterior of the building; or

   (bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

   (1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

   (2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

   (3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

   (1) Physical integrity. The antennas shall not jeopardize the utility structure’s physical integrity.
(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) **Utility structures outside right-of-way.** Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) **Utility structures in right-of-way.**

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

(5) **Surface and Coloration.** Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility structure.
structure so as to minimize visual impact as much as reasonably possible.

(6) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

703.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

(1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 703.070(c).

(2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-
way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) **Equipment attached to a utility structure.** Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height;

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) **Setbacks.** Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(c) **Vision Clearance.** Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) **External cables and wires.** All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) **Coloration.**

(1) **Equipment Associated with Support Towers and Support Structures.** All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(2) **Equipment Associated with Utility Structures.** Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface
application that is identical to the color and surface texture of the utility
structure. Other equipment shall be non-reflective and painted natural earth or
leaf tones or otherwise colored or surfaced so as to blend with the surrounding
environment.

(f) Lighting. Motion detecting security lighting is allowed for auxiliary support
equipment, but shall be the minimum necessary to secure the auxiliary support
equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
measured directly beneath the security lighting, at ground level, and shall be
shielded to prevent direct light from falling on adjacent properties.

(g) Undergrounding Required. Auxiliary support equipment installed in right-of-
way in a historic district or in right-of-way adjacent to a historic district or historic
resource or in right-of-way where all other utilities are required to be placed
underground shall be placed underground.


(a) Height.

(1) Outside Right-of-Way.

(A) Outside right-of-way, an existing utility structure may be replaced with
a replacement structure that is taller than the existing utility structure,
provided that the combined height of a replacement structure, antenna
mounting device, and antennae does not exceed the maximum height for a
structure in the zone.

(B) Skipped poles. Outside right-of-way, a skipped pole may be replaced
with a pole of the same height as the adjacent taller poles, provided that the
combined height of a replacement structure, antenna mounting device, and
antennae does not exceed the maximum height for a structure in the zone.

(2) Inside Right-of-Way.

(A) Inside right-of-way, an original utility structure may be replaced with a
replacement utility structure that is taller than the original structure,
provided that the combined height of a replacement structure, antenna
mounting device, and antennae is no greater than:
(i) Seventy-eight feet for a replacement structure located on a parkway or freeway;

(ii) Seventy-three feet for a replacement structure on a major arterial;

(iii) Sixty-three feet for a replacement structure on a minor arterial; or

(iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.

(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,
a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>NCMU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
<tr>
<td>Zone</td>
<td>Height</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

(e) Screening. Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the
outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

1. SRC 132.140 (Landscape Plan and Irrigation Plan Information);
2. SRC 132.150 (Standards for Landscaping Materials);
3. SRC 132.160 (Installation);
4. SRC 132.170 (Maintenance);
5. SRC 132.180 (Compliance/Performance Assurance);
6. SRC 132.190 (Irrigation);
7. SRC 132.200 (Open Space);
8. SRC 132.210 (Street Trees); and
9. SRC Table 132-3 (Plant Unit Definition).

(d) **Surface and Coloration.** Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) **Design Standards.** The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones, or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

1. The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
2. The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.
3. The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.
4. To the greatest extent possible, the antennas shall not be easily recognized.

(f) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.
(g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for attachment or collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for attachment or collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) **Access.**

(1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

703.080. **Conditions.** Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

(d) All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner’s wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless
communications facility is associated, or the owner refuses to consent to the
attachment or collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall
be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain
approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications
facility, an owner shall leave any right-of-way disturbed by such activity in as good
or better condition than it was before the commencement of such work. The owner
shall promptly complete restoration work and promptly repair any damage caused
by such work at its sole cost and expense. When any opening or cut is made by the
owner in the pavement of right-of-way, the owner must promptly refill the opening
or cut, and restore the surface to a condition satisfactory to the City Engineer, in
accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any
auxiliary support equipment, all necessary city permits shall be obtained and all
appropriate notice given to any franchisees, licensees and grantees, other city
departments, and other governmental units that own or maintain facilities which
may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility
Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations
promulgated thereunder.

(j) All excavations made by an owner in right-of-way shall be properly safeguarded
for the prevention of accidents and must be done in compliance with all applicable
federal, state, and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in
emergency situations, noise generating equipment associated with wireless
communications facilities shall not produce sound levels in excess of standards
established in SRC Chapter 93.
703.090. Wireless Communications Facilities Adjustment.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable adjustment provisions under SRC 250.

(b) Procedure Type. A wireless communications facility adjustment is a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for a wireless communications facility adjustment shall include:

(1) A written statement demonstrating how the adjustment would meet the criteria.

(2) A site plan that includes:
   (A) Description of the proposed siting’s design and dimensions, as it would appear with and without the adjustment.
   (B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.
   (C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

(d) Criteria. An application for a wireless communications facility adjustment shall be granted if the following criteria are met:

(1) The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:
(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and

(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter’s standards to the greatest extent possible.

(B) Minimization of Impacts. The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site’s size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area’s primary uses.

703.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the
succeeding six months after the expiration of the initial permit.

(b) **Third-party review and associated fees.** Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City’s costs in *including* retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone or for a new support tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner’s findings.

(c) **Issuance of Building Permit.** No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion, or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

(e) **Removal for discontinuance of service.** Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

(f) **Relocation.**

   (1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

   (2) Prior to requiring relocation, the City will provide the owner with notice.
substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner's failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(g) Measurements. Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

Section 2. The following SRC 143A.075 is hereby added to SRC Chapter 143A:

143A.075. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

Section 3. The following SRC 143B.065 is hereby added to SRC Chapter 143B:

143B.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

Section 4. The following SRC 143E.055 is hereby added to SRC Chapter 143E:

143E.055. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

Section 5. The following SRC 144.045 is hereby added to SRC Chapter 144:

144.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EFU district, subject to SRC Chapter 703.

Section 6. The following SRC 145.045 is hereby added to SRC Chapter 145:

145.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RA district, subject to SRC Chapter 703.
Section 7. The following SRC 146.045 is hereby added to SRC Chapter 146:

146.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RS district, subject to SRC Chapter 703.

Section 8. The following SRC 147.045 is hereby added to SRC Chapter 147:

147.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RD district, subject to SRC Chapter 703.

Section 9. The following SRC 148.195 is hereby added to SRC Chapter 148:

148.195. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM1 district, subject to SRC Chapter 703.

Section 10. The following SRC 148.345 is hereby added to SRC Chapter 148:

148.345. RM2 Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM2 district, subject to SRC Chapter 703.

Section 11. The following SRC 149.045 is hereby added to SRC Chapter 149:

149.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RH district, subject to SRC Chapter 703.

Section 12. The following SRC 150.045 is hereby added to SRC Chapter 150:

150.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CO district, subject to SRC Chapter 703.

Section 13. The following SRC 151.045 is hereby added to SRC Chapter 151:

151.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CN district, subject to SRC Chapter 703.

Section 14. The following SRC 152.045 is hereby added to SRC Chapter 152:

152.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CR district, subject to SRC Chapter 703.

Section 15. The following SRC 153.045 is hereby added to SRC Chapter 153:

153.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CG district, subject to SRC Chapter 703.

Section 16. The following SRC 154.045 is hereby added to SRC Chapter 154:

154.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CB district, subject to SRC Chapter 703.
Section 17. The following SRC 155.045 is hereby added to SRC Chapter 155:

155.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IC district, subject to SRC Chapter 703.

Section 18. The following SRC 156.045 is hereby added SRC Chapter 156:

156.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IBC district, subject to SRC Chapter 703.

Section 19. The following SRC 157.045 is hereby added to SRC Chapter 157:

157.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IP district, subject to SRC Chapter 703.

Section 20. The following SRC 158.045 is hereby added to SRC Chapter 158:

158.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IG district, subject to SRC Chapter 703.

Section 21. The following SRC 159.045 is hereby added to SRC Chapter 159:

159.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the II district, subject to SRC Chapter 703.

Section 22. The following SRC 160.125 is hereby added to SRC Chapter 160:

160.125. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the P district, subject to SRC Chapter 703.

Section 23. The following SRC 161.045 is hereby added to SRC Chapter 161:

161.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EC Zone, subject to SRC Chapter 703.

Section 24. The following SRC 162.065 is hereby added to SRC Chapter 162:

162.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the SWMU Zone, subject to SRC Chapter 703.

Section 25. SRC 111.020 is amended to read as follows:


(a) Abut means to be contiguous at some point.

(b) Accessory building, structure, or use means a building, structure, or use which is incidental and subordinate to and dependent upon the main use on the same premises.
(c) Adjacent means near or close, but not necessarily contiguous with.
(d) Adjoin means to abut.
(e) Administrative body means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.
(f) Administrator or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.
(g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.
(h) Adult Day Care Home (ADCH) means the residence of an adult day care provider for 5 or fewer individuals meeting the definition of Adult Day Care.
(i) Adult Day Care Center (ADCC) means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.
(j) Alley means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.
(k) Ambulance Service Facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.
(l) Ambulance Station means a building or a specific portion of a building or development that is utilized for the housing of on-call emergency medical ambulance personnel.
(m) Antenna means the specific device the surface of which is used to capture an incoming and/or transmit an outgoing radio-frequency signal from wireless communication facilities. Antennas include the following types:
(1) **Omni-Direction ("whip") Antenna**—receives and transmits signals in a 360-degree pattern.

(2) **Directional or Parabolic ("panel" or "dish") Antenna**—receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees. The term "antenna" shall not include **Ancillary Antenna** which are antennas less than 12 inches in its largest dimension and are not directly used to provide personal wireless communications services. An example would be a global-positioning satellite (GPS) antenna.

any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.

(a) **Apartment** means a court apartment, or a dwelling unit in an apartment house.

(o) **Apartment house** means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.

(p) **Approved** means approved by the administrator or other administrative body or official specifically given jurisdiction to grant such approval.

**Section 26.** SRC 111.040 is amended to read as follows:

111.040. "C" Definitions.

(a) **Carport** means a permanent structure which is not totally enclosed on two or more sides, and which is used or intended for the parking of motor vehicles.

(b) **Children or child** means a human being under 13 years of age.

(c) **City or City of Salem** means the City of Salem, an Oregon municipal corporation.

(d) **City business day** means a day other than a Saturday, Sunday, or holiday, during which the City's administrative offices are open for the transaction of regular
and routine business. A City business day begins at 8:00 a.m. and closes, unless
otherwise directed by the council or City manager, at 5:00 p.m.

(e) Child Day Care Center (CDCC) means a facility which provides child care (SIC
835) or kindergarten for 13 or more children.

(f) Child Day Care Home means the home of a child care provider for 12 or fewer
children.

(g) City engineer means the administrative head of the Engineering Division,
Department of Public Works of the City of Salem.

(h) Collocation means the use of a single support structure and/or site by more than
one wireless-communications-provider mounting or installation of an antenna on an
existing support structure, utility structure, or support tower for the purpose of
transmitting and/or receiving radio frequency signals for communications purposes.

(i) Commission means the Salem Planning Commission, created by SRC Chapter
6.

(j) Contiguity means the state of being contiguous.

(k) Contiguous means touching along a boundary or point. Two or more lots or
parcels that are under common ownership and are separated by a public right-of-
way shall not be considered contiguous.

(l) Complex means a building or group of buildings, and their accessory buildings
and structures, all under common ownership, condominium ownership, or common
management, and housing an integrated development of industrial uses, commercial
uses, public uses, residential uses, or combinations thereof.

(m) Compliance period means the period prescribed in this zoning code or by the
decision on a land use action within which all conditions precedent must be met.

(n) Comprehensive plan means the officially adopted Salem Area Comprehensive
Plan, including all components thereof adopted by reference or otherwise lawfully
incorporated as parts thereof.

(o) Conditional use means any use which is permitted in a particular zoning district
only after review and approval as provided in SRC Chapter 240 or 118, and
includes where not excepted, "nonconforming" conditional uses and development
requiring conditional use review pursuant to SRC Chapter 270. See specific conditional use.

(p) Condition precedent means any condition upon the use or development of property imposed by this zoning code or a decision on a land use action which must be met prior to an unqualified right vesting in the development, use, or continued use of a building, structure or premises. With respect to conditional zone changes it means any condition imposed in a conditional zone change declaration which must be met prior to issuance of a conditional zone change order.

(q) Corner lot means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

(r) Cottage Housing means a development consisting of at least two or more attached and/or detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

(s) Council means the council of the City of Salem, Oregon.

(t) Court apartment is a dwelling unit which is one of three or more dwelling units contained in two or more buildings on the same lot, and which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied by a family which does not include an owner of the apartment; or which is a condominium unit in a complex containing three or more dwelling units in two or more buildings.

(u) CSDP (Central Salem Development Program) area means that area of the city within the following boundaries: Beginning at the SE corner of 12th Street SE and Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along said East line of Railroad to the North side of "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West
Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to
the North side of Market Street NE; Thence Easterly along the North side of Market
Street NE to an Alley running between Fifth Street NE and Church Street NE;
Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence
Easterly along the North side of Gaines Street to the West side of Church Street NE;
Thence Northerly along the West Side of Church Street to the North line of an
Alley running between Hood Street NE and Shipping Street NE; Thence Westerly
along the North side of Said Alley to the East bank of the Willamette River; Thence
Southerly along the East Bank of the Willamette River and Willamette Slough to
the Westerly projection of the South line of Mission Street SE; Thence running
Easterly along the South side of Mission Street SE to the Place of Beginning.

Section 27. SRC 111.060 is amended to read as follows:

111.060. "E" Definitions.

(a) Employees means all persons, including proprietors, performing work on a
premises during the largest shift at peak season.
(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to
house and protect the electronic equipment necessary for processing wireless
communications signals. Associated equipment may include air conditioning and
emergency generators.
(eb) Existing Wildlife Rehabilitation Facility means any building, structure, or land
which meets the standards set forth in SRC 119.080 and is occupied or being used
by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and

Section 28. SRC 111.070 is amended to read as follows:

111.070. "F" Definitions.

(a) Family means an individual or two or more persons related by blood or
marriage, or a group of not more than five persons (excluding servants) who need
not be related by blood or marriage, living together in a dwelling unit. Family shall
include two or more handicapped persons as defined in the Fair Housing
Amendments Act of 1988 living as a single housekeeping unit.
(b) Farm use means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). "Current employment" shall be as defined in ORS 215.203(2)(b).

c) Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

d) Final decision means a decision by the council, or a decision by any other administrative body after the applicable appeal and review periods have expired.

e) Fish habitat enhancement means the addition or modification of aquatic habitat components whose absence, scarcity, or condition has been determined by the city to limit fish presence or abundance in the immediate project area, specific stream corridor or watershed.

(f) Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

(g) Freestanding Support Structure means the structure to which antenna and other necessary associated hardware is mounted. Freestanding support structures include, but are not limited to, lattice towers, and monopoles. For the purposes of this code, the terms "monopole" and "freestanding support structure" are used interchangeably.

(h) Frontage means that portion of a parcel of real property which abuts a public street, whether or not access to the property is accorded thereby, and whether or not
a building or structure faces the street frontage. In context, coupled with the term "alley" "frontage" has the same meaning with respect to an abutting alley.

(ih) Front lot line. See "lot line, front."

Section 29. SRC 111.130 is amended to read as follows:

111.130. "L" Definitions.

(a) Land use action means a zone change, conditional zone change, variance, adjustment, conditional use approval, specific conditional use approval, planned unit development approval at any stage requiring commission or council action, or any other action requiring discretionary review by an administrative body, including appeals from any of the foregoing.

(b) Land use proceeding means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

(c) Landscaped means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements to that primary use such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

(d) Lattice Tower means a wireless communications facility freestanding-support structure-tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(e) Livestock means:

(1) One or more members of any species of cattle, swine, sheep, goat, horse or other equine, llama, alpaca or related ruminant, or poultry, excluding chickens, regardless of the purpose for which any of the foregoing may be kept; and

(2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for sale of by-products, for livestock increase, or for value increase.
(f) Loading space means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.

(g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or contiguous unit of lots or other parcels under common or condominium ownership, common life estate, or subject to a common leasehold for a term of at least 99 years.

(h) Lot area means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

(i) Lot coverage means the percentage of lot area covered by structures other than fences or by other structures no point of which is more than three feet above grade.

(j) Lot depth means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.

(k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

(l) Lot, interior means any lot other than a corner lot.

(m) Lot line means one of the property lines forming the exterior boundaries of a lot; and includes a condominium unit ownership line where the underlying real property is included in a unit.

(n) Lot line, front means:

(1) In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;

(2) In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and

(3) In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building faces.

(o) Lot line, interior means a lot line which is not adjacent to a street.

(p) Lot line, rear means:

(1) In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and

(2) In the case of any other lot, the lot line opposite and most distant from the
front lot line.

(q) Lot line, side means any lot line which is not a front or rear lot line.

(r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

(s) Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

Section 30. SRC 111.140 is amended to read as follows:

111.140. "M" Definitions.

(a) Manufactured dwelling means:

(1) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(b) Manufactured dwelling park means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land.
under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved pursuant to SRC Chapter 63.

(c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. It does not include a street vendor's cart as described in SRC 31.1055 or a peddler's vehicle or conveyance described in SRC 31.180.

(d) Monopole means a wireless communications facility freestanding support structure tower which consists of a single pole sunk into the ground and/or attached to a foundation.

Section 31. SRC 111.240 is amended to read as follows:

111.240. "W" Definitions.

(a) Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (ORS196.800).

(b) Wetland restoration means to restore former wetlands, create new wetlands, or enhance existing wetlands for the purpose of improving ecological or habitat functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

(c) Wildlife shall have the meaning as defined under ORS Chapter 496.
(d) Wildlife rehabilitation means the restoration of an injured, sick, or immature wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of Fish and Wildlife.

(e) Wildlife rehabilitator means any individual who is licensed as a Wildlife Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife rehabilitation.

(f) Wildlife Rehabilitation Facility means any building, structure, or land being used for the purpose of wildlife rehabilitation.

(g) **Wireless Communication Facilities (WCF)** means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(h) **Wireless communications facility** means any unstaffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

Section 32. SRC 130.210 is amended to read as follows:


(a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and monuments, none of which exceeds 185 feet in height, are exempt from all other height restrictions provided they do not contain any rooms, offices, or other habitable space, that the horizontal section does not exceed 625 square feet at the top of the main building; and that the sum of the horizontal section of all such projections at the height limit applicable to the building, structure, or land on which they are located does not exceed 20 percent of the horizontal area of the roof of any building on which they are situated.

(b) Radio, television, and microwave antennas and structures exclusively for their support are exempt from all height restrictions.

(c) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself, including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all other height restrictions provided they do not contain any offices, restrooms, storage rooms, or habitable space; provided further that the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and finally provided that no such device or enclosure projects more than 15 feet above the roof, measured vertically from any point on the device or enclosure.

(d) Wireless communications facilities are subject to the provisions of SRC Chapter 703.

(e) Utility structures located in public rights-of-way and not supporting wireless communications facilities are exempt from the height restrictions of the underlying
Section 33. SRC 132.220 is amended to read as follows:

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:

(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.
(3) Using the applicable Buffer Category (A, B, C, D, or E), consult the Screening and Buffering Standards Table 132-2 to determine the buffering and screening requirements.

(4) As required by the Bufferyard and Screening Standards Table 132-2, fences shall be sight-obscuring fences and walls shall be constructed of masonry, rock, concrete, concrete block or other similar material.

(5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.

(d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.

(e) In the event a proposed use is not specifically designated in the Buffer Matrix, Table 132-1, the Planning Administrator shall designate to which group the proposed use is most similar in intensity or environmental impact.

(f) If the abutting existing use is a "nonconforming use" in the same comprehensive plan designation, then the proposed use shall provide a Category "A" Bufferyard plus a 6 foot fence or wall.

Section 34. SRC 133.100 is amended to read as follows:

133.100. Off-street Vehicle Parking Requirements.

(a) Except as otherwise specifically provided in this zoning code, off-street parking spaces shall be provided in amounts not less than those set forth in Table 133-1.

(b) Off-street parking spaces shall not exceed 2.5 times the amount required under Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such amount is more than 20.

(c) For any proposed use not shown on Table 133-1, the administrator shall determine the parking space requirement for the most nearly similar use listed in...
1. Table 133-1 with regard to traffic generation, and render such determination as an adjustment pursuant to SRC Chapter 250.

(d) The provisions of this section shall apply only to residential uses within the boundaries of the Downtown Parking District created by SRC 7.010.

(e) The provisions of this section shall not apply to wireless communications facilities.

Section 35. SRC 133.110 is amended to read as follows:

133.110. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:

(a) The minimum number of required bicycle parking spaces is listed in Table 133-1.

(b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and provide a minimum four foot access aisle unless spaces are provided to store the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-section (c) of this section.

(c) Bicycle racks must accommodate using the bicyclist's own locking device.

(d) Bicycle parking shall be provided within a convenient distance of, and clearly visible from the primary building entrance as determined by the City. Such parking shall not be further than 50 feet from the public entrance to the building.

(e) Direct access to the public right-of-way, with access ramps if necessary, and pedestrian access from the bicycle parking to the building entrance must be provided.

(f) The following uses are exempted from the bicycle parking requirements:

(1) Seasonal uses, such as fireworks stands and Christmas tree sales;

(2) Drive-in theaters;

(3) Self-storage facilities;

(4) Wireless communications facilities.

Section 36. SRC 135.020 is amended to read as follows:

135.020. Definitions. As used in this Chapter, except as the content otherwise requires:
(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

1. Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;
2. Maintenance and repair, usual and necessary for the continuance of an existing use;
3. Reasonable emergency procedures necessary for the safety or operation of property;
4. Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
5. Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 37. SRC 136.020 is amended to read as follows:

136.020. Definitions. As used in this Chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more
parcels; the construction, reconstruction, structural alteration, relocation, or
enlargement of any buildings; any extension of any use of land or any clearing,
grading, landscaping, curb cutting, or other use of land for which permission may be
required pursuant to this code. To “develop” does not include:

1. Completion of a structure or use of land for which a valid building permit
   has been issued as of March 1, 1996;
2. Maintenance and repair, usual and necessary for the continuance of an
   existing use;
3. Reasonable emergency procedures necessary for the safety or operation of
   the property;
4. Interior remodeling and such exterior remodeling that does not increase
   square footage of building, increase building height, or substantially alter the
   appearance of the structure;
5. Collocation, replacement, installation, modification, or construction of
   wireless communications facilities.

Section 38. SRC 137.020 is amended to read as follows:

137.020. Definitions.

(a) Abandonment, as it applies to industrial uses and structures in this Chapter,
means the cessation of the use or structure for a continuous period of one year or a
change of use or structure to a non-industrial use. Vacant property within the overlay
zone west of Commercial Street and designated industrial on December 1, 1998 shall
not be deemed abandoned and may be converted to industrial use.

(b) Change of use means making a different use of any building, structure or land
than which existed on December 1, 1998 and for which permission may be required
pursuant to this code. Change of use does not include collocation, replacement,
installation, modification, or construction of wireless communications facilities.

(c) Develop or Development means to divide a parcel of land into two or more
parcels; the construction, reconstruction, structural alteration, relocation, or
enlargement of any buildings; any extension of any use of land or any clearing,
grading, landscaping, curb cutting, or other use of land for which permission may be
required pursuant to this code. Develop or Development does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(d) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer’s motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

(e) Front means the portion of a building that faces a public right-of-way.

(f) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(g) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance. Primary building entrance shall not include service or employee only entrances.

(h) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(i) Public right-of-way means property dedicated to the public for ingress and egress.

(j) Public street right-of-way means a public right-of-way improved with a road or street.

(k) Side street means any public street that intersects Front Street within the Riverfront Overlay Zone.
Section 39. SRC 138.020 is amended to read as follows:


(a) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's vehicle and typically involving queuing lanes, service windows, service islands, and service bays for vehicular use.

(d) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(e) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance.
(f) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(g) Public right-of-way means a public right-of-way improved with a road or street.

(h) Side street means within the Broadway/High Street Overlay Zone, any public street that intersects Broadway Street.

Section 40. SRC 139.040 is amended to read as follows:

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

(a) Any permitted, special, administrative conditional use, or conditional, or allowed wireless communications facilities uses allowed in the RS, (Single Family Residential) district.

(b) Any combination of single family detached, duplex or triplex units, up to a maximum of three (3) units on a lot subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.

(c) Townhouses on individual lots subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the Development Design Handbook.

Section 41. SRC 142.020 is amended to read as follows:

142.020. Definitions. As used in this Chapter, except as the content otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on August 26, 1987, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission
may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 42. SRC 143.020 is amended to read as follows:

143.020. Definitions. As used in this Chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
Reasonable emergency procedures necessary for the safety or operation of
property;
Interior remodeling and such exterior remodeling that does not increase
square footage of building, increase building height, or substantially alter the
appearance of the structure;
Collocation, replacement, installation, modification, or construction of
wireless communications facilities.

Section 43. SRC 143A.020 is amended to read as follows:

143A.020. Definitions.
(a) Congregate Residence means any building or portion thereof that contains
facilities for living, sleeping, and sanitation, and may include facilities for eating and
cooking, for occupancy other than a family. A congregate residence may be a shelter,
convent, monastery, dormitory, fraternity or sorority house, but does not include jails,
hospitals, nursing homes, hotels or lodging houses.
(b) Change of Use means making a different use of any building, structure or land
than which existed on November 30, 1998 and for which permission may be required
pursuant to this code. Change of use does not include collocation, replacement,
installation, modification, or construction of wireless communications facilities.
(c) Drive through use means a business activity involving the buying and selling of
goods and services to a motorist customer or the customer's vehicle and typically
involving the queuing lanes, service windows, service islands, and service bays for
vehicular use.
(d) Floor Area means the area included within the surrounding exterior walls of a
building or portion thereof, exclusive of vent shafts and courts. The floor area of a
structure or portion thereof not provided with surrounding exterior walls shall be the
usable area under the horizontal projection of the roof or floor above.
(e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot
area.
(f) Mixed-use Development means a combination of retail, office or residential uses
in a single building or separate buildings on the same site.
Redevelopment means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety and operation of the property; and interior remodeling that does not increase the square footage or height of buildings; and collocation, replacement, installation, modification, or construction of wireless communications facilities.

Residential Structure means dwellings, hotels, apartment houses, and congregate residences.

Section 44. SRC 143A.060 is amended to read as follows:

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.

1. Mixed Use Buildings as defined in SRC Chapter 119;
2. Bed and Breakfast establishments;
3. Nursing and Personal Care Facilities (805);
4. Individual and Family Social Services (832);
5. Adult Day Care Center;
6. Used merchandise stores (953593) with all retail and storage of merchandise and equipment conducted entirely within a building;
7. Entertainment establishments;
8. Keeping of miniature swine;
9. Antennas attached to existing or approved structures;
10. Public Automobile Parking Areas;
11. General Warehousing and Storage;
12. Construction of a replacement single family dwelling unit on an individual lot;
13. Ambulance Station;
In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

**Section 45.** SRC 143A.080 is amended to read as follows:

143A.080. **Prohibited Uses.** Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070-143A.075, except as provided in SRC 113.090(b) 113.090(d). Prohibited uses expressly include the following:

(a) Outdoor Advertising Signs (billboards).
(b) Freestanding support structures less than 70 feet in height and equipment enclosures
(c) Wildlife rehabilitation facilities.
(d) Outdoor storage of materials and equipment.

**Section 46.** SRC 143A.200 is amended to read as follows:

143A.200. **Reference to Additional Standards.**

| General Development Standards | SRC Chapter 130 |
| Accessory Structures | SRC Chapter 131 |
| Landscaping | SRC Chapter 132 |
| Off-Street Parking, Loading, and Driveways | SRC Chapter 133 |
| Development Design Handbook (multiple family residential uses) | SRC Chapter 703 |
| Wireless Communications Facilities | SRC Chapter 703 |

**Section 47.** SRC 143B.030 is amended to read as follows:

143B.030. **Definitions.**

(a) Drive-through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer’s vehicle and typically involving queuing lanes service windows, service islands, and service bays for vehicular use.
(b) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the
useable area under the horizontal projection of the roof or floor above.

(c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.

(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;

(2) Reasonable emergency procedures necessary for the safety or operation of property;

(3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(4) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(4f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian Scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

(5g) Primary Building Entrance means the principal access point for persons visiting a building.

(Ah) Townhouse means a single family dwelling unit constructed in a row of attached units, with each unit separated by property lines with yard on at least two sides.
Section 48. SRC 143.070 is amended to read as follows:

143B.070. Prohibited Uses Within Overlay Zone.
(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone.
(b) No freestanding support structure shall be erected, structurally altered, or enlarged in the area within 300 feet of public right-of-way.

Section 49. SRC 143B.090 is amended to read as follows:

143B.090. Special Uses - Pine Street CG Mixed-Use Area.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial General underlying zone:
(1) Used merchandise stores (593);
(2) Entertainment establishments (58);
(3) Wildlife rehabilitation facility;
(4) Antennas attached to existing or approved structures;
(5) Public automobile parking areas;
(6) Mobile food unit;
(7) Ambulance Station;
(8) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 50. SRC 143B.120 is amended to read as follows:

143B.120. Special Uses - Pine Street IC Mixed-Use Area.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial Commercial underlying zone:
(1) Entertainment establishments;
(2) Wildlife rehabilitation facility;
(3) Mobile food unit;
(4) Antennas attached to existing structures;
(54) Used Merchandise Stores;
(65) Ambulance Station;
(76) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 51. SRC 143B.150 is amended to read as follows:

143B.150. Special Uses - Northgate CR Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:

(1) Used merchandise store (593);
(2) Entertainment establishments;
(3) Existing wildlife rehabilitation facility;
(4) Mobile food unit;
(5) Antennas attached to existing or approved structures;
(65) Ambulance Station;
(76) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 52. SRC 143C.060 is amended to read as follows:

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC 113.090. Uses permitted "by right" are designated with the letter "P". Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an "S". Uses requiring a Conditional Use Permit are designated with a "C" and are pursuant to SRC Chapter 240. Uses requiring an Administrative Conditional Use are designated with an "A" and are
pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are designated with a “W” and are allowed, subject to SRC Chapter 703.

<table>
<thead>
<tr>
<th>Table 143C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P</strong> = permitted use; <strong>S</strong> = special use; <strong>C</strong> = conditional use; <strong>A</strong> = administrative</td>
</tr>
<tr>
<td><strong>W</strong> = wireless communications facilities use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LI</th>
<th>MI*</th>
<th>AU</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One single family dwelling, townhouse, or duplex per lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>One manufactured home on a single lot [SRC 119.710]</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td><strong>AGRICULTURE and FORESTRY</strong></td>
<td></td>
<td></td>
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<tr>
<td>Agricultural production - crops (01)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated</td>
<td>P</td>
<td>P</td>
<td></td>
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<tr>
<td>Veterinary services (0742)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm labor and management services (076)</td>
<td>P</td>
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<tr>
<td>Farm labor and management services (076), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Landscape and horticultural services (078)</td>
<td>P</td>
<td></td>
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<tr>
<td>Landscape and horticultural services (078), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Timber tracts (081)</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Forestry services (085), offices only</td>
<td>P</td>
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<tr>
<td><strong>CONSTRUCTION</strong></td>
<td></td>
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<tr>
<td>Building construction - general contractors and operative builders (15), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Heavy Construction other than building construction – contractors (16), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Construction - special trade contractors (17), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**MANUFACTURING**

| Dairy products (202) | C | P |
| Canned, frozen and preserved fruits, vegetables and food specialties (203) | P |
| Grain mill products (204) | C | P |
| Bakery products (205) | C | P |
| Candy and other confectionery products (2064 and 2068) | C | P |
| Chocolate and cocoa products (2066) | C | P |
| Beverages (208) | C | P |
| Miscellaneous food preparations and kindred products (209) | C | P |
| Textile mill products (22) | C | P |
| Apparel and other finished products made from fabrics and similar materials (23) | C | P |
| Wood kitchen cabinets (2434) | C | P |
| Paperboard containers and boxes (265) | C | P |
| Printing, publishing, and allied industries (27) | C | P |
| Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311) | C | P |
| Metal cans and shipping containers (341) | C | P |
| Cutlery, hand tools and general hardware (342) | C | P |
| Heating equipment, except electric and warm air; and plumbing fixtures (343) | P |
| Metal forgings and stampings (346) | P |
| Computer and office equipment (357) | C | P |
| Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692) | C | P |
| Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386) | C | P |
| Signs and advertising specialties (3993) | C | P |
| TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES | | |
| Local and suburban transit and interurban highway passenger transportation (41) | P | P |
| Motor freight transportation and warehousing (42) | P | P |
| U.S. Postal Service (43) | P | P | P |
| Transportation services (47) | P | P | P |
| Communication (48) | P | P | P |
| Antennas attached to existing or approved structures [SRC-119.460] | S | S | S | S |

| WHOLESALE TRADE | |
| Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099) | P |
| Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516) | P |

<p>| RETAIL TRADE | |
| Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271) | P | P |
| General merchandise stores (53) | P | P | P |
| Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542) | P | P | P |
| Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554) | C | C | C |
| Auto and home supply stores (553) | P | P | P |
| Gasoline service stations (554) [SRC 119.150] | S | S |
| Apparel and accessories stores (56) | P | P | P |
| Furniture, home furnishings, and equipment stores (57) | P | P | P |
| Eating and drinking places (58) EXCEPT Drive-throughs | P | P | P |</p>
<table>
<thead>
<tr>
<th>Services</th>
<th>Code(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Miscellaneous retail (59) including, in addition to uses specifically listed in SIC group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop</td>
<td>P P P</td>
</tr>
<tr>
<td><strong>FINANCE, INSURANCE, and REAL ESTATE</strong></td>
<td></td>
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<tr>
<td>Depository Institutions (60)</td>
<td>P P P</td>
</tr>
<tr>
<td>Non-depository Credit Institutions (61)</td>
<td>P P P</td>
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<tr>
<td>Security and commodity brokers, dealers, exchanges and services (62)</td>
<td>P P P</td>
</tr>
<tr>
<td>Insurance carriers (63)</td>
<td>P P P</td>
</tr>
<tr>
<td>Insurance agents, brokers, and service (64)</td>
<td>P P P</td>
</tr>
<tr>
<td>Real estate (65)</td>
<td>P P P</td>
</tr>
<tr>
<td>Holding, and other investment offices (67)</td>
<td>P P P</td>
</tr>
<tr>
<td><strong>SERVICES</strong></td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (701) BUT EXCLUDING casino hotels</td>
<td>P P</td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
<td>P P P</td>
</tr>
<tr>
<td>Personal services (72)</td>
<td>P P P</td>
</tr>
<tr>
<td>Business services (73)</td>
<td>P P P</td>
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<tr>
<td>Automotive repair services, and parking (75)</td>
<td>P P</td>
</tr>
<tr>
<td>Miscellaneous repair services (76)</td>
<td>P P</td>
</tr>
<tr>
<td>Motion pictures (78)</td>
<td>P P P</td>
</tr>
<tr>
<td>Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)</td>
<td>P P P</td>
</tr>
<tr>
<td>Health services (80) BUT EXCLUDING hospitals (806)</td>
<td>P P P</td>
</tr>
<tr>
<td>Legal services (81)</td>
<td>P P P</td>
</tr>
<tr>
<td>Educational services (82)</td>
<td>P P P</td>
</tr>
<tr>
<td>Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons</td>
<td>P P</td>
</tr>
<tr>
<td>Child day care home</td>
<td>P P P</td>
</tr>
<tr>
<td>Adult day care home</td>
<td>P P P</td>
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<tr>
<td>Membership organizations (86), BUT EXCLUDING religious organizations (8661)</td>
<td>P P P</td>
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</tr>
<tr>
<td>1</td>
<td>Religious organizations (8661)</td>
</tr>
<tr>
<td>2</td>
<td>Engineering, Accounting, Research, Management, and Related Services (87)</td>
</tr>
<tr>
<td>3</td>
<td>Accounting, auditing, and bookkeeping (893)</td>
</tr>
<tr>
<td>4</td>
<td>Services, not elsewhere classified (899)</td>
</tr>
<tr>
<td>5</td>
<td>PUBLIC ADMINISTRATION</td>
</tr>
<tr>
<td>6</td>
<td>Executive offices (911)</td>
</tr>
<tr>
<td>7</td>
<td>Executive and legislative combined (913)</td>
</tr>
<tr>
<td>8</td>
<td>General government, not elsewhere classified (919)</td>
</tr>
<tr>
<td>9</td>
<td>Fire protection (9224)</td>
</tr>
<tr>
<td>10</td>
<td>Public order and safety, not elsewhere classified (9229)</td>
</tr>
<tr>
<td>11</td>
<td>Finance, taxation, and monetary policy (93)</td>
</tr>
<tr>
<td>12</td>
<td>Administration of human resources programs (94)</td>
</tr>
<tr>
<td>13</td>
<td>Administration of environmental quality and housing programs (95)</td>
</tr>
<tr>
<td>14</td>
<td>Administration of economic programs (96)</td>
</tr>
<tr>
<td>15</td>
<td>National security and international affairs (97)</td>
</tr>
<tr>
<td>16</td>
<td>OTHER USES</td>
</tr>
<tr>
<td>17</td>
<td>Community or neighborhood clubs</td>
</tr>
<tr>
<td>18</td>
<td>Swimming pools, whether or not open to the public for a fee</td>
</tr>
<tr>
<td>19</td>
<td>Playgrounds, parks</td>
</tr>
<tr>
<td>20</td>
<td>Public buildings and structures, such as libraries, fire stations</td>
</tr>
<tr>
<td>21</td>
<td>Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines</td>
</tr>
<tr>
<td>22</td>
<td>Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations</td>
</tr>
<tr>
<td>23</td>
<td>Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded</td>
</tr>
<tr>
<td>24</td>
<td>Recycling depots</td>
</tr>
<tr>
<td>25</td>
<td>Transit stop shelters</td>
</tr>
<tr>
<td>26</td>
<td>Ambulance Station [SRC 119.030]</td>
</tr>
</tbody>
</table>
Ambulance Service Facility [SRC 119.040]  

ACCESSORY USES and STRUCTURES  

<table>
<thead>
<tr>
<th>Description</th>
<th>P</th>
<th>P</th>
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<th>P</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Customary residential accessory buildings and structures for private use of the property and its occupants</td>
<td></td>
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<tr>
<td>A garage or parking area serving the main building or use</td>
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<tr>
<td>Sleeping quarters for domestic employees of the resident of the main building</td>
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<tr>
<td>Home occupations</td>
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<tr>
<td>The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit</td>
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</tbody>
</table>

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.

Section 53. SRC 143D.020 is amended to read as follows:

143D.020. Definitions.

(a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.

(b) Change of Use means changing an activity from one Standard Industrial Classification (SIC) Division to another. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;

(2) Reasonable emergency procedures necessary for the safety or operation of
property; or

(3) Interior remodeling and such exterior remodeling that does not increase square 
footage of a building, increase building height, or alter the appearance of a 
structure; or

(4) Collocation, replacement, installation, modification, or construction of wireless 
communications facilities.

(d) Owner means the person holding fee title or a beneficial interest under a trust deed 
or mortgage, or the purchaser under a contract for sale of real estate.

(e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route 
between two points that is intended and suitable for pedestrian use.

(f) Tuck-Under Parking means parking placed at grade with a building constructed 
above.

(g) User means the user of property in the overlay zone as of December 1, 2002.

Section 54. SRC 143D.070 is amended to read as follows:

143D.070. Uses. No building or structure shall be used, erected, structurally altered or 
enlarged, or any land used, for any use not allowed as a permitted, special, administrative 
conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 55. SRC 143D.100 is amended to read as follows:

143D.100. Uses. No building or structure shall be used, erected, structurally altered or 
enlarged, or any land used, for any use not allowed as a permitted, special, administrative 
conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 56. SRC 143D.120 is amended to read as follows:

143D.120. Uses.

(a) Except as provided in subsection (b) of this section, no building or structure shall 
be used, erected, structurally altered or enlarged, or any land used, for any use not 
allowed as a permitted, special, administrative conditional, or conditional, or wireless 
communications facilities use in the underlying zone.

(b) The following uses are permitted uses in Area 3:

(1) Eating and drinking places and entertainment establishments;

(2) Beauty Shops (723);
(3) Barber Shops (724);
(4) Business Services (73);
(5) Membership sports and recreation clubs (7997);
(6) Medical and dental laboratories (807);
(7) Outpatient facilities (8093);
(8) Engineering, accounting, research, management and related services (87);
(9) Executive offices (911);
(10) Executive and legislative combined (913);
(11) Police protection (9221), BUT EXCLUDING jail facilities;
(12) Public finance, taxation and monetary policy (93);
(13) Administration of human resources programs (94);
(14) Administration of environmental quality and housing programs (95);
(15) Administration of economic programs (96);
(16) National security and international affairs (97);
(17) Used merchandise stores (593);
(18) General merchandise stores (53);
(19) Food stores (54);
(20) Apparel and accessory stores (56);
(21) Furniture, home furnishings and equipment stores (57);
(22) Miscellaneous retail (59);
(23) Miscellaneous repair services (76);
(24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
(25) Services not elsewhere classified (899).

(c) In addition to the prohibited uses in the underlying zone, the following uses are prohibited in Area 3:
(1) Agricultural production crops (071);
(2) Crop services (072);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products;
(5) Chemicals and allied products (28);
(6) Motorcycle dealers (557);
(7) Automotive dealers, not elsewhere classified (559);
(8) Fuel Dealers (598);
(9) Outdoor advertising services (7312);
(10) Disinfecting and pest control services (7342);
(11) Building cleaning and maintenance services not elsewhere classified (7349);
(12) Recycling Depots;
(13) Scrap and waste material establishments (5093);
(14) Livestock, except dairy, poultry, and animal specialties (021);
(15) Air transportation, Non-scheduled (452);
(16) Crude petroleum and natural gas extraction (131);
(17) Surface mining operations;
(18) Meat products (201);
(19) Animal and marine fats and oils (2077);
(20) Logging camps and logging contractors (241);
(21) Sawmills and planing mills (242);
(22) Paper and allied products (26);
(23) Agricultural chemicals (287);
(24) Miscellaneous chemical products (289);
(25) Petroleum and coal products (29);
(26) Cement hydraulic (324);
(27) Iron and steel foundries (332);
(28) Primary smelting and refining nonferrous metals (333);
(29) Secondary smelting and refining nonferrous metals (334);
(30) Rolling, drawing, and extruding of nonferrous metals (335);
(31) Ordinance and accessories, except vehicles and guided missiles (348);
(32) Storage batteries (3691);
(33) Primary batteries, dry and wet (3692);
(34) Livestock (5154);
Section 57. SRC 143D.180 is amended to read as follows:

143D.180. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative, or conditional, or wireless communications facilities use in the underlying zone.

Section 58. SRC 143D.190 is amended to read as follows:

143D.190. Uses.

(a) Except as provided in subsection (b) and (c) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative, or conditional, or wireless communications facilities use in the underlying zone. Otherwise permitted uses in Area 5 may not be conducted as drive-through uses, defined as business activities typically involving queuing lanes, service windows, service islands, and service bays. The additional prohibited uses, identified under subsection (c) of this section that existed within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the lot or parcel where they are located on such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5 that were not previously utilized for such use.

(b) The following uses are permitted uses in Area 5:

(1) Mixed use developments as defined in this Chapter; and
(2) Dwellings meeting the density standards of Section 143D.210.

(c) In addition to the prohibited uses in the underlying zone, the following uses that are allowed in the underlying zone are prohibited in Area 5:

(1) Agricultural production - crops (01);
(2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products (0831);
(5) Crude petroleum and natural gas extraction (131);
(6) Gas production and distribution (492);
(7) Lumber and other building materials dealers (521);
(8) Automotive dealers and gasoline service stations (55), but excluding auto and
home supply stores (retail sales only, no service or installation) (5531);
(9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
(10) Camps and recreational vehicle parks (703);
(11) Carpet and upholstery cleaning (7217);
(12) Equipment Rental and Leasing (7359);
(13) Automotive rental and leasing, without drivers (751);
(14) Automotive repair shops (753);
(15) Automotive services, except repair (754);
(16) Motorcycle repair service;
(17) Professional sports clubs and promoters (7941);
(18) Temporary motor vehicle and recreational vehicle sales;
(19) Utilities - secondary truck parking and material storage yard;
(20) Recycling depots;
(21) Solid waste transfer stations.

Section 59. SRC 143D.230 is amended to read as follows:

143D.230. Uses.
(a) Except as provided in subsection (b) of this section, No building or structure shall
be used, erected, structurally altered or enlarged, or any land used, for any use not
allowed as a permitted, special, administrative conditional, or conditional, or wireless
communications facilities use in the underlying zone.
(b) The following uses are permitted uses in Area 6:
(1) Home occupations pursuant with 143D.240.

Section 60. SRC 143D.250 is amended to read as follows:

143D.250. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or conditional, or wireless communications facilities use in the underlying zone.
Section 61. SRC 143E.060 is amended to read as follows:

143E.060. Prohibited Uses within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone, including:

(1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores (553) and gasoline service stations (554); and

(2) Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way; and

(3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-way.

Section 62. SRC 144.050 is amended to read as follows:

144.050. Prohibited Uses. Within an EFU district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020 to 144.045.

Section 63. SRC 145.030 is amended to read as follows:

145.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RA district:

(1) Veterinary services for animal specialties (0742).

(2) Funeral service (726) except crematories.

(3) Public golf courses (7992)

(4) Membership sports and recreation clubs (7997) having golf courses.

(5) Elementary and secondary schools (821).

(6) Religious organizations (866).

(7) Boat and recreational vehicle storage area.

(8) Zero side yard dwellings.

(9) Two family shared housing.

(10) Public automobile parking areas.

(11) Manufactured homes on individual lots.

(12) Bed and breakfast establishments.
(13) Adult day care center.
(14) Keeping of a miniature swine.
(15) Residential Sales/Development Office.
(16) Wildlife Rehabilitation facility.
(17) Construction of a replacement single family dwelling unit on an individual lot.
(18) Individual and Family Social Service (832).
(19) Antennas attached to existing or approved structures.
(20) Parking for Special Activities at High Schools with Community Parks.
(21) Cottage Housing.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 64. SRC 145.050 is amended to read as follows:

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.040-145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 65. SRC 145.900 is amended to read as follows:

145.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

   Preservation of Trees and Vegetation   SRC Chapter 68
   Landslide Hazards                     SRC Chapter 69
   Street Trees                          SRC Chapter 86
   Planned Unit Developments             SRC Chapter 121
   Increased Residential Density         SRC Chapter 122
   Mobile Home Parks                     SRC Chapter 123
   Home Occupations                      SRC Chapter 124
   Lot Development Standards             SRC Chapter 130
   Accessory Structures                  SRC Chapter 131
   Landscaping                           SRC Chapter 132
Section 66. SRC 146.030 is amended to read as follows:

146.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RS district:

1. Funeral service (726) except crematories.
2. Public golf courses (7992).
3. Membership sports and recreation clubs (7997) having golf courses.
4. Elementary and secondary schools (821).
5. Religious organizations (866).
6. Boat and recreational vehicle storage area.
7. Zero side yard dwellings.
8. Two family shared housing.
9. Public automobile parking areas.
10. Manufactured homes on individual lots.
12. Adult day care center.
15. Existing wildlife rehabilitation facility.
16. Construction of a replacement single family dwelling unit on an individual lot.
17. Antennas attached to existing or approved structures.
18. Parking for Special Activities at High Schools with Community Parks.
19. Cottage Housing

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.
Section 67. SRC 146.050 is amended to read as follows:

146.050. Prohibited Uses. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 68. SRC 146.900 is amended to read as follows:

146.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Street Trees SRC Chapter 86
- Planned Unit Developments SRC Chapter 121
- Increased Residential Density SRC Chapter 122
- Mobile Home Parks SRC Chapter 123
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 69. SRC is amended to read as follows:

147.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RD district:

(1) Nursing and personal care facilities (805).

(2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.

(3) Zero side yard dwellings.
(4) Keeping of a miniature swine.

(5) Manufactured homes on individual lots.

(6) Antennas attached to existing or approved structures.

(7) Religious organizations (866).

(b) In lieu of establishing any use listed in subsection (2) (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 70. SRC 147.050 is amended to read as follows:

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 71. SRC 147.900 is amended to read as follows:

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards SRC Chapter 69

Street Trees SRC Chapter 86

Planned Unit Developments SRC Chapter 121

Increased Residential Density SRC Chapter 122

Mobile Home Parks SRC Chapter 123

Home Occupations SRC Chapter 124

Lot Development Standards SRC Chapter 130

Accessory Structures SRC Chapter 131

Landscaping SRC Chapter 132

Off-street Parking, Loading and Driveways SRC Chapter 133

Flood Plain Overlay Zones SRC Chapter 140

Willamette Greenway Overlay Zones SRC Chapter 141

Wireless Communications Facilities SRC Chapter 703

Section 72. SRC 148.170 is amended to read as follows:

148.170. RM1 Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RM1 district:

1. Nursing and personal care facilities.
2. Elementary and secondary schools.
3. Religious organizations.
5. Manufactured homes on individual lots, provided the minimum density requirements of SRC 148.220 are met.
6. Adult day care center.
9. Antennas attached to existing or approved structures

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 73. SRC 148.200 is amended to read as follows:

148.200. RM1 Prohibited Uses. Within any RM1 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 74. SRC 148.210 is amended to read as follows:

148.210. RM1 Design Approval. Developments subject to SRC 148.160-148.190 and SRC 148.200-148.300 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the adopted Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.

Section 75. SRC 148.300 is amended to read as follows:

148.300. RM1 Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

1. Landslide Hazards SRC Chapter 69
2. Planned Unit Development SRC Chapter 121
3. Mobile Homes Parks SRC Chapter 123
4. Home Occupations SRC Chapter 124
5. Lot Development Standards SRC Chapter 130
6. Accessory Structures SRC Chapter 131
7. Landscaping SRC Chapter 132
8. Off-Street Parking, Loading, and Driveways SRC Chapter 133
9. Flood Plain Overlay Zones SRC Chapter 141
10. City of Salem Development Design Handbook
11. Wireless Communications Facilities SRC Chapter 703

Section 76. SRC 148.350 is amended to read as follows:

148.350. RM2 Prohibited Uses. Within any RD RM2 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 148.310 to 147.040 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 77. SRC 148.360 is amended to read as follows:

148.360. RM2 Design Approval. Developments subject to SRC 148.310-148.340 and SRC 148.350-148.450 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.

Section 78. SRC 148.450 is amended to read as follows:

148.450. RM2 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

1. Landslide Hazards SRC Chapter 69
2. Planned Unit Development SRC Chapter 121
Section 79. SRC 149.030 is amended to read as follows:

149.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RH district:

1. Nursing and personal care facilities (805).
2. Elementary and secondary schools (821).
3. Religious organizations (866).
5. Adult day care center.
8. Antennas attached to existing or approved structures.
9. Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 80. SRC 149.050 is amended to read as follows:

149.050. Uses. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.049, 149.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed...
Section 81. SRC 149.900 is amended to read as follows:

149.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation (SRC Chapter 68)
- Landslide Hazards (SRC Chapter 69)
- Planned Unit Developments (SRC Chapter 121)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-street Parking, Loading, and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Development Design Handbooks for projects including three or more multiple family units (SRC Chapter 140)
- Wireless Communications Facilities (SRC Chapter 703)

Section 82. SRC 150.030 is amended to read as follows:

150.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CO district:

1. Veterinary services for animal specialties (0742).
2. Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses.
3. Nursing and personal care facilities (805).
4. Religious organizations (866).
5. Boat and recreational vehicle storage area.
7. Orthopedic and artificial limb offices - retail (5999).
9. Antennas attached to existing or approved structures.
(409) Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 83. SRC 150.050 is amended to read as follows:

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to 150.045, unless the use is deemed an equivalent use pursuant to except as provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 84. SRC 150.900 is amended to read as follows:

150.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation SRC Chapter 68
- Landslide Hazards SRC Chapter 69
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units SRC Chapter 703

Section 85. SRC 151.030 is amended to read as follows:

151.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the GR CN district:

1 (1) Keeping of a miniature swine.
(2) Antennas attached to existing or approved structures.
(3) Freestanding support structures 35 feet or less in height and equipment
  enclosures.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use
  under SRC Chapter 119, the developer may elect to apply for conditional use approval
  pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 86. SRC 151.040 is amended to read as follows:

151.040. Conditional Uses.
The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as
applicable, are permitted in the CN district:
  (a) Crude petroleum and natural gas extraction (131).
  (b) Electric services (491).
  (c) Gas production and distribution (492).
  (d) Water supply (494).
  (e) Off-site response actions in accordance with applicable law to discharges of oil and
      releases of hazardous substances, pollutants, and contaminants.
  (f) Freestanding support structures greater than 70 feet in height and equipment
      enclosures.

Section 87. SRC 151.050 is amended to read as follows:

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020
to 151.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 88. SRC 151.900 is amended to read as follows:

151.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:
Home Occupations SRC Chapter 124
Lot Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Section 89. SRC 152.030 is amended to read as follows:

152.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CR district:

1. Gasoline service stations (554).
2. Used merchandise store (593).
4. Entertainment establishments.
5. Keeping of a miniature swine.
6. Existing wildlife rehabilitation facility.
7. Mobile food unit.
8. Antennas attached to existing or approved structures;
9. Freestanding support structures 35 feet or less in height and equipment enclosures;
10. Temporary motor vehicle sales (551).
11. Temporary recreational vehicle sales (556).
12. One single family dwelling, other than a manufactured home, per lot.
13. Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 90. SRC 152.040 is amended to read as follows:

152.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

(a) Those uses listed in SRC 152.030, at the developer's option, as provided in
subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

(c) Manufacturing:

(1) Jewelry, silverware, and plated ware (391).

(2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(3) Signs and advertising specialties (3993).

(d) Transportation, communications, electric, gas, and sanitary services:

(1) Local and suburban passenger transportation (411).

(2) InterCity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413).

(3) Communication services, not elsewhere classified (489).

(4) Electric services (491).

(5) Gas production and distribution (492).

(6) Water supply (494).

(7) Free standing support structures greater than 70 feet in height and equipment enclosures.

(e) Retail:

(1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554), and auto and home supply stores as permitted under SRC 152.020(e)(14).

(2) Nonstore retailers (596).

(f) Services:

(1) Camps and recreational vehicle parks (703).

(2) Carpet and upholstery cleaning (7217).

(3) Automotive rental and leasing, without drivers (751).

(4) Automotive repair shops (753).

(5) Automotive services, except repair (754).

(6) Electrical repair shops (762).

(7) Reupholstery and furniture repair (764).
(8) Motorcycle repair service.
(9) Professional sports clubs and promoters (7941).
(10) Homeless shelters and room and board facilities serving 6 to 75 persons.

(g) Unlimited number of dwelling units and guest rooms in apartment houses, court
apartments, lodging houses, condominiums, and residential hotels.

(h) Other uses:

(1) Utilities - secondary truck parking and material storage yard.
(2) Recycling depots.
(3) Solid waste transfer stations.
(4) Off-site response actions in accordance with applicable law to discharges of
oil and releases of hazardous substances, pollutants, and contaminants.

Section 91. SRC 152.050 is amended to read as follows:

152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020
to 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 92. SRC 152.900 is amended to read as follows:

152.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

Landslide Hazards SRC Chapter 69
Lot Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Off-street Parking, Loading, and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Wireless Communications Facilities SRC Chapter 703

Section 93. SRC 153.030 is amended to read as follows:

153.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC
Chapter 119, are permitted in the CG district:

(1) Used merchandise stores (593).
(2) Entertainment establishments.
(3) Keeping of a miniature swine.
(4) Wildlife rehabilitation facility.
(5) Antennas attached to existing or approved structures.
(6) Freestanding support structures 35 feet or less in height and equipment enclosures.
(7) Mobile food unit.
(8) Temporary motor vehicles sales (551).
(9) Temporary recreational vehicle sales (556).
(10) One single family dwelling, other than a manufactured home, per lot.
(11) Ambulance Station.
(12) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 94. SRC 153.040 is amended to read as follows:

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

(a) Those uses listed in SRC 153.030, at the developer's option, as provided in subsection (b) of that section.
(b) Animal specialty services, except veterinary (0752).
(c) Farm labor and management services (076).
(d) Crude petroleum and natural gas extraction (131).
(e) Jewelry, silverware, and plated ware (391).
(f) Costume jewelry and notions (396).
(g) Signs and advertising specialities (3993).
(h) Electric services (491).
(i) Gas production and distribution (492).
(j) Water supply (494).
(k) Durable goods, not elsewhere classified (5099).
(l) Fish and seafoods (5146).
(m) Drive-in motion picture theaters (7833).
(n) Racing, including track operations (7948).
(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.
(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.
(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
(r) Solid waste transfer stations.
(s) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.

Section 95. SRC 153.050 is amended to read as follows:

153.050. Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 96. SRC 153.900 is amended to read as follows:

153.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
Section 97. SRC 154.030 is amended to read as follows:

154.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CB district:

(1) Keeping of a miniature swine.
(2) Antennas attached to existing or approved structures.
(3) Freestanding support structures thirty-five feet or less in height and equipment enclosures.
(4) Mobile food unit.
(5) Ambulance station.
(6) Ambulance service facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

Section 98. SRC 154.040 is amended to read as follows:


The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CB district:

(a) Helicopter landing area, with or without passenger and freight terminal facilities.
(b) Farm labor and management services (076).
(c) Crude petroleum and natural gas extraction (131).
(d) Jewelry, silverware, and plated ware (391).
(e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).
(f) Electric services (491).
(g) Gas production and distribution (492).
(h) Water supply (494).
(i) Metals and minerals, except petroleum (505) subject to the retail sales requirement
of SRC 154.020(e).

(j) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(e).

(k) Recycling depots.

(l) Solid waste transfer stations.

(m) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.

(n) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(o) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(pq) Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.

Section 99. SRC 154.050 is amended to read as follows:

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

Section 100. SRC 154.090 is amended to read as follows:

154.090. Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the
standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

Section 101. SRC 154.900 is amended to read as follows:

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

1. Mobile home as a dwelling for a caretaker.
2. Entertainment establishments.
5. Mobile food unit.
6. Antennas attached to existing structures.
7. Freestanding support structures 35 feet or less in height and equipment enclosures.
8. One single family dwelling, other than a manufactured home, per lot.
9. Ambulance Station.
10. Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 103. SRC 155.040 is amended to read as follows:


The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IC district:

(a) Agriculture:
   (1) Animal specialty services (0752).

(b) Mining:
   (1) Crude petroleum and gas extraction (131).

(c) Manufacturing:
   (1) Millwork (2431).
   (2) Structural wood members, not elsewhere classified (2439).
   (3) Wooden containers (244).
   (4) Miscellaneous wood products (249).
   (5) Furniture and fixtures (25).
   (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289).
   (7) Rubber and plastics footwear (302).
   (8) Fabricated rubber products, not elsewhere classified (306).
   (9) Miscellaneous plastics products (307).
   (10) Leather tanning and finishing (311).
   (11) Fabricated structural metal products (344).
   (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).
   (13) Coating, engraving, and allied services (347).
   (14) Miscellaneous fabricated metal products (349).
   (15) Metalworking machinery and equipment (354).
   (16) Woodworking machinery (3553).
   (17) Refrigeration and service industry machinery (358).
1. Ship and boat building and repairing (373).
2. Jewelry, silverware, and patch ware (391).
3. Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).
4. **Transportation, communication, electric, gas, and sanitary services:**
   1. Air transportation, Nonscheduled (452).
   2. Freestanding support structures greater than 70 feet in height and equipment enclosures.
5. **Utilities:**
   1. Electrical service (491).
   2. Gas production and distribution (492).
   3. Water supply (494).
6. **Wholesale trade:**
   1. Durable goods, not elsewhere classified (5099).
7. **Services:**
   1. Residential care (836).
8. **Residential:**
   1. Single family dwellings, other than mobile homes.
   2. Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
   3. Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
   4. Homeless shelters and room and board facilities serving between 6 and 75 persons; and,
9. **Other uses:**
   1. Solid waste transfer stations.
   2. Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
10. Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.
**Section 104.** SRC 155.050 is amended to read as follows:

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

**Section 105.** SRC 155.900 is amended to read as follows:

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

**Section 106.** SRC 156.030 is amended to read as follows:

156.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IBC district:

1. Gasoline service stations (554);
2. Antennas attached to existing or approved structures;
3. Freestanding support structures 35 feet or less in height and equipment enclosures;
4. Colleges, universities, professional schools, and junior colleges (8221);
5. One single family dwelling, other than a manufactured home, per lot;
6. Ambulance Station;

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:
(1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and

(2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

Section 107. SRC 156.035 is amended to read as follows:

156.035. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 447 or 118, as applicable, are permitted in the IBC district:

(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(b) Utilities:

(1) Electrical service (491);

(2) Gas production and distribution (492);

(3) Water supply (494).

Section 108. SRC 156.050 is amended to read as follows:

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 156.030, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 109. SRC 156.900 is amended to read as follows:

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards SRC Chapter 69

Wireless Communications Facilities SRC Chapter 703

Section 110. SRC 157.030 is amended to read as follows:

157.030. Special Uses.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the IP district:
(1) Gasoline service stations (554).

(2) Mobile home as a dwelling for a caretaker.

(3) Antennas attached to existing or approved structures.

(4) Freestanding support structures 35 feet or less in height and equipment enclosures.

(5) One single family dwelling, other than a manufactured home, per lot.

(6) Ambulance Station.

(7) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 111. SRC 157.040 is amended to read as follows:

157.040. Conditional Uses. 157.040. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structure greater than 70 feet in height and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(c) Carpentry and flooring (175).

(d) Manufacturing:

(1) Food and kindred products (20) BUT EXCLUDING beverages (208).

(2) Miscellaneous textile goods (229).

(3) Lumber and wood products, except furniture (24).

(4) Furniture and fixtures (25).

(5) Paper and allied products (26).

(6) Chemicals and allied products (28).

(7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).

(8) Leather tanning and finishing (311).
(9) Flat glass (321).
(10) Glass and glassware, pressed or blown (322).
(11) Pottery and related products (326).
(12) Cut stone and stone products (328).
(13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
(14) Coating, engraving, and allied services (347).
(15) Ordnance and accessories, except vehicles and guided missiles (348).
(16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020.
(17) Storage batteries (3691).
(18) Primary batteries, dry and wet (3692).
(19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020.
(20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

(e) Public utilities:
   (1) Electric services (491).
   (2) Gas production and distribution (492).
   (3) Water supply (494).

(f) Wholesale trade:
   (1) Durable goods, not elsewhere classified (5099).
   (2) Chemicals and allied products (516).
   (3) Petroleum and petroleum products (517).

(g) Animal specialty services, excluding veterinary (0752).

(h) Other uses:
   (1) Solid waste transfer stations.
   (i) Those uses listed in SRC 157.030, at the developer's option, as provided in subsection (b) of that section.

Section 112. SRC 157.050 is amended to read as follows:

157.050. Prohibited Uses. Within any IP district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to 157.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 113. SRC 157.900 is amended to read as follows:

157.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-street Parking, Loading, and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Wireless Communications Facilities (SRC Chapter 703)

Section 114. SRC 158.030 is amended to read as follows:

158.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IG district;

1. Scrap and waste materials establishments (5093).
2. Mobile home as a dwelling for a caretaker.
3. Wildlife rehabilitation facility.
4. Mobile food unit.
5. Lumber and other building materials.
6. Retail nurseries, lawn and garden supply stores.
7. Antennas attached to existing or approved structures.
8. Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from an R or CO zone and equipment enclosures.
9. Recreational vehicle sales (5561).
10. One single family dwelling, other than a manufactured home, per lot.
11. Ambulance Station.
(210) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 115. SRC 158.040 is amended to read as follows:

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.

(b) Agriculture, forestry, and fishing:

(1) Livestock, except dairy, poultry, and animal specialties (021).

(c) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of a R or CO zone and equipment enclosures.

(d) Mining:

(1) Crude petroleum and natural gas extraction (131).

(2) Surface mining operations as a specific conditional use under SRC Chapter 118.

(e) Manufacturing:

(1) Meat products (201).

(2) Animal and marine fats and oils (2077).

(3) Logging camps and logging contractors (241).

(4) Hardwood veneer and plywood (2435).

(5) Softwood veneer and plywood (2436).

(6) Structural wood members, not elsewhere classified (2439).

(7) Sawmills and planing mills (242).

(8) Paper and allied products (26) where not otherwise permitted under SRC 158.020.

(9) Agricultural chemicals (287).
(10) Miscellaneous chemical products (289).
(11) Petroleum and coal products (29).
(12) Cement hydraulic (324).
(13) Structural clay products (325).
(14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271).
(15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
(16) Iron and steel foundries (332).
(17) Primary smelting and refining of nonferrous metals (333).
(18) Secondary smelting and refining of nonferrous metals (334).
(19) Rolling, drawing, and extruding of nonferrous metals (335).
(20) Nonferrous foundries (castings) (336).
(21) Miscellaneous primary metal products (339).
(22) Ordinance and accessories, except vehicles and guided missiles (348).
(23) Storage batteries (3691).
(24) Primary batteries, dry and wet (3692).

(f) Wholesale trade:
(1) Livestock (5154).
(2) Chemicals and allied products (516).

(g) Services:
(1) Racing, including track operation (7948).

(h) Other uses:
(1) Solid waste transfer stations.

Section 116. SRC 158.050 is amended to read as follows:

158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 117. SRC 158.900 is amended to read as follows:

158.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

1. Landslide Hazards
2. Lot Development Standards
3. Accessory Structures
4. Landscaping
5. Off-street Parking, Loading, and Driveways
6. Flood Plain Overlay Zones
7. Willamette Greenway Overlay Zones
8. Lot Development Standards
9. Accessory Structures
10. Landscaping
11. Off-street Parking, Loading, and Driveways
12. Flood Plain Overlay Zones
13. Willamette Greenway Overlay Zones
14. Wireless Communications Facilities

Section 118. SRC 159.030 is amended to read as follows:

159.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an II district:

1. Antennas attached to an existing and approved structure;
2. Freestanding support structures 35 feet or less in height and equipment enclosures;
3. Ambulance Station;

Section 119. SRC 159.040 is amended to read as follows:

159.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the II district:

(a) Transportation, communication, electric, gas, and sanitary services:

1. Air transportation, Nonscheduled (452).
(2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of an R or CO zone and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(c) Animal and marine fats and oils (2077).

(d) Ordinance and Accessories except vehicles and guided missiles (348).

(e) Eating and drinking places (58).

(f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded.

(g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC Chapter 118.

(h) Solid waste transfer stations.

Section 120. SRC 159.050 is amended to read as follows:

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 121. SRC 159.900 is amended to read as follows:

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-Street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 122. SRC 160.020 is amended to read as follows:

160.020. Prohibited Uses. Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular
district under SRC 160.030 to 160.120 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 123. SRC 160.100 is amended to read as follows:

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

(1) Mobile home as a dwelling for a caretaker.

(2) Existing wildlife rehabilitation facility.

(3) Wildlife rehabilitation facility.

(4) Mobile food unit.

(5) Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission.

(6) Antennas attached to existing or approved structures.

(7) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures.

(8) Ambulance Station.

(9) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 124. SRC 160.900 is amended to read as follows:

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation: SRC Chapter 68
- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
Off-street Parking, Loading, and Driveways  SRC Chapter 133
Flood Plain Overlay Zones  SRC Chapter 140
Willamette Greenway Overlay Zones  SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units

Wireless Communications Facilities  SRC Chapter 703

Section 125. SRC 161.060 is amended to read as follows:

161.060. Height. No building, or structure or freestanding support structure in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, or structure or freestanding support structure that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

Section 126. SRC 161.170 is amended to read as follows:

161.170. Additional Standards. Additional standards may apply to development in the EC Zone as a result of regulations found in the following Chapters:

SRC Chapter 69  Landslide Hazards
SRC Chapter 140  Flood Plain Overlay Zone
SRC Chapter 125  Airport Overlay Zone
SRC Chapter 703  Wireless Communications Facilities

Section 127. SRC 162.050 is amended to read as follows:

162.050. Special Uses.
The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

(a) Antennas attached to existing or approved structures.

(ba) Mobile food unit.

Section 128. SRC 162.120 is amended to read as follows:

162.120. Design Approval.

(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to
wireless communications facilities or to relocatable structures not attached to a
permanent foundation.

(b) Lawful non-conforming buildings or structures may be structurally altered or
enlarged provided such new development reduces the degree of non-conformity, and
meets all other provisions of the Zoning Code and other laws, ordinances and
regulations.

Section 129. SRC 162.130 is amended to read as follows:

162.130. Additional Standards. Additional standards may apply to development in the
SWMU Zone. In the event there is any conflict between the standards of this Chapter and
those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
shall control. Chapters that provide additional standards include, but may not be limited to:

- Sign Code
- Home Occupations
- General Development Standards
- Accessory Structures
- Landscaping
- Off-Street Parking, Loading, and Driveways
- Floodplain Overlay Zones
- Willamette Greenway
- Wireless Communications Facilities

Section 130. SRC 215.055 is amended to read as follows:

215.055. Additional Standards. Additional standards may apply to development in the
NCMU zone as a result of regulations found in the following chapters. In the event of a
conflict between the standards contained in the NCMU zone and those contained within other
chapters of the SRC, the standards contained in the NCMU shall apply.

(a) Signs
(b) Preservation of Trees and Vegetation
(c) Landslide Hazards
(d) Trees and Shrubs
(e) Home Occupations
Section 131. SRC 220.005 is amended to read as follows:

220.005. Site Plan Review.

(a) Applicability.

(1) Except as provided in paragraph (2) of this subsection, any development that requires a building permit must receive site plan review approval prior to issuance of the building permit.

(2) Exemptions. The following development that requires a building permit is exempt from 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) Sign installation.

(C) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(D) The alteration to the facade of a building.

(E) Interior construction or tenant improvements that involve no change of use.

(F) Wireless communications facilities.

(b) Classes. The three classes of Site Plan Review are:

(1) Class 1 Site Plan Review. Class 1 Site Plan Review is site plan review for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015,
and that involves a change of use or change of occupancy where only construction
or improvements to the interior of the building or structure are required.

(2) Class 2 Site Plan Review. Class 2 Site Plan Review is required for any
development that requires a building permit, other than development subject to
Class 1 Site Plan Review, and that does not involve a land use decision or limited
land use decision, as those terms are defined in ORS 197.015.

(3) Class 3 Site Plan Review. Class 3 Site Plan Review is required for any
development that requires a building permit, and that involves a land use decision
or limited land use decision, as those terms are defined in ORS 197.015. As used
in this paragraph, 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 the Salem
Transportation System Plan;

(B) Requires a geotechnical report or geologic assessment under SRC
Chapter 69, except where a geotechnical report or geologic assessment has
already been approved for the property subject to the development
application;

(C) Requires deviation from clear and objective development standards of the
UDC relating to streets, driveways or vision clearance areas;

(D) Proposes dedication of right-of-way which is less than the requirements
of the Salem Transportation System Plan;

(E) Requires deviation from the clear and objective standards of the UDC and
where the review authority is granted the authority to use limited discretion in
deviating from the standard; or

(F) Requires a variance, adjustment, or conditional use permit.

(c) Procedure Type.

(1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
Chapter 300.

(2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
Chapter 300.
Class 3 Site Plan Review is processed as a Type II procedure under SRC Chapter 300.

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:

(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, buffers, berms, walls,
and other proposed screening as they relate to buffer yard and
landscaping required by SRC Chapter 132;
(viii) The location of all trees and vegetation required to be protected
pursuant to SRC Chapter 68;
(ix) The location of all street trees, if applicable, or proposed location of
street trees required to be planted at time of development pursuant to
SRC Chapter 86; and
(x) Identification of vehicle, pedestrian, and bicycle parking and
circulation areas, including handicapped parking stalls, disembarking
areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of
copies meeting the standards established by the Planning Administrator,
containing the following information:
(i) The total site area, dimensions, and orientation relative to north;
(ii) The location of existing structures and other improvements on the
site, including accessory structures, fences, walls, and driveways, noting
their distance from property lines; and
(iii) The location of the one-hundred-year flood plain, if applicable.

(C) A completed trip generation estimate for the proposed development, on
forms provided by the City.

(2) **Class 3 Site Plan Review.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for Class 3 Site Plan Review shall include:

(A) All submittal requirements for a Class 2 Site Plan Review under subsection (e)(1) of this section;

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of fifteen percent;

(E) The location of drainage patterns and drainage courses, if applicable;

(F) A preliminary utility plan showing capacity needs for municipal water, stormwater management, and sewer service and schematic location of connection points to existing municipal water and sewer services;

(G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g. manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

(H) A geological assessment or geotechnical report, if required by SRC Chapter 69, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

(I) A Transportation Impact Analysis, if required for the development, in the format specified, and based on thresholds specified in standards established, by the Director of Public Works.

(f) **Criteria.**

(1) **Class 1 Site Plan Review.** An application for a Class 1 Site Plan Review
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 buffeyards;

(D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

(E) The application meets all applicable standards of the UDC.

(2) Class 2 Site Plan Review. An application for a Class 2 Site Plan Review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

(B) The application meets all the applicable standards of the UDC.

(3) Class 3 Site Plan Review. An application for Class 3 Site Plan Review shall be granted if:

(A) The application meets all applicable standards of the UDC;

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.
Section 132. SRC 300.100 is amended to read as follows:

300.100. Procedure Types.

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

**TABLE 300-1**

**LAND USE PROCEDURE TYPES**

<table>
<thead>
<tr>
<th>Procedure Type</th>
<th>Decision Process</th>
<th>Decision Type</th>
<th>Process Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>Ministerial</td>
<td>Permit</td>
<td>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.</td>
</tr>
<tr>
<td>Type II</td>
<td>Administrative</td>
<td>Limited Land Use</td>
<td>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.</td>
</tr>
<tr>
<td>Type III</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are</td>
</tr>
<tr>
<td>Type IV</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
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<tr>
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<td>made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.</td>
<td></td>
</tr>
</tbody>
</table>

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.
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.

Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

**TABLE 300-2**

**LAND USE APPLICATIONS BY PROCEDURE TYPE**

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
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<tr>
<td>ADJUSTMENT</td>
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<tr>
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<td>- Minor Plan Change (City Initiated)</td>
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<td>Procedure Type</td>
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<td>Appeal</td>
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<td>- Neighborhood Plan Change (Applicant Initiated)</td>
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<td>Application</td>
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<td>Decision Type</td>
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<td>- Neighborhood Plan Change (City Initiated)</td>
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<td>NONCONFORMING USE EXTENSION, ALTERATION, EXPANSION, or SUBSTITUTION</td>
<td>III</td>
<td>Y</td>
<td>HO</td>
<td>PC</td>
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<tr>
<td>PARTITION</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>PC</td>
<td>Y</td>
</tr>
<tr>
<td>- Tentative Plan</td>
<td>Exempt</td>
<td>N</td>
<td>PA</td>
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</tr>
<tr>
<td>PLANNED UNIT DEVELOPMENT</td>
<td>III</td>
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<td>PC</td>
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</tr>
<tr>
<td>- Tentative Plan w/ Subdivision</td>
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<td>Y</td>
<td>PC</td>
<td>CC</td>
<td>Y</td>
</tr>
<tr>
<td>- Final Plan</td>
<td>I</td>
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<td>PA</td>
<td>-</td>
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</tr>
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<td>PROPERTY LINE ADJUSTMENT</td>
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<td>PA</td>
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<td>PROPERTY LINE VERIFICATION</td>
<td>I</td>
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<td>REPLAT</td>
<td>II</td>
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<tr>
<td>SIGNS</td>
<td>I</td>
<td>N</td>
<td>CDD</td>
<td>-</td>
<td>N</td>
</tr>
<tr>
<td>- Sign Permit</td>
<td>II</td>
<td>N</td>
<td>CDD</td>
<td>-</td>
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</table>

Table 300-2: Land Use Applications by Procedure Type

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COUNCIL OF THE CITY OF SALEM, OREGON
### Table 300-2: Land Use Applications by Procedure Type

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
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<tbody>
<tr>
<td>- Sign Conditional Use Permit</td>
<td>III</td>
<td>N</td>
<td>HO</td>
<td>PC</td>
<td>Y</td>
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<tr>
<td>- Sign Variance</td>
<td>III</td>
<td>N</td>
<td>HO</td>
<td>PC</td>
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<tr>
<td>SITE PLAN REVIEW</td>
<td></td>
<td></td>
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<tr>
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<td>I</td>
<td>N</td>
<td>PA</td>
<td>-</td>
<td>N</td>
</tr>
<tr>
<td>- Class 2 Site Plan Review</td>
<td>I</td>
<td>N</td>
<td>PA</td>
<td>-</td>
<td>N</td>
</tr>
<tr>
<td>- Class 3 Site Plan Review</td>
<td>II</td>
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<tr>
<td>SPECIFIC CONDITIONAL USE</td>
<td>III</td>
<td>Y</td>
<td>HO</td>
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<td>SUBDIVISION</td>
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<td>PA</td>
<td>PC</td>
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<td>- Subdivision of Manufactured Dwelling Park</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>PC</td>
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<tr>
<td>TREE &amp; VEGETATION REMOVAL</td>
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<tr>
<td>- Tree Conservation Plan</td>
<td>I</td>
<td>N</td>
<td>PA</td>
<td>-</td>
<td>N</td>
</tr>
<tr>
<td>- Tree Conservation Plan Adjustment</td>
<td>I</td>
<td>N</td>
<td>PA</td>
<td>-</td>
<td>N</td>
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<tr>
<td>Application</td>
<td>Procedure Type</td>
<td>Pre-App. Required</td>
<td>Decision</td>
<td>Appeal</td>
<td>City Council Review</td>
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<td>----------</td>
<td>--------</td>
<td>---------------------</td>
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<tr>
<td>- Tree &amp; Vegetation Removal Permit</td>
<td>I</td>
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<td>PA</td>
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<td>- Hardship Variance</td>
<td>II</td>
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<td>HO</td>
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<td>- Economical Use Variance</td>
<td>II</td>
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<td>HO</td>
<td>Y</td>
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<tr>
<td>URBAN GROWTH MANAGEMENT</td>
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<td></td>
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<td></td>
<td></td>
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<td>- Urban Service Area Amendment</td>
<td>IV</td>
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<td>-</td>
<td>N</td>
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<tr>
<td>- UGA Development Permit Preliminary</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>CC</td>
<td>Y</td>
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<tr>
<td>Declaration</td>
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<tr>
<td>- UGA Development Permit</td>
<td>I</td>
<td>N</td>
<td>PWD</td>
<td>-</td>
<td>N</td>
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<tr>
<td>VALIDATION OF UNITS OF LAND VARIANCE</td>
<td>III</td>
<td>Y</td>
<td>HO</td>
<td>PC</td>
<td>Y</td>
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<tr>
<td>WILLAMETTE GREENWAY</td>
<td></td>
<td></td>
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<td>- Greenway Development Permit</td>
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<td></td>
</tr>
<tr>
<td>Outside Compatibility</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>HO</td>
<td>Y</td>
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<tr>
<td>Review Boundary</td>
<td></td>
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<tr>
<td>Application</td>
<td>Procedure Type</td>
<td>Pre-App. Required</td>
<td>Decision</td>
<td>Appeal</td>
<td>City Council Review</td>
</tr>
<tr>
<td>-------------------------------------</td>
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<tr>
<td>- Greenway Development Permit</td>
<td>III</td>
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<td>HO</td>
<td>PC</td>
<td>Y</td>
</tr>
<tr>
<td>Inside Compatibility Review Boundary</td>
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<td>WIRELESS COMMUNICATIONS FACILITIES SITING</td>
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<tr>
<td>- Temporary Wireless Communications Facilities Siting</td>
<td>I</td>
<td>N</td>
<td>PA</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>- Class 1 Wireless Communications Facilities Siting</td>
<td>I</td>
<td>N</td>
<td>PA</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>- Class 2 Wireless Communications Facilities Siting</td>
<td>II</td>
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<td>PA</td>
<td>HO</td>
<td>Y</td>
</tr>
<tr>
<td>- Class 3 Wireless Communications Facilities Siting</td>
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<td>PC</td>
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<tr>
<td>ZONE CHANGE - Wireless Communications Facilities Adjustment</td>
<td>II</td>
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<tr>
<td>- Zone Change</td>
<td>III</td>
<td>Y</td>
<td>HO</td>
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</table>
Table 300-2: Land Use Applications by Procedure Type

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
</tr>
</thead>
</table>

**LEGEND**

PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council

**Section 133.** SRC 300.520 is amended to read as follows:

300.520. Type II Procedure.

(a) Application Requirements.

(1) **Application Form.** Type II applications shall be made on forms provided by the Planning Administrator.

(2) **Submittal Requirements.** Type II applications shall include the information required under SRC 300.210.

(b) Public Notice and Comment. Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities Siting, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) **Mailed Notice.** Mailed notice shall be provided as follows:

(A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

(B) Notice of the application shall be mailed to:

(i) The applicant(s) and/or the applicant’s authorized representative(s);

(ii) The owner(s) or contract purchaser(s) of record of the subject property.
property;
(iii) Any City-recognized neighborhood association whose boundaries
include, or are adjacent to, the subject property;
(iv) Property owners of record, as shown on the most recent property tax
assessment roll, within 250 feet of the subject property;
(v) Any governmental agency which is entitled to notice by law or under
an intergovernmental agreement with the City; and
(vi) Any community organizations, public utilities, agencies, or
individuals who have submitted written requests for notification to the
City.

(C) Mailed notice shall include:

(i) The names of the applicant(s), any representative(s) thereof, and the
owner(s) of the subject property;
(ii) The type of application and a concise description of the nature of the
land use action;
(iii) The proposed site plan;
(iv) The street address, or other easily understood geographical
reference, for the subject property;
(v) A vicinity map identifying the subject property with relation to
nearby major streets or other landmarks;
(vi) A list of the approval criteria by name and code section;
(vii) A statement that the application and all documents and evidence
submitted by the applicant are available for review and that copies can be
obtained at a reasonable cost;
(viii) A brief summary of the decision making process for the
application;
(ix) The place, date, and time that written comments are due, and the
person to whom the comments should be addressed;
(x) A statement that comments received after the close of the public
comment period will not be considered;
(xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;

(xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and

(xiii) The name and contact information for the staff case manager.

(2) Posted Notice. Posted notice shall be provided, when required, as follows:

(A) The applicant shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than 5 days after the date of original posting. The affidavit shall be made a part of the file.

(B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.

(C) Posted notice shall be on signs prepared by the Planning Administrator.

(D) To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a refundable sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.

(E) The applicant shall remove the signs from the subject property and return them to the Planning Administrator within 7 days after the date the decision is issued. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days, in an undamaged and reusable condition.
(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 5 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) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(D) Any group or individual who submitted written comments during the comment period;

(E) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;

(F) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and

(G) 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 City Council pursuant to SRC 300.1050, the decision by the Planning Administrator 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 300.400-2. Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City 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 or a Class 2 adjustment, notice of the appeal shall be provided to the City 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
City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

(B) The decision on a Class 1 adjustment is not subject to Council review. The decision of the Review authority is the final decision of the City.

(4) Appeal of the City’s final decision is to the Oregon Land Use Board of Appeals.

(g) Expiration of Approval. Approval of a Type II application expires automatically as provided by SRC 300.860(a).

Section 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:
(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
(B) The date of the decision; and
(C) A description of the decision made.

(b) Use Categories.

(1) Residential.

(A) Characteristics. Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
(B) Examples. Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

(A) Characteristics. A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
(B) Examples. Assisted living.

(3) Retail Sales and Service.

(A) Characteristics. Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
(B) Examples. Retail Sales and Service permitted activities include the following activities:

(i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing,
dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware and home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

(ii) **Personal Service-Oriented.** Banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.

(iii) **Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns, and bars; health clubs and gyms; membership clubs, lodges, and temporary lodging establishments with five or fewer guest rooms.

(iv) **Product Repair or Service Oriented.** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailors; locksmiths; and upholsterers.

(4) **Office.**

(A) **Characteristics.** Office consists of uses conducted in an office setting and generally involves business, professional, medical, or financial services.

(B) **Examples.** Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) **Institutional.**

(A) **Characteristics.** Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) **Examples.** Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations,
police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.
Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

TABLE 532-1
NCMU ZONE USES WITH MASTER PLAN

<table>
<thead>
<tr>
<th>Use</th>
<th>Status Inside Core</th>
<th>Status Outside Core</th>
<th>Limitations &amp; Qualifications</th>
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</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
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</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>N</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>(Townhouse)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>N</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>Residential Facility</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility Use</td>
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<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>P</td>
<td>N</td>
<td>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;</td>
</tr>
</tbody>
</table>

ORDINANCE 24-13 – Page 131
COUNCIL OF THE CITY OF SALEM, OREGON
<table>
<thead>
<tr>
<th>Use</th>
<th>Office Use</th>
<th>Institutional Use</th>
<th>Parks and Open Space Use</th>
<th>Public Utilities Use</th>
<th>Wireless Communications Facilities Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office Use</td>
<td>P</td>
<td>N</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space Use</td>
<td>P</td>
<td>P</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities Use</td>
<td>P/C</td>
<td>P/C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Communications</td>
<td>W</td>
<td>W</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Vehicle services such as motor vehicle repair, gas station, or car wash;
- Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted;
- Taxidermists;
- Mortuaries;
- Kennels;
- Casinos;
- Temporary lodging establishments with more than 5 guest rooms;
- Recreational vehicle parks;
- Indoor firing ranges;
- Theaters greater than 5,000 square feet;
- Pool halls;
- Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:
  - Cemeteries;
  - Open areas used for grazing.

- Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:
  - Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

### TABLE 532-2

<table>
<thead>
<tr>
<th>NCMU ZONE USES IN LIEU OF MASTER PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table 532-2: NCMU Zone Uses In Lieu of Master Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Status</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling (Townhouse)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Residential Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility Use</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Office Use</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>

ORDINANCE 24-13 – Page 133 COUNCIL OF THE CITY OF SALEM, OREGON
<table>
<thead>
<tr>
<th>Institutional Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional</td>
<td>N</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parks and Open Space Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and Open Space</td>
<td>P</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public Utilities Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Utilities</td>
<td>P/C</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wireless Communications Facilities Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Communications</td>
<td>W</td>
</tr>
</tbody>
</table>

|  |
|-------------------------|--|
| Facilities              |  |

**LEGEND**

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 147 240); W – Wireless Communications Facilities Use (Subject to SRC Chapter 703); N – Prohibited Use.

**Section 137.** SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

(a) Signs  SRC Chapter 900
(b) Preservation of Trees and Vegetation  SRC Chapter 68
(c) Landslide Hazards  SRC Chapter 69
(d) Trees and Shrubs  SRC Chapter 86
(e) Home Occupations  SRC Chapter 124
(f) Wetlands  SRC Chapter 126
(g) General Development Standards  SRC Chapter 130
(h) Accessory Structures  SRC Chapter 131
Section 138. Repeal. SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035, 147.035, 148.180, 148.330, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

Section 139. Savings Clause. A prosecution or code enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of a section of the Salem Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is started within one year after the effective date of this Ordinance arising from a violation of a section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined exactly as if the section or sections had not been repealed.

Section 140. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;
(b) Rearrange sections;
(c) Change reference numbers to agree with renumbered chapters, sections or other parts;
(d) Delete references to repealed sections;
(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 141. 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 the ordinance shall remain in full force and effect.

Section 142. 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).
PASSED by the City Council this ______ day of __________________, 2013.

ATTEST:

City Recorder

Approved by City Attorney: ________________

Checked by: P Cole

g:\group\legal\council\2013\111813 wireless communications facilities sec 703 ord 24-13 engrossed.doc
WIRELESS COMMUNICATIONS
CODE AMENDMENT 10-04

IE: PLACEMENT OF WIRELESS EQUIPMENT IN RESIDENTIAL OR SCHOOL AREAS

The FCC Broadband needs map should have priority.
Please see the Internet story on DeKalb County Georgia with wireless equipment overrun.

Thank you,

Carole Jean Reutter - retired property owner
503-858-9496

Carole Jean Reutter

Mon June 24, 2013

Ms. Carole J. Reutter
620 Plaza Del Rey NE
Salem, OR 97303-5025
January 6, 2014

City of Salem
Attn: Pamela Cole - Community Development
555 Liberty Street SE
Salem, OR 97301

RE: Proposed Code Amendment - 10-04-Wireless Communications Facilities

Dear Ms. Cole:

I am contacting you again on behalf of Newman Development Group of Candalaria, LLC ("NDG"), the owner of Candalaria Crossing Shopping Center located at 2755 Commercial Street SE, Salem, Oregon. We understand that the City of Salem is in the process of amending its Code with respect to the operation of wireless communication facilities for the benefit of wireless communication companies. I am providing this letter as written testimony for proposed Code Amendment 10-04.

As stated previously, we are concerned that the proposed Amendment has a negative impact on the rights of property owners and places the City at risk for allowing modifications without appropriate consent. Section 715.020 appears to state that only Class 3 Applications will involve a determination of whether or not additional wireless communication facilities are permitted on the subject property. We simply request that the consent of the property owner be obtained in all instances when filing an application with the City, regardless of whether it involves the modification of an existing facility or the construction of additional facilities. We believe this can easily be achieved by simply requiring the land owner to sign off on any application submitted by wireless tower applicant/operator. This is quite typical on other types of applications processed, such as alcohol sales, etc.

Wireless communication facilities are often located on leased lands. The underlying lease typically provides for whether or not the operator may modify an existing facility and/or construct additional facilities on the subject property. Simply identifying whether or not a lease exists is not sufficient, as often times the lease requires the consent of the property owner under these circumstances. If modifications to an existing facility or the construction of additional facilities are permitted without obtaining the consent of the property owner, it is anticipated that wireless communication facilities are going to be expanded on private property without proper authority to do so.

In most instances, the consent of the property owner is required in connection with the issuance of building permits and the approval of land use applications. Therefore, we do not see a basis for deviating from this standard under these circumstances. As stated, the City can easily remove itself from this potential contingent liability by requiring the property owners signature.

Any questions or concerns please contact me. Our mailing address is 2255 Van Ness Avenue - Suite #102 San Francisco, CA 94109. Thank you for your consideration.

Very truly yours,

NEWMAN DEVELOPMENT GROUP OF CANDALARIA, LLC

By:
Name/Title: George Akel, Member
NEN Comments on Proposed Ordinance Bill 24-13
Wireless Communication Facilities

Passed by NEN on November 19, 2013

NEN believes that the proposed ordinance on wireless communications facilities needs some substantial changes to protect residential areas and the livability of our neighborhoods.

1. The minimum setback from a residential zone should be 100 feet, rather than the proposed 30-foot setback. In addition, the setback for auxiliary equipment should be at least 30 feet rather than 15 feet, as proposed.

2. The maximum height of cell towers in residential zones should remain at 35 feet.

3. The section on third party review is an important addition to existing code but needs strengthening to be effective. Third party reviewed should be required in certain circumstances, for example, whenever a new tower is proposed in a residential area or within 300 feet of one. It is also important to ensure that the third party reviewer is free of any conflict of interest.

4. No adjustments to the tower height or setbacks should be allowed within or abutting residential areas. Adjustments essentially make setback requirements meaningless.
January 7, 2014

Mayor Anna Peterson
City of Salem, City Hall
555 Liberty Street SE, Room 220
Salem, OR 97301

RE: Proposed Ordinance Bill 24-13 -- Wireless Communication Facilities

Mayor Peterson and Members of the Salem City Council:

The Northeast Neighbors (NEN) Neighborhood Association recently provided our organization their analysis of the proposed Wireless Communication Facilities ordinance, Bill 24-13. Of concern to the membership of the North East Salem Community Association (NESCA) was NEN’s assertion that the new code would significantly reduce the setback and increase the height for installations located in residential areas. NESCA asks that the Mayor and Council fully address each concern raised by NEN to determine how these changes may impact neighborhood livability and take steps to preserve our communities.

The neighbors of NESCA sincerely appreciate the Mayor and Council’s consideration of this important issue.

Sincerely,

Ian P. Johnson, Chair
TO: MAYOR AND CITY COUNCIL
THROUGH LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, INTERIM DIRECTOR COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:
Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

RECOMMENDATION:
Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment.

SUMMARY:
The purpose of this report is to provide additional information in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

BACKGROUND:
At the January 13, 2014 Council hearing, several persons testified in opposition to the proposed 30-foot support tower setback from property lines in residential zones and the proposed 50-foot and 70-foot support tower heights in residential zones and testified that auxiliary support equipment should be installed underground in residential zones. The Facts and Findings in this report provide additional information addressing these
concerns. Subsequent to the January 13, 2014 Council public hearing, staff conducted additional research to determine how other jurisdictions apply height limits and setbacks to cell towers in residential zones. Staff found that these provisions vary considerably among jurisdictions and there is no consensus on how best to regulate these facilities to provide service to residential areas as wireless technology and the regulatory landscape continue to evolve.

**FACTS AND FINDINGS:**

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing, and is incorporated herein by reference.

The following additional information is provided in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

1. At the Public Hearing, a representative of the South Central Association of Neighbors (SCAN) testified in support of expanding the proposed undergrounding requirement to require all auxiliary support equipment in residential areas to be located underground, and Councilors asked staff about similar requirements in other jurisdictions. Staff responded at the hearing that requirements varied by jurisdiction and that wireless industry representatives had objected to these types of requirements based on cost as well as safety concerns. Staff based this response on information received prior to the February 26, 2013 Planning Commission hearing. In January, 2013, staff prepared a comparison of undergrounding requirements in Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado (Exhibit 1). On September 6, 2011, Molly A. Lawrence of Gordon Derr Attorneys at Law submitted comments from T-Mobile’s technical staff stating their concerns regarding underground vaults (Exhibit 2).

2. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if Marion or Polk Counties had been engaged in the input process during development of the new ordinance recommendations and requested information on County regulations on wireless communications facilities. She noted that there is a large amount of unincorporated area within the Salem-Keizer UGB, and knowing what the counties allow would be helpful, particularly with regard to tower heights and setbacks. Staff responded to Councilor Dickey by email on January 22, 2014 with the following information.

Staff did not request comments from Marion or Polk Counties while drafting the proposed amendments. In January, 2013, staff mailed notice of the February 26, 2013 Planning Commission public hearing to all owners of property within the City, including Polk County and Marion County. Staff also mailed required notice to the Marion and Polk County Boards of Commissioners prior to the February 26, 2013 Planning Commission public hearing, when the Planning Commission...

Staff contacted Marion and Polk Counties after the January 13, 2014 Council public hearing and obtained information on their current cell tower setbacks and cell tower heights for zones inside the UGB (Urban Growth Boundary).

In Marion County:

- New cell towers are not allowed in any residential zones, the CO (Commercial Office) zone, the IP (Industrial Park) zone, or the UD (Urban Development) zone.
- In zones where new cell towers are allowed, they are exempt from the height limitations of the zone, and the setbacks are the same as for other structures in the zone.
- New towers are permitted by right in the CG (Commercial General), HC (Highway Commercial), IC (Industrial Commercial), IG (General Industrial), and IH (Heavy Industrial) zones. Side and rear setbacks in these zones are 3 or 5 feet, and a site-obscuring fence is required.
- New towers are allowed through Conditional Use approval in the CR (Commercial Retail), UT (Urban Transition), and P (Public) zones. Unless conditions of approval require greater setbacks, the side and rear setbacks are 3 feet in the CR zone, 5 feet (side) and 30 feet (rear) in the UT zone, and 5 feet plus one foot for every foot the structure exceeds 35 feet in the P zone.

In Polk County:

- New cell towers are allowed through Conditional Use approval in the SR (Suburban Residential) zone. The maximum height is 40 feet, but may be up to 100 feet with an approved modification. The side and rear setbacks are the same as the setbacks for a 2-1/2 story building in the zone -- 6 feet (side) and 36 feet (rear), and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers are permitted by right in the IP (Industrial Park) zone. The maximum height is 40 feet, but may be over 40 feet with an approved modification. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 10 feet plus 1 foot for each additional foot of height above 10 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers 200 feet or less in height are allowed through Administrative Review in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers over 200 feet in height are allowed through Conditional Use approval in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a
new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.

3. Following the January 13, 2014 Public Hearing, Councilor Tesler requested information on cell tower setbacks and cell tower heights in residential zones in Oregon cities comparable to Salem (Portland, Eugene, Beaverton, Hillsboro, Gresham, and Corvallis) and asked whether the proposed ordinance would result in the least restrictive setback and height regulations of any other comparable Oregon city. Staff responded to Councilor Tesler by email on January 23, 2014 with the following information.

In residential zones where new cell towers are allowed, the following maximum heights and minimum setbacks apply:

<table>
<thead>
<tr>
<th>City</th>
<th>Maximum Height</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portland</td>
<td>Negotiated with carrier; minimum necessary to provide service for carrier and one future collocation</td>
<td>Greater of 20% of height of tower or 15 feet</td>
</tr>
<tr>
<td>Beaverton</td>
<td>80 feet</td>
<td>Equal to setbacks of underlying zone; towers not designed to collapse within themselves must be set back from property lines a distance equal to height of tower plus 5 feet</td>
</tr>
<tr>
<td>Hillsboro</td>
<td>Determined through conditional use process</td>
<td>Determined through conditional use process</td>
</tr>
<tr>
<td>Corvallis</td>
<td>150 feet</td>
<td>Two times height of facility from property line of any property that contains an existing residential use or is located in residential zone</td>
</tr>
<tr>
<td>Eugene</td>
<td>75 feet; up to 100 feet with variance</td>
<td>Height of tower</td>
</tr>
<tr>
<td>Gresham</td>
<td>No height restrictions</td>
<td>200 feet from nearest residence</td>
</tr>
</tbody>
</table>

Engrossed Ordinance 24-13 would allow a maximum height of 50 feet in the RA (Residential Agriculture), RS (Single Family Residential), and RD (Duplex Residential) zones and 70 feet in the RM1 (Multiple Family Residential 1), RM2 (Multiple Family Residential 2), and RH (Multiple Family High-Rise Residential) zone and require a minimum setback of 30 feet in all Residential zones. The proposed setback and height regulations would not be the least restrictive in comparison with similar regulations in these cities.

4. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if notice of the hearing mailed on January 2, 2014 was a citywide mailing or if it was mailed only to specific entities, such as neighborhood associations. Staff
responded to Councilor Dickey by email on January 15, 2014 with the following information.

The mailed notice for the January 13 City Council hearing was mailed on January 2 consistent with the provisions of our procedural ordinance. This notice was sent to everyone who had submitted written or oral testimony for the Planning Commission hearing, the neighborhood associations, the County Boards of Commissioners, and other entities entitled to notice. We did send a city-wide notice to all property owners of record one year ago to notify them of the first Planning Commission hearing.

Jason Richling, AIC/Urban Planning Administrator

Exhibits: 1. Comparison of Wireless Equipment Undergrounding Requirements
           2. T-Mobile Technical Staff Underground Vault Concerns

G:\CD\PLANNING\CASE APPLICATION Files 2011-Dn\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\COUNCIL SUPPLEMENTAL REPORT\CA 10-04 (CC Supplemental Report 01-27-13).docx
Comparison of Wireless Equipment Undergrounding Requirements

SALEM – Proposed Wireless Code Amendment

Right-of-way
The proposed code amendment would require auxiliary support equipment installed in right-of-way in a historic district or installed in right-of-way adjacent to a historic district or historic resource to be placed underground (SRC 715.050(g)).

Outside right-of-way
The proposed code amendment would not require auxiliary support equipment to be installed underground.

PORTLAND

Right-of-way
There are no circumstances where undergrounding of equipment in the right of way would be required. Carriers may not place equipment at grade within the streets. Portland does not require that equipment be placed underground in the right of way, although the Bureau of Transportation would prefer that when feasible. Equipment may be located underground in the right of way, attached to the utility poles, or on adjacent private property.

Portland administers wireless right of way through agreements with carriers because right of way is not covered by the zoning code. Equipment is not allowed at grade in the right of way because the site is usually on or next to the sidewalk and there is no room on the sidewalk for equipment. There are a few very limited circumstances where Bureau of Transportation may allow equipment at grade, but those are considered on a case by case basis and not common.

Source: Website; Jennifer Li, Utility Program Manager, Office for Community Technology

Outside of right-of-way
There are no specific requirements in the Portland Zoning Code for wireless equipment to be placed underground on private property. Where feasible, an applicant may suggest doing this as part of the historic review process.

Source: Website; Susan van Staveren, AICP, City Planner II - Wireless Lead Planner, City of Portland Bureau of Development Services

EUGENE

Right-of-way
Each request is handled on a case by case basis and there is not a blanket prohibition against above ground ancillary equipment. If they did not allow above ground equipment, it would be for a right-of-way management reason.

Source: Website; Pam Berrian, Telecommunications & Cable Program Manager (expecting additional information from Ginger Perales, Right-of-Way Utility Permitting Supervisor)

Outside right-of-way
Undergrounding is required in the R-1 (Low-Density Residential), PL (Public Land), C-1 (Neighborhood Commercial), GO (General Office), and PRO (Park, Recreation, and Open Space) zones unless the applicant receives a variance. A variance may be granted if stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance. In these zones, applicants may not place the equipment in a building above ground unless they receive a variance. Outside of these zones, undergrounding may be required as a condition for land use approval. The requirement for undergrounding, which is more difficult for the providers, encourages providers to look at other sites.

Source: Website; Kent Kulby, Land Use Analyst

EXHIBIT 1
FORT COLLINS

Right-of-way
Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

Outside right-of-way
Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

BEND

Right-of-way
Bend does not require that equipment be placed underground. They use a Type I Process when facilities proposed within the public right-of-way on an existing utility or light pole meet several standards, including an equipment cabinet no larger than 6 cubic feet that is concealed from public view by burying or screening by means other than walls or fences.

Source: Website

Outside right-of-way
Bend does not require that equipment be placed underground.

Source: Website

BEAVERTON

Right-of-way
Equipment cabinets associated with WCF on street lights in public road rights-of-ways are required to be placed underground unless it can be demonstrated that there is a physical obstruction to such placement. No at-grade equipment cabinet or equipment in the public road right-of-way or on private property abutting the structure is permitted.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Outside right-of-way
There are no circumstances that require equipment to be placed underground.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Prepared by Pamela Cole, Associate Planner

G:\CD\PLANNING\PamelaCole\Code Amendments\Wireless\Planning Commission PH\Comparison of wireless equipment undergrounding requirements.doc
UNDERGROUND EQUIPMENT VAULT CONCERNS

1. All vault systems such as lighting, ventilation and Sierra monitoring devices must be working properly before an employee can enter. Entry into a vault is ALWAYS a 2 technician operation. Entrant and a monitor outside at the hatch. This requires TMO to hire 2 techs for site maintenance.

2. Safety training is required annually for all FOPS.

3. Technicians must use a 4 gas meter to check the vault prior to entry.

4. Technicians must have proper oxygen meters to prevent lack of oxygen and having a technician pass out.

5. Depending upon the vault location, there may be security required to keep the general public away from our technicians while work is progress.

6. Each market should communicate vault locations to local EMS or fire rescue districts to insure they are trained and qualified for confined space rescue.

7. Vaults are NON PERMIT Confined spaces. They must be equipped with ventilation, lighting, environmental meters, sump pumps and other safety equipment. This should be a factor to cost of construction and maintenance as I said before.

8. Vaults cost $70K to purchase and another $50K to install. That is $120K on top of antenna installation.

9. They flood and ruin equipment.
FOR COUNCIL MEETING OF: February 24, 2014
AGENDA ITEM NO.: 4 (a) ______

TO: MAYOR AND CITY COUNCIL

THROUGH: LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13 and with the following additional revisions, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments as recommended by the Planning Commission.

2. Modify the criteria for review of Class 3 applications to include considerations of capacity and in-building coverage.

3. Restore references to capacity that were recommended by the Planning Commission.

4. Define "capacity" as "The network's ability to process existing wireless service demands, either voice or data."

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13 and with the following additional revisions, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment:

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments as recommended by the Planning Commission.
2. Modify the criteria for review of Class 3 applications to include considerations of capacity and in-building coverage.

3. Restore references to capacity that were recommended by the Planning Commission.

4. Define "capacity" as "The network's ability to process existing wireless service demands, either voice or data."

**SUMMARY:**

The purpose of this report is to summarize written testimony received from the City's consultant in response to public testimony the City has received.

**BACKGROUND:**

At the January 13, 2014 meeting, Council received a staff report and testimony, closed the public hearing, and left the written record open until January 27, 2014. At the January 27, 2014 Council meeting, Council received a supplemental report from staff as well as written testimony. Council continued deliberations to February 24, 2014 and re-opened the record for written testimony until 5:00 pm February 14, 2014.

The City's consultant, Pam Beery, prepared a memorandum in response to testimony that wireless industry representatives submitted to Council at and following the January 13, 2014 public hearing. The memorandum is included as Exhibit A.

The Facts and Findings in this report summarize the key legal and policy issues addressed in Section 1 of the memorandum: determining what constitutes a significant gap in coverage and whether in-building coverage and adequate capacity should be considered in that determination.

Section 2 of the memorandum provides analysis with respect to potential amendments to the draft Ordinance based on testimony received through January 27, 2014. Facts and Findings relevant to this testimony are included in the January 13, 2014 and January 27, 2014 staff reports.

**FACTS AND FINDINGS:**

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing and is incorporated herein by reference. A Supplemental Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 27, 2014 Council deliberations and is incorporated herein by reference.

1. **"Significant gap"**

   The siting standards of the Engrossed Ordinance provide that a support tower may not be sited in a residential zone, public zone, mixed-use zone, or overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and prohibiting the siting would effectively prohibit the
provision of wireless communications services. The Grant Neighborhood Association requested that Council ask City staff for a definition of the phrase "significant wireless communications service gap."

The City's consultant explains that the Telecommunications Act of 1996 provides that local governments may not take actions that "prohibit or have the effect of prohibiting" the provision of personal wireless services. The Ninth Circuit has determined that local regulations or the denial of an application result in prohibition of wireless services if a provider demonstrates that it has been "prevented from filling a significant gap in its own service coverage." The courts have not provided a definition of "significant gap" but make that determination based on the facts of a particular case.

Staff does not recommend adding a definition for "significant wireless communications service gap" because a requirement to comply with a local definition could have the effect of prohibiting service in violation of federal law.

2. **In-building coverage**

AT&T requested that Council restore the inability "to achieve reliable coverage within a building" as one of the factors that can be considered in demonstrating that an adjustment is needed to fill a gap in service, both to be consistent with federal law and to fulfill a basic expectation of wireless customers. The phrase had been included in the draft of SRC Chapter 703 recommended by the Planning Commission but deleted in the Engrossed Ordinance based on advice from the City's consultant.

The City's consultant states that no case or regulation specifically addresses the question of whether in-building coverage is to be considered in determination of a significant gap in service, and the decision as to whether to consider in-building coverage is a policy choice. Consumers' ability to get service when and where they wish is an appropriate consideration if balanced against valid public goals, including aesthetics.

Staff recommends considering in-building coverage as a factor in evaluating service because the wireless industry has testified that consumers expect reliable in-building coverage and the City's consultant has stated that there is precedent in other jurisdictions.

3. **Capacity**

AT&T and T-Mobile requested that Council restore references to "capacity" that had been included in the draft of SRC Chapter 703 recommended by the Planning Commission but deleted in the Engrossed Ordinance based on advice from the City's consultant. The carriers state that the Ordinance should allow consideration of capacity issues as well as coverage issues because wireless communications (voice, data, and broadband) can be dropped or blocked in areas where an antenna site is overloaded with traffic, meaning it is beyond the antennas' capacity to accept and process customers' demands on the system.
The City's consultant informed the Council at the public hearing that provisions regarding capacity that were included in the Planning Commission's recommendation would be difficult to administer because "capacity" was not defined. In the memorandum, she states that although applicable law has not established whether capacity should be considered in the determination of a significant coverage gap, the decision is a policy choice, and Council has the legal authority to balance competing interests for wireless service against valid public interests. She also states that the Ordinance should include a definition of capacity if Council chooses to consider capacity.

Staff recommends restoring the provisions referring to capacity based on testimony from the industry that inadequate capacity results in unreliable service and significant gaps in service and including a definition of capacity to address the consultant's concerns regarding administration of these provisions.

CONCLUSION:

As Salem continues to grow, consumers will demand more and better wireless services including voice, data, and broadband and will expect reliable coverage within their businesses and their residences. Therefore, based on testimony from the wireless industry and the most recent advice from the City's consultant, staff recommends the following revisions to Engrossed Ordinance 24-13:

1. Restore the phrase "or are unable to achieve reliable wireless coverage within a building" to the criteria for adjustments in section 703.090(d)(3)(A)(i).

2. Modify the criteria for review of Class 3 applications at 703.020(e)(3)(C)(iii) to read "Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage."

3. Restore the references to capacity in sections 703.010(b), 703.020(d)(3)(D), 703.020(d)(4)(G), 703.020(e)(3)(C)(ii), 703.030(c)(1) and 703.090(d)(3)(A)(i).

4. Define "capacity" in section 703.005 as "The ability of the wireless communications network to process existing wireless service demands."

Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator

Exhibits: A. Memorandum from Pamela J. Beery, Special Legal Counsel

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA 10-4 Wireless and Public Utility Facilities (Pamela)\CA 10-04 (CC Supplemental Report 02-24-14).docx

Supplemental Report for CA 10-04 Page 4 February 24, 2014
MEMORANDUM

TO: Pamela Cole, Associate Planner
   City of Salem

FROM: Pamela J. Beery, Special Legal Counsel

SUBJECT: Engrossed Wireless Facilities Siting Ordinance: Legal Analysis of Issues
          Presented – City Council Public Hearing

DATE: February 14, 2014

This memorandum responds to testimony submitted to the Council at and following the January 13, 2014 public hearing. It also provides analysis with respect to potential amendments to the draft Ordinance based on testimony both from industry and from Salem residents.

The comments of industry, in addition to addressing siting standards, raise two legal issues:

1. To what extent should “in-building” coverage be considered in the determination of a significant service gap?; and
2. To what extent should capacity of an existing facility be considered a coverage issue for purposes of determining a significant service gap?

In turn, the responses to those questions could dictate potential revisions to the current draft of the ordinance.¹

The comments of area residents have included some proposed modifications to the current draft Ordinance with respect to the standards for siting communications facilities. Some of those modifications present their own legal concerns and as such they are also addressed below.

Summary of analysis

1. There is little guidance from the courts or the FCC with respect to the relevance of a service provider’s quality of coverage in buildings as it relates to the determination of whether

¹ To the extent the industry letters address siting standards such as setbacks, undergrounding, or height of a proposed tower, those matters are not included in this section of the memorandum, but may be relevant in the below discussion of proposed revisions derived from concerns expressed by area residents.
the proposed wireless facility is intended to address a significant gap in coverage. The inquiry in this regard calls for a balancing of the interests of broad deployment of robust wireless communications services against those legitimate public goals related to the proliferation of new facilities. If Council wishes to allow this kind of service to be part of the analysis, the deleted language in 703.090(d)(A) (page 30 of the enrolled draft) could be restored; the relevant section is set out below.

As presented to Council, the “Gap in Service” criterion for review of a requested adjustment reads as follows:

703.090 Wireless Communications Facilities Adjustment
....(d) Criteria.
   (A) Gap in Service
   (i) A gap in the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building.

In order to allow consideration of in-building coverage, Council could restore the language shown above as deleted.

Additionally, the criteria for review of Class 3 applications at 703.020(e)(3) (page 14 of the enrolled draft) could be modified to include the same language – at present the reference to “in-building” coverage only applies to the review of adjustment applications. Potential language for this modification could be considered as follows:

703.020 Wireless Communications Facility Siting Permits.
....(e)(3) For Class 3 Applications:
   (C) If the proposal is to construct a new support tower:
       ....(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage;

This second option has not been previously reviewed or considered during the process and is offered only as an option for Council consideration. Inclusion of either or both of these revisions is a policy choice for Council; as discussed below there is some precedent in other jurisdictions for inclusion of in-building coverage as a factor in evaluating service, but only in urban areas.

2. The question of whether the capacity of facilities should be considered in the determination of a significant coverage gap is similarly as yet undefined by applicable law, and
requires a similar policy judgment. If Council wishes to include this aspect of wireless service in
the ordinance, at a minimum a new definition should be added. A definition is suggested below
based on a modification to the definition proposed by industry representatives. Additionally,
several sections of the draft ordinance would need to be modified to restore capacity to the
language. These are enumerated in the letter from T-Mobile dated January 27, 2014. Two
examples are included above in the discussion of in-building coverage.

3. Some of the proposed revisions to the ordinance suggested by area residents present legal
concerns that Council should consider as it evaluates them.

Discussion

As we have been discussing throughout the implementation of the proposed ordinance, key
provisions of federal law apply and – in some cases – require a specific response in the
regulations. Staff and the Planning Commission have identified and included those that are
clearly mandated, specifically with respect to collocation and the consideration of radio
frequency emissions in the analysis of a request to place or modify a wireless facility.

The current two questions derive from the legal precedent that has developed as courts and the
FCC have interpreted §332 of the Telecommunications Act of 1996 (47 USC § 332). A brief
overview is presented here as a backdrop for the analysis of the comments.

The genesis of the term “significant coverage gap.”

In adopting the TCA, Congress made significant revisions to the Communications Act of 1934.
The purpose of the TCA as stated in its title is “to promote competition and reduce regulation in
order to secure lower prices and higher quality services for American telecommunications
consumers and encourage the rapid deployment of new telecommunications technologies.”
In the land use context, the TCA placed new substantive and procedural limits on state and local
government regulation and permitting of telecommunications facilities. The TCA has generated
a great deal of litigation as telecommunications service providers seek to place additional towers
and antennas to meet growing demands and local governments attempt to regulate the location
and impacts of such facilities on their communities.

The portion of the TCA that has generated the most land use litigation is 47 USC 332(c)(7)
(often referred to as “Section 704” of the TCA, but referred to in this memorandum as Section
332(c)(7)). Section 332(c)(7) attempts to balance Congress’ desire to ensure rapid and adequate

deployment of telecommunications facilities to meet consumer demand and the ability of local
communities to exercise control over land uses. Section 332(c)(7) "prevents [Federal
Communications] Commission preemption of local and State land use decisions and preserves
the authority of State and local governments over zoning and land use matters except in the
limited circumstances set forth in the conference agreement."3

Section 332(c)(7) provides a cause of action for a telecommunications provider to challenge a
government decision or regulation that denies a land use application or is otherwise inconsistent
with Section 332(c)(7)(B).4 As relevant here, the proposed new regulations are subject to a
specific limitation of federal law, both as enacted and as we apply them to future siting
decisions.5 While not defining the terms, the law provides that state and local governments may
not take actions that "prohibit or have the effect of prohibiting" the provision of personal
wireless services. 47 USC 332(c)(7)(B)(i)(II).

The Ninth Circuit has adopted a two-part test for determining whether regulations or the denial
of an application result in prohibition of wireless services. First, a provider must demonstrate it
has been “prevented from filling a significant gap in its own service coverage.” Second, if the
provider can demonstrate a significant gap, the provider must then show that the manner in
which it proposes to fill the gap “is the least intrusive on the values that the denial sought to
serve.”6 The latter standard, obviously, applies in the context of a denial of a specific
application; but a provider could challenge the regulation as applied to its specific application, so
it has been considered as we have drafted the regulations.

1. Determining what constitutes a “significant gap”

The question of what constitutes a “significant gap” is a fact-specific inquiry; for this reason,
clear evidence and findings on the nature of the service that would be provided or improved by
the proposed facility is critical. Courts have considered a wide range of factors in answering the

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3 S Conf Rep No 230, 104th Cong, 2nd Sess at 104-230 (1996), at 207-08 (1996); H R Conf Rep No 458, 104th Cong,
4 47 USC 332(c)(7)(B)(v).
5 As noted in earlier communications, there are other limitations within Section 332 (no unreasonable
discrimination, no regulation based on RF emissions), but the comments have been directed only at the limitation
addressed here. It appears staff has incorporated revisions in response to industry comments regarding collocation
by adopting modifications consistent with the FCC’s 2009 declaratory ruling and the more recent Congressional
enactment on this topic.
6 MetroPCS v. City and County of San Francisco, 400 F.3d 715, 731-33 (9th Cir., 2005); Sprint PCS Assets, LLC v.
City of Palos Verdes Estates, 583 F.3d 716, 727 (9th Cir., 2009); T-Mobile USA, Inc. v. City of Anacortes, 572 F. 3d
987 (9th Cir., 2009).
“significant service gap” inquiry: examples include proximity of a busy commuter highway or railway; physical character of the area and number of users who may be affected by the lack of service; whether the service is needed to fill a complete void in coverage, or to improve weak signals; and whether the gap poses a public safety risk.\(^7\)

The two arguments the industry commenters have asserted – that in-building coverage and adequate capacity should be relevant to the “significant gap” inquiry – both present legal and policy considerations. The answers are not clear; below is the best information available on these two topics.

a. In-building coverage

As noted earlier, the draft ordinance has been amended to delete the reference to in-building coverage as relevant to the inquiry of whether an adjustment should be allowed, as part of the demonstration that the provider would be required to make. At present, no case or regulation specifically addresses the question of whether this kind of coverage is to be considered. What has been established is that the determination of a “gap” does not mean that no provider can serve the area; each provider is entitled to provide service.\(^8\)

The courts have clarified that the question of what constitutes a “significant gap” in service is an extremely fact-specific inquiry that “defies any bright-line legal rule.”\(^9\) It seems clear that a gap can be something different than a completely dead spot. It is not clear, though, to what extent service not being available or not being of a certain quality can qualify, and the evidence presented in any given case could produce a different outcome. The Council’s decision as to whether to specifically mention in-building coverage is a policy choice and certainly nothing prohibits this from being a consideration. While an individual service provider’s particular marketing strategy or approach to providing service is probably not an appropriate consideration\(^10\), the consumer’s ability to get service when and where they wish is to be balanced against the interest in assuring that valid public goals are still achieved – including aesthetics.

The cases do not address in-building coverage, with the exception of the Kansas case cited to the Council by legal counsel for AT&T.\(^11\) That case, in turn, cites to a Northern District of

\(^7\) Sprint PCS, 583 F.3d at 727, citing extensive authorities including Voice Stream PCS, LLC v. City of Hillsboro, 301 F.Supp.2d 1251, 1261 (D.Or., 2004).
\(^8\) MetroPCS, supra, at 733.
\(^9\) Id.
\(^10\) T-Mobile USA, Inc. v. City of Anacortes, supra, at 996.
California District Court decision in another of the MetroPCS v. San Francisco cases. Both courts reasoned that the question of whether in-building coverage might be a relevant inquiry should turn on how urban the area is, and as such how critical that type of coverage is to consumers in the area. These legal precedents are not binding here but certainly could form the basis of a Council determination to allow for consideration of in-building coverage, at least in the adjustment context where it previously appeared.

b. Capacity issues

The question of the capacity of a site or a system to handle the volume of calls being placed is not addressed in any case that we could locate, nor are any such cases cited to the Council by others. As with in-building coverage, the Council has the legal authority to balance the competing interests for wireless service as against valid public interests. If Council does choose to consider capacity issues, the definition proffered by counsel for AT&T should be modified to delete the reference to future capacity, since by definition a coverage gap exists if current demands cannot be met. If those demands are not even being met it is clear that future demands will not be met either.

The definition would read as follows and would be added to 703.005 Definitions:

"Capacity: The ability of the wireless communications network to process existing wireless service demands.

Allowing the consideration of future demand in addition to present demand alone, as proposed by counsel for AT&T, could result in significantly more facilities that are not at present demonstrably needed. However, again, if Council wishes to allow more broadly for the consideration of network capacity, the definition could be modified to include the reference to future capacity needs.

If Council wishes to add this definition, the language of the corresponding sections should be adjusted accordingly.

2. Other suggested amendments to the draft ordinance

Several commenters proposed revisions to the standards applicable to the siting of new wireless tower facilities. The suggested revisions have been considered earlier in this process and in some cases present legal concerns. They are discussed below.

a. Proposed 100-foot setback with no adjustments.

Throughout the process, the setback question has been a focus of public comment, particularly in and adjacent to residential zones. Providers have suggested no change to the current draft in their comments, objected strenuously to a potential 300-foot setback and similarly objected to a 100-foot setback. Such a change could subject the City to a claim that the ordinance on its face (and later, as applied) constitutes an effective prohibition of service, since the impact of such a setback needs to be analyzed throughout the city and a determination made as to how it would impact the siting of facilities. Although many communities do have 75 or 100-foot setback requirements, they are tailored to the topography and zoning of the community and not applied as a uniform standard without consideration of the impact on service. If Council wishes to consider a 100-foot setback, additional evaluation should be undertaken.

Adjustments are an accepted and effective way to maintain regulations while providing some flexibility through an additional process if the identified standards are met. In this regard, they serve an important purpose not only in terms of deployment of wireless facilities, but also of protecting the City's interests and limiting any potential liability. We strongly recommend against eliminating the adjustment option.

b. Additional requirements for third-party review near residential zones.

There is no difference in the technical knowledge of the kind of coverage and service in any case based on whether it is near or within a residential zone and the consultant on the technical side should be authorized uniformly. In most cases, staff will not need third party technical review because the technical data will be clear; in other cases, staff should have the discretion to determine whether there is a need since they will be the ones charged with evaluating the application. Similarly, the vast majority of cases can be managed without outside legal counsel.

It would also be difficult to establish an arbitrary cap on costs; rather the actual cost should be the limit of any recovery. This approach strikes a balance that hopefully results in the City getting the help it needs but only in those cases where there is in fact such a need. If a provider challenges the application of this requirement in any given case, there is opportunity to make that challenge.

c. Mandatory sound-proofing or undergrounding in areas near residential zones.

These changes are also not recommended. The SRC and indeed this new proposed regulation already require that application submittals demonstrate their compliance with the City's noise
standards. As to undergrounding requirements, these are already included in historic areas and where other utilities are underground, a very typical requirement. There are many cases where undergrounding is not feasible due to the nature of the equipment being housed; and a blanket requirement could be unworkable for that reason, resulting in more adjustment requests.

d. Revoke any permits for towers that are no longer needed.

This is administratively unworkable as well. A better alternative is to require removal of abandoned equipment as part of every city land use decision approving a new tower, which is the most common way of handling this concern. Permit revocation is problematic as it includes process requirements that are burdensome, and moreover places the burden on staff to regularly inspect approved facilities in an attempt to determine whether they are in use. Residents and property owners near existing approved facilities could report apparently inactive towers, and since the City’s land use approval (accepted by the provider) already addresses the issue, the City’s legal position is improved. In our experience, few towers are abandoned in practice due to the significant cost to construct them.

I hope this memorandum addresses the concerns presented by public testimony received to date and am happy to answer any questions you may have.

cc: Dan Atchison, Esq., City Attorney
TO:  MAYOR AND CITY COUNCIL

THROUGH: LINDA NORRIS, CITY MANAGER

FROM:  GLENN W. GROSS, INTERIM DIRECTOR &
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT:  SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, and advance Engrossed Ordinance Bill No. 24-13 to second reading for enactment.

SUMMARY:

The purpose of this report is to provide additional information in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

BACKGROUND:

At the January 13, 2014 Council hearing, several persons testified in opposition to the proposed 30-foot support tower setback from property lines in residential zones and the proposed 50-foot and 70-foot support tower heights in residential zones and testified that auxiliary support equipment should be installed underground in residential zones. The Facts and Findings in this report provide additional information addressing these
concerns. Subsequent to the January 13, 2014 Council public hearing, staff conducted additional research to determine how other jurisdictions apply height limits and setbacks to cell towers in residential zones. Staff found that these provisions vary considerably among jurisdictions and there is no consensus on how best to regulate these facilities to provide service to residential areas as wireless technology and the regulatory landscape continue to evolve.

**FACTS AND FINDINGS:**

A Staff Report containing facts and findings supporting the Engrossed Ordinance was made available for the January 13, 2014 Council hearing, and is incorporated herein by reference.

The following additional information is provided in response to testimony and questions received at the January 13, 2014 Council hearing on Engrossed Ordinance Bill No. 24-13 and questions asked by Councilors after the hearing.

1. At the Public Hearing, a representative of the South Central Association of Neighbors (SCAN) testified in support of expanding the proposed undergrounding requirement to require all auxiliary support equipment in residential areas to be located underground, and Councilors asked staff about similar requirements in other jurisdictions. Staff responded at the hearing that requirements varied by jurisdiction and that wireless industry representatives had objected to these types of requirements based on cost as well as safety concerns. Staff based this response on information received prior to the February 26, 2013 Planning Commission hearing. In January, 2013, staff prepared a comparison of undergrounding requirements in Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado (Exhibit 1). On September 6, 2011, Molly A. Lawrence of Gordon Derr Attorneys at Law submitted comments from T-Mobile's technical staff stating their concerns regarding underground vaults (Exhibit 2).

2. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if Marion or Polk Counties had been engaged in the input process during development of the new ordinance recommendations and requested information on County regulations on wireless communications facilities. She noted that there is a large amount of unincorporated area within the Salem-Keizer UGB, and knowing what the counties allow would be helpful, particularly with regard to tower heights and setbacks. Staff responded to Councilor Dickey by email on January 22, 2014 with the following information.

Staff did not request comments from Marion or Polk Counties while drafting the proposed amendments. In January, 2013, staff mailed notice of the February 26, 2013 Planning Commission public hearing to all owners of property within the City, including Polk County and Marion County. Staff also mailed required notice to the Marion and Polk County Boards of Commissioners prior to the February 26, 2013 Planning Commission public hearing, when the Planning Commission

Staff contacted Marion and Polk Counties after the January 13, 2014 Council public hearing and obtained information on their current cell tower setbacks and cell tower heights for zones inside the UGB (Urban Growth Boundary).

In Marion County:

- New cell towers are not allowed in any residential zones, the CO (Commercial Office) zone, the IP (Industrial Park) zone, or the UD (Urban Development) zone.
- In zones where new cell towers are allowed, they are exempt from the height limitations of the zone, and the setbacks are the same as for other structures in the zone.
- New towers are permitted by right in the CG (Commercial General), HC (Highway Commercial), IC (Industrial Commercial), IG (General Industrial), and IH (Heavy Industrial) zones. Side and rear setbacks in these zones are 3 or 5 feet, and a site-obscuring fence is required.
- New towers are allowed through Conditional Use approval in the CR (Commercial Retail), UT (Urban Transition), and P (Public) zones. Unless conditions of approval require greater setbacks, the side and rear setbacks are 3 feet in the CR zone, 5 feet (side) and 30 feet (rear) in the UT zone, and 5 feet plus one foot for every foot the structure exceeds 35 feet in the P zone.

In Polk County:

- New cell towers are allowed through Conditional Use approval in the SR (Suburban Residential) zone. The maximum height is 40 feet, but may be up to 100 feet with an approved modification. The side and rear setbacks are the same as the setbacks for a 2-1/2 story building in the zone -- 6 feet (side) and 36 feet (rear), and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers are permitted by right in the IP (Industrial Park) zone. The maximum height is 40 feet, but may be over 40 feet with an approved modification. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 10 feet plus 1 foot for each additional foot of height above 10 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers 200 feet or less in height are allowed through Administrative Review in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.
- New cell towers over 200 feet in height are allowed through Conditional Use approval in the EFU (Exclusive Farm Use) zone. The side and rear setbacks are the same as setbacks for all other structures in the zone -- 20 feet, and a
new tower must also be set back at least the height of the tower from an existing dwelling on adjacent property.

3. Following the January 13, 2014 Public Hearing, Councilor Tesler requested information on cell tower setbacks and cell tower heights in residential zones in Oregon cities comparable to Salem (Portland, Eugene, Beaverton, Hillsboro, Gresham, and Corvallis) and asked whether the proposed ordinance would result in the least restrictive setback and height regulations of any other comparable Oregon city. Staff responded to Councilor Tesler by email on January 23, 2014 with the following information.

In residential zones where new cell towers are allowed, the following maximum heights and minimum setbacks apply:

<table>
<thead>
<tr>
<th>City</th>
<th>Maximum Height</th>
<th>Minimum Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Portland</td>
<td>Negotiated with carrier; minimum necessary to provide service for carrier and one future collocation</td>
<td>Greater of 20% of height of tower or 15 feet</td>
</tr>
<tr>
<td>Beaverton</td>
<td>80 feet</td>
<td>Equal to setbacks of underlying zone; towers not designed to collapse within themselves must be set back from property lines a distance equal to height of tower plus 5 feet</td>
</tr>
<tr>
<td>Hillsboro</td>
<td>Determined through conditional use process</td>
<td>Determined through conditional use process</td>
</tr>
<tr>
<td>Corvallis</td>
<td>150 feet</td>
<td>Two times height of facility from property line of any property that contains an existing residential use or is located in residential zone</td>
</tr>
<tr>
<td>Eugene</td>
<td>75 feet; up to 100 feet with variance</td>
<td>Height of tower</td>
</tr>
<tr>
<td>Gresham</td>
<td>No height restrictions</td>
<td>200 feet from nearest residence</td>
</tr>
</tbody>
</table>

Engrossed Ordinance 24-13 would allow a maximum height of 50 feet in the RA (Residential Agriculture), RS (Single Family Residential), and RD (Duplex Residential) zones and 70 feet in the RM1 (Multiple Family Residential 1), RM2 (Multiple Family Residential 2), and RH (Multiple Family High-Rise Residential) zone and require a minimum setback of 30 feet in all Residential zones. The proposed setback and height regulations would not be the least restrictive in comparison with similar regulations in these cities.

4. Following the January 13, 2014 Public Hearing, Councilor Dickey asked staff if notice of the hearing mailed on January 2, 2014 was a citywide mailing or if it was mailed only to specific entities, such as neighborhood associations. Staff
responded to Councilor Dickey by email on January 15, 2014 with the following information.

The mailed notice for the January 13 City Council hearing was mailed on January 2 consistent with the provisions of our procedural ordinance. This notice was sent to everyone who had submitted written or oral testimony for the Planning Commission hearing, the neighborhood associations, the County Boards of Commissioners, and other entities entitled to notice. We did send a city-wide notice to all property owners of record one year ago to notify them of the first Planning Commission hearing.

Jason Richling, AIC/Urban Planning Administrator

Exhibits: 1. Comparison of Wireless Equipment Undergrounding Requirements
2. T-Mobile Technical Staff Underground Vault Concerns
Comparison of Wireless Equipment Undergrounding Requirements

SALEM – Proposed Wireless Code Amendment

Right-of-way
The proposed code amendment would require auxiliary support equipment installed in right-of-way in a historic district or installed in right-of-way adjacent to a historic district or historic resource to be placed underground (SRC 715.050(g)).

Outside right-of-way
The proposed code amendment would not require auxiliary support equipment to be installed underground.

PORTLAND

Right-of-way
There are no circumstances where undergrounding of equipment in the right of way would be required. Carriers may not place equipment at grade within the streets. Portland does not require that equipment be placed underground in the right of way, although the Bureau of Transportation would prefer that when feasible. Equipment may be located underground in the right of way, attached to the utility poles, or on adjacent private property.

Portland administers wireless right of way through agreements with carriers because right of way is not covered by the zoning code. Equipment is not allowed at grade in the right of way because the site is usually on or next to the sidewalk and there is no room on the sidewalk for equipment. There are a few very limited circumstances where Bureau of Transportation may allow equipment at grade, but those are considered on a case by case basis and not common.

Source: Website; Jennifer Li, Utility Program Manager, Office for Community Technology

Outside of right-of-way
There are no specific requirements in the Portland Zoning Code for wireless equipment to be placed underground on private property. Where feasible, an applicant may suggest doing this as part of the historic review process.

Source: Website; Susan van Staveren, AICP, City Planner II - Wireless Lead Planner, City of Portland Bureau of Development Services

EUGENE

Right-of-way
Each request is handled on a case by case basis and there is not a blanket prohibition against above ground ancillary equipment. If they did not allow above ground equipment, it would be for a right-of-way management reason.

Source: Website; Pam Berrian, Telecommunications & Cable Program Manager (expecting additional information from Ginger Perales, Right-of-Way Utility Permitting Supervisor)

Outside right-of-way
Undergrounding is required in the R-1 (Low-Density Residential), PL (Public Land), C-1 (Neighborhood Commercial), GO (General Office), and PRO (Park, Recreation, and Open Space) zones unless the applicant receives a variance. A variance may be granted if stealth design, proposed landscaping, configuration of the site, or the presence of mature trees obviates the need for compliance. In these zones, applicants may not place the equipment in a building above ground unless they receive a variance. Outside of these zones, undergrounding may be required as a condition for land use approval. The requirement for undergrounding, which is more difficult for the providers, encourages providers to look at other sites.

Source: Website; Kent Kullby, Land Use Analyst

EXHIBIT 1
FORT COLLINS

Right-of-way
Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

Outside right-of-way
Fort Collins does not require the undergrounding of wireless telecommunication equipment in any circumstance.

Source: Website; Courtney Levingston, AICP, LEED AP ND, City Planner, Community Development & Neighborhood Services

BEND

Right-of-way
Bend does not require that equipment be placed underground. They use a Type I Process when facilities proposed within the public right-of-way on an existing utility or light pole meet several standards, including an equipment cabinet no larger than 6 cubic feet that is concealed from public view by burying or screening by means other than walls or fences.

Source: Website

Outside right-of-way
Bend does not require that equipment be placed underground.

Source: Website

BEAVERTON

Right-of-way
Equipment cabinets associated with WCF on street lights in public road rights-of-ways are required to be placed underground unless it can be demonstrated that there is a physical obstruction to such placement. No at-grade equipment cabinet or equipment in the public road right-of-way or on private property abutting the structure is permitted.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Outside right-of-way
There are no circumstances that require equipment to be placed underground.

Source: Beaverton code website; Luke Pelz, Associate Transportation Planner, Community and Economic Development Department

Prepared by Pamela Cole, Associate Planner

G:\CDIPLANNING\PamelaCole\Code Amendments\Wireless\Planning Commission PHI\Comparison of wireless equipment undergrounding requirements.doc
UNDERGROUND EQUIPMENT VAULT CONCERNS

1. All vault systems such as lighting, ventilation and Sierra monitoring devices must be working properly before an employee can enter. Entry into a vault is ALWAYS a 2 technician operation. Entrant and a monitor outside at the hatch. This requires TMO to hire 2 techs for site maintenance.

2. Safety training is required annually for all FOPS.

3. Technicians must use a 4 gas meter to check the vault prior to entry.

4. Technicians must have proper oxygen meters to prevent lack of oxygen and having a technician pass out.

5. Depending upon the vault location, there may be security required to keep the general public away from our technicians while work is progress.

6. Each market should communicate vault locations to local EMS or fire rescue districts to insure they are trained and qualified for confined space rescue.

7. Vaults are NON PERMIT Confined spaces. They must be equipped with ventilation, lighting, environmental meters, sump pumps and other safety equipment. This should be a factor to cost of construction and maintenance as I said before.

8. Vaults cost $70K to purchase and another $50K to install. That is $120K on top of antenna installation.

9. They flood and ruin equipment.
The City of Salem ordains as follows:

Section 1. SRC Chapter 703 is added to the Salem Revised Code as follows:

703.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained, and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of
support towers and related equipment;
(b) The careful consideration of the topography, natural features, and historical
significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited
to, freestanding structures such as light or utility poles and water towers, instead of
constructing new support towers;
(d) The encouragement of the location of new support towers and related
equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion
of existing structures in rights-of-way for the purpose of providing wireless
communications facilities:
(f) The provision of wireless communication services through facilities with
minimal visual impact.

703.005. Definitions. Unless the context specifically requires, as used in this Chapter, the
following mean:
(a) Amateur radio: The licensed and private use of designated radio bands, for
purposes of private recreation, non-commercial exchange of messages,
experimentation, self-training, and emergency communication pursuant to an
amateur operator license granted from the Federal Communications Commission.
Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the
transmission or reception of radio frequency signals, including, but not limited to
omni-directional antenna (whip), directional antenna (panel), micro cell, and
parabolic antenna (dish). Antenna does not include support structures, utility
structures, or support towers.
(c) Array: A grouping of two or more antennas on a single support structure,
support tower, or utility structure.
(d) Auxiliary support equipment: All equipment necessary to provide wireless
communications signals and data, including, but not limited to, electronic
processing devices, air conditioning units, and emergency generators. Auxiliary
support equipment also includes the shelter, cabinets, and other structural facilities
used to house and shelter necessary equipment. Auxiliary support equipment does
not include antennas, support towers, utility structures, support structures, or
external cables and wires.

(e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup
power supply, and other associated electronics. A base station includes a structure
that currently supports or houses an antenna, transceiver, or other associated
equipment that constitutes part of a base station and encompasses such equipment
in any technological configuration, including distributed antennas systems and
small cells.

(f) Collocation: The mounting or installation of an antenna on a *existing*
support structure, utility structure, or support tower for the purpose of transmitting
and/or receiving radio frequency signals for communications purposes.

(g) Existing facility: A wireless communication facility that was lawfully in place
on the effective date of Ordinance Bill No. 24-13 *at the time an application is
submitted*.

(h) Guy pole: A pole that is used primarily to structurally support a utility pole,
and has no energized conductors or telephone wires or wireless communications
facilities attached.

(i) High voltage transmission lines: Either power lines with capacity for
transmitting electricity of 57,000 volts or greater, or a skipped pole between high
voltage transmission power lines.

(j) Lattice tower: A support tower which consists of a network of crossed metal
braces, forming a tower which is usually triangular or square in cross-section.

(k) Monopole: A support tower which consists of a single pole sunk into the
ground and/or attached to a foundation.

(l) Original structure: A lawfully placed utility structure located in the right-of-
way as of the effective date of the right-of-way use agreement between the owner
and the City.
 Owner: The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

Replacement structure: A utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy, or support poles in the rights-of-way or on private property.

Residential building: A building used for household living or group living, regardless of zone. For the purposes of this definition:

1. Residential building does not include a mixed use building;
2. Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
3. Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

Right-of-way: The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City’s right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

Screening: To obscure effectively the view of the base of a wireless
communications facility and its auxiliary support equipment.

(r) Siting: The location, construction, collocation, modification, or installation of a wireless communications facility.

(s) Skipped pole:

(1) A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or

(2) Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

(t) Substantially change the physical dimensions:

(1) The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

(2) The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

(3) The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

(4) The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility
easements currently related to the site.

(u) Support structure: An existing building or structure, other than single family
dwellings and duplexes and support towers, to which an antenna is or will be
attached, including, but not limited to, buildings, steeples, water towers, and
outdoor advertising signs.

(v) Support tower: A freestanding structure designed and constructed exclusively
to support a wireless communications facility or an antenna or antenna array,
including, but not limited to, monopoles, lattice towers, guyed towers, and self-
supporting towers.

(w) Temporary wireless communications facility: Any wireless communications
facility that is to be in use for not more than ninety days and is not deployed in a
permanent manner.

(x) Utility structure: Any utility pole, guy or support pole, utility pole extension,
light standard, light pole or other similar pole that is suitable for the installation of
wireless communications facilities.

(y) Wireless communications: Any personal wireless services, as defined by the
Federal Telecommunications Act of 1996 as amended, that currently exist or that
may be developed in the future, including but not limited to cellular, personal
communications services, specialized mobile radio, enhanced specialized mobile
radio, paging, similar Federal Communications Commission-licensed commercial
wireless telecommunications services, but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless
communications services used exclusively by gas and electric utilities and
cooperative utilities for internal communications of an operational nature.

(z) Wireless communications facility: Any un-staffed facility for the transmission
and/or reception of radio frequency signals for commercial wireless
communications purposes, including, but not limited to, auxiliary support
equipment; support towers or support structures, or utility structures used to achieve
the necessary elevation for the antenna; transmission and reception cabling and
devices; and all antennas or arrays; but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless
communications services used exclusively by gas and electric utilities and
cooperative utilities for internal communications of an operational nature.

703.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless
communications facility may be sited in the City without a siting permit having
first been obtained.

(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a
property.

(B) Ham radios and associated equipment.

(C) Ordinary maintenance or repair of a wireless communications facility.

(D) Modification of an existing support tower or base station for the
collocation of or attachment of new transmission equipment or removal or
replacement of existing transmission equipment, pursuant to 47 U.S.C. §
1455, and notwithstanding any provision of this Chapter to the contrary,
provided that such modification does not substantially change the physical
dimensions of such support tower or base station from the dimensions
approved as part of the original decision or building permit for the support
tower or base station, that the applicant requesting a modification or
expansion of a support tower or base station establishes by substantial
evidence that the requested separation between antennas is the minimum
necessary to avoid interference, and, to the extent feasible, that the
additional equipment or modified equipment shall maintain the appearance
and design of the original facility, including, but not limited to, color,
screening, landscaping, stealth or camouflage design, mounting
configuration, and architectural treatment. However, any modification to a
support tower or base station which substantially changes the physical
dimensions of either the support tower or base station, and any other
modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this Chapter.

(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(F) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

(b) Collocation Required. All wireless communications facilities located in right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility structure or jeopardize the physical integrity of the facility structure upon which collocation will be made, consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(1) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure;

(2) Second priority: replacement of a utility structure for the purpose of collocation attachment of an antenna or antenna array;

(3) Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(4) Fourth priority: construction of a new support tower.

703.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.
(b) Classes. There are three classes of wireless communications facilities siting permits.

(1) A Class 1 Permit is a permit for a first priority siting.
(2) A Class 2 Permit is a permit for a second priority siting.
(3) A Class 3 Permit is a permit for a third priority siting or fourth priority siting.

(c) Procedure Type.

(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.

(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:

(A) The location of the siting, according to the siting priorities set forth in 703.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.

(B) A site plan that includes:

(i) Description of the proposed wireless communications facility’s design and dimensions.

(ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.

(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.

(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC Chapter 93, or
designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) **Class 1 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer’s certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 703.010(c). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(3) **Class 2 Applications.** In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer’s certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation attachment on the proposed replacement structure.
(C) If the replacement utility structure is on a local street, color radio
frequency contour maps clearly showing the calculated coverage using the
proposed antennas at the applicant's target signal level and the calculated
coverage areas for all existing adjacent wireless communications facility
sites of the owner to support the site selected for the proposed facility
considering the siting priority established by SRC 703.010(c). If collocation
or attachment on other utility structures was ruled out for non-radio
frequency coverage reasons, the owner shall provide a statement identifying
and justifying those reasons.

(D) Coverage maps or capacity documentation showing any gap in the
provider's service and minimum height or configuration of the facility
needed to fill the gap.

(E) Color simulations of the wireless communications facility after
construction.

(4) Class 3 Applications. In addition to the submittal requirements under
paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer's certification that the support tower will safely handle the
load created by the proposed antennas and any future attached or collocated
communications facilities and will comply with ANSI and other industry
safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF)
engineer or a licensed civil engineer that the necessary service cannot be
provided by collocation on, or modification to, an existing support tower or
support structure or utility structure, or by collocation attachment on a
replacement utility structure for one or more of the following reasons:

(i) No existing support towers or support structures or utility structures
are located within the geographic area where service will be provided;

(ii) Existing support towers or support structures or utility structures or
replacement utility structures would not be of sufficient height to
provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;

(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;

(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 703.030(c).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 703.070(e), the graphic simulation shall include the proposed design.
(G) Coverage maps or capacity documentation showing any gap in the provider's service and minimum height or configuration of the facility needed to fill the gap.

(e) Criteria. A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:
   (A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.
   (B) For collocation or attachment of an antenna or antenna array in rights-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:
   (A) The proposed utility structure meets the standards in this Chapter.
   (B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.
   (C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.
   (D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.
   (E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.
(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design, and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

703.030. Siting Standards.

(a) Class 1. The attachment or collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation
System Plan.

(i) First priority: parkway or freeway;
(ii) Second priority: major arterials;
(iii) Third priority: minor arterials;
(iv) Fourth priority: collectors;
(v) Fifth priority: local streets.

(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

1. Inside Right-of-Way.
   (A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.
   (B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

   (i) First priority: parkway or freeway;
   (ii) Second priority: major arterials;
   (iii) Third priority: minor arterials;
   (iv) Fourth priority: collectors;
   (v) Fifth priority: local streets.

(c) Class 3. The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

1. Residential, Mixed-Use, and Public Zones; and Overlay Zones. Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the provision of wireless
communications services. If the siting meets these criteria, the minimum height and/or configuration required to provide service to fill the significant wireless communications service gap in coverage and/or capacity shall be the maximum height permitted for the new or substantially changed support tower and future attached or collocated facilities on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic district, or on property that has been designated as a historic resource under federal, state, or local law; within three hundred feet of public right-of-way in the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential zones to the maximum extent feasible, through the effective use of setbacks, height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by taking advantage of existing buildings, topography, or other existing features.

(5) No new support tower shall be constructed, unless the owner submits the required statement and documentation from a radio frequency (RF) engineer or licensed civil engineer to demonstrate that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or support structure or utility structure or by collocation attachment on a replacement utility structure.

703.040. Antenna Development Standards.

(a) Antennas on Support Towers. Antennas attached to a support tower shall comply with the following development standards:

(1) Height. Antennas attached to a support tower shall be no higher than fifteen feet above the top of the support tower.

(2) Surface and Coloration. Antennas attached to a support tower shall be made of non-reflective material and painted to match the support tower or existing antennas, whichever results in the new antennas being less visible.
(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) **Height:**

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

(B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.
(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

(aa) Flush-mounted and painted the same color as the exterior of the building; or

(bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure’s physical integrity.
(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) Utility structures outside right-of-way. Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) Utility structures in right-of-way.

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

(5) **Surface and Coloration.** Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility
structure so as to minimize visual impact as much as reasonably possible.

(6) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

703.050. **Auxiliary Support Equipment Development Standards.**

(a) **Screening.**

(1) **Equipment Associated with Support Towers.** Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 703.070(c).

(2) **Equipment Associated with Antennas on Existing Buildings.** Auxiliary support equipment shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(3) **Equipment Associated with Antennas on Support Structures Other than Existing Buildings.** Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) **Equipment Associated with Antennas on Utility Structures.**

(A) **Equipment installed in right-of-way.** Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) **Equipment installed outside right-of-way.** Any auxiliary support equipment installed outside right of way shall be screened from the right-of-
way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height;

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(c) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) Coloration.

(1) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(2) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface
application that is identical to the color and surface texture of the utility
structure. Other equipment shall be non-reflective and painted natural earth or
leaf tones or otherwise colored or surfaced so as to blend with the surrounding
environment.

(f) **Lighting.** Motion detecting security lighting is allowed for auxiliary support
equipment, but shall be the minimum necessary to secure the auxiliary support
equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles
measured directly beneath the security lighting, at ground level, and shall be
shielded to prevent direct light from falling on adjacent properties.

(g) **Undergrounding Required.** Auxiliary support equipment installed in right-of-
way in a historic district or in right-of-way adjacent to a historic district or historic
resource or in right-of-way where all other utilities are required to be placed
underground shall be placed underground.

703.060. **Replacement Utility Structure Development Standards.**

(a) **Height.**

(1) **Outside Right-of-Way.**

(A) Outside right-of-way, an existing utility structure may be replaced with
a replacement structure that is taller than the existing utility structure,
provided that the combined height of a replacement structure, antenna
mounting device, and antennae does not exceed the maximum height for a
structure in the zone.

(B) **Skipped poles.** Outside right-of-way, a skipped pole may be replaced
with a pole of the same height as the adjacent taller poles, provided that the
combined height of a replacement structure, antenna mounting device, and
antennae does not exceed the maximum height for a structure in the zone.

(2) **Inside Right-of-Way.**

(A) Inside right-of-way, an original utility structure may be replaced with a
replacement utility structure that is taller than the original structure,
provided that the combined height of a replacement structure, antenna
mounting device, and antennae is no greater than:
(i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
(ii) Seventy-three feet for a replacement structure on a major arterial;
(iii) Sixty-three feet for a replacement structure on a minor arterial; or
(iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) Skipped poles. Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) Width.
(1) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be at least as wide as the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) Surface and Coloration. A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) External cables and wires. All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) Lighting. Unless the existing utility structure or original structure was lighted,
a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support
tower, or the replacement or substantial increase in the size of an existing support tower,
shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall
comply with the height limitations in Table 703-1.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>NCMU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
<tr>
<td>Zone</td>
<td>Height</td>
</tr>
<tr>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>EC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IG</td>
<td>120 ft.</td>
</tr>
<tr>
<td>II</td>
<td>120 ft.</td>
</tr>
<tr>
<td>PA</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PC</td>
<td>35 ft.</td>
</tr>
<tr>
<td>PE</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PS</td>
<td>70 ft.</td>
</tr>
<tr>
<td>PM</td>
<td>70 ft.</td>
</tr>
</tbody>
</table>

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone a minimum of thirty feet. In all zones other than the industrial zones and the CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

(c) Screening. Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the
outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
(2) SRC 132.150 (Standards for Landscaping Materials);
(3) SRC 132.160 (Installation);
(4) SRC 132.170 (Maintenance);
(5) SRC 132.180 (Compliance/Performance Assurance);
(6) SRC 132.190 (Irrigation);
(7) SRC 132.200 (Open Space);
(8) SRC 132.210 (Street Trees); and
(9) SRC Table 132-3 (Plant Unit Definition).

(d) Surface and Coloration. Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) Design Standards. The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones, or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.
(2) The object chosen shall be appropriate to the context of surrounding environment, both natural and man-made.
(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.
(4) To the greatest extent possible, the antennas shall not be easily recognized.

(f) External cables and wires. All external cables and wires shall be placed in conduit or painted to match the support tower.
(g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for *attachment or* collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for *attachment or* collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) **Access.**

(1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

703.080. **Conditions.** Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.

(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

(d) All wireless communications facilities shall allow for the *attachment or* collocation of additional facilities to the greatest extent possible, unless such *attachment or* collocation interferes with the owner’s wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless
communications facility is associated, or the owner refuses to consent to the

**attachment or** collocation of additional wireless communications facilities.

**(e)** Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

**(f)** Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

**(g)** After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

**(h)** Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

**(i)** All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

**(j)** All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable federal, state, and local laws and regulations.

**(k)** Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.
703.090. Wireless Communications Facilities Adjustment.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable adjustment provisions under SRC 250.

(b) Procedure Type. A wireless communications facility adjustment is a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for a wireless communications facility adjustment shall include:

(1) A written statement demonstrating how the adjustment would meet the criteria.

(2) A site plan that includes:

(A) Description of the proposed siting’s design and dimensions, as it would appear with and without the adjustment.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

(d) Criteria. An application for a wireless communications facility adjustment shall be granted if the following criteria are met:

(1) The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:
(A) Gap in Service.

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and

(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter’s standards to the greatest extent possible.

(B) Minimization of Impacts. The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site’s size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area’s primary uses.

703.100. Special Provisions

(a) Temporary facilities. In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of a new facility, temporary wireless communications facilities are allowed through administrative review. Temporary facilities authorized under this subsection may not be used in excess of ninety days, may not have a permanent foundation and shall be removed within thirty days after the permanent facility is completed. A permit for a temporary facility under this subsection may not be renewed or extended, nor may a new permit be issued for the same facility within the
succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other provisions of the Salem Revised Code, the City Council may establish fees in amounts sufficient to recover all of the City’s costs including retaining consultants to review and evaluate evidence offered as part of an application submitted under this Chapter for an adjustment or for a new support tower in a residential zone, public zone, mixed-use zone, or overlay zone or for a new support tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay zone. The City may impose a third-party review fee to obtain the services of an engineer to review the owner’s findings.

c) Issuance of Building Permit. No building permit shall be issued for the construction of a wireless communications facility until the application for the specific type of siting has been approved, including any local appeal.

d) Nothing in this Chapter shall be deemed to prohibit a public utility from installing or constructing a new utility structure, or enlarging, expanding, or reconstructing an existing utility structure in public right-of-way, if the installation, construction, enlargement, expansion, or reconstruction of the utility structure would otherwise be permitted under law and the utility can demonstrate that the need for the new utility structure is not related to or created by a wireless communications facility.

e) Removal for discontinuance of service. Any wireless communications facility that has not provided service for six months is deemed a nuisance and is subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if it falls into disrepair.

f) Relocation.

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice
substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications
facility by the date stated in the notice, the City may cause removal or relocation
of the wireless communications facility, and the expense thereof shall be paid
by the owner, including all expenses incurred by the City due to the owner’s
failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-
way as the result of a request by the City, the City will make a reasonable effort
to provide the owner with an alternate location for the relocated facility.

(g) Measurements. Unless otherwise specified in this Chapter, all references to
the existing or allowed height of a structure in this Chapter are measured from the
original grade at the base of the wireless communications facility to the highest
point on the wireless communications facility, including all antennas and excluding
any lightning rods.

Section 2. The following SRC 143A.075 is hereby added to SRC Chapter 143A:

143A.075. Wireless Communications Facilities. Wireless Communications Facilities are
allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

Section 3. The following SRC 143B.065 is hereby added to SRC Chapter 143B:

143B.065. Wireless Communications Facilities. Wireless Communications Facilities are
allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

Section 4. The following SRC 143E.055 is hereby added to SRC Chapter 143E:

143E.055. Wireless Communications Facilities. Wireless Communications Facilities are
allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.

Section 5. The following SRC 144.045 is hereby added to SRC Chapter 144:

144.045. Wireless Communications Facilities. Wireless Communications Facilities are
allowed in the EFU district, subject to SRC Chapter 703.

Section 6. The following SRC 145.045 is hereby added to SRC Chapter 145:

145.045. Wireless Communications Facilities. Wireless Communications Facilities are
allowed in the RA district, subject to SRC Chapter 703.
Section 7. The following SRC 146.045 is hereby added to SRC Chapter 146:

146.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RS district, subject to SRC Chapter 703.

Section 8. The following SRC 147.045 is hereby added to SRC Chapter 147:

147.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RD district, subject to SRC Chapter 703.

Section 9. The following SRC 148.195 is hereby added to SRC Chapter 148:

148.195. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM1 district, subject to SRC Chapter 703.

Section 10. The following SRC 148.345 is hereby added to SRC Chapter 148:

148.345. RM2 Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM2 district, subject to SRC Chapter 703.

Section 11. The following SRC 149.045 is hereby added to SRC Chapter 149:

149.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RH district, subject to SRC Chapter 703.

Section 12. The following SRC 150.045 is hereby added to SRC Chapter 150:

150.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CO district, subject to SRC Chapter 703.

Section 13. The following SRC 151.045 is hereby added to SRC Chapter 151:

151.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CN district, subject to SRC Chapter 703.

Section 14. The following SRC 152.045 is hereby added to SRC Chapter 152:

152.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CR district, subject to SRC Chapter 703.

Section 15. The following SRC 153.045 is hereby added to SRC Chapter 153:

153.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CG district, subject to SRC Chapter 703.

Section 16. The following SRC 154.045 is hereby added to SRC Chapter 154:

154.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CB district, subject to SRC Chapter 703.
Section 17. The following SRC 155.045 is hereby added to SRC Chapter 155:

155.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IC district, subject to SRC Chapter 703.

Section 18. The following SRC 156.045 is hereby added SRC Chapter 156:

156.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IBC district, subject to SRC Chapter 703.

Section 19. The following SRC 157.045 is hereby added to SRC Chapter 157:

157.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IP district, subject to SRC Chapter 703.

Section 20. The following SRC 158.045 is hereby added to SRC Chapter 158:

158.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IG district, subject to SRC Chapter 703.

Section 21. The following SRC 159.045 is hereby added to SRC Chapter 159:

159.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the II district, subject to SRC Chapter 703.

Section 22. The following SRC 160.125 is hereby added to SRC Chapter 160:

160.125. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the P district, subject to SRC Chapter 703.

Section 23. The following SRC 161.045 is hereby added to SRC Chapter 161:

161.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EC Zone, subject to SRC Chapter 703.

Section 24. The following SRC 162.065 is hereby added to SRC Chapter 162:

162.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the SWMU Zone, subject to SRC Chapter 703.

Section 25. SRC 111.020 is amended to read as follows:


(a) Abut means to be contiguous at some point.

(b) Accessory building, structure, or use means a building, structure, or use which is incidental and subordinate to and dependent upon the main use on the same premises.
(c) Adjacent means near or close, but not necessarily contiguous with.

(d) Adjoin means to abut.

(e) Administrative body means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.

(f) Administrator or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.

(g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.

(h) Adult Day Care Home (ADCH) means the residence of an adult day care provider for 5 or fewer individuals meeting the definition of Adult Day Care.

(i) Adult Day Care Center (ADCC) means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.

(j) Alley means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.

(k) Ambulance Service Facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.

(l) Ambulance Station means a building or a specific portion of a building or development that is utilized for the housing of on-call emergency medical ambulance personnel.

(m) Antenna means the specific device the surface of which is used to capture an incoming and/or transmit an outgoing radio-frequency signal from wireless communication facilities. Antennas include the following types:
(1) Omni-Direction ("whip") Antenna—receives and transmits signals in a 360-degree pattern.

(2) Directional or Parabolic ("panel" or "dish") Antenna—receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees. The term "antenna" shall not include Ancillary Antenna which are antennas less than 12 inches in its largest dimension and are not directly used to provide personal wireless communications services. An example would be a global-positioning satellite (GPS) antenna any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.

(n) Apartment means a court apartment, or a dwelling unit in an apartment house.

(o) Apartment house means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.

(p) Approved means approved by the administrator or other administrative body or official specifically given jurisdiction to grant such approval.

Section 26. SRC 111.040 is amended to read as follows:

111.040. "C" Definitions.

(a) Carport means a permanent structure which is not totally enclosed on two or more sides, and which is used or intended for the parking of motor vehicles.

(b) Children or child means a human being under 13 years of age.

(c) City or City of Salem means the City of Salem, an Oregon municipal corporation.

(d) City business day means a day other than a Saturday, Sunday, or holiday, during which the City's administrative offices are open for the transaction of regular
and routine business. A City business day begins at 8:00 a.m. and closes, unless otherwise directed by the council or City manager, at 5:00 p.m.

(e) Child Day Care Center (CDCC) means a facility which provides child care (SIC 835) or kindergarten for 13 or more children.

(f) Child Day Care Home means the home of a child care provider for 12 or fewer children.

(g) City engineer means the administrative head of the Engineering Division, Department of Public Works of the City of Salem.

(h) Collocation means the use of a single support structure and/or site by more than one wireless communications provider mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(i) Commission means the Salem Planning Commission, created by SRC Chapter 6.

(j) Contiguity means the state of being contiguous.

(k) Contiguous means touching along a boundary or point. Two or more lots or parcels that are under common ownership and are separated by a public right-of-way shall not be considered contiguous.

(l) Complex means a building or group of buildings, and their accessory buildings and structures, all under common ownership, condominium ownership, or common management, and housing an integrated development of industrial uses, commercial uses, public uses, residential uses, or combinations thereof.

(m) Compliance period means the period prescribed in this zoning code or by the decision on a land use action within which all conditions precedent must be met.

(n) Comprehensive plan means the officially adopted Salem Area Comprehensive Plan, including all components thereof adopted by reference or otherwise lawfully incorporated as parts thereof.

(o) Conditional use means any use which is permitted in a particular zoning district only after review and approval as provided in SRC Chapter 240 or 118, and includes where not excepted, "nonconforming" conditional uses and development
requiring conditional use review pursuant to SRC Chapter 270. See specific conditional use.

(p) Condition precedent means any condition upon the use or development of property imposed by this zoning code or a decision on a land use action which must be met prior to an unqualified right vesting in the development, use, or continued use of a building, structure or premises. With respect to conditional zone changes it means any condition imposed in a conditional zone change declaration which must be met prior to issuance of a conditional zone change order.

(q) Corner lot means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

(r) Cottage Housing means a development consisting of at least two or more attached and/or detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

(s) Council means the council of the City of Salem, Oregon.

(t) Court apartment is a dwelling unit which is one of three or more dwelling units contained in two or more buildings on the same lot, and which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied by a family which does not include an owner of the apartment; or which is a condominium unit in a complex containing three or more dwelling units in two or more buildings.

(u) CSDP (Central Salem Development Program) area means that area of the city within the following boundaries: Beginning at the SE corner of 12th Street SE and Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along said East line of Railroad to the North side of "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West
Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to the North side of Market Street NE; Thence Easterly along the North side of Market Street NE to an Alley running between Fifth Street NE and Church Street NE; Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence Easterly along the North side of Gaines Street to the West side of Church Street NE; Thence Northerly along the West Side of Church Street to the North line of an Alley running between Hood Street NE and Shipping Street NE; Thence Westerly along the North side of Said Alley to the East bank of the Willamette River; Thence Southerly along the East Bank of the Willamette River and Willamette Slough to the Westerly projection of the South line of Mission Street SE; Thence running Easterly along the South side of Mission Street SE to the Place of Beginning.

Section 27. SRC 111.060 is amended to read as follows:

111.060. "E" Definitions.
(a) Employees means all persons, including proprietors, performing work on a premises during the largest shift at peak season.
(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.
(eb) Existing Wildlife Rehabilitation Facility means any building, structure, or land which meets the standards set forth in SRC 119.080 and is occupied or being used by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

Section 28. SRC 111.070 is amended to read as follows:

111.070. "F" Definitions.
(a) Family means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Family shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.
(b) Farm use means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). "Current employment" shall be as defined in ORS 215.203(2)(b).

c) Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

d) Final decision means a decision by the council, or a decision by any other administrative body after the applicable appeal and review periods have expired.

e) Fish habitat enhancement means the addition or modification of aquatic habitat components whose absence, scarcity, or condition has been determined by the city to limit fish presence or abundance in the immediate project area, specific stream corridor or watershed.

(f) Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

g) Freestanding Support Structure means the structure to which antenna and other necessary associated hardware is mounted. Freestanding support structures include, but are not limited to, lattice towers, and monopoles. For the purposes of this code, the terms "monopole" and "freestanding support structure" are used interchangeably.

(h) Frontage means that portion of a parcel of real property which abuts a public street, whether or not access to the property is accorded thereby, and whether or not
a building or structure faces the street frontage. In context, coupled with the term "alley" "frontage" has the same meaning with respect to an abutting alley.

(ih) Front lot line. See "lot line, front."

Section 29. SRC 111.130 is amended to read as follows:

111.130. "L" Definitions.

(a) Land use action means a zone change, conditional zone change, variance, adjustment, conditional use approval, specific conditional use approval, planned unit development approval at any stage requiring commission or council action, or any other action requiring discretionary review by an administrative body, including appeals from any of the foregoing.

(b) Land use proceeding means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

(c) Landscaped means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements to that primary use such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

(d) Lattice Tower means a wireless communications facility freestanding support structure tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(e) Livestock means:

(1) One or more members of any species of cattle, swine, sheep, goat, horse or other equine, llama, alpaca or related ruminant, or poultry, excluding chickens, regardless of the purpose for which any of the foregoing may be kept; and

(2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for sale of by-products, for livestock increase, or for value increase.
(f) Loading space means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.

(g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or contiguous unit of lots or other parcels under common or condominium ownership, common life estate, or subject to a common leasehold for a term of at least 99 years.

(h) Lot area means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

(i) Lot coverage means the percentage of lot area covered by structures other than fences or by other structures no point of which is more than three feet above grade.

(j) Lot depth means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.

(k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

(l) Lot, interior means any lot other than a corner lot.

(m) Lot line means one of the property lines forming the exterior boundaries of a lot; and includes a condominium unit ownership line where the underlying real property is included in a unit.

(n) Lot line, front means:

(1) In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;

(2) In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and

(3) In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building faces.

(o) Lot line, interior means a lot line which is not adjacent to a street.

(p) Lot line, rear means:

(1) In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and

(2) In the case of any other lot, the lot line opposite and most distant from the
front lot line.

(q) Lot line, side means any lot line which is not a front or rear lot line.

(r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

(s) Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

Section 30. SRC 111.140 is amended to read as follows:

111.140. "M" Definitions.

(a) Manufactured dwelling means:

(1) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the One and Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(b) Manufactured dwelling park means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land.
under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved pursuant to SRC Chapter 63.

(e) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon which is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service. It does not include a street vendor's cart as described in SRC 31.1055 or a peddler's vehicle or conveyance described in SRC 31.180.

(d) Monopole means a wireless communications facility freestanding support structure tower which consists of a single pole sunk into the ground and/or attached to a foundation.

Section 31. SRC 111.240 is amended to read as follows:

111.240. "W" Definitions.

(a) Wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(ORS196.800).

(b) Wetland restoration means to restore former wetlands, create new wetlands, or enhance existing wetlands for the purpose of improving ecological or habitat functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

(c) Wildlife shall have the meaning as defined under ORS Chapter 496.
(d) Wildlife rehabilitation means the restoration of an injured, sick, or immature wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of Fish and Wildlife.

(e) Wildlife rehabilitator means any individual who is licensed as a Wildlife Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife rehabilitation.

(f) Wildlife Rehabilitation Facility means any building, structure, or land being used for the purpose of wildlife rehabilitation.

(g) Wireless Communication Facilities (WCF) means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

(h) Wireless communications facility means any unstaffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications...
Section 32. SRC 130.210 is amended to read as follows:


(a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and monuments, none of which exceeds 185 feet in height, are exempt from all other height restrictions provided they do not contain any rooms, offices, or other habitable space, that the horizontal section does not exceed 625 square feet at the top of the main building; and that the sum of the horizontal section of all such projections at the height limit applicable to the building, structure, or land on which they are located does not exceed 20 percent of the horizontal area of the roof of any building on which they are situated.

(b) Radio, television, and microwave antennas and structures exclusively for their support are exempt from all height restrictions.

(c) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself, including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all other height restrictions provided they do not contain any offices, restrooms, storage rooms, or habitable space; provided further that the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and finally provided that no such device or enclosure projects more than 15 feet above the roof, measured vertically from any point on the device or enclosure.

(d) Wireless communications facilities are subject to the provisions of SRC Chapter 703.

(e) Utility structures located in public rights-of-way and not supporting wireless communications facilities are exempt from the height restrictions of the underlying
Section 33. SRC 132.220 is amended to read as follows:

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:

(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.
(3) Using the applicable Buffer Category (A, B, C, D, or E), consult the Screening and Buffering Standards Table 132-2 to determine the buffering and screening requirements.

(4) As required by the Bufferyard and Screening Standards Table 132-2, fences shall be sight-obscuring fences and walls shall be constructed of masonry, rock, concrete, concrete block or other similar material.

(5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.

(d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.

(e) In the event a proposed use is not specifically designated in the Buffer Matrix, Table 132-1, the Planning Administrator shall designate to which group the proposed use is most similar in intensity or environmental impact.

(f) If the abutting existing use is a "nonconforming use" in the same comprehensive plan designation, then the proposed use shall provide a Category "A" Bufferyard plus a 6 foot fence or wall.

Section 34. SRC 133.100 is amended to read as follows:

133.100. Off-street Vehicle Parking Requirements.

(a) Except as otherwise specifically provided in this zoning code, off-street parking spaces shall be provided in amounts not less than those set forth in Table 133-1.

(b) Off-street parking spaces shall not exceed 2.5 times the amount required under Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such amount is more than 20.

(c) For any proposed use not shown on Table 133-1, the administrator shall determine the parking space requirement for the most nearly similar use listed in
Table 133-1 with regard to traffic generation, and render such determination as an
adjustment pursuant to SRC Chapter 250.

(d) The provisions of this section shall apply only to residential uses within the
boundaries of the Downtown Parking District created by SRC 7.010.

(e) The provisions of this section shall not apply to wireless communications
facilities.

Section 35. SRC 133.110 is amended to read as follows:

133.110. General Bicycle Parking Requirement. Bicycle parking shall be provided for all
new multiple family residential developments (4 units or more), commercial, industrial and
institutional uses, in the following manner:

(a) The minimum number of required bicycle parking spaces is listed in Table 133-

1.

(b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide
and provide a minimum four foot access aisle unless spaces are provided to store
the bicycle in a hanging position. Bicycle racks shall be provided as outlined in sub-
section (c) of this section.

(c) Bicycle racks must accommodate using the bicyclist's own locking device.

(d) Bicycle parking shall be provided within a convenient distance of, and clearly
visible from the primary building entrance as determined by the City. Such parking
shall not be further than 50 feet from the public entrance to the building.

(e) Direct access to the public right-of-way, with access ramps if necessary, and
pedestrian access from the bicycle parking to the building entrance must be
provided.

(f) The following uses are exempted from the bicycle parking requirements:

(1) Seasonal uses, such as fireworks stands and Christmas tree sales;

(2) Drive-in theaters;

(3) Self-storage facilities;

(4) Wireless communications facilities.

Section 36. SRC 135.020 is amended to read as follows:

135.020. Definitions. As used in this Chapter, except as the content otherwise requires:
(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 37. SRC 136.020 is amended to read as follows:

136.020. Definitions. As used in this Chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more

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parcels; the construction, reconstruction, structural alteration, relocation, or
enlargement of any buildings; any extension of any use of land or any clearing,
grading, landscaping, curb cutting, or other use of land for which permission may be
required pursuant to this code. To “develop” does not include:

(1) Completion of a structure or use of land for which a valid building permit
has been issued as of March 1, 1996;
(2) Maintenance and repair, usual and necessary for the continuance of an
existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of
the property;
(4) Interior remodeling and such exterior remodeling that does not increase
square footage of building, increase building height, or substantially alter the
appearance of the structure;
(5) Collocation, replacement, installation, modification, or construction of
wireless communications facilities.

Section 38. SRC 137.020 is amended to read as follows:

137.020. Definitions.

(a) Abandonment, as it applies to industrial uses and structures in this Chapter,
means the cessation of the use or structure for a continuous period of one year or a
change of use or structure to a non-industrial use. Vacant property within the overlay
zone west of Commercial Street and designated industrial on December 1, 1998 shall
not be deemed abandoned and may be converted to industrial use.
(b) Change of use means making a different use of any building, structure or land
than which existed on December 1, 1998 and for which permission may be required
pursuant to this code. Change of use does not include collocation, replacement,
installation, modification, or construction of wireless communications facilities.
(c) Develop or Development means to divide a parcel of land into two or more
parcels; the construction, reconstruction, structural alteration, relocation, or
enlargement of any buildings; any extension of any use of land or any clearing,
grading, landscaping, curb cutting, or other use of land for which permission may be
required pursuant to this code. Develop or Development does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(d) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer’s motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

(e) Front means the portion of a building that faces a public right-of-way.

(f) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(g) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance. Primary building entrance shall not include service or employee only entrances.

(h) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(i) Public right-of-way means property dedicated to the public for ingress and egress.

(j) Public street right-of-way means a public right-of-way improved with a road or street.

(k) Side street means any public street that intersects Front Street within the Riverfront Overlay Zone.
Section 39. SRC 138.020 is amended to read as follows:

(a) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.
(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:
   (1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.
   (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
   (3) Reasonable emergency procedures necessary for the safety or operation of property;
   (4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
   (5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.
(c) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's vehicle and typically involving queuing lanes, service windows, service islands, and service bays for vehicular use.
(d) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.
(e) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance.
(f) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(g) Public right-of-way means a public right-of-way improved with a road or street.

(h) Side street means within the Broadway/High Street Overlay Zone, any public street that intersects Broadway Street.

Section 40. SRC 139.040 is amended to read as follows:

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

(a) Any permitted, special, administrative conditional use, or conditional, or allowed wireless communications facilities uses allowed in the RS, (Single Family Residential) district.

(b) Any combination of single family detached, duplex or triplex units, up to a maximum of three (3) units on a lot subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.

(c) Townhouses on individual lots subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the Development Design Handbook.

Section 41. SRC 142.020 is amended to read as follows:

142.020. Definitions. As used in this Chapter, except as the content otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on August 26, 1987, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission
may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 42. SRC 143.020 is amended to read as follows:

143.020. Definitions. As used in this Chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
Reasonable emergency procedures necessary for the safety or operation of property;

Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 43. SRC 143A.020 is amended to read as follows:

143A.020. Definitions.

(a) Congregate Residence means any building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

(b) Change of Use means making a different use of any building, structure or land than which existed on November 30, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Drive through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving the queuing lanes, service windows, service islands, and service bays for vehicular use.

(d) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(f) Mixed-use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same site.
(g) Redevelopment means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety and operation of the property; and interior remodeling that does not increase the square footage or height of buildings; and collocation, replacement, installation, modification, or construction of wireless communications facilities.

(h) Residential Structure means dwellings, hotels, apartment houses, and congregate residences.

Section 44. SRC 143A.060 is amended to read as follows:

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.

1. Mixed Use Buildings as defined in SRC Chapter 119;
2. Bed and Breakfast establishments;
3. Nursing and Personal Care Facilities (805);
4. Individual and Family Social Services (832);
5. Adult Day Care Center;
6. Used merchandise stores (953\(\text{93}\)) with all retail and storage of merchandise and equipment conducted entirely within a building;
7. Entertainment establishments;
8. Keeping of miniature swine;
9. Antennas attached to existing or approved structures;
10. Public Automobile Parking Areas;
11. General Warehousing and Storage;
12. Construction of a replacement single family dwelling unit on an individual lot;
13. Ambulance Station;

ORDINANCE 24-13 – Page 57 COUNCIL OF THE CITY OF SALEM, OREGON
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 45. SRC 143A.080 is amended to read as follows:

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070-143A.075, except as provided in SRC 113.090(b) 113.090(d). Prohibited uses expressly include the following:

(a) Outdoor Advertising Signs (billboards).
(b) Freestanding support structures less than 70 feet in height and equipment enclosures.
(eb) Wildlife rehabilitation facilities.
(dg) Outdoor storage of materials and equipment.

Section 46. SRC 143A.200 is amended to read as follows:

143A.200. Reference to Additional Standards.

| General Development Standards | SRC Chapter 130 |
| Accessory Structures | SRC Chapter 131 |
| Landscaping | SRC Chapter 132 |
| Off-Street Parking, Loading, and Driveways | SRC Chapter 133 |
| Development Design Handbook (multiple family residential uses) | |
| Wireless Communications Facilities | SRC Chapter 703 |

Section 47. SRC 143B.030 is amended to read as follows:

143B.030. Definitions.

(a) Drive-through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer’s vehicle and typically involving queuing lanes service windows, service islands, and service bays for vehicular use.
(b) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the
useable area under the horizontal projection of the roof or floor above.

(c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.

(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

1. Maintenance and repair, usual and necessary for the continuance of an existing use;
2. Reasonable emergency procedures necessary for the safety or operation of property;
3. Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
4. Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian Scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.

(g) Primary Building Entrance means the principal access point for persons visiting a building.

(h) Townhouse means a single family dwelling unit constructed in a row of attached units, with each unit separated by property lines with yard on at least two sides.
Section 48. SRC 143.070 is amended to read as follows:

143B.070. Prohibited Uses Within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone.

(b) No freestanding support structure shall be erected, structurally altered, or enlarged in the area within 300 feet of public right-of-way.

Section 49. SRC 143B.090 is amended to read as follows:

143B.090. Special Uses - Pine Street CG Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial General underlying zone:

(1) Used merchandise stores (593);

(2) Entertainment establishments (58);

(3) Wildlife rehabilitation facility;

(4) Antennas attached to existing or approved structures;

(5) Public automobile parking areas;

(6) Mobile food unit;

(7) Ambulance Station;

(8) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 50. SRC 143B.120 is amended to read as follows:

143B.120. Special Uses - Pine Street IC Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial Commercial underlying zone:

(1) Entertainment establishments;

(2) Wildlife rehabilitation facility;

(3) Mobile food unit;
(4) Antennas attached to existing structures;

(5) Used Merchandise Stores;

(6) Ambulance Station;

(7) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 51. SRC 143B.150 is amended to read as follows:

143B.150. Special Uses - Northgate CR Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:

(1) Used merchandise store (593);

(2) Entertainment establishments;

(3) Existing wildlife rehabilitation facility;

(4) Mobile food unit;

(5) Antennas attached to existing or approved structures;

(6) Ambulance Station;

(7) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 52. SRC 143C.060 is amended to read as follows:

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 240. Uses requiring an Administrative Conditional Use are designated with an “A” and are
pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are
designated with a “W” and are allowed, subject to SRC Chapter 703.

<table>
<thead>
<tr>
<th>Table 143C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P</strong> = permitted use; <strong>S</strong> = special use; <strong>C</strong> = conditional use; <strong>A</strong> = administrative conditional use <strong>W</strong> = wireless communications facilities use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LI</th>
<th>MI*</th>
<th>AU</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RESIDENTIAL</strong></td>
<td></td>
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<tr>
<td>One single family dwelling, townhouse, or duplex per lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>One manufactured home on a single lot [SRC 119.710]</td>
<td>S</td>
<td>S</td>
<td>S</td>
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<tr>
<td><strong>AGRICULTURE and FORESTRY</strong></td>
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<tr>
<td>Agricultural production - crops (01)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Veterinary services (0742)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Farm labor and management services (076)</td>
<td>P</td>
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<tr>
<td>Farm labor and management services (076), offices only</td>
<td>P</td>
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<td>P</td>
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<tr>
<td>Landscape and horticultural services (078)</td>
<td>P</td>
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<tr>
<td>Landscape and horticultural services (078), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Timber tracts (081)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Forestry services (085), offices only</td>
<td>P</td>
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<tr>
<td><strong>CONSTRUCTION</strong></td>
<td></td>
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<tr>
<td>Building construction - general contractors and operative builders (15), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Category</td>
<td>Code(s)</td>
<td>Notes</td>
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<tr>
<td>Heavy Construction other than building construction—contractors (16), offices only</td>
<td>P P P</td>
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<tr>
<td>Construction - special trade contractors (17), offices only</td>
<td>P P P</td>
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<tr>
<td>MANUFACTURING</td>
<td></td>
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<tr>
<td>Dairy products (202)</td>
<td>C P</td>
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<tr>
<td>Canned, frozen and preserved fruits, vegetables and food specialties (203)</td>
<td>P</td>
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<tr>
<td>Grain mill products (204)</td>
<td>C P</td>
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<tr>
<td>Bakery products (205)</td>
<td>C P</td>
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<tr>
<td>Candy and other confectionery products (2064 and 2068)</td>
<td>C P</td>
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<tr>
<td>Chocolate and cocoa products (2066)</td>
<td>C P</td>
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<tr>
<td>Beverages (208)</td>
<td>C P</td>
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<tr>
<td>Miscellaneous food preparations and kindred products (209)</td>
<td>C P</td>
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<tr>
<td>Textile mill products (22)</td>
<td>C P</td>
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<tr>
<td>Apparel and other finished products made from fabrics and similar materials (23)</td>
<td>C P</td>
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<tr>
<td>Wood kitchen cabinets (2434)</td>
<td>C P</td>
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<tr>
<td>Paperboard containers and boxes (265)</td>
<td>C P</td>
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<tr>
<td>Printing, publishing, and allied industries (27)</td>
<td>C P</td>
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<tr>
<td>Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)</td>
<td>C P</td>
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<tr>
<td>Metal cans and shipping containers (341)</td>
<td>C P</td>
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<tr>
<td>Cutlery, hand tools and general hardware (342)</td>
<td>C P</td>
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<tr>
<td>Heating equipment, except electric and warm air; and plumbing fixtures (343)</td>
<td>P</td>
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<tr>
<td>Metal forgings and stampings (346)</td>
<td>P</td>
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<tr>
<td>Computer and office equipment (357)</td>
<td>C P</td>
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<tr>
<td>Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)</td>
<td>C P</td>
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<tr>
<td>Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)</td>
<td>C P</td>
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<tr>
<td>Category</td>
<td>Code 1</td>
<td>Code 2</td>
<td>Code 3</td>
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<tr>
<td>Signs and advertising specialties (3993)</td>
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<tr>
<td><strong>TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES</strong></td>
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<tr>
<td>Local and suburban transit and interurban highway passenger transportation (41)</td>
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<tr>
<td>Motor freight transportation and warehousing (42)</td>
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<tr>
<td>U.S. Postal Service (43)</td>
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<td>Transportation services (47)</td>
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<tr>
<td>Communication (48)</td>
<td></td>
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<tr>
<td>Wireless Communications Facilities [SRC 119.460]</td>
<td>A</td>
<td>A</td>
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<tr>
<td>Antennas attached to existing or approved structures [SRC 119.460]</td>
<td>S</td>
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<tr>
<td><strong>WHOLESALE TRADE</strong></td>
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<tr>
<td>Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)</td>
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<tr>
<td>Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516)</td>
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<tr>
<td><strong>RETAIL TRADE</strong></td>
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<tr>
<td>Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271)</td>
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<tr>
<td>General merchandise stores (53)</td>
<td></td>
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<tr>
<td>Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542)</td>
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<tr>
<td>Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554)</td>
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<tr>
<td>Auto and home supply stores (553)</td>
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<tr>
<td>Gasoline service stations (554) [SRC 119.150]</td>
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<tr>
<td>Apparel and accessories stores (56)</td>
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<tr>
<td>Furniture, home furnishings, and equipment stores (57)</td>
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<tr>
<td>Eating and drinking places (58) EXCEPT Drive-throughs</td>
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<tr>
<td>Service Type</td>
<td>P</td>
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<tr>
<td>Miscellaneous retail (59) including, in addition to uses specified in SIC</td>
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<tr>
<td>group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop</td>
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<tr>
<td>FINANCE, INSURANCE, and REAL ESTATE</td>
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<tr>
<td>Depository Institutions (60)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Non-depository Credit Institutions (61)</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Security and commodity brokers, dealers, exchanges and services (62)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Insurance carriers (63)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Insurance agents, brokers, and service (64)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Real estate (65)</td>
<td>P</td>
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</tr>
<tr>
<td>Holding, and other investment offices (67)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>SERVICES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (701) BUT EXCLUDING casino hotels</td>
<td></td>
<td></td>
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<tr>
<td>Bed and breakfast establishments</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Personal services (72)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Business services (73)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Automotive repair services, and parking (75)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Miscellaneous repair services (76)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Motion pictures (78)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Amusement and recreation services (79) BUT EXCLUDING casinos, racing,</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>including track operation (7948) and entertainment establishments, except</td>
<td></td>
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<tr>
<td>as permitted as a special use in SRC 155.030(a)(2)</td>
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<tr>
<td>Health services (80) BUT EXCLUDING hospitals (806)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Legal services (81)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Educational services (82)</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Social services (83) BUT EXCLUDING homeless shelters serving more than</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>5 persons</td>
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<tr>
<td>Child day care home</td>
<td>P</td>
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<tr>
<td>Adult day care home</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Membership organizations (86), BUT EXCLUDING religious organizations</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>(8661)</td>
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<tr>
<td>Service Description</td>
<td>P</td>
<td>P</td>
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<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>Religious organizations (8661)</td>
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<tr>
<td>Engineering, Accounting, Research, Management, and Related Services (87)</td>
<td></td>
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<tr>
<td>Accounting, auditing, and bookkeeping (893)</td>
<td></td>
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<tr>
<td>Services, not elsewhere classified (899)</td>
<td></td>
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<tr>
<td><strong>PUBLIC ADMINISTRATION</strong></td>
<td></td>
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<tr>
<td>Executive offices (911)</td>
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<tr>
<td>Executive and legislative combined (913)</td>
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<tr>
<td>General government, not elsewhere classified (919)</td>
<td></td>
<td></td>
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<tr>
<td>Fire protection (9224)</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Public order and safety, not elsewhere classified (9229)</td>
<td></td>
<td></td>
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<tr>
<td>Finance, taxation, and monetary policy (93)</td>
<td></td>
<td></td>
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<tr>
<td>Administration of human resources programs (94)</td>
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<tr>
<td>Administration of environmental quality and housing programs (95)</td>
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<tr>
<td>Administration of economic programs (96)</td>
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<tr>
<td>National security and international affairs (97)</td>
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<tr>
<td><strong>OTHER USES</strong></td>
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<tr>
<td>Community or neighborhood clubs</td>
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<td></td>
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<tr>
<td>Swimming pools, whether or not open to the public for a fee</td>
<td></td>
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<tr>
<td>Playgrounds, parks</td>
<td></td>
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<tr>
<td>Public buildings and structures, such as libraries, fire stations</td>
<td></td>
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<tr>
<td>Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines</td>
<td></td>
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<tr>
<td>Public utility structures and buildings such as pump stations, reservoirs, radiomircrowave relay stations, telephone substations, and electric substations</td>
<td></td>
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<tr>
<td>Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded</td>
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<tr>
<td>Recycling depots</td>
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<tr>
<td>Transit stop shelters</td>
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<td></td>
<td></td>
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<tr>
<td>Ambulance Station [SRC 119.030]</td>
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</tr>
</tbody>
</table>

ORDINANCE 24-13 – Page 66 COUNCIL OF THE CITY OF SALEM, OREGON
Ambulance Service Facility [SRC 119.040]  

<table>
<thead>
<tr>
<th>ACCESSORY USES and STRUCTURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customary residential accessory buildings and structures for private use of the property and its occupants</td>
</tr>
<tr>
<td>A garage or parking area serving the main building or use</td>
</tr>
<tr>
<td>Sleeping quarters for domestic employees of the resident of the main building</td>
</tr>
<tr>
<td>Home occupations</td>
</tr>
<tr>
<td>The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit</td>
</tr>
</tbody>
</table>

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.

Section 53. SRC 143D.020 is amended to read as follows:

143D.020. Definitions.

(a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.

(b) Change of Use means changing an activity from one Standard Industrial Classification (SIC) Division to another. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;

(2) Reasonable emergency procedures necessary for the safety or operation of
property; or

(3) Interior remodeling and such exterior remodeling that does not increase square
footage of a building, increase building height, or alter the appearance of a
structure; or

(4) Collocation, replacement, installation, modification, or construction of wireless
communications facilities.

(d) Owner means the person holding fee title or a beneficial interest under a trust deed
or mortgage, or the purchaser under a contract for sale of real estate.

(e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route
between two points that is intended and suitable for pedestrian use.

(f) Tuck-Under Parking means parking placed at grade with a building constructed
above.

(g) User means the user of property in the overlay zone as of December 1, 2002.

Section 54. SRC 143D.070 is amended to read as follows:

143D.070. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 55. SRC 143D.100 is amended to read as follows:

143D.100. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 56. SRC 143D.120 is amended to read as follows:

143D.120. Uses.

(a) Except as provided in subsection (b) of this section, no building or structure shall
be used, erected, structurally altered or enlarged, or any land used, for any use not
allowed as a permitted, special, administrative conditional, or conditional, or wireless
communications facilities use in the underlying zone.

(b) The following uses are permitted uses in Area 3:

(1) Eating and drinking places and entertainment establishments;

(2) Beauty Shops (723);
(3) Barber Shops (724);
(4) Business Services (73);
(5) Membership sports and recreation clubs (7997);
(6) Medical and dental laboratories (807);
(7) Outpatient facilities (8093);
(8) Engineering, accounting, research, management and related services (87);
(9) Executive offices (911);
(10) Executive and legislative combined (913);
(11) Police protection (9221), BUT EXCLUDING jail facilities;
(12) Public finance, taxation and monetary policy (93);
(13) Administration of human resources programs (94);
(14) Administration of environmental quality and housing programs (95);
(15) Administration of economic programs (96);
(16) National security and international affairs (97);
(17) Used merchandise stores (593);
(18) General merchandise stores (53);
(19) Food stores (54);
(20) Apparel and accessory stores (56);
(21) Furniture, home furnishings and equipment stores (57);
(22) Miscellaneous retail (59);
(23) Miscellaneous repair services (76);
(24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
(25) Services not elsewhere classified (899).

(e) In addition to the prohibited uses in the underlying zone, the following uses are prohibited in Area 3:

(1) Agricultural production crops (071);
(2) Crop services (072);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products;
(5) Chemicals and allied products (28);
(6) Motorcycle dealers (557);
(7) Automotive dealers, not elsewhere classified (559);
(8) Fuel Dealers (598);
(9) Outdoor advertising services (7312);
(10) Disinfecting and pest control services (7342);
(11) Building cleaning and maintenance services not elsewhere classified (7349);
(12) Recycling Depots;
(13) Scrap and waste material establishments (5093);
(14) Livestock, except dairy, poultry, and animal specialties (021);
(15) Air transportation, Non-scheduled (452);
(16) Crude petroleum and natural gas extraction (131);
(17) Surface mining operations;
(18) Meat products (201);
(19) Animal and marine fats and oils (2077);
(20) Logging camps and logging contractors (241);
(21) Sawmills and planing mills (242);
(22) Paper and allied products (26);
(23) Agricultural chemicals (287);
(24) Miscellaneous chemical products (289);
(25) Petroleum and coal products (29);
(26) Cement hydraulic (324);
(27) Iron and steel foundries (332);
(28) Primary smelting and refining nonferrous metals (333);
(29) Secondary smelting and refining nonferrous metals (334);
(30) Rolling, drawing, and extruding of nonferrous metals (335);
(31) Ordinance and accessories, except vehicles and guided missiles (348);
(32) Storage batteries (3691);
(33) Primary batteries, dry and wet (3692);
(34) Livestock (5154);
(35) Chemicals and allied products (516);

(36) Racing, including track operation (7948); and

(37) Solid waste transfer stations.

Section 57. SRC 143D.180 is amended to read as follows:

143D.180. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone.

Section 58. SRC 143D.190 is amended to read as follows:

143D.190. Uses.

(a) Except as provided in subsection (b) and (c) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or wireless communications facilities use in the underlying zone. Otherwise permitted uses in Area 5 may not be conducted as drive-through uses, defined as business activities typically involving queuing lanes, service windows, service islands, and service bays. The additional prohibited uses, identified under subsection (c) of this section that existed within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the lot or parcel where they are located on such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5 that were not previously utilized for such use.

(b) The following uses are permitted uses in Area 5:

(1) Mixed use developments as defined in this Chapter; and

(2) Dwellings meeting the density standards of Section 143D.210.

(c) In addition to the prohibited uses in the underlying zone, the following uses that are allowed in the underlying zone are prohibited in Area 5:

(1) Agricultural production - crops (01);

(2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);

(3) Timber tracts (081);

(4) Forest nurseries and gathering of forest products (0831);
(5) Crude petroleum and natural gas extraction (131);
(6) Gas production and distribution (492);
(7) Lumber and other building materials dealers (521);
(8) Automotive dealers and gasoline service stations (55), but excluding auto and
  home supply stores (retail sales only, no service or installation) (5531);
(9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
(10) Camps and recreational vehicle parks (703);
(11) Carpet and upholstery cleaning (7217);
(12) Equipment Rental and Leasing (7359);
(13) Automotive rental and leasing, without drivers (751);
(14) Automotive repair shops (753);
(15) Automotive services, except repair (754);
(16) Motorcycle repair service;
(17) Professional sports clubs and promoters (7941);
(18) Temporary motor vehicle and recreational vehicle sales;
(19) Utilities - secondary truck parking and material storage yard;
(20) Recycling depots;
(21) Solid waste transfer stations.

Section 59. SRC 143D.230 is amended to read as follows:

143D.230. Uses.
(a) Except as provided in subsection (b) of this section, No building or structure shall
be used, erected, structurally altered or enlarged, or any land used, for any use not
allowed as a permitted, special, administrative conditional, or conditional, or wireless
communications facilities use in the underlying zone.
(b) The following uses are permitted uses in Area 6:
(1) Home occupations pursuant with 143D.240.

Section 60. SRC 143D.250 is amended to read as follows:

143D.250. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or conditional, or wireless communications facilities use in the underlying zone.
Section 61. SRC 143E.060 is amended to read as follows:

143E.060. Prohibited Uses within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone, including:

(1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores (553) and gasoline service stations (554); and

(2) Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way; and

(3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-way.

Section 62. SRC 144.050 is amended to read as follows:

144.050. Prohibited Uses. Within an EFU district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020 to 144.040.

Section 63. SRC 145.030 is amended to read as follows:

145.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RA district:

(1) Veterinary services for animal specialties (0742).

(2) Funeral service (726) except crematories.

(3) Public golf courses (7992)

(4) Membership sports and recreation clubs (7997) having golf courses.

(5) Elementary and secondary schools (821).

(6) Religious organizations (866).

(7) Boat and recreational vehicle storage area.

(8) Zero side yard dwellings.

(9) Two family shared housing.

(10) Public automobile parking areas.

(11) Manufactured homes on individual lots.

(12) Bed and breakfast establishments.
(13) Adult day care center.
(14) Keeping of a miniature swine.
(15) Residential Sales/Development Office.
(16) Wildlife Rehabilitation facility.
(17) Construction of a replacement single family dwelling unit on an individual lot.
(18) Individual and Family Social Service (832).
(19) Antennas attached to existing or approved structures.
(20) Parking for Special Activities at High Schools with Community Parks.
(21) Cottage Housing.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 64. SRC 145.050 is amended to read as follows:

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 65. SRC 145.900 is amended to read as follows:

145.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Preservation of Trees and Vegetation
 SRC Chapter 68
Landslide Hazards
 SRC Chapter 69
Street Trees
 SRC Chapter 86
Planned Unit Developments
 SRC Chapter 121
Increased Residential Density
 SRC Chapter 122
Mobile Home Parks
 SRC Chapter 123
Home Occupations
 SRC Chapter 124
Lot Development Standards
 SRC Chapter 130
Accessory Structures
 SRC Chapter 131
Landscaping
 SRC Chapter 132
Section 66. SRC 146.030 is amended to read as follows:

146.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RS district:

(1) Funeral service (726) except crematories.
(2) Public golf courses (7992).
(3) Membership sports and recreation clubs (7997) having golf courses.
(4) Elementary and secondary schools (821).
(5) Religious organizations (866).
(6) Boat and recreational vehicle storage area.
(7) Zero side yard dwellings.
(8) Two family shared housing.
(9) Public automobile parking areas.
(10) Manufactured homes on individual lots.
(11) Bed and breakfast establishments.
(12) Adult day care center.
(13) Keeping of a miniature swine.
(14) Residential Sales/Development Office.
(15) Existing wildlife rehabilitation facility.
(16) Construction of a replacement single family dwelling unit on an individual lot.
(17) Antennas attached to existing or approved structures.
(18) Parking for Special Activities at High Schools with Community Parks.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.
Section 67. SRC 146.050 is amended to read as follows:

146.050. Prohibited Uses. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 68. SRC 146.900 is amended to read as follows:

146.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Street Trees: SRC Chapter 86
- Planned Unit Developments: SRC Chapter 121
- Increased Residential Density: SRC Chapter 122
- Mobile Home Parks: SRC Chapter 123
- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 69. SRC is amended to read as follows:

147.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RD district:

(1) Nursing and personal care facilities (805).

(2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.

(3) Zero side yard dwellings.
(4) Keeping of a miniature swine.

(5) Manufactured homes on individual lots.

(6) Antennas attached to existing or approved structures.

(7) Religious organizations (866).

(b) In lieu of establishing any use listed in subsection (2)(a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 70. SRC 147.050 is amended to read as follows:

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040-147.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 71. SRC 147.900 is amended to read as follows:

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards SRC Chapter 69
- Street Trees SRC Chapter 86
- Planned Unit Developments SRC Chapter 121
- Increased Residential Density SRC Chapter 122
- Mobile Home Parks SRC Chapter 123
- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 72. SRC 148.170 is amended to read as follows:

148.170. RM1 Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RM1 district:

(1) Nursing and personal care facilities.
(2) Elementary and secondary schools.
(3) Religious organizations.
(4) Zero side yard dwellings.
(5) Manufactured homes on individual lots, provided the minimum density requirements of SRC 148.220 are met.
(6) Adult day care center.
(7) Keeping of miniature swine.
(8) Residential Sales/Development Office.
(9) Antennas attached to existing or approved structures.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 73. SRC 148.200 is amended to read as follows:

148.200. RM1 Prohibited Uses. Within any RD RM1 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020-148.195, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 74. SRC 148.210 is amended to read as follows:

148.210. RM1 Design Approval. Developments subject to SRC 148.160-148.190 and SRC 148.200-148.300 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the adopted Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.

Section 75. SRC 148.300 is amended to read as follows:

148.300. RM1 Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Planned Unit Development (SRC Chapter 121)
- Mobile Homes Parks (SRC Chapter 123)
- Home Occupations (SRC Chapter 124)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-Street Parking, Loading, and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 141)
- City of Salem Development Design Handbook
- Wireless Communications Facilities (SRC Chapter 703)

Section 76. SRC 148.350 is amended to read as follows:

148.350. RM2 Prohibited Uses. Within any RD RM2 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 148.310 to 147.040 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 77. SRC 148.360 is amended to read as follows:

148.360. RM2 Design Approval. Developments subject to SRC 148.310-148.340 and SRC 148.350-148.450 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.

Section 78. SRC 148.450 is amended to read as follows:

148.450. RM2 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Planned Unit Development (SRC Chapter 121)
Section 79. SRC 149.030 is amended to read as follows:

149.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RH district:

(1) Nursing and personal care facilities (805).
(2) Elementary and secondary schools (821).
(3) Religious organizations (866).
(4) Mixed use buildings.
(5) Adult day care center.
(6) Keeping of a miniature swine.
(7) Residential Sales/Development Office.
(8) Antennas attached to existing or approved structures.
(9) Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 80. SRC 149.050 is amended to read as follows:

149.050. Uses. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed...
as a nonconforming use pursuant to SRC Chapter 270.

Section 81. SRC 149.900 is amended to read as follows:

149.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

  Preservation of Trees and Vegetation
  Landslide Hazards
  Planned Unit Developments
  Lot Development Standards
  Accessory Structures
  Landscaping
  Off-street Parking, Loading, and Driveways
  Flood Plain Overlay Zones
  Willamette Greenway Overlay Zones
  Development Design Handbooks for projects including three or more multiple family units
  Wireless Communications Facilities

Section 82. SRC 150.030 is amended to read as follows:

150.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CO district:

  (1) Veterinary services for animal specialties (0742).
  (2) Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses.
  (3) Nursing and personal care facilities (805).
  (4) Religious organizations (866).
  (5) Boat and recreational vehicle storage area.
  (6) Zero side yard dwellings.
  (7) Orthopedic and artificial limb offices - retail (5999).
  (8) Keeping of miniature swine.
  (9) Antennas attached to existing or approved structures.
(109) Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 83. SRC 150.050 is amended to read as follows:

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to 150.045, unless the use is deemed an equivalent use pursuant to except as provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 84. SRC 150.900 is amended to read as follows:

150.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation - SRC Chapter 68
- Landslide Hazards - SRC Chapter 69
- Home Occupations - SRC Chapter 124
- Lot Development Standards - SRC Chapter 130
- Accessory Structures - SRC Chapter 131
- Landscaping - SRC Chapter 132
- Off-street Parking, Loading and Driveways - SRC Chapter 133
- Flood Plain Overlay Zones - SRC Chapter 140
- Willamette Greenway Overlay Zones - SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units - SRC Chapter 133
- Wireless Communications Facilities - SRC Chapter 703

Section 85. SRC 151.030 is amended to read as follows:

151.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the GR CN district:

(1) Keeping of a miniature swine.
(2) Antennas attached to existing or approved structures.
(3) Freestanding support structures 35 feet or less in height and equipment enclosures.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 86. SRC 151.040 is amended to read as follows:

151.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CN district:

(a) Crude petroleum and natural gas extraction (131).
(b) Electric services (491).
(c) Gas production and distribution (492).
(d) Water supply (494).
(e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(f) Freestanding support structures greater than 70 feet in height and equipment enclosures.

Section 87. SRC 151.050 is amended to read as follows:

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to 151.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 88. SRC 151.900 is amended to read as follows:

151.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

<table>
<thead>
<tr>
<th>Home Occupations</th>
<th>SRC Chapter 124</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Development Standards</td>
<td>SRC Chapter 130</td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>SRC Chapter 131</td>
</tr>
<tr>
<td>Landscaping</td>
<td>SRC Chapter 132</td>
</tr>
</tbody>
</table>
Section 89. SRC 152.030 is amended to read as follows:

152.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CR district:

(1) Gasoline service stations (554).
(2) Used merchandise store (593).
(3) Secondary dwellings and guest rooms.
(4) Entertainment establishments.
(5) Keeping of a miniature swine.
(6) Existing wildlife rehabilitation facility.
(7) Mobile food unit.
(8) Antennas attached to existing or approved structures;
(9) Freestanding support structures 35 feet or less in height and equipment enclosures.
(10) Temporary motor vehicle sales (551).
(11) Temporary recreational vehicle sales (556).
(12) One single family dwelling, other than a manufactured home, per lot.
(13) Ambulance Station.
(14) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 90. SRC 152.040 is amended to read as follows:

152.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

(a) Those uses listed in SRC 152.030, at the developer's option, as provided in
subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

c) Manufacturing:

(1) Jewelry, silverware, and plated ware (391).

(2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(3) Signs and advertising specialties (3993).

d) Transportation, communications, electric, gas, and sanitary services:

(1) Local and suburban passenger transportation (411).

(2) InterCity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413).

(3) Communication services, not elsewhere classified (489).

(4) Electric services (491).

(5) Gas production and distribution (492).

(6) Water supply (494).

(7) Free standing support structures greater than 70 feet in height and equipment enclosures.

e) Retail:

(1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554), and auto and home supply stores as permitted under SRC 152.020(e)(14).

(2) Nonstore retailers (596).

f) Services:

(1) Camps and recreational vehicle parks (703).

(2) Carpet and upholstery cleaning (7217).

(3) Automotive rental and leasing, without drivers (751).

(4) Automotive repair shops (753).

(5) Automotive services, except repair (754).

(6) Electrical repair shops (762).

(7) Reupholstery and furniture repair (764).
(8) Motorcycle repair service.

(9) Professional sports clubs and promoters (7941).

(10) Homeless shelters and room and board facilities serving 6 to 75 persons.

(g) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, condominiums, and residential hotels.

(h) Other uses:

(1) Utilities - secondary truck parking and material storage yard.

(2) Recycling depots.

(3) Solid waste transfer stations.

(4) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

Section 91. SRC 152.050 is amended to read as follows:

152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020 to 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 92. SRC 152.900 is amended to read as follows:

152.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 93. SRC 153.030 is amended to read as follows:

153.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC
Chapter 119, are permitted in the CG district:

(1) Used merchandise stores (593).
(2) Entertainment establishments.
(3) Keeping of a miniature swine.
(4) Wildlife rehabilitation facility.
(5) Antennas attached to existing or approved structures.
(6) Freestanding support structures 35 feet or less in height and equipment enclosures.
(7) Mobile food unit.
(8) Temporary motor vehicles sales (551).
(9) Temporary recreational vehicle sales (556).
(10) One single family dwelling, other than a manufactured home, per lot.
(11) Ambulance Station.
(12) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 94. SRC 153.040 is amended to read as follows:

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

(a) Those uses listed in SRC 153.030, at the developer's option, as provided in subsection (b) of that section.
(b) Animal specialty services, except veterinary (0752).
(c) Farm labor and management services (076).
(d) Crude petroleum and natural gas extraction (131).
(e) Jewelry, silverware, and plated ware (391).
(f) Costume jewelry and notions (396).
(g) Signs and advertising specialties (3993).
(h) Electric services (491).
(i) Gas production and distribution (492).
(j) Water supply (494).
(k) Durable goods, not elsewhere classified (5099).
(l) Fish and seafoods (5146).
(m) Drive-in motion picture theaters (7833).
(n) Racing, including track operations (7948).
(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.
(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.
(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
(r) Solid waste transfer stations.
(s) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.

Section 95. SRC 153.050 is amended to read as follows:

153.050. Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 96. SRC 153.900 is amended to read as follows:

153.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
Section 97. SRC 154.030 is amended to read as follows:

154.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CB district:

(1) Keeping of a miniature swine.

(2) Antennas attached to existing or approved structures.

(3) Freestanding support structures thirty-five feet or less in height and equipment enclosures.

(4) Mobile food unit.

(5) Ambulance station.

(6) Ambulance service facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

Section 98. SRC 154.040 is amended to read as follows:


The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CB district:

(a) Helicopter landing area, with or without passenger and freight terminal facilities.

(b) Farm labor and management services (076).

(c) Crude petroleum and natural gas extraction (131).

(d) Jewelry, silverware, and plated ware (391).

(e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(f) Electric services (491).

(g) Gas production and distribution (492).

(h) Water supply (494).

(i) Metals and minerals, except petroleum (505) subject to the retail sales requirement
of SRC 154.020(e).

(j) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(e).

(k) Recycling depots.

(l) Solid waste transfer stations.

(m) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.

(n) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(o) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(pp) Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.

Section 99. SRC 154.050 is amended to read as follows:

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

Section 100. SRC 154.090 is amended to read as follows:

154.090. Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the
standards or guidelines contained in the City of Salem Development Design Handbook.

This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

Section 101. SRC 154.900 is amended to read as follows:

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

1. Mobile home as a dwelling for a caretaker.
2. Entertainment establishments.
5. Mobile food unit.
6. Antennas attached to existing structures.
7. Freestanding support structures 35 feet or less in height and equipment enclosures.
8. One single family dwelling, other than a manufactured home, per lot.
9. Ambulance Station.
10. Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 103. SRC 155.040 is amended to read as follows:

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IC district:

(a) Agriculture:
   (1) Animal specialty services (0752).

(b) Mining:
   (1) Crude petroleum and gas extraction (131).

(c) Manufacturing:
   (1) Millwork (2431).
   (2) Structural wood members, not elsewhere classified (2439).
   (3) Wooden containers (244).
   (4) Miscellaneous wood products (249).
   (5) Furniture and fixtures (25).
   (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289).
   (7) Rubber and plastics footwear (302).
   (8) Fabricated rubber products, not elsewhere classified (306).
   (9) Miscellaneous plastics products (307).
   (10) Leather tanning and finishing (311).
   (11) Fabricated structural metal products (344).
   (12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).
   (13) Coating, engraving, and allied services (347).
   (14) Miscellaneous fabricated metal products (349).
   (15) Metalworking machinery and equipment (354).
   (16) Woodworking machinery (3553).
   (17) Refrigeration and service industry machinery (358).
(18) Ship and boat building and repairing (373).
(19) Jewelry, silverware, and patch ware (391).
(20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:
(1) Air transportation, Nonscheduled (452).
(2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(e) Utilities:
(1) Electrical service (491).
(2) Gas production and distribution (492).
(3) Water supply (494).

(f) Wholesale trade:
(1) Durable goods, not elsewhere classified (5099).

(g) Services:
(1) Residential care (836).

(h) Residential:
(1) Single family dwellings, other than mobile homes.
(2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
(3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
(4) Homeless shelters and room and board facilities serving between 6 and 75 persons; and

(i) Other uses:
(1) Solid waste transfer stations.
(2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.
Section 104. SRC 155.050 is amended to read as follows:

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 105. SRC 155.900 is amended to read as follows:

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-street Parking, Loading and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Wireless Communications Facilities (SRC Chapter 703)

Section 106. SRC 156.030 is amended to read as follows:

156.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IBC district:

1. Gasoline service stations (554);
2. Antennas attached to existing or approved structures;
3. Freestanding support structures 3.5 feet or less in height and equipment enclosures;
4. Colleges, universities, professional schools, and junior colleges (8221);
5. One single family dwelling, other than a manufactured home, per lot;
6. Ambulance Station;

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:
(1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and
(2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

Section 107. SRC 156.035 is amended to read as follows:

156.035. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 447 240 or 118, as applicable, are permitted in the IBC district:

(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(b) Utilities:
   (1) Electrical service (491);
   (2) Gas production and distribution (492);
   (3) Water supply (494).

Section 108. SRC 156.050 is amended to read as follows:

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 156.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 109. SRC 156.900 is amended to read as follows:

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards SRC Chapter 69
Wireless Communications Facilities SRC Chapter 703

Section 110. SRC 157.030 is amended to read as follows:

157.030. Special Uses.
(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the IP district:
(1) Gasoline service stations (554).
(2) Mobile home as a dwelling for a caretaker.
(3) Antennas attached to existing or approved structures.
(4) Freestanding support structures 35 feet or less in height and equipment enclosures.
(5) One single family dwelling, other than a manufactured home, per lot.
(6) Ambulance Station.
(7) Ambulance Service Facility.
(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 111. SRC 157.040 is amended to read as follows:

157.040. Conditional Uses. 157.040. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structure greater than 70 feet in height and equipment enclosures.
(b) Crude petroleum and natural gas extraction (131).
(c) Carpentering and flooring (175).
(d) Manufacturing:
   (1) Food and kindred products (20) BUT EXCLUDING beverages (208).
   (2) Miscellaneous textile goods (229).
   (3) Lumber and wood products, except furniture (24).
   (4) Furniture and fixtures (25).
   (5) Paper and allied products (26).
   (6) Chemicals and allied products (28).
   (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).
   (8) Leather tanning and finishing (311).
(9) Flat glass (321).

(10) Glass and glassware, pressed or blown (322).

(11) Pottery and related products (326).

(12) Cut stone and stone products (328).

(13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).

(14) Coating, engraving, and allied services (347).

(15) Ordnance and accessories, except vehicles and guided missiles (348).

(16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020.

(17) Storage batteries (3691).

(18) Primary batteries, dry and wet (3692).

(19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020.

(20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

(e) Public utilities:

    (1) Electric services (491).

    (2) Gas production and distribution (492).

    (3) Water supply (494).

(f) Wholesale trade:

    (1) Durable goods, not elsewhere classified (5099).

    (2) Chemicals and allied products (516).

    (3) Petroleum and petroleum products (517).

(g) Animal specialty services, excluding veterinary (0752).

(h) Other uses:

    (1) Solid waste transfer stations.

    (i) Those uses listed in SRC 157.030, at the developer's option, as provided in subsection (b) of that section.

Section 112. SRC 157.050 is amended to read as follows:

157.050. Prohibited Uses. Within any IP district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to 157.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 113. SRC 157.900 is amended to read as follows:

157.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 114. SRC 158.030 is amended to read as follows:

158.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IG district;

1. Scrap and waste materials establishments (5093).
2. Mobile home as a dwelling for a caretaker.
3. Wildlife rehabilitation facility.
4. Mobile food unit.
5. Lumber and other building materials.
6. Retail nurseries, lawn and garden supply stores.
7. Antennas attached to existing or approved structures.
8. Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from an R or CO zone and equipment enclosures.
9. Recreational vehicle sales (5561).
10. One single family dwelling, other than a manufactured home, per lot.
11. Ambulance Station.
(1210) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 115. SRC 158.040 is amended to read as follows:

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.

(b) Agriculture, forestry, and fishing:
   (1) Livestock, except dairy, poultry, and animal specialties (021).

(c) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of a R or CO zone and equipment enclosures.

(d) Mining:
   (1) Crude petroleum and natural gas extraction (131).
   (2) Surface mining operations as a specific conditional use under SRC Chapter 118.

(e) Manufacturing:
   (1) Meat products (201).
   (2) Animal and marine fats and oils (2077).
   (3) Logging camps and logging contractors (241).
   (4) Hardwood veneer and plywood (2435).
   (5) Softwood veneer and plywood (2436).
   (6) Structural wood members, not elsewhere classified (2439).
   (7) Sawmills and planing mills (242).
   (8) Paper and allied products (26) where not otherwise permitted under SRC 158.020.
   (9) Agricultural chemicals (287).
(10) Miscellaneous chemical products (289).
(11) Petroleum and coal products (29).
(12) Cement hydraulic (324).
(13) Structural clay products (325).
(14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271).
(15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
(16) Iron and steel foundries (332).
(17) Primary smelting and refining of nonferrous metals (333).
(18) Secondary smelting and refining of nonferrous metals (334).
(19) Rolling, drawing, and extruding of nonferrous metals (335).
(20) Nonferrous foundries (castings) (336).
(21) Miscellaneous primary metal products (339).
(22) Ordinance and accessories, except vehicles and guided missiles (348).
(23) Storage batteries (3691).
(24) Primary batteries, dry and wet (3692).

(f) Wholesale trade:
(1) Livestock (5154).
(2) Chemicals and allied products (516).

(g) Services:
(1) Racing, including track operation (7948).

(h) Other uses:
(1) Solid waste transfer stations.

Section 116. SRC 158.050 is amended to read as follows:

158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020 to 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 117. SRC 158.900 is amended to read as follows:

158.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

1. Landslide Hazards
2. Lot Development Standards
3. Accessory Structures
4. Landscaping
5. Off-street Parking, Loading, and Driveways
6. Flood Plain Overlay Zones
7. Willamette Greenway Overlay Zones
8. Lot Development Standards
9. Accessory Structures
10. Landscaping
11. Off-street Parking, Loading, and Driveways
12. Flood Plain Overlay Zones
13. Willamette Greenway Overlay Zones
14. Wireless Communications Facilities

Section 118. SRC 159.030 is amended to read as follows:

159.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an II district:
   (1) Antennas attached to an existing and approved structure;
   (2) Freestanding support structures 35 feet or less in height and equipment enclosures;
   (3) Ambulance Station;
   (4) Ambulance Service Facility.

Section 119. SRC 159.040 is amended to read as follows:

159.040. Conditional Uses.
The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the II district:
(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
(2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of an R or CO zone and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(c) Animal and marine fats and oils (2077).

(d) Ordinance and Accessories except vehicles and guided missiles (348).

(e) Eating and drinking places (58).

(f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded.

(g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC Chapter 118.

(h) Solid waste transfer stations.

Section 120. SRC 159.050 is amended to read as follows:

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 121. SRC 159.900 is amended to read as follows:

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-Street Parking, Loading and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Wireless Communications Facilities (SRC Chapter 703)

Section 122. SRC 160.020 is amended to read as follows:

160.020. Prohibited Uses. Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular
district under SRC 160.030 to 160.120 160.125 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 123. SRC 160.100 is amended to read as follows:

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

(1) Mobile home as a dwelling for a caretaker.

(2) Existing wildlife rehabilitation facility.

(3) Wildlife rehabilitation facility.

(4) Mobile food unit.

(5) Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission.

(6) Antennas attached to existing or approved structures.

(7) Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures.

(8) Ambulance Station.

(9) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 124. SRC 160.900 is amended to read as follows:

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation: SRC Chapter 68
- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
Off-street Parking, Loading, and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units
Wireless Communications Facilities SRC Chapter 703

Section 125. SRC 161.060 is amended to read as follows:
161.060. Height. No building, or structure or freestanding support structure in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, or structure or freestanding support structure that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

Section 126. SRC 161.170 is amended to read as follows:
161.170. Additional Standards. Additional standards may apply to development in the EC Zone as a result of regulations found in the following Chapters:
SRC Chapter 69 Landslide Hazards
SRC Chapter 140 Flood Plain Overlay Zone
SRC Chapter 125 Airport Overlay Zone
SRC Chapter 703 Wireless Communications Facilities

Section 127. SRC 162.050 is amended to read as follows:
162.050. Special Uses.
The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:
(a) Antennas attached to existing or approved structures.
(b) Mobile food unit.

Section 128. SRC 162.120 is amended to read as follows:
162.120. Design Approval.
(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to
wireless communications facilities or to relocatable structures not attached to a
permanent foundation.

(b) Lawful non-conforming buildings or structures may be structurally altered or
enlarged provided such new development reduces the degree of non-conformity, and
meets all other provisions of the Zoning Code and other laws, ordinances and
regulations.

Section 129. SRC 162.130 is amended to read as follows:

162.130. Additional Standards. Additional standards may apply to development in the
SWMU Zone. In the event there is any conflict between the standards of this Chapter and
those contained in other chapters of the Salem Revised Code, the provisions of this Chapter
shall control. Chapters that provide additional standards include, but may not be limited to:

- Sign Code
- Home Occupations
- General Development Standards
- Accessory Structures
- Landscaping
- Off-Street Parking, Loading, and Driveways
- Floodplain Overlay Zones
- Willamette Greenway
- Wireless Communications Facilities

Section 130. SRC 215.055 is amended to read as follows:

215.055. Additional Standards. Additional standards may apply to development in the
NCMU zone as a result of regulations found in the following chapters. In the event of a
conflict between the standards contained in the NCMU zone and those contained within other
chapters of the SRC, the standards contained in the NCMU shall apply.

(a) Signs
(b) Preservation of Trees and Vegetation
(c) Landslide Hazards
(d) Trees and Shrubs
(e) Home Occupations
Section 131. SRC 220.005 is amended to read as follows:

220.005. Site Plan Review.

(a) Applicability.

(1) Except as provided in paragraph (2) of this subsection, any development that requires a building permit must receive site plan review approval prior to issuance of the building permit.

(2) Exemptions. The following development that requires a building permit is exempt from 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) Sign installation.

(C) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(D) The alteration to the facade of a building.

(E) Interior construction or tenant improvements that involve no change of use.

(F) Wireless communications facilities.

(b) Classes. The three classes of Site Plan Review are:

(1) Class 1 Site Plan Review. Class 1 Site Plan Review is site plan review for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015,
and that involves a change of use or change of occupancy where only construction
or improvements to the interior of the building or structure are required.

(2) Class 2 Site Plan Review. Class 2 Site Plan Review is required for any
development that requires a building permit, other than development subject to
Class 1 Site Plan Review, and that does not involve a land use decision or limited
land use decision, as those terms are defined in ORS 197.015.

(3) Class 3 Site Plan Review. Class 3 Site Plan Review is required for any
development that requires a building permit, and that involves a land use decision
or limited land use decision, as those terms are defined in ORS 197.015. As used
in this paragraph, 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 the Salem
Transportation System Plan;
(B) Requires a geotechnical report or geologic assessment under SRC
Chapter 69, except where a geotechnical report or geologic assessment has
already been approved for the property subject to the development
application;
(C) Requires deviation from clear and objective development standards of the
UDC relating to streets, driveways or vision clearance areas;
(D) Proposes dedication of right-of-way which is less than the requirements
of the Salem Transportation System Plan;
(E) Requires deviation from the clear and objective standards of the UDC and
where the review authority is granted the authority to use limited discretion in
deviating from the standard; or
(F) Requires a variance, adjustment, or conditional use permit.

c) Procedure Type.

(1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
Chapter 300.

(2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
Chapter 300.
Class 3 Site Plan Review is processed as a Type II procedure under SRC Chapter 300.

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:

   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
(A) Distance from the structures and improvements to all property lines and
adjacent on-site structures;
(iii) Loading areas, if included in the proposed development;
(iv) The size and location of solid waste and recyclables storage and
collection areas, and amount of overhead clearance above such
enclosures, if included in the proposed development;
(v) An indication of future phases of development on the site, if
applicable;
(vi) All proposed landscape areas on the site, with an indication of
square footage and their percentage of the total site area;
(vii) The location, height and material of fences, buffers, berms, walls,
and other proposed screening as they relate to buffer yard and
landscaping required by SRC Chapter 132;
(viii) The location of all trees and vegetation required to be protected
pursuant to SRC Chapter 68;
(ix) The location of all street trees, if applicable, or proposed location of
street trees required to be planted at time of development pursuant to
SRC Chapter 86; and
(x) Identification of vehicle, pedestrian, and bicycle parking and
circulation areas, including handicapped parking stalls, disembarking
areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of
copies meeting the standards established by the Planning Administrator,
containing the following information:
(i) The total site area, dimensions, and orientation relative to north;
(ii) The location of existing structures and other improvements on the
site, including accessory structures, fences, walls, and driveways, noting
their distance from property lines; and
(iii) The location of the one-hundred-year flood plain, if applicable.

(C) A completed trip generation estimate for the proposed development, on
(2) **Class 3 Site Plan Review.** In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for Class 3 Site Plan Review shall include:

(A) All submittal requirements for a Class 2 Site Plan Review under subsection (e)(1) of this section;

(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;

(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of fifteen percent;

(E) The location of drainage patterns and drainage courses, if applicable;

(F) A preliminary utility plan showing capacity needs for municipal water, stormwater management, and sewer service and schematic location of connection points to existing municipal water and sewer services;

(G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g. manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;

(H) A geological assessment or geotechnical report, if required by SRC Chapter 69, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and

(I) A Tranportation Impact Analysis, if required for the development, in the format specified, and based on thresholds specified in standards established, by the Director of Public Works.

(f) **Criteria.**

(1) **Class 1 Site Plan Review.** An application for a Class 1 Site Plan Review
shall be granted if:

(A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

(B) Only construction or improvements to the interior of the building or structure will be made;

(C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffleryards;

(D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

(E) The application meets all applicable standards of the UDC.

(2) Class 2 Site Plan Review. An application for a Class 2 Site Plan Review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

(B) The application meets all the applicable standards of the UDC.

(3) Class 3 Site Plan Review. An application for Class 3 Site Plan Review shall be granted if:

(A) The application meets all applicable standards of the UDC;

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.
Section 132. SRC 300.100 is amended to read as follows:

300.100. Procedure Types.

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

Table 300-1: Land Use Procedure Types

<table>
<thead>
<tr>
<th>Procedure Type</th>
<th>Decision Process</th>
<th>Decision Type</th>
<th>Process Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>Ministerial</td>
<td>Permit</td>
<td>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.</td>
</tr>
<tr>
<td>Type II</td>
<td>Administrative</td>
<td>Limited Land Use</td>
<td>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.</td>
</tr>
<tr>
<td>Type III</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are</td>
</tr>
</tbody>
</table>
Type IV | Quasi-Judicial | Land Use
--- | --- | ---

made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.

The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.
(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

### TABLE 300-2

**LAND USE APPLICATIONS BY PROCEDURE TYPE**

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Decision</th>
<th>Appeal</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
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<tbody>
<tr>
<td>ADJUSTMENT</td>
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<td></td>
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</tr>
<tr>
<td>- Class 1 Adjustment</td>
<td>II</td>
<td>N</td>
<td>PA</td>
<td>HO</td>
<td>N</td>
<td>SRC 250</td>
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<tr>
<td>- Class 2 Adjustment</td>
<td>II</td>
<td>Y</td>
<td>PA</td>
<td>HO</td>
<td>Y</td>
<td>SRC 250</td>
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<td>CODE INTERPRETATION</td>
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<td>PC</td>
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<td>SRC 110</td>
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<td>COMPREHENSIVE PLAN CHANGE</td>
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<tr>
<td>- Minor Plan Change</td>
<td>III</td>
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<td>PC</td>
<td>CC</td>
<td>Y</td>
<td>SRC 64</td>
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<td>(Applicant Initiated)</td>
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<td>PC – Recommendation</td>
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<td>-</td>
<td>SRC 64</td>
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<td>Review Authority</td>
<td>City Council Review</td>
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<td>Y</td>
<td>SRC 240</td>
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<td></td>
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<tr>
<td>- Class 1 Design Review</td>
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<td>Y</td>
<td>PA</td>
<td>-</td>
<td>N</td>
<td>SRC 225</td>
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<td>- Class 2 Design Review</td>
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<td>Y</td>
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<td>PC</td>
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<td>- Fairview Plan</td>
<td>III</td>
<td>Y</td>
<td>PC</td>
<td>CC</td>
<td>Y</td>
<td>SRC 143C</td>
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<td>- Fairview Plan Amendment - Minor</td>
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<td>Y</td>
<td>PA</td>
<td>PC</td>
<td>Y</td>
<td>SRC 143C</td>
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<td>- Fairview Plan Amendment - Major</td>
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<td>PC</td>
<td>CC</td>
<td>Y</td>
<td>SRC 143C</td>
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<td>- Refinement Plan</td>
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<td>Y</td>
<td>PC</td>
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<td>Y</td>
<td>SRC 143C</td>
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<td>- Refinement Plan Amendment - Minor</td>
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<td>Y</td>
<td>PA</td>
<td>PC</td>
<td>Y</td>
<td>SRC 143C</td>
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<td>- Refinement Plan Amendment - Major</td>
<td>III</td>
<td>Y</td>
<td>PC</td>
<td>CC</td>
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<td>Application</td>
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<td>Review Authority</td>
<td>Appeal</td>
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<td>Applicable Code Chapter(s)</td>
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COUNCIL OF THE CITY OF SALEM, OREGON
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### Table 300-2: Land Use Applications by Procedure Type

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**LEGEND**

PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council

### Section 133. SRC 300.520 is amended to read as follows:

**300.520. Type II Procedure.**

(a) Application Requirements.

1. **Application Form.** Type II applications shall be made on forms provided by the Planning Administrator.

2. **Submittal Requirements.** Type II applications shall include the information required under SRC 300.210.

(b) Public Notice and Comment. Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities Siting, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

1. **Mailed Notice.** Mailed notice shall be provided as follows:

   (A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

   (B) Notice of the application shall be mailed to:

      (i) The applicant(s) and/or the applicant’s authorized representative(s);

      (ii) The owner(s) or contract purchaser(s) of record of the subject property.
property;

(iii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(iv) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;

(v) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

(vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

(C) Mailed notice shall include:

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

(ii) The type of application and a concise description of the nature of the land use action;

(iii) The proposed site plan;

(iv) The street address, or other easily understood geographical reference, for the subject property;

(v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;

(vi) A list of the approval criteria by name and code section;

(vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;

(viii) A brief summary of the decision making process for the application;

(ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;

(x) A statement that comments received after the close of the public comment period will not be considered;
(xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;

(xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and

(xiii) The name and contact information for the staff case manager.

(2) Posted Notice. Posted notice shall be provided, when required, as follows:

(A) The applicant shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than 5 days after the date of original posting. The affidavit shall be made a part of the file.

(B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.

(C) Posted notice shall be on signs prepared by the Planning Administrator.

(D) To replace signs that are lost or damaged to the extent they cannot be reused, the Planning Administrator shall establish a refundable sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.

(E) The applicant shall remove the signs from the subject property and return them to the Planning Administrator within 7 days after the date the decision is issued. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days, in an undamaged and reusable condition.
(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 5 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) Any City-recognized neighborhood association whose boundaries
      include, or are adjacent to, the subject property;
   
   (D) Any group or individual who submitted written comments during the
      comment period;
   
   (E) Property owners of record, as shown on the most recent property tax
      assessment roll, within 250 feet of the subject property;
   
   (F) Any governmental agency which is entitled to notice by law or under an
      intergovernmental agreement with the City, and any governmental agency
      which submitted written comments during the comment period; and
   
   (G) 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 City
Council pursuant to SRC 300.1050, the decision by the Planning Administrator 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 300.400-2.
Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the
decision of the Review Authority on appeal, or, if review is initiated by the City
Council, the City 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 or
a Class 2 adjustment, notice of the appeal shall be provided to the City
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
City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

(B) The decision on a Class 1 adjustment is not subject to Council review. The decision of the Review authority is the final decision of the City.

(4) Appeal of the City’s final decision is to the Oregon Land Use Board of Appeals.

(g) Expiration of Approval. Approval of a Type II application expires automatically as provided by SRC 300.860(a).

Section 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:
(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
(B) The date of the decision; and
(C) A description of the decision made.

(b) Use Categories.

(1) Residential.
(A) Characteristics. Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
(B) Examples. Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.
(A) Characteristics. A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
(B) Examples. Assisted living.

(3) Retail Sales and Service.
(A) Characteristics. Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
(B) Examples. Retail Sales and Service permitted activities include the following activities:
   (i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing,
dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware and home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

(ii) **Personal Service-Oriented.** Banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.

(iii) **Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns, and bars; health clubs and gyms; membership clubs, lodges, and temporary lodging establishments with five or fewer guest rooms.

(iv) **Product Repair or Service Oriented.** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailors; locksmiths; and upholsterers.

(4) **Office.**

(A) **Characteristics.** Office consists of uses conducted in an office setting and generally involves business, professional, medical, or financial services.

(B) **Examples.** Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) **Institutional.**

(A) **Characteristics.** Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) **Examples.** Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations,
police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.
Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

<table>
<thead>
<tr>
<th>TABLE 532-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCMU ZONE USES WITH MASTER PLAN</td>
</tr>
<tr>
<td>Table 532-1: NCMU Zone Uses with Master Plan</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Status Inside Core</th>
<th>Status Outside Core</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>N</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling (Townhouse)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>N</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td></td>
<td></td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>Residential Facility</td>
<td></td>
<td></td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td>N</td>
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<tr>
<td>Senior Care Facility Use</td>
<td></td>
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<tr>
<td>Senior Care Facility</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td></td>
<td></td>
<td>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited.</td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>P</td>
<td>N</td>
<td>• Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;</td>
</tr>
</tbody>
</table>

ORDINANCE 24-13 – Page 131 COUNCIL OF THE CITY OF SALEM, OREGON
<table>
<thead>
<tr>
<th>Use</th>
<th>P</th>
<th>N</th>
<th>C</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office Use</strong></td>
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<tr>
<td>Office</td>
<td>P</td>
<td>N</td>
<td></td>
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<tr>
<td><strong>Institutional Use</strong></td>
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</tr>
<tr>
<td>Institutional</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td><strong>Parks and Open Space Use</strong></td>
<td></td>
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<tr>
<td>Parks and Open Space</td>
<td>P</td>
<td>P</td>
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<tr>
<td><strong>Public Utilities Use</strong></td>
<td></td>
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</tr>
<tr>
<td>Public Utilities</td>
<td>P/C</td>
<td>P/C</td>
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</tr>
<tr>
<td><strong>Wireless Communications Facilities Use</strong></td>
<td></td>
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</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td>W</td>
<td>W</td>
<td></td>
</tr>
</tbody>
</table>

- Vehicle services such as motor vehicle repair, gas station, or car wash;
- Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted;
- Taxidermists;
- Mortuaries;
- Kennels;
- Casinos;
- Temporary lodging establishments with more than 5 guest rooms;
- Recreational vehicle parks;
- Indoor firing ranges;
- Theaters greater than 5,000 square feet;
- Pool halls;

Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.

Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited:
- Cemeteries;
- Open areas used for grazing.

Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:
- Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
**LEGEND**

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 147 240); W – Wireless Communications Facilities Use (Subject to SRC Chapter 703); N – Prohibited Use.

Section 136.  SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.

**TABLE 532-2**

<table>
<thead>
<tr>
<th>NCMU ZONE USES IN LIEU OF MASTER PLAN</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Table 532-2: NCMU Zone Uses In Lieu of Master Plan</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Status</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
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<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling</td>
<td>N</td>
<td></td>
</tr>
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<td>(Townhouse)</td>
<td></td>
<td></td>
</tr>
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<td>Manufactured Home</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Residential Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td></td>
</tr>
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<td>Senior Care Facility Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td></td>
<td></td>
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<tr>
<td>Retail Sales and Service</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Office Use</td>
<td></td>
<td></td>
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<tr>
<td>Office</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td><strong>Institutional Use</strong></td>
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</tr>
<tr>
<td>Institutional</td>
<td>N</td>
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<tr>
<th><strong>Parks and Open Space Use</strong></th>
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<tbody>
<tr>
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<td>P/C</td>
</tr>
<tr>
<td></td>
<td>Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.</td>
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</tbody>
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<td>Wireless Communications Facilities</td>
<td>W</td>
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</table>

**LEGEND**

P - Permitted Use; S - Special Use (Subject to SRC Chapter 119); C - Conditional Use (Subject to SRC Chapter 240); W - Wireless Communications Facilities Use (Subject to SRC Chapter 703); N - Prohibited Use.

**Section 137.** SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply:

- (a) Signs SRC Chapter 900
- (b) Preservation of Trees and Vegetation SRC Chapter 68
- (c) Landslide Hazards SRC Chapter 69
- (d) Trees and Shrubs SRC Chapter 86
- (e) Home Occupations SRC Chapter 124
- (f) Wetlands SRC Chapter 126
- (g) General Development Standards SRC Chapter 130
- (h) Accessory Structures SRC Chapter 131
Section 138. Repeal. SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035, 147.035, 148.180, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035, 156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

Section 139. Savings Clause. A prosecution or code enforcement action which is pending on the effective date of this Ordinance and which arose from a violation of a section of the Salem Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is started within one year after the effective date of this Ordinance arising from a violation of a section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined exactly as if the section or sections had not been repealed.

Section 140. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

(a) Renumber sections and parts of sections of the ordinance;

(b) Rearrange sections;

(c) Change reference numbers to agree with renumbered chapters, sections or other parts;

(d) Delete references to repealed sections;

(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 141. 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 the ordinance shall remain in full force and effect.

Section 142. 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).
PASSED by the City Council this ______ day of ________________, 2013.

ATTEST:

City Recorder

Approved by City Attorney: ________________

Checked by: P Cole
February 14, 2014

The Honorable Anna Peterson, Mayor of Salem
and Members of the Salem City Council
City of Salem
c/o Kathy Hall, City Recorder
555 Liberty Street SE, Room 205
Salem, OR 97301

VIA EMAIL TRANSMISSION- khall@cityofsalem.net

RE: Final Comments on Proposed Ordinance
SRC Chapter 703 – Wireless Communications Facilities
City Case File No. Ordinance No. 24-13/Code Amendment Case No. CA 10-04

Dear Mayor Peterson and City Councilors:

This letter presents final comments on proposed SRC Chapter 703 (Wireless Communications Facilities), provided on behalf of AT&T in response to the supplemental staff report and Council’s discussion at its January 27, 2014, hearing.

At the request of Council, staff has provided information about the setback and height standards adopted by other jurisdictions, including Portland, Beaverton, Hillsboro, Corvallis, Eugene, and Gresham. See Supplemental Staff Report, p. 4. As explained by staff, Salem’s proposed standards are not the least restrictive when compared with these other jurisdictions. Id.

Setbacks

Each jurisdiction’s wireless code is a balance between the interests of the carriers that need to build infrastructure and the residents who are concerned about potential adverse impacts (but also want fast broadband service). One dimensional standard in isolation, such as a setback requirement, does not complete the picture of how potential impacts are mitigated by the code.

Relevant to striking the appropriate balance are the jurisdiction’s unique zoning patterns, terrain, natural features, and built environment. As explained by Ms. Cole in
Council’s January 13, 2014, hearing, Salem’s zoning patterns combined with the current 300-foot setback make it very difficult to deliver wireless service to substantial portions of the City. One of the primary goals of the City’s code rewrite process was to facilitate the delivery of wireless services to these areas, which are predominantly residential. Future Report, November 18, 2013, p. 2 (see issue number 5).

We support the balance struck in proposed Ordinance 24-13, which both staff and the City’s Planning Commission have recommended for approval, and we ask Council to approve the dimensional standards as proposed.

While the new code includes reduced setbacks (from 300 feet), it also adds other items, such as design and screening requirements. Most notably, the new code imposes strict standards requiring that new support towers be designed to resemble an object such as a native tree or flag pole, which apply in all residential and mixed use zones and within 300 feet of a residential or mixed use zone. See subsection (e) on page 26 of Ordinance 24-13. As the current code does not require camouflage or stealth design, this is a significant change.

A 100-foot setback has been suggested, but again, a setback of this size significantly limits the potential locations for new facilities and can effectively prohibit the delivery of wireless services in violation of federal law. Large setbacks not only eliminate many potential sites within the residential zones, they also eliminate substantial portions of the adjacent areas zoned for commercial uses and other more intense development. These are the same commercial areas in which the City would prefer that wireless facilities be sited. An unintended consequence of the larger setbacks is that there is little incentive to site a facility in the commercial area over the residential area.

Larger setbacks can also prevent the location of a new facility in the area of a parcel that provides the most natural screening, such as within mature evergreen trees. When the City’s code requires that facilities be camouflaged as an object such as a tree, the applicant should have the ability to locate the disguised facility within the appropriate natural setting.

Height

With regard to height limitations, staff already proposes to restrict tower heights to the heights permitted for other nonresidential uses in the same zone. See Table 703-1. This regulation is considerably more restrictive than the standards of many other
jurisdictions, including Eugene, which allows tower heights of up to 75 feet in residential zones without a variance. Supplemental Staff Report, p. 4 (EC 9.5750(7)(b)(5)). The Council should not adopt a more restrictive height standard.

Auxiliary Equipment

Council members also requested information about how other jurisdictions regulate auxiliary equipment and particularly about undergrounding requirements. Staff has provided a comparison of several jurisdictions (Portland, Eugene, Bend, Beaverton, and Fort Collins, Colorado) that it completed last year prior to the first Planning Commission hearing. See Exhibit 1 to Supplemental Staff Report. Only one listed jurisdiction requires undergrounding outside of the right-of-way (Eugene, which also allows a variance when other screening methods shield the equipment from view).

Undergrounding is also unnecessary because the City’s proposed ordinance provides sufficient screening and other mitigation of the potential impacts from aboveground auxiliary support equipment. The applicant must demonstrate that any noise from a site’s equipment will not exceed City standards. Section 703.080(k). In addition, the ordinance lists several requirements for the equipment to be screened, such as a six-foot high sight-obscuring wall or fence, landscaping, location within an architectural element, or concealment to resemble a natural object. See Section 703.050. The ordinance also requires that the equipment be painted with natural colors and set back according to applicable standards. See Section 703.050. Placement of auxiliary support equipment underground is very expensive and disruptive, and particularly in areas in which utilities are already aboveground, there is no compelling reason to single out wireless communications facilities for underground placement.

Thank you for your consideration of our final comments.

Sincerely,

Meridee Pabst

cc: Jan Bans, AT&T External Affairs
Pamela Cole, Associate Planner, City of Salem
George Granger, AT&T External Affairs
Ken Lyons, Jurisdictional Relations Director, PNW, for AT&T
Cindy Manheim, General Attorney, AT&T
Geri Roper, Area Manager – Real Estate & Construction – PNW, AT&T
February 10, 2014

Ms. Pamela Cole
Associate Planner, Community Development
Planning Division, City of Salem
555 Liberty St, SE, Salem, OR, 97301

Re: Comment on Cell Tower variances, and future planning factors

Dear Ms. Cole:

In regards to the new cell tower variances, more consideration should be given to the projected cell tower coverage needs in the next 5 to 15 years. Why not take a "win-win" approach, for business and the environment? With improved long range planning, cell tower development and maintenance costs could be lower, due to less overlapping of services. With more strategically placed cell tower sites and arrays, there could be less impact for property owners, and less intense electric magnetic fields (EMF).

Looking at the "big picture," the increase in cell tower transmitter locations, along with the requisite electric power grids, will result in an expanded electronic infrastructure, and subsequent EMF's. We already have the entrenched motor vehicle infrastructure, with its almost invisible air pollution. The FCC seems intent on down playing this issue, although it is the exclusive monitors of EMF's. Would it be morally and legally negligent of the City of Salem, not to keep records of their own EMF monitoring?

As the "Automobile Age" changed the world, and so may the new "Digital Age." With it, business shall benefit, public's access to information will improve, along with an expanded Federally mandated "First Responders' Network." Yet, what shall be the long term effects EMF's on public health and the skyline of Salem?

"Let's keep Oregon beautiful." More research and long range planning are needed to minimize the impacts of new cell tower arrays and sites. Thank you.

Regards,

Pete Dane
FOR COUNCIL MEETING OF: March 10, 2014
AGENDA ITEM NO.: 4 (c)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT AMENDMENT TO ORDINANCE BILL NO. 24-13 RELATED TO WIRELESS COMMUNICATIONS FACILITIES

ISSUE:
Should the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO?

RECOMMENDATION:
Staff recommends that the City Council amend Ordinance Bill No. 24-13, as set forth in proposed Engrossed Ordinance Bill No. 24-13, to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

BACKGROUND:
At the February 24, 2014 meeting, Council adopted staff's recommendation to amend Engrossed Ordinance Bill No. 24-13, as identified by staff, and advanced the engrossed ordinance to second reading, with the following additional amendment: amend section 703.070(b)(1) of the proposed engrossed ordinance to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

After the meeting, staff noted that the IC (Industrial Commercial) zone should be included with other industrial zones for clarity.

Staff recommends that section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13 be amended to read:

(b) Setbacks. The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines, provided however, if the property abuts the EFU, RA, RS, RD, RM1, or
CO zones, the base of the support tower shall be set back from the property line abutting the zone **and** a minimum of thirty **one hundred** feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(2) In all zones other than the industrial zones, residential zones, and the IC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines **and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.**

(3) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO, and 30 feet from all other property.

(2) (4) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator
The City of Salem ordains as follows:

Section 1. SRC Chapter 703 is added to the Salem Revised Code as follows:

703.001. Purpose. The purpose of this Chapter is to provide a means whereby wireless communications facilities are located, designed, installed, maintained, and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

(a) The collocation, to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of
support towers and related equipment;
(b) The careful consideration of the topography, natural features, and historical significance in potential wireless communications facility sites;
(c) The encouragement of the use of existing structures, including, but not limited to, freestanding structures such as light or utility poles and water towers, instead of constructing new support towers;
(d) The encouragement of the location of new support towers and related equipment in non-residential zones;
(e) The limiting of new structures and the regulation of enlargement or expansion of existing structures in rights-of-way for the purpose of providing wireless communications facilities:
(f) The provision of wireless communication services through facilities with minimal visual impact.

703.005. Definitions. Unless the context specifically requires, as used in this Chapter, the following mean:
(a) Amateur radio: The licensed and private use of designated radio bands, for purposes of private recreation, non-commercial exchange of messages, experimentation, self-training, and emergency communication pursuant to an amateur operator license granted from the Federal Communications Commission. Amateur radio is also commonly referred to as “ham radio.”
(b) Antenna: Any pole, panel rod, reflection disc, or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). Antenna does not include support structures, utility structures, or support towers.
(c) Array: A grouping of two or more antennas on a single support structure, support tower, or utility structure.
(d) Auxiliary support equipment: All equipment necessary to provide wireless communications signals and data, including, but not limited to, electronic processing devices, air conditioning units, and emergency generators. Auxiliary
support equipment also includes the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include antennas, support towers, utility structures, support structures, or external cables and wires.

(e) Base station: Radio transceivers, antennas, coaxial cable, a regular and backup power supply, and other associated electronics. A base station includes a structure that currently supports or houses an antenna, transceiver, or other associated equipment that constitutes part of a base station and encompasses such equipment in any technological configuration, including distributed antennas systems and small cells.

(f) Capacity: The ability of the wireless communications network to process existing wireless service demands.

(f) (e) Collocation: The mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(f) (h) Existing facility: A wireless communication facility that was lawfully in place on the effective date of Ordinance Bill No. 24-13 at the time an application is submitted.

(f) (i) Guy pole: A pole that is used primarily to structurally support a utility pole, and has no energized conductors or telephone wires or wireless communications facilities attached.

(f) (j) High voltage transmission lines: Either power lines with capacity for transmitting electricity of 57,000 volts or greater, or a skipped pole between high voltage transmission power lines.

(f) (k) Lattice tower: A support tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

(f) (l) Monopole: A support tower which consists of a single pole sunk into the ground and/or attached to a foundation.

(f) (m) Original structure: A lawfully placed utility structure located in the right-of-way as of the effective date of the right-of-way use agreement between the owner and the City.
Owner: The person or entity that owns, operates, or manages an existing wireless communications facility or proposed wireless communications facility, or that person’s or entity’s agent.

Replacement structure: A utility structure that replaces a lawfully existing utility structure or original structure to accommodate wireless communications facilities and does not result in an increase in the total number of utility, guy, or support poles in the rights-of-way or on private property.

Residential building: A building used for household living or group living, regardless of zone. For the purposes of this definition:

1. Residential building does not include a mixed use building;
2. Household living means the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a family;
3. Group living means the residential occupancy of a structure on a wholly or primarily non-transient long-term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of household living either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

Right-of-way: The space upon, above, below, in, along, across, over, or under public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or City property not generally open to the public for travel. This definition applies only to the extent of the City’s right, title, and interest in the property and its authority to grant a license, permit, or other permission to use and occupy the property.

Screening: To obscure effectively the view of the base of a wireless
communications facility and its auxiliary support equipment.

**§ 1. Siting:** The location, construction, collocation, modification, or installation of a wireless communications facility.

**§ 1.** Skipped pole:

1. A utility structure that lies between and is shorter than the two immediately adjacent utility structures; or
2. Where runs of taller poles (typically high voltage transmission) and shorter poles (typically low voltage distribution or communication) are located on the same side of the street, a shorter pole situated adjacent to and between two taller poles in the same run.

**§ 1.** Substantially change the physical dimensions:

1. The mounting of a proposed antenna on a support tower would increase the existing height of the support tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or
2. The mounting of a proposed antenna involving the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
3. The mounting of a proposed antenna involving the addition of an appurtenance to the body of the support tower that would protrude from the edge of the support tower more than twenty feet, or more than the width of the support tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
4. The mounting of the proposed antenna involving excavation outside the current support tower site, defined as the current boundaries of the leased or owned property surrounding the support tower and any access or utility
easements currently related to the site.

Support structure: An existing building or structure, other than single family dwellings and duplexes and support towers, to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and outdoor advertising signs.

Support tower: A freestanding structure designed and constructed exclusively to support a wireless communications facility or an antenna or antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

Temporary wireless communications facility: Any wireless communications facility that is to be in use for not more than ninety days and is not deployed in a permanent manner.

Utility structure: Any utility pole, guy or support pole, utility pole extension, light standard, light pole or other similar pole that is suitable for the installation of wireless communications facilities.

Wireless communications: Any personal wireless services, as defined by the Federal Telecommunications Act of 1996 as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

Wireless communications facility: Any un-staffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications
services used exclusively for public health or safety purposes and wireless
communications services used exclusively by gas and electric utilities and
cooperative utilities for internal communications of an operational nature.

703.010. General Rule; Collocation and Siting Priority.

(a) Siting Permit Required.

(1) Except as provided in paragraph (2) of this subsection, no wireless
communications facility may be sited in the City without a siting permit having
first been obtained.

(2) Exemptions. A siting permit is not required for the following:

(A) Siting of dish antennas solely for the benefit of persons residing on a
property.

(B) Ham radios and associated equipment.

(C) Ordinary maintenance or repair of a wireless communications facility.

(D) Modification of an existing support tower or base station for the
collocation of or attachment of new transmission equipment or removal or
replacement of existing transmission equipment, pursuant to 47 U.S.C. §
1455, and notwithstanding any provision of this Chapter to the contrary,
provided that such modification does not substantially change the physical
dimensions of such support tower or base station from the dimensions
approved as part of the original decision or building permit for the support
tower or base station, that the applicant requesting a modification or
expansion of a support tower or base station establishes by substantial
evidence that the requested separation between antennas is the minimum
necessary to avoid interference, and, to the extent feasible, that the
additional equipment or modified equipment shall maintain the appearance
and design of the original facility, including, but not limited to, color,
screening, landscaping, stealth or camouflage design, mounting
configuration, and architectural treatment. However, any modification to a
support tower or base station which substantially changes the physical
dimensions of either the support tower or base station, and any other
modification to a wireless communications facility that does not qualify as a support tower or base station, shall be subject to the siting permits and authorizations as required by this Chapter.

(E) Siting of temporary wireless communications facilities that are used by a public agency for emergency communications, emergency preparedness, or other public health or safety purposes.

(F) Replacement of an existing support tower with a tower that does not substantially change the physical dimensions of the existing support tower.

(b) Collocation Required. All wireless communications facilities located in right-of-way shall be collocated or attached to replacement utility structures. All wireless communications facilities located outside of right-of-way shall be collocated, unless the collocation would interfere with other wireless communications facilities located on the same facility structure or jeopardize the physical integrity of the facility structure upon which collocation will be made, consent cannot be obtained for the collocation on a support structure, or the available structures do not provide sufficient height to obtain coverage or capacity objectives.

(c) Siting Priority. Wireless communications facilities shall be sited according to the following priority, by descending order of preference:

(1) First priority: collocation or attachment of an antenna or antenna array on a support tower, support structure, or utility structure;

(2) Second priority: replacement of a utility structure for the purpose of collocation attachment of an antenna or antenna array;

(3) Third priority: substantial change in the physical dimensions of a support tower or replacement with a support tower that represents a substantial change in the physical dimensions of the original support tower;

(4) Fourth priority: construction of a new support tower.

703.020. Wireless Communications Facility Siting Permits.

(a) Applicability. This section provides the exclusive means of review for applications to site wireless communications facilities.
(b) Classes. There are three classes of wireless communications facilities siting permits.
(1) A Class 1 Permit is a permit for a first priority siting.
(2) A Class 2 Permit is a permit for a second priority siting.
(3) A Class 3 Permit is a permit for a third priority siting or fourth priority siting.

(c) Procedure Type.
(1) Class 1 Permit. Review of an application for a Class 1 Permit is a Type I procedure under SRC Chapter 300.
(2) Class 2 Permit. Review of an application for a Class 2 Permit is a Type II procedure under SRC Chapter 300.
(3) Class 3 Permit. Review of an application for a Class 3 Permit is a Type III procedure under SRC Chapter 300.

(d) Submittal Requirements.
(1) All Applications. In addition to the submittal requirements under SRC Chapter 300, an application for a Class 1, Class 2, or Class 3 Permit shall include:
(A) The location of the siting, according to the siting priorities set forth in 703.010(c), and, if the priority is other than the first priority, documentation establishing that placement at a higher-priority site is not feasible.
(B) A site plan that includes:
   (i) Description of the proposed wireless communications facility’s design and dimensions.
   (ii) Elevations showing all components of the wireless communications facility, and its connections to utilities.
(C) Documentation demonstrating compliance with non-ionizing electromagnetic radiation emissions standards established by the Federal Communications Commission.
(D) Documentation showing that the auxiliary support equipment will not produce sound levels in excess of standards contained in SRC Chapter 93, or
designs showing how the sound will be effectively muffled to meet those standards by means of baffling, barriers, or other suitable means.

(E) Documentation that the proposed facility has been submitted to the State Historic Preservation Office for review, if applicable, or a statement explaining why the site is not subject to review by the State Historic Preservation Office.

(2) Class 1 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 1 Permit shall include:

(A) An engineer’s certification that the support structure, utility structure, or support tower will safely handle the load created by the attachment or collocation and comply with American National Standards Institute (ANSI) and other industry safety, structural codes and standards.

(B) If the utility structure is on a local street, color radio frequency contour maps clearly showing the calculated coverage using the proposed antennas at the applicant’s target signal level and the calculated coverage areas for all existing adjacent wireless communications facility sites of the owner to support the site selected for the proposed facility considering the siting priority established by SRC 703.010(c). If collocation or attachment on other utility structures was ruled out for non-radio frequency coverage reasons, the owner shall provide a statement identifying and justifying those reasons.

(3) Class 2 Applications. In addition to the submittal requirements under paragraph (1) of this subsection, application for a Class 2 Permit shall include:

(A) An engineer’s certification that the replacement utility structure will safely handle the load created by the proposed antennas and comply with ANSI and other industry safety, structural codes and standards.

(B) Documentation that the replacement utility structure is at least as wide as that required by any applicable safety standards adopted by the Oregon Public Utility Commission or the minimum necessary to accommodate collocation attachment on the proposed replacement structure.
(C) If the replacement utility structure is on a local street, color radio
frequency contour maps clearly showing the calculated coverage using the
proposed antennas at the applicant’s target signal level and the calculated
coverage areas for all existing adjacent wireless communications facility
sites of the owner to support the site selected for the proposed facility
considering the siting priority established by SRC 703.010(c). If collocation
or attachment on other utility structures was ruled out for non-radio
frequency coverage reasons, the owner shall provide a statement identifying
and justifying those reasons.

(D) Coverage maps or capacity documentation showing any gap in the provider’s service and minimum height or
configuration of the facility needed to fill the gap.

(E) Color simulations of the wireless communications facility after
construction.

(4) Class 3 Applications. In addition to the submittal requirements under
paragraph (1) of this subsection, application for a Class 3 Permit shall include:

(A) An engineer’s certification that the support tower will safely handle the
load created by the proposed antennas and any future attached or collocated
communications facilities and will comply with ANSI and other industry
safety, structural codes and standards.

(B) For new support towers, documentation from a radio frequency (RF)
engineer or a licensed civil engineer that the necessary service cannot be
provided by collocation on, or modification to, an existing support tower or
support structure or utility structure, or by collocation attachment on a
replacement utility structure for one or more of the following reasons:

(i) No existing support towers or support structures or utility structures
are located within the geographic area where service will be provided;
(ii) Existing support towers or support structures or utility structures or
replacement utility structures would not be of sufficient height to
provide the identified necessary service within the geographic area;
(iii) Existing support towers or support structures or utility structures do not have sufficient structural strength to support the proposed antenna or antennas and related equipment and such support towers or support structures or utility structures cannot reasonably be improved or replaced to support the proposed antenna or antennas and related equipment;
(iv) The proposed antenna or antennas would electromagnetically interfere with an antenna on an existing support tower or support structure or utility structure or a replacement utility structure and it is not feasible to effectively address such interference;
(v) Other limiting engineering factors render existing support towers and support structures and utility structures and replacement utility structures not feasible.

(C) An alternatives analysis for new support towers demonstrating compliance with the support tower siting requirements of 703.030(c).

(D) The number and type of antennas that the support tower is designed to accommodate.

(E) A signed statement of compliance from the owner of the wireless communications facility that the owner will allow timely collocation by other users, provided all safety, structural, technological, and monetary requirements are met.

(F) A visual study containing, at a minimum, color simulations showing the appearance of the proposed support tower, antennas, and auxiliary equipment from at least five view points within a one-mile radius. The view points shall be chosen by the owner, but shall include representative views from residential buildings, historic resources, or historic districts located within two hundred and fifty feet of the proposed site. If the support tower must comply with the design standards in 703.070(e), the graphic simulation shall include the proposed design.
(G) Coverage maps or capacity documentation showing any gap in the provider’s service and minimum height or configuration of the facility needed to fill the gap.

(e) Criteria. A wireless communications facility siting permit shall be granted only if each of the following criteria is met:

(1) For Class 1 Applications:

(A) The proposed collocation or attachment of an antenna or antenna array meets the standards in this Chapter.

(B) For collocation or attachment of an antenna or antenna array in right-of-way, the proposed wireless communications facility cannot be located outside right-of-way because there are no existing utility structures, support structures, or support towers located outside right-of-way available to meet the service requirements of the wireless provider.

(2) For Class 2 Applications:

(A) The proposed utility structure meets the standards in this Chapter.

(B) For replacement of a utility structure outside right-of-way, the proposed wireless communications facility cannot practicably be located on an existing or modified structure outside right-of-way.

(C) For replacement of a utility structure outside right-of-way, the approval will not cause an increase in the number of utility structures on the property or cause an enlargement or expansion of an existing utility structure on the property.

(D) For replacement of a utility structure in right-of-way, the proposed wireless communications facility cannot practicably be located on an existing structure inside or outside right-of-way or on a modified or replacement structure outside right-of-way.

(E) For replacement of a utility structure in right-of-way, the approval will not cause an increase in the number of utility structures in the right-of-way or cause an enlargement or expansion of an existing utility structure in the right-of-way.
(3) For Class 3 Applications:

(A) The support tower conforms to the standards in this Chapter, and the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions relating to the location, size, design, and operating characteristics of the wireless communications facility.

(B) The support tower will not be located in the right-of-way.

(C) If the proposal is to construct a new support tower:

(i) Collocation on existing wireless communications facilities within the cell service area of the proposed site is not feasible.

(ii) Proposed location for the tower is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity, including in-building coverage; and

(iii) Prohibiting a new tower would prohibit or have the effect of prohibiting the provision of wireless communications services.

703.030. Siting Standards.

(a) Class 1. The attachment or collocation on support towers, utility structures and support structures shall comply with the following siting standards:

(1) Outside Right-of-Way.

(A) The antenna will not be located in public right-of-way and will not require the erection or placement of a new support tower, utility structure, or support structure.

(2) Inside Right-of-Way.

(A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation
(b) Class 2. The replacement of a utility structure shall comply with the following siting standards:

(1) **Inside Right-of-Way.**

(A) All wireless communications facilities located in right-of-way shall be collocated or attached to a replacement utility structure.

(B) Wireless communications facilities proposed to be sited in right-of-way shall be sited according to the following priorities, in descending order of preference. If the priority is not followed, the owner must demonstrate why a higher priority is not available for use. For purposes of this subparagraph, streets shall have the classification set forth in the Salem Transportation System Plan.

(i) First priority: parkway or freeway;

(ii) Second priority: major arterials;

(iii) Third priority: minor arterials;

(iv) Fourth priority: collectors;

(v) Fifth priority: local streets.

(c) Class 3. The construction of a new support tower, replacement of an existing support tower, or substantial increase in the size of an existing support tower shall comply with the following siting standards:

(1) **Residential, Mixed-Use, and Public Zones; and Overlay Zones.** Support towers may not be sited in residential zones, public zones, mixed-use zones, or in an overlay zone unless the siting is the least intrusive means of filling a significant wireless communications service gap in coverage and/or capacity and prohibiting the siting would effectively prohibit the
provision of wireless communications services. If the siting meets these
criteria, the minimum height and/or configuration required to provide service to
fill the significant wireless communications service gap in coverage and/or
capacity shall be the maximum height permitted for the new or
substantially changed support tower and future attached or collocated facilities
on the proposed tower.

(2) New support towers may not be sited within the CB zone; in a historic
district, or on property that has been designated as a historic resource under
federal, state, or local law; within three hundred feet of public right-of-way in
the Portland/Fairgrounds Road Overlay Zone; or within three hundred feet of
Commercial Street SE right-of-way in the South Gateway Overlay Zone.

(3) The location of the support tower minimizes visual impacts to residential
zones to the maximum extent feasible, through the effective use of setbacks,
height, bulk, and landscaping or other screening techniques.

(4) The support tower is sited in a way that minimizes the visual impact by
taking advantage of existing buildings, topography, or other existing features.

(5) No new support tower shall be constructed, unless the owner submits the
required statement and documentation from a radio frequency (RF) engineer or
licensed civil engineer to demonstrate that the necessary service cannot be
provided by collocation on, or modification to, an existing support tower or
support structure or utility structure or by collocation attachment on a
replacement utility structure.

703.040. Antenna Development Standards.

(a) Antennas on Support Towers. Antennas attached to a support tower shall
comply with the following development standards:

(1) Height. Antennas attached to a support tower shall be no higher than
fifteen feet above the top of the support tower.

(2) Surface and Coloration. Antennas attached to a support tower shall be
made of non-reflective material and painted to match the support tower or
existing antennas, whichever results in the new antennas being less visible.
(3) **Mounting.** Antennas attached to a support tower shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(b) **Antennas on Existing Buildings.**

(1) Antennas, other than whip antennas, located on the roof of an existing building shall comply with the following development standards:

(A) **Height:**

(i) If the building is located in a residential zone or mixed-use zone, the antenna shall extend no higher than ten feet above the point of attachment to the building; or

(ii) If the antenna is located in any zone other than a residential zone or mixed-use zone, the antenna shall extend no higher than thirty feet above the point of attachment to the building.

(B) **Screening:** Antennas shall be screened from the right-of-way and adjacent properties by placement behind a parapet or other architectural feature, including, but not limited to, dormers, chimneys, clocks, or bell towers, or shall be made of non-reflective material and painted to match the building or existing antennas, whichever results in the new antennas being less visible.

(2) Whip antennas located on the roof of a building shall comply with the following development standards:

(A) **Height.** Whip antennas shall extend no higher than fifteen feet above the building.

(B) **Surface and Coloration.** Whip antennas shall be made of non-reflective material and designed to match any existing whip antennas on the building.

(3) Antennas attached to the side of a building or the edge of the roof of a building shall comply with the following development standards:

(A) **Height.** Antennas shall extend no higher than ten feet above the point of attachment to the building.
(B) Screening, Surface, and Coloration.

(i) If the building is located in a residential zone, the antenna shall be screened from right of way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof on which the antennas are proposed to be attached; or

(ii) If the building is located in any zone other than a residential zone, the antenna shall be either:

   (aa) Flush-mounted and painted the same color as the exterior of the building; or

   (bb) Painted the same color as the exterior of the building and screened from right-of-way and adjacent properties by incorporating into the antenna design the type and color of the building materials of the wall or roof edge on which the antennas are proposed to be attached.

(c) Antennas on Support Structures Other than Existing Buildings. Antennas, other than whip antennas, attached to support structures other than existing buildings shall comply with the following development standards:

(1) Height. Antennas attached to a support structure shall extend no higher than fifteen feet above the top of the support structure.

(2) Surface and Coloration. Antennas attached to a support structure shall be made of non-reflective material and painted to match the support structure or existing antennas, whichever results in the new antennas being less visible.

(3) Mounting. Antennas attached to a support structure shall be flush-mounted or mounted using similar techniques that minimize visual impact to the greatest extent practicable.

(d) Antennas on Utility Structures. Antennas attached to utility structures shall comply with the following development standards:

(1) Physical integrity. The antennas shall not jeopardize the utility structure’s physical integrity.
(2) **Guy poles.** Antennas shall not be located on guy poles.

(3) **Height.**

(A) **Utility structures outside right-of-way.** Antennas attached to a utility structure outside right-of-way shall be no higher than fifteen feet above the top of the utility structure.

(B) **Utility structures in right-of-way.**

(i) The combined height of an antenna and antenna mounting device on an original utility structure that carries high voltage transmission lines shall not project more than:

(aa) Twenty-three feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Eighteen feet above the top of a utility structure on a minor arterial; or

(cc) Fifteen feet above the top of a utility structure located on a collector street, or local street.

(ii) The combined height of an antenna and antenna mounting device on an original utility structure that does not carry high voltage transmission lines shall not project more than:

(aa) Fifteen feet above the top of a utility structure located on a parkway, freeway, or major arterial;

(bb) Ten feet above the top of a utility structure on a minor arterial; or

(cc) Five feet above a utility structure located on a collector street or local street.

(4) **Mounting.** Antennas and antenna mounting devices placed below the top of the utility structure shall be mounted in one of the following configurations:

(A) Flush with the utility structure; or

(B) On extension arms that are no greater than three feet in length.

(5) **Surface and Coloration.** Antennas must be painted, coated, or given a surface application that is similar to the color and surface texture of the utility
structure so as to minimize visual impact as much as reasonably possible.

(6) Lighting. Unless required by the FAA or the Oregon Aeronautics Division, antennas shall not be lighted.

703.050. Auxiliary Support Equipment Development Standards.

(a) Screening.

(1) Equipment Associated with Support Towers. Above-ground auxiliary support equipment associated with a support tower shall be located inside the 6-foot-high sight-obscuring fence or wall that complies with 703.070(c).

(2) Equipment Associated with Antennas on Existing Buildings. Auxiliary support equipment shall be located within or on top of the building or screened from the right-of-way and adjacent properties to the greatest extent practicable. Examples: within an underground vault, behind landscaping or a sight-obscuring fence, within an architectural element, or concealed to resemble a natural object such as a boulder.

(3) Equipment Associated with Antennas on Support Structures Other than Existing Buildings. Any auxiliary support equipment on support structures other than existing buildings must be screened from the right-of-way and adjacent properties and located within the support structure's footprint to the greatest extent practicable. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(4) Equipment Associated with Antennas on Utility Structures.

(A) Equipment installed in right-of-way. Any auxiliary support equipment associated with one or more antennas on a utility structure and not installed on the utility structure shall be installed within an underground vault or in not more than one above-ground cabinet with a combined height plus width plus depth no greater than 120 lineal inches.

(B) Equipment installed outside right-of-way. Any auxiliary support equipment installed outside right of way shall be screened from the right-of-way...
way and adjacent properties. Examples: placing the equipment within the interior of an adjacent building or structure, within an underground vault, behind landscaping or a sight-obscuring fence, or within an architectural element, or concealed to resemble a natural object such as a boulder.

(C) Equipment attached to a utility structure. Equipment, other than optical fibers, wires or cables, attached to a utility structure shall:

(i) Project no more than eighteen inches from the surface of the utility structure;

(ii) Be less than or equal to twenty-four inches in height;

(iii) Be mounted a minimum of fifteen feet above ground level on a utility structure located in right-of-way between the sidewalk and the street improvement or a minimum of ten feet above ground level on a utility structure located in right-of-way between the sidewalk and the property line abutting the right-of-way or a minimum of ten feet above ground level on a utility structure located outside right-of-way.

(b) Setbacks. Auxiliary support equipment installed above ground and outside right-of-way shall be set back from all property lines according to the applicable standards in the underlying zone.

(e) Vision Clearance. Auxiliary support equipment installed above ground shall meet the vision clearance area requirements of SRC 76.170.

(d) External cables and wires. All external cables and wires for auxiliary support equipment shall be placed in conduit or painted to match the tower, building, support structure, or utility structure, as applicable.

(e) Coloration.

(1) Equipment Associated with Support Towers and Support Structures. All auxiliary support equipment shall be non-reflective and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(2) Equipment Associated with Utility Structures. Equipment installed on a utility structure shall be non-reflective and painted, coated or given a surface
application that is identical to the color and surface texture of the utility structure. Other equipment shall be non-reflective and painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(f) Lighting. Motion detecting security lighting is allowed for auxiliary support equipment, but shall be the minimum necessary to secure the auxiliary support equipment, shall not illuminate adjacent properties in excess of 0.4 foot candles measured directly beneath the security lighting, at ground level, and shall be shielded to prevent direct light from falling on adjacent properties.

(g) Undergrounding Required. Auxiliary support equipment installed in right-of-way in a historic district or in right-of-way adjacent to a historic district or historic resource or in right-of-way where all other utilities are required to be placed underground shall be placed underground.


(a) Height.

(1) Outside Right-of-Way.

(A) Outside right-of-way, an existing utility structure may be replaced with a replacement structure that is taller than the existing utility structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(B) Skipped poles. Outside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of a replacement structure, antenna mounting device, and antennae does not exceed the maximum height for a structure in the zone.

(2) Inside Right-of-Way.

(A) Inside right-of-way, an original utility structure may be replaced with a replacement utility structure that is taller than the original structure, provided that the combined height of a replacement structure, antenna mounting device, and antennae is no greater than:
(i) Seventy-eight feet for a replacement structure located on a parkway or freeway;
(ii) Seventy-three feet for a replacement structure on a major arterial;
(iii) Sixty-three feet for a replacement structure on a minor arterial; or
(iv) Fifty-three feet for a replacement structure located on a collector street or local street.

(B) **Skipped poles.** Inside right-of-way, a skipped pole may be replaced with a pole of the same height as the adjacent taller poles, provided that the combined height of the pole, antenna mounting device, and antennae does not exceed the height limitations imposed pursuant to subparagraph (A) of this paragraph. Example: If a forty-five foot pole is situated adjacent and between two sixty-five foot poles on the same side of a major arterial street, the forty-five foot pole may be replaced with a pole sixty-five feet tall, provided that the combined height of the pole, antenna mounting device, and antennae is no greater than seventy-three feet. If the forty-five foot pole is on the opposite side of the street from the taller poles, it may not be replaced as if it were sixty-five feet tall and may be replaced only up to a height of fifty feet.

(b) **Width.**

(I) A replacement utility structure that is required to provide structural capacity to support an antenna or auxiliary support equipment shall be **no greater in width than at least as wide as** the engineering minimum required to provide the required support, and to meet safety standards promulgated by the Oregon Public Utility Commission.

(c) **Surface and Coloration.** A replacement structure shall be painted, coated, or given a surface application that is similar to the color and surface texture of the existing utility structure or original structure.

(d) **External cables and wires.** All external cables and wires shall be placed in conduit or painted or colored to match the replacement structure.

(e) **Lighting.** Unless the existing utility structure or original structure was lighted,
a replacement structure shall not be lighted.

703.070. Support Tower Development Standards. The construction of a new support tower, or the replacement or substantial increase in the size of an existing support tower, shall comply with the following development standards:

(a) Height.

(1) Except as provided in paragraph (2) of this subsection, support towers shall comply with the height limitations in Table 703-1.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>RA</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RS</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RD</td>
<td>50 ft.</td>
</tr>
<tr>
<td>RM1</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RM2</td>
<td>70 ft.</td>
</tr>
<tr>
<td>RH</td>
<td>70 ft.</td>
</tr>
<tr>
<td>FMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>SWMU</td>
<td>70 ft.</td>
</tr>
<tr>
<td>NCMU</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CN</td>
<td>35 ft.</td>
</tr>
<tr>
<td>CO</td>
<td>70 ft.</td>
</tr>
<tr>
<td>CR</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CG</td>
<td>100 ft.</td>
</tr>
<tr>
<td>CB</td>
<td>Not applicable*</td>
</tr>
<tr>
<td>IC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IBC</td>
<td>120 ft.</td>
</tr>
<tr>
<td>IP</td>
<td>120 ft.</td>
</tr>
</tbody>
</table>
EC 120 ft.
IG 120 ft.
II 120 ft.
PA 70 ft.
PC 35 ft.
PE 70 ft.
PH 70 ft.
PS 70 ft.
PM 70 ft.

* New support towers are not allowed in the CB zone pursuant to 703.030(c)(2).

(2) A support tower located three hundred feet or less from EFU, RA, RS, RD, RM1, or CO zones shall be no greater in height than the lowest maximum allowed height in any of those applicable zones.

(b) Setbacks. The base of a support tower shall be set back from adjacent property lines as follows:

(1) In all industrial zones and the LC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of fifteen feet from all property lines; provided however, if the property abuts the EFU, RA, RS, RD, RM1, or CO zones, the base of the support tower shall be set back from the property line abutting the zone and a minimum of thirty one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(2) In all zones other than the industrial zones, residential zones, and the LC, CN, CR, CG, or EC zones, the base of the support tower shall be set back a minimum of thirty feet from all property lines and a minimum of one hundred feet from all property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO.

(3) In all residential zones, the base of the support tower shall be set back a minimum of 100 feet from all property zoned EFU, RA, RS, RD, RH, RM1.
RM2, or CO, and 30 feet from all other property.

(2) In all zones, the six foot high sight-obscuring perimeter fence required under 703.070(c) shall be set back a minimum of ten feet from all property lines.

(c) Screening. Support towers shall be surrounded by a six foot high sight-obscuring fence or wall with a minimum ten foot wide landscaped area along the outside perimeter except as required to access the facility. The landscaped area shall be planted with one plant unit per twenty square feet of yard area. The landscaping shall conform to the following requirements of SRC 132:

(1) SRC 132.140 (Landscape Plan and Irrigation Plan Information);
(2) SRC 132.150 (Standards for Landscaping Materials);
(3) SRC 132.160 (Installation);
(4) SRC 132.170 (Maintenance);
(5) SRC 132.180 (Compliance/Performance Assurance);
(6) SRC 132.190 (Irrigation);
(7) SRC 132.200 (Open Space);
(8) SRC 132.210 (Street Trees); and
(9) SRC Table 132-3 (Plant Unit Definition).

(d) Surface and Coloration. Support towers shall be non-reflective, and shall be painted natural earth or leaf tones or otherwise colored or surfaced so as to blend with the surrounding environment.

(e) Design Standards. The following additional design standards shall apply to support towers in all residential zones, mixed-use zones, CO zones, or PC zones; and to support towers located within three hundred feet of all residential zones, mixed-use zones, CO zones or PC zones:

(1) The support tower shall be designed to resemble an object that would commonly be found in the area and that would be permitted in the zone, including, but not limited to a tree that is a native conifer species, a flag or light pole, a clock or bell tower, or a silo.

(2) The object chosen shall be appropriate to the context of surrounding
environment, both natural and man-made.

(3) The physical dimensions of the support tower shall have proportions that are similar in scale to the natural or manmade object.

(4) To the greatest extent possible, the antennas shall not be easily recognized.

(f) **External cables and wires.** All external cables and wires shall be placed in conduit or painted to match the support tower.

(g) **Lighting.** Unless required by the FAA or the Oregon Aeronautics Division, support towers shall not be lighted.

(h) **Collocation.**

(1) Support towers one hundred feet in height or higher shall be designed to provide for *attachment or* collocation of at least two future antenna systems, in a manner that will accommodate the additional antenna systems without a need to increase the height or base diameter of the support tower.

(2) Support towers between fifty feet and one hundred feet in height shall be designed to provide for *attachment or* collocation of at least one future antenna system, in a manner that will accommodate the additional antenna system without a need to increase the height or base diameter of the support tower.

(i) **Access.**

(1) Where a support tower is adjacent to a local street and a collector or arterial street, access to the support tower shall be from the local street, subject to all applicable access standards.

(2) Access to the support tower shall be oriented away from existing dwellings, and any property zoned residential or mixed use.

703.080. **Conditions.** Every wireless communications facility siting permit shall be subject to the following conditions:

(a) An obsolete wireless communications facility shall be removed by the owner within six months of the date the facility ceases to be operational.

(b) All wireless communications facilities shall be operated and maintained in compliance with all radio frequency emission standards specified by the Federal Communications Commission.
(c) All wireless communications facilities shall be installed and maintained in accordance with applicable federal, state, and local laws.

(d) All wireless communications facilities shall allow for the attachment or collocation of additional facilities to the greatest extent possible, unless such attachment or collocation interferes with the owner’s wireless communications facilities, jeopardizes the physical integrity of a structure with which a wireless communications facility is associated, or the owner refuses to consent to the attachment or collocation of additional wireless communications facilities.

(e) Vegetation that is either removed or destroyed as a result of construction shall be replanted with appropriate plant materials as prescribed in SRC 132.200.

(f) Prior to making any opening or cut in any right-of-way, an owner shall obtain approval from the City Engineer.

(g) After construction, maintenance or repair of any wireless communications facility, an owner shall leave any right-of-way disturbed by such activity in as good or better condition than it was before the commencement of such work. The owner shall promptly complete restoration work and promptly repair any damage caused by such work at its sole cost and expense. When any opening or cut is made by the owner in the pavement of right-of-way, the owner must promptly refill the opening or cut, and restore the surface to a condition satisfactory to the City Engineer, in accordance with public works construction standards.

(h) Prior to performing any excavation in right-of-way to underground any auxiliary support equipment, all necessary city permits shall be obtained and all appropriate notice given to any franchisees, licensees and grantees, other city departments, and other governmental units that own or maintain facilities which may be affected by the excavation.

(i) All undergrounding and excavation work must comply with the Oregon Utility Notification Law, ORS 757.542-757.562 and 757.993, and all rules and regulations promulgated thereunder.

(j) All excavations made by an owner in right-of-way shall be properly safeguarded for the prevention of accidents and must be done in compliance with all applicable
federal, state, and local laws and regulations.

(k) Except for short or temporary durations during testing or during operation in emergency situations, noise generating equipment associated with wireless communications facilities shall not produce sound levels in excess of standards established in SRC Chapter 93.

703.090. Wireless Communications Facilities Adjustment.

(a) Applicability. Except as otherwise provided in this Chapter, no wireless communications facility shall be used or developed contrary to any applicable development standard unless an adjustment has been granted pursuant to this Chapter. These provisions apply exclusively to wireless communications facilities, and are in lieu of the generally applicable adjustment provisions under SRC 250.

(b) Procedure Type. A wireless communications facility adjustment is a Type II procedure under SRC Chapter 300.

(c) Submittal Requirements. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for a wireless communications facility adjustment shall include:

(1) A written statement demonstrating how the adjustment would meet the criteria.

(2) A site plan that includes:

(A) Description of the proposed siting’s design and dimensions, as it would appear with and without the adjustment.

(B) Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment.

(C) Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

(d) Criteria. An application for a wireless communications facility adjustment shall be granted if the following criteria are met:

(1) The adjustment is consistent with the purpose of the development standard
for which the adjustment is sought.

(2) Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.

(3) The owner demonstrates the existence of either of the following:

(A) **Gap in Service.**

(i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;

(ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and

(iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter’s standards to the greatest extent possible.

(B) **Minimization of Impacts.** The adjustment would minimize or eliminate negative impacts to surrounding properties and their uses, through a utilization of existing site characteristics, including, but not limited to, the site’s size, shape, location, topography, improvements, and natural features. Negative impacts are minimized or eliminated if there is:

(i) A decrease in negative visual impacts, including, but not limited to, visual clutter;

(ii) Better preservation of views or view corridors;

(iii) A decrease in negative impacts on property values; or

(iv) A decrease in any other identifiable negative impacts to the surrounding area’s primary uses.

### 703.100. Special Provisions

(a) **Temporary facilities.** In order to facilitate continuity of services during maintenance or repair of existing facilities or prior to completion of construction of
a new facility, temporary wireless communications facilities are allowed through
administrative review. Temporary facilities authorized under this subsection may
not be used in excess of ninety days, may not have a permanent foundation and
shall be removed within thirty days after the permanent facility is completed. A
permit for a temporary facility under this subsection may not be renewed or
extended, nor may a new permit be issued for the same facility within the
succeeding six months after the expiration of the initial permit.

(b) Third-party review and associated fees. Notwithstanding any other
provisions of the Salem Revised Code, the City Council may establish fees in
amounts sufficient to recover all of the City’s costs including retaining
consultants to review and evaluate evidence offered as part of an application
submitted under this Chapter for an adjustment or for a new support tower in a
residential zone, public zone, mixed-use zone, or overlay zone or for a new support
tower within 300 feet of a residential zone, public zone, mixed-use zone, or overlay
zone. The City may impose a third-party review fee to obtain the services of an
engineer to review the owner’s findings.

(c) Issuance of Building Permit. No building permit shall be issued for the
construction of a wireless communications facility until the application for the
specific type of siting has been approved, including any local appeal.

(d) Nothing in this Chapter shall be deemed to prohibit a public utility from
installing or constructing a new utility structure, or enlarging, expanding, or
reconstructing an existing utility structure in public right-of-way, if the installation,
construction, enlargement, expansion, or reconstruction of the utility structure
would otherwise be permitted under law and the utility can demonstrate that the
need for the new utility structure is not related to or created by a wireless
communications facility.

(e) Removal for discontinuance of service. Any wireless communications
facility that has not provided service for six months is deemed a nuisance and is
subject to abatement as provided in SRC Chapter 50. Any obsolete freestanding or
attached wireless communications facility shall be removed by the facility owner.
within six months of the date it ceases to be operational or if it falls into disrepair.

(f) **Relocation.**

(1) The City has the right to require changes in the location of wireless communications facilities in rights-of-way when the public convenience requires such change, and the expense thereof shall be paid solely by the owner.

(2) Prior to requiring relocation, the City will provide the owner with notice substantially similar to that given to franchisees, licensees, or grantees.

(3) Should an owner fail to remove or relocate the wireless communications facility by the date stated in the notice, the City may cause removal or relocation of the wireless communications facility, and the expense thereof shall be paid by the owner, including all expenses incurred by the City due to the owner’s failure to remove or relocate the wireless communications facility.

(4) If an owner must relocate its wireless communications facility in rights-of-way as the result of a request by the City, the City will make a reasonable effort to provide the owner with an alternate location for the relocated facility.

(g) **Measurements.** Unless otherwise specified in this Chapter, all references to the existing or allowed height of a structure in this Chapter are measured from the original grade at the base of the wireless communications facility to the highest point on the wireless communications facility, including all antennas and excluding any lightning rods.

**Section 2.** The following SRC 143A.075 is hereby added to SRC Chapter 143A:

143A.075. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CHR Overlay Zone, subject to SRC Chapter 703.

**Section 3.** The following SRC 143B.065 is hereby added to SRC Chapter 143B:

143B.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the Portland/Fairgrounds Road Overlay Zone, subject to SRC Chapter 703.

**Section 4.** The following SRC 143E.055 is hereby added to SRC Chapter 143E:

143E.055. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the South Gateway Overlay Zone, subject to SRC Chapter 703.


Section 5. The following SRC 144.045 is hereby added to SRC Chapter 144:

144.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EFU district, subject to SRC Chapter 703.

Section 6. The following SRC 145.045 is hereby added to SRC Chapter 145:

145.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RA district, subject to SRC Chapter 703.

Section 7. The following SRC 146.045 is hereby added to SRC Chapter 146:

146.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RS district, subject to SRC Chapter 703.

Section 8. The following SRC 147.045 is hereby added to SRC Chapter 147:

147.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RD district, subject to SRC Chapter 703.

Section 9. The following SRC 148.195 is hereby added to SRC Chapter 148:

148.195. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM1 district, subject to SRC Chapter 703.

Section 10. The following SRC 148.345 is hereby added to SRC Chapter 148:

148.345. RM2 Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RM2 district, subject to SRC Chapter 703.

Section 11. The following SRC 149.045 is hereby added to SRC Chapter 149:

149.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the RH district, subject to SRC Chapter 703.

Section 12. The following SRC 150.045 is hereby added to SRC Chapter 150:

150.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CO district, subject to SRC Chapter 703.

Section 13. The following SRC 151.045 is hereby added to SRC Chapter 151:

151.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CN district, subject to SRC Chapter 703.

Section 14. The following SRC 152.045 is hereby added to SRC Chapter 152:

152.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CR district, subject to SRC Chapter 703.
Section 15. The following SRC 153.045 is hereby added to SRC Chapter 153:

153.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CG district, subject to SRC Chapter 703.

Section 16. The following SRC 154.045 is hereby added to SRC Chapter 154:

154.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the CB district, subject to SRC Chapter 703.

Section 17. The following SRC 155.045 is hereby added to SRC Chapter 155:

155.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IC district, subject to SRC Chapter 703.

Section 18. The following SRC 156.045 is hereby added to SRC Chapter 156:

156.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IBC district, subject to SRC Chapter 703.

Section 19. The following SRC 157.045 is hereby added to SRC Chapter 157:

157.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IP district, subject to SRC Chapter 703.

Section 20. The following SRC 158.045 is hereby added to SRC Chapter 158:

158.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the IG district, subject to SRC Chapter 703.

Section 21. The following SRC 159.045 is hereby added to SRC Chapter 159:

159.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the II district, subject to SRC Chapter 703.

Section 22. The following SRC 160.125 is hereby added to SRC Chapter 160:

160.125. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the P district, subject to SRC Chapter 703.

Section 23. The following SRC 161.045 is hereby added to SRC Chapter 161:

161.045. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the EC Zone, subject to SRC Chapter 703.

Section 24. The following SRC 162.065 is hereby added to SRC Chapter 162:

162.065. Wireless Communications Facilities. Wireless Communications Facilities are allowed in the SWMU Zone, subject to SRC Chapter 703.
Section 25. SRC 111.020 is amended to read as follows:


(a) Abut means to be contiguous at some point.
(b) Accessory building, structure, or use means a building, structure, or use which is incidental and subordinate to and dependent upon the main use on the same premises.
(c) Adjacent means near or close, but not necessarily contiguous with.
(d) Adjoin means to abut.
(e) Administrative body means the council, commission, hearings officer, or administrator having the jurisdiction to hear and decide proceedings on land use actions.
(f) Administrator or planning administrator means the duly appointed and acting Administrator of the Planning Division, Department of Community Development of the City of Salem, Oregon, or the administrator's designees.
(g) Adult Day Care means a facility designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of social and related support services in a protective setting during part of a day but of less than 24 hours. Adult day care does not include treatment programs for drugs, alcohol or psychiatric disorders or other health centers as defined in SIC 80.
(h) Adult Day Care Home (ADCH) means the residence of an adult day care provider for 5 or fewer individuals meeting the definition of Adult Day Care.
(i) Adult Day Care Center (ADCC) means a facility in a non-residential structure which does not include a dwelling unit or a structure used as a dwelling unit meeting the definition of Adult Day Care.
(j) Alley means a public easement or right of way not more than 20 feet and not less than ten feet in width, which intersects with a public street.
(k) Ambulance Service Facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of vehicles and equipment.
(l) Ambulance Station means a building or a specific portion of a building or
development that is utilized for the housing of on-call emergency medical
ambulance personnel.

(m) Antenna means the specific device the surface of which is used to capture an
incoming and/or transmit an outgoing radio-frequency signal from wireless
communication facilities. Antennas include the following types:

(1) Omni-Direction ("whip") Antenna—receives and transmits signals in a
360-degree pattern.

(2) Directional or Parabolic ("panel" or "disk") Antenna—receives and
transmits signals in a directional pattern typically encompassing an area of 120
degrees. The term "antenna" shall not include Ancillary Antenna which are
antennas less than 12-inches in its largest dimension and are not directly used
to provide personal wireless communications services. An example would be
a global positioning satellite (GPS) antenna

(n) Apartment means a court apartment, or a dwelling unit in an apartment house.

(o) Apartment house means any building, or portion thereof, which is designed,
built, rented, leased, let or hired out to be occupied, or which is occupied as the
home or residence of three or more families living independently of each other and
doing their own cooking in the said building; or a building in condominium
ownership containing three or more dwelling units.

(p) Approved means approved by the administrator or other administrative body or
official specifically given jurisdiction to grant such approval.

Section 26. SRC 111.040 is amended to read as follows:

111.040. "C" Definitions.

(a) Carport means a permanent structure which is not totally enclosed on two or
more sides, and which is used or intended for the parking of motor vehicles.

(b) Children or child means a human being under 13 years of age.

(c) City or City of Salem means the City of Salem, an Oregon municipal corporation.

(d) City business day means a day other than a Saturday, Sunday, or holiday, during which the City's administrative offices are open for the transaction of regular and routine business. A City business day begins at 8:00 a.m. and closes, unless otherwise directed by the council or City manager, at 5:00 p.m.

(e) Child Day Care Center (CDCC) means a facility which provides child care (SIC 835) or kindergarten for 13 or more children.

(f) Child Day Care Home means the home of a child care provider for 12 or fewer children.

(g) City engineer means the administrative head of the Engineering Division, Department of Public Works of the City of Salem.

(h) Collocation means the use of a single support structure and/or site by more than one wireless communications provider mounting or installation of an antenna on an existing support structure, utility structure, or support tower for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(i) Commission means the Salem Planning Commission, created by SRC Chapter 6.

(j) Contiguity means the state of being contiguous.

(k) Contiguous means touching along a boundary or point. Two or more lots or parcels that are under common ownership and are separated by a public right-of-way shall not be considered contiguous.

(l) Complex means a building or group of buildings, and their accessory buildings and structures, all under common ownership, condominium ownership, or common management, and housing an integrated development of industrial uses, commercial uses, public uses, residential uses, or combinations thereof.

(m) Compliance period means the period prescribed in this zoning code or by the decision on a land use action within which all conditions precedent must be met.
(n) Comprehensive plan means the officially adopted Salem Area Comprehensive Plan, including all components thereof adopted by reference or otherwise lawfully incorporated as parts thereof.

(o) Conditional use means any use which is permitted in a particular zoning district only after review and approval as provided in SRC Chapter 240 or 118, and includes where not excepted, "nonconforming" conditional uses and development requiring conditional use review pursuant to SRC Chapter 270. See specific conditional use.

(p) Condition precedent means any condition upon the use or development of property imposed by this zoning code or a decision on a land use action which must be met prior to an unqualified right vesting in the development, use, or continued use of a building, structure or premises. With respect to conditional zone changes it means any condition imposed in a conditional zone change declaration which must be met prior to issuance of a conditional zone change order.

(q) Corner lot means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line.

(r) Cottage Housing means a development consisting of at least two or more attached and/or detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

(s) Council means the council of the City of Salem, Oregon.

(t) Court apartment is a dwelling unit which is one of three or more dwelling units contained in two or more buildings on the same lot, and which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied by a family which does not include an owner of the apartment; or which is a condominium unit in a complex containing three or more dwelling units in two or more buildings.

(u) CSDP (Central Salem Development Program) area means that area of the city
within the following boundaries: Beginning at the SE corner of 12th Street SE and Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along said East line of Railroad to the North side of "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to the North side of Market Street NE; Thence Easterly along the North side of Market Street NE to an Alley running between Fifth Street NE and Church Street NE; Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence Easterly along the North side of Gaines Street to the West side of Church Street NE; Thence Northerly along the West Side of Church Street to the North line of an Alley running between Hood Street NE and Shipping Street NE; Thence Westerly along the North side of Said Alley to the East bank of the Willamette River; Thence Southerly along the East Bank of the Willamette River and Willamette Slough to the Westerly projection of the South line of Mission Street SE; Thence running Easterly along the South side of Mission Street SE to the Place of Beginning.

Section 27. SRC 111.060 is amended to read as follows:

111.060. "E" Definitions.

(a) Employees means all persons, including proprietors, performing work on a premises during the largest shift at peak season.

(b) Equipment Enclosure means a small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

(eh) Existing Wildlife Rehabilitation Facility means any building, structure, or land which meets the standards set forth in SRC 119.080 and is occupied or being used by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.
Section 28. SRC 111.070 is amended to read as follows:

111.070. "F" Definitions.

(a) Family means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Family shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit.

(b) Farm use means the current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203(3). "Current employment" shall be as defined in ORS 215.203(2)(b).

(c) Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

(d) Final decision means a decision by the council, or a decision by any other administrative body after the applicable appeal and review periods have expired.

(e) Fish habitat enhancement means the addition or modification of aquatic habitat components whose absence, scarcity, or condition has been determined by the city to limit fish presence or abundance in the immediate project area, specific stream corridor or watershed.

(f) Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.
(g) Freestanding Support Structure means the structure to which antenna and other necessary-associated hardware is mounted. Freestanding support structures include, but are not limited to, lattice towers, and monopoles. For the purposes of this code, the terms "monopole" and "freestanding support structure" are used interchangeably.

(hg) Frontage means that portion of a parcel of real property which abuts a public street, whether or not access to the property is accorded thereby, and whether or not a building or structure faces the street frontage. In context, coupled with the term "alley" "frontage" has the same meaning with respect to an abutting alley.

(ih) Front lot line. See "lot line, front."

Section 29. SRC 111.130 is amended to read as follows:

111.130. "L" Definitions.

(a) Land use action means a zone change, conditional zone change, variance, adjustment, conditional use approval, specific conditional use approval, planned unit development approval at any stage requiring commission or council action, or any other action requiring discretionary review by an administrative body, including appeals from any of the foregoing.

(b) Land use proceeding means a proceeding on a zone change, variance, adjustment, conditional use, specific conditional use, or planned unit development application; a council or commission initiated zone change proceeding; a proceeding to designate zoning classifications for a newly annexed area; or any other proceeding which will result in a land use action unless dismissed.

(c) Landscaped means primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements to that primary use such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways, sculpture, trellises, and screens.

(d) Lattice Tower means a wireless communications facility freestanding support structure-tower which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.
(e) Livestock means:

(1) One or more members of any species of cattle, swine, sheep, goat, horse or other equine, llama, alpaca or related ruminant, or poultry, excluding chickens, regardless of the purpose for which any of the foregoing may be kept; and

(2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for sale of by-products, for livestock increase, or for value increase.

(f) Loading space means an off-street space or bay on the same lot or parcel with a building or complex for the parking of a vehicle while loading or unloading passengers or cargo.

(g) Lot. In addition to the meaning given in SRC 63.030, "lot" means any parcel or contiguous unit of lots or other parcels under common or condominium ownership, common life estate, or subject to a common leasehold for a term of at least 99 years.

(h) Lot area means the area in square feet or acres (43,560 square feet equals one acre) of a horizontal plane bounded by the vertical extensions of the lot lines.

(i) Lot coverage means the percentage of lot area covered by structures other than fences or by other structures no point of which is more than three feet above grade.

(j) Lot depth means the horizontal distance between the front and rear lot lines measured at a point halfway between the side lot lines.

(k) Lot, downhill means a hillside lot which slopes downhill from the front lot line.

(l) Lot, interior means any lot other than a corner lot.

(m) Lot line means one of the property lines forming the exterior boundaries of a lot; and includes a condominium unit ownership line where the underlying real property is included in a unit.

(n) Lot line, front means:

(1) In the case of any lot having a front lot line designated pursuant to SRC 63.145(e), the line so designated;

(2) In the case of an interior lot having only one street frontage, the lot line separating the lot from the street right-of-way; and

(3) In the case of any lot not covered by paragraphs (1) or (2) of this subsection, the lot line which the architecturally designed front of the building
faces.

(o) Lot line, interior means a lot line which is not adjacent to a street.

(p) Lot line, rear means:

(1) In the case of any lot having a rear lot line designated or determinable under SRC 63.145(g), the lot line so designated or determined; and

(2) In the case of any other lot, the lot line opposite and most distant from the front lot line.

(q) Lot line, side means any lot line which is not a front or rear lot line.

(r) Lot, uphill means a hillside lot which slopes uphill from the front lot line.

(s) Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth at a point halfway between the front and rear lot lines.

Section 30. SRC 111.140 is amended to read as follows:

111.140. "M" Definitions.

(a) Manufactured dwelling means:

(1) Residential trailer, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(2) Mobile home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) Manufactured home, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed after June 15, 1976 and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure constructed
to conform to the State of Oregon Structural Specialty Code or the One and
Two Family Dwelling code adopted pursuant to ORS 455.100 to 455.450 and
455.610 to 455.630 or any unit identified as a recreational vehicle by the
manufacturer.

(b) Manufactured dwelling park means any place where four or more manufactured
dwellings are located within 500 feet of one another on a lot, tract or parcel of land
under the same ownership, the primary purpose of which is to rent or lease space or
keep space for rent or lease to any person for a charge or fee paid or to be paid for
the rental or lease or use of facilities or to offer space free in connection with
securing the trade or patronage of such person. “Manufactured dwelling park” does
not include a lot or lots located within a subdivision being rented or leased for
occupancy by no more than one manufactured dwelling per lot if the subdivision
was approved pursuant to SRC Chapter 63.

(c) Mobile food unit means any kiosk, shed, shelter, trailer, vehicle or wagon
which is used for the purpose of preparing, processing or converting food for
immediate consumption as a drive-in, drive-through, curb or walk-up service. It
does not include a street vendor's cart as described in SRC 31.1055 or a peddler's
vehicle or conveyance described in SRC 31.180.

(d) Monopole means a wireless communications facility freestanding support
structure tower which consists of a single pole sunk into the ground and/or attached
to a foundation.

Section 31. SRC 111.240 is amended to read as follows:

111.240. "W" Definitions.

(a) Wetland means an area that is inundated or saturated by surface water or
groundwater at a frequency and duration sufficient to support, and that under
normal circumstances does support, a prevalence of vegetation typically adapted for
life in saturated soil conditions.

(ORS196.800).

(b) Wetland restoration means to restore former wetlands, create new wetlands, or
enhance existing wetlands for the purpose of improving ecological or habitat
functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

(c) Wildlife shall have the meaning as defined under ORS Chapter 496.

(d) Wildlife rehabilitation means the restoration of an injured, sick, or immature wildlife (except cougars, wolves, and bears) that is native to Oregon to a condition where it is capable of being released into the wild or, if incapable of survival on its own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo or other facility as determined by the Oregon Department of Fish and Wildlife.

(e) Wildlife rehabilitator means any individual who is licensed as a Wildlife Rehabilitator by the Oregon Department of Fish and actively engaged in wildlife rehabilitation.

(f) Wildlife Rehabilitation Facility means any building, structure, or land being used for the purpose of wildlife rehabilitation.

(g) Wireless Communication Facilities (WCF) means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. WCFs are composed of two or more of the following components: (1) Antenna; (2) Support Structure; (3) Equipment Enclosures; and (4) Security Barrier. Wireless communications means any personal wireless services as defined by the Federal Telecommunications Act of 1996, as amended, that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.
Wireless communications facility means any unstaffed facility for the transmission and/or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays; but excluding wireless telecommunications services used exclusively for public health or safety purposes and wireless communications services used exclusively by gas and electric utilities and cooperative utilities for internal communications of an operational nature.

Section 32. SRC 130.210 is amended to read as follows:


(a) Towers, steeples, chimneys, wind-driven electrical generating equipment, and monuments, none of which exceeds 185 feet in height, are exempt from all other height restrictions provided they do not contain any rooms, offices, or other habitable space, that the horizontal section does not exceed 625 square feet at the top of the main building; and that the sum of the horizontal section of all such projections at the height limit applicable to the building, structure, or land on which they are located does not exceed 20 percent of the horizontal area of the roof of any building on which they are situated.

(b) Radio, television, and microwave antennas and structures exclusively for their support are exempt from all height restrictions.

(c) Mechanical penthouses, equipment, and appurtenances necessary to the operation or maintenance of the building or structure itself; including ventilators, plumbing and vent stacks, cooling towers, water tanks, panels or collectors for solar energy, and window washing equipment, together with enclosures for any such features are exempt from all other height restrictions provided they do not contain any offices, restrooms, storage rooms, or habitable space; provided further that the sum of the horizontal section of all such projections at the height limit applicable to the building or structure on which they are located does not exceed 60 percent of the horizontal area of the roof of the building on which they are situated; and finally
provided that no such device or enclosure projects more than 15 feet above the roof, measured vertically from any point on the device or enclosure.

(d) Wireless communications facilities are subject to the provisions of SRC Chapter 703.

(e) Utility structures located in public rights-of-way and not supporting wireless communications facilities are exempt from the height restrictions of the underlying zone.

Section 33. SRC 132.220 is amended to read as follows:

132.220. Bufferyards and Screening. Bufferyards are a combination of setback and visual buffer designed to separate and protect incompatible uses.

(a) Bufferyards shall be landscaped in accordance with Table 132-1, Buffer Matrix and Table 132-2, Bufferyard and Screening Standards. No buildings, accessways, or parking areas shall be permitted in a bufferyard except where an accessway has been approved by the Public Works Department. Accessways shall not reduce the amount of required plant materials. Utilities, screening, sidewalks, and bikeways are permitted in a bufferyard but shall not reduce the amount of required plant materials.

(b) Yard setbacks and landscaping as required in other sections of this Code, including special overlay districts, may be included within a required bufferyard, unless a greater setback is required, in which case the greater setback shall apply; EXCEPT,

(1) Development in the Central Business (CB) zone is exempt from bufferyard requirements.

(2) Development within the interior of public use zones is exempt from bufferyard requirements.

(3) Wireless communications facilities are exempt from bufferyard requirements.

(c) The following procedure shall be used to determine the type of buffering and screening required between two abutting parcels:
(1) Locate the proposed use and existing abutting use in the appropriate Standard Industrial Classification (SIC) impact group in the Buffer Matrix (Table 132-1).

(2) After determining the impact group, read over and down the appropriate axis in the Buffer Matrix (Table 132-1) to find the Buffer Category signified by the letter A, B, C, D, or E.

(3) Using the applicable Buffer Category (A, B, C, D, or E), consult the Screening and Buffering Standards Table 132-2 to determine the buffering and screening requirements.

(4) As required by the Bufferyard and Screening Standards Table 132-2, fences shall be sight-obscuring fences and walls shall be constructed of masonry, rock, concrete, concrete block or other similar material.

(5) Plant Unit Definition Table 132-3 specifies the plant unit values for plant materials and the minimum size of the plant materials at planting time in order to provide seventy-five (75) percent coverage of the required landscaped yard within five years. A minimum of 40% of the required number of plant units shall be a combination of significant trees, shade trees, evergreen/conifer trees, or ornamental trees.

(d) Where two or more uses of differing impact as specified in the Buffer Matrix (Table 132-1) are combined in one building, the Buffer Category shall be determined by the use in the heaviest impact category.

(e) In the event a proposed use is not specifically designated in the Buffer Matrix, Table 132-1, the Planning Administrator shall designate to which group the proposed use is most similar in intensity or environmental impact.

(f) If the abutting existing use is a "nonconforming use" in the same comprehensive plan designation, then the proposed use shall provide a Category "A" Bufferyard plus a 6 foot fence or wall.

Section 34. SRC 133.100 is amended to read as follows:

133.100. Off-street Vehicle Parking Requirements.

(a) Except as otherwise specifically provided in this zoning code, off-street parking
spaces shall be provided in amounts not less than those set forth in Table 133-1.

(b) Off-street parking spaces shall not exceed 2.5 times the amount required under Table 133-1 if such amount is 20 or less; and 1.75 times the amount required if such amount is more than 20.

c) For any proposed use not shown on Table 133-1, the administrator shall determine the parking space requirement for the most nearly similar use listed in Table 133-1 with regard to traffic generation, and render such determination as an adjustment pursuant to SRC Chapter 250.

d) The provisions of this section shall apply only to residential uses within the boundaries of the Downtown Parking District created by SRC 7.010.

e) The provisions of this section shall not apply to wireless communications facilities.

Section 35. SRC 133.110 is amended to read as follows:

133.110. General Bicycle Parking Requirement. Bicycle parking shall be provided for all new multiple family residential developments (4 units or more), commercial, industrial and institutional uses, in the following manner:

(a) The minimum number of required bicycle parking spaces is listed in Table 133-1.

(b) Bicycle parking spaces shall be a minimum of six feet long and two feet wide and provide a minimum four foot access aisle unless spaces are provided to store the bicycle in a hanging position. Bicycle racks shall be provided as outlined in subsection (c) of this section.

c) Bicycle racks must accommodate using the bicyclist's own locking device.

d) Bicycle parking shall be provided within a convenient distance of, and clearly visible from the primary building entrance as determined by the City. Such parking shall not be further than 50 feet from the public entrance to the building.

e) Direct access to the public right-of-way, with access ramps if necessary, and pedestrian access from the bicycle parking to the building entrance must be provided.

(f) The following uses are exempted from the bicycle parking requirements:
(1) Seasonal uses, such as fireworks stands and Christmas tree sales;
(2) Drive-in theaters;
(3) Self-storage facilities;
(4) Wireless communications facilities.

Section 36. SRC 135.020 is amended to read as follows:

135.020. Definitions. As used in this Chapter, except as the content otherwise requires:
(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.
(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:
(1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;
(2) Maintenance and repair, usual and necessary for the continuance of an existing use;
(3) Reasonable emergency procedures necessary for the safety or operation of property;
(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 37. SRC 136.020 is amended to read as follows:

136.020. Definitions. As used in this Chapter, except as the context otherwise requires:
(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on March 1, 1996 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To “develop” does not include:

1. Completion of a structure or use of land for which a valid building permit has been issued as of March 1, 1996;
2. Maintenance and repair, usual and necessary for the continuance of an existing use;
3. Reasonable emergency procedures necessary for the safety or operation of the property;
4. Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;
5. Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 38. SRC 137.020 is amended to read as follows:

137.020. Definitions.

(a) Abandonment, as it applies to industrial uses and structures in this Chapter, means the cessation of the use or structure for a continuous period of one year or a change of use or structure to a non-industrial use. Vacant property within the overlay zone west of Commercial Street and designated industrial on December 1, 1998 shall not be deemed abandoned and may be converted to industrial use.

(b) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required
pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

1. Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;
2. Maintenance and repair, usual and necessary for the continuance of an existing use;
3. Reasonable emergency procedures necessary for the safety or operation of property;
4. Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;
5. Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(d) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer’s motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

(e) Front means the portion of a building that faces a public right-of-way.

(f) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(g) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance. Primary building entrance shall not include service or employee only entrances.

(h) Project means a single development built in a single phase. A project may involve single or multiple buildings.
(i) Public right-of-way means property dedicated to the public for ingress and egress.

(j) Public street right-of-way means a public right-of-way improved with a road or street.

(k) Side street means any public street that intersects Front Street within the Riverfront Overlay Zone.

Section 39. SRC 138.020 is amended to read as follows:

(a) Change of use means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop or Development does not include:

(1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Drive through use means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer’s vehicle and typically involving queuing lanes, service windows, service islands, and service
bays for vehicular use.

(d) Parking structure means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

(e) Primary building entrance means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance.

(f) Project means a single development built in a single phase. A project may involve single or multiple buildings.

(g) Public right-of-way means a public right-of-way improved with a road or street.

(h) Side street means within the Broadway/High Street Overlay Zone, any public street that intersects Broadway Street.

Section 40. SRC 139.040 is amended to read as follows:

139.040. Permitted Uses. The following uses are permitted in the compact development overlay district:

(a) Any permitted, special, administrative conditional use, or conditional, or allowed wireless communications facilities uses allowed in the RS, (Single Family Residential) district.

(b) Any combination of single family detached, duplex or triplex units, up to a maximum of three (3) units on a lot subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the City of Salem Development Design Handbook. Three or more units on a lot shall also comply with SRC 139.150.

(c) Townhouses on individual lots subject to the per lot density requirements of SRC 139.060 and the development design guidelines or standards contained in the Development Design Handbook.

Section 41. SRC 142.020 is amended to read as follows:

142.020. Definitions. As used in this Chapter, except as the content otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on August 26, 1987, and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless
communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

   (1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;

   (2) Maintenance and repair, usual and necessary for the continuance of an existing use;

   (3) Reasonable emergency procedures necessary for the safety or operation of property;

   (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

   (5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 42. SRC 143.020 is amended to read as follows:

143.020. Definitions. As used in this Chapter, except as the context otherwise requires:

(a) Change of use means making a different or more intense use of any building, structure, or land than that which existed on and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(b) Develop or Development means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any commercial buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:
Completion of a structure or use of land for which a valid permit has been issued as of November 9, 1987, and under which substantial construction has been undertaken by May 1, 1988.

(2) Maintenance and repair, usual and necessary for the continuance of an existing use;

(3) Reasonable emergency procedures necessary for the safety or operation of property;

(4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure;

(5) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

Section 43. SRC 143A.020 is amended to read as follows:

143A.020. Definitions.

(a) Congregate Residence means any building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

(b) Change of Use means making a different use of any building, structure or land than which existed on November 30, 1998 and for which permission may be required pursuant to this code. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Drive through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving the queuing lanes, service windows, service islands, and service bays for vehicular use.

(d) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the
useable area under the horizontal projection of the roof or floor above.

(e) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(f) Mixed-use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same site.

(g) Redevelopment means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety and operation of the property; and interior remodeling that does not increase the square footage or height of buildings; and collocation, replacement, installation, modification, or construction of wireless communications facilities.

(h) Residential Structure means dwellings, hotels, apartment houses, and congregate residences.

Section 44. SRC 143A.060 is amended to read as follows:

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.

(1) Mixed Use Buildings as defined in SRC Chapter 119;
(2) Bed and Breakfast establishments;
(3) Nursing and Personal Care Facilities (805);
(4) Individual and Family Social Services (832);
(5) Adult Day Care Center;
(6) Used merchandise stores (953593) with all retail and storage of merchandise and equipment conducted entirely within a building;
(7) Entertainment establishments;
(8) Keeping of miniature swine;
(9) Antennas attached to existing or approved structures;
(10) Public Automobile Parking Areas;
(11) General Warehousing and Storage;
(1211) Construction of a replacement single family dwelling unit on an individual lot;

(1312) Ambulance Station;

(1413) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 45. SRC 143A.080 is amended to read as follows:

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070-143A.075, except as provided in SRC 113.090(b) 113.090(d).

Prohibited uses expressly include the following:

(a) Outdoor Advertising Signs (billboards).

(b) Freestanding support structures less than 70 feet in height and equipment enclosures.

(eb) Wildlife rehabilitation facilities.

(dg) Outdoor storage of materials and equipment.

Section 46. SRC 143A.200 is amended to read as follows:

143A.200. Reference to Additional Standards.

General Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Off-Street Parking, Loading, and Driveways SRC Chapter 133
Development Design Handbook (multiple family residential uses)
Wireless Communications Facilities SRC Chapter 703

Section 47. SRC 143B.030 is amended to read as follows:

143B.030. Definitions.

(a) Drive-through use means a business activity involving the buying and selling of goods and services to a motorist customer or the customer's vehicle and typically involving queuing lanes service windows, service islands, and service bays for
vehicular use.

(b) Floor Area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(c) Floor Area Ratio means the floor area of all buildings on a lot divided by the lot area.

(d) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700, but the terms are not synonymous.

(e) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. Develop, Development, Redevelop, or Redevelopment does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;

(2) Reasonable emergency procedures necessary for the safety or operation of property;

(3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure;

(4) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(4f) Pedestrian Connection means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian Scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow and buffering.
(5g) Primary Building Entrance means the principal access point for persons visiting a building.

(Ah) Townhouse means a single family dwelling unit constructed in a row of attached units, with each unit separated by property lines with yard on at least two sides.

Section 48. SRC 143.070 is amended to read as follows:

143B.070. Prohibited Uses Within Overlay Zone.

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone.

(b) No freestanding support structure shall be erected, structurally altered, or enlarged in the area within 300 feet of public right of way.

Section 49. SRC 143B.090 is amended to read as follows:

143B.090. Special Uses - Pine Street CG Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with a Commercial General underlying zone:

1. Used merchandise stores (593);
2. Entertainment establishments (58);
3. Wildlife rehabilitation facility;
4. Antennas attached to existing or approved structures;
5. Public automobile parking areas;
6. Mobile food unit;
7. Ambulance Station;

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 50. SRC 143B.120 is amended to read as follows:

143B.120. Special Uses - Pine Street IC Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Pine Street Mixed-Use Area with an Industrial
Commercial underlying zone:

(1) Entertainment establishments;
(2) Wildlife rehabilitation facility;
(3) Mobile food unit;
(4) Antennas attached to existing structures;
(5) Used Merchandise Stores;
(6) Ambulance Station;
(7) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 51. SRC 143B.150 is amended to read as follows:

143B.150. Special Uses - Northgate CR Mixed-Use Area.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the Northgate Mixed-Use Area with a Commercial Retail underlying zone:

(1) Used merchandise store (593);
(2) Entertainment establishments;
(3) Existing wildlife rehabilitation facility;
(4) Mobile food unit;
(5) Antennas attached to existing or approved structures;
(6) Ambulance Station;
(7) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 52. SRC 143C.060 is amended to read as follows:

143C.060. Permitted Uses. Only the uses identified in Table 143C-1 are permitted in the FMU zone and as provided in SRC 113.090. Uses permitted “by right” are designated with the letter “P”. Certain uses are permitted only as a special use and have special conditions
attached to them pursuant to SRC Chapter 119. Specific reference is made to the applicable section of SRC Chapter 119. Those uses are designated with an “S”. Uses requiring a Conditional Use Permit are designated with a “C” and are pursuant to SRC Chapter 240. Uses requiring an Administrative Conditional Use are designated with an “A” and are pursuant to SRC 116.100 through 116.130. Wireless Communications Facilities Uses are designated with a “W” and are allowed, subject to SRC Chapter 703.

<table>
<thead>
<tr>
<th>Table 143C-1</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P</strong> = permitted use; <strong>S</strong> = special use; <strong>C</strong> = conditional use; <strong>A</strong> = administrative conditional use; <strong>W</strong> = wireless communications facilities use</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LI</th>
<th>MI*</th>
<th>AU</th>
<th>VC</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>One single family dwelling, townhouse, or duplex per lot</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels, room and board facilities serving five or fewer persons</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>One manufactured home on a single lot [SRC 119.710]</td>
<td>S</td>
<td>S</td>
<td>S</td>
</tr>
<tr>
<td>AGRICULTURE and FORESTRY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural production - crops (01)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous period of no more than seven months per calendar year beginning no earlier than April 1; and that any sign erected in connection with the retail use complies with the Salem Sign Code and is not in any way artificially illuminated or electrically operated</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Veterinary services (0742)</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Farm labor and management services (076)</td>
<td>P</td>
<td></td>
<td></td>
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<tr>
<td>Farm labor and management services (076), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Landscape and horticultural services (078)</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscape and horticultural services (078), offices only</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>1</td>
<td>Timber tracts (081)</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>2</td>
<td>Forestry services (085), offices only</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>3</td>
<td><strong>CONSTRUCTION</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Building construction - general contractors and operative builders (15), offices only</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>5</td>
<td>Heavy Construction other than building construction – contractors (16), offices only</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>6</td>
<td>Construction - special trade contractors (17), offices only</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>7</td>
<td><strong>MANUFACTURING</strong></td>
<td></td>
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<tr>
<td>8</td>
<td>Dairy products (202)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>9</td>
<td>Canned, frozen and preserved fruits, vegetables and food specialties (203)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>10</td>
<td>Grain mill products (204)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>11</td>
<td>Bakery products (205)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>12</td>
<td>Candy and other confectionery products (2064 and 2068)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>13</td>
<td>Chocolate and cocoa products (2066)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>14</td>
<td>Beverages (208)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>15</td>
<td>Miscellaneous food preparations and kindred products (209)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>16</td>
<td>Textile mill products (22)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>17</td>
<td>Apparel and other finished products made from fabrics and similar materials (23)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>18</td>
<td>Wood kitchen cabinets (2434)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>19</td>
<td>Paperboard containers and boxes (265)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>20</td>
<td>Printing, publishing, and allied industries (27)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>21</td>
<td>Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>22</td>
<td>Metal cans and shipping containers (341)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>23</td>
<td>Cutlery, hand tools and general hardware (342)</td>
<td>C</td>
<td>P</td>
</tr>
<tr>
<td>24</td>
<td>Heating equipment, except electric and warm air; and plumbing fixtures (343)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>25</td>
<td>Metal forgings and stampings (346)</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>26</td>
<td>Computer and office equipment (357)</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

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COUNCIL OF THE CITY OF SALEM, OREGON
<p>| Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692) | C | P |
| Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386) | C | P |
| Signs and advertising specialties (3993) | C | P |
| <strong>TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, and SANITARY SERVICES</strong> |  |  |
| Local and suburban transit and interurban highway passenger transportation (41) | P | P |
| Motor freight transportation and warehousing (42) | P | P |
| U.S. Postal Service (43) | P | P | P |
| Transportation services (47) | P | P | P |
| Communication (48) | P | P | P |
| Wireless Communications Facilities [SRC-119.460] | A | W | A | A |
| Antennas attached to existing or approved structures [SRC-119.460] | S | S | S | S |
| <strong>WHOLESALE TRADE</strong> |  |  |
| Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste materials (5093), and durable goods, not elsewhere classified (5099) | P |
| Wholesale trade-non-durable goods (51) BUT EXCLUDING livestock (5154), and chemicals and allied products (516) | P |
| <strong>RETAIL TRADE</strong> |  |  |
| Building materials, hardware, garden supply (52), BUT EXCLUDING mobile home dealers (5271) | P | P |
| General merchandise stores (53) | P | P | P |
| Food stores (54) BUT EXCLUDING meat markets and freezer provisioners (542) | P | P | P |
| Automotive dealers and gasoline service stations (55) BUT EXCLUDING Auto and Home Supply Stores (553) and Gasoline Service Stations (554) | C | C | C |</p>
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto and home supply stores (553)</td>
<td>P</td>
</tr>
<tr>
<td>Gasoline service stations (554) [SRC 119.150]</td>
<td>S</td>
</tr>
<tr>
<td>Apparel and accessories stores (56)</td>
<td>P</td>
</tr>
<tr>
<td>Furniture, home furnishings, and equipment stores (57)</td>
<td>P</td>
</tr>
<tr>
<td>Eating and drinking places (58) EXCEPT Drive-throughs</td>
<td>P</td>
</tr>
<tr>
<td>Miscellaneous retail (59) including, in addition to uses specified in SIC</td>
<td>P</td>
</tr>
<tr>
<td>group 599, electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shop</td>
<td>P</td>
</tr>
<tr>
<td><strong>FINANCE, INSURANCE, and REAL ESTATE</strong></td>
<td></td>
</tr>
<tr>
<td>Depository Institutions (60)</td>
<td>P</td>
</tr>
<tr>
<td>Non-depository Credit Institutions (61)</td>
<td>P</td>
</tr>
<tr>
<td>Security and commodity brokers, dealers, exchanges and services (62)</td>
<td>P</td>
</tr>
<tr>
<td>Insurance carriers (63)</td>
<td>P</td>
</tr>
<tr>
<td>Insurance agents, brokers, and service (64)</td>
<td>P</td>
</tr>
<tr>
<td>Real estate (65)</td>
<td>P</td>
</tr>
<tr>
<td>Holding, and other investment offices (67)</td>
<td>P</td>
</tr>
<tr>
<td><strong>SERVICES</strong></td>
<td></td>
</tr>
<tr>
<td>Hotels and motels (701) BUT EXCLUDING casino hotels</td>
<td>P</td>
</tr>
<tr>
<td>Bed and breakfast establishments</td>
<td>P</td>
</tr>
<tr>
<td>Personal services (72)</td>
<td>P</td>
</tr>
<tr>
<td>Business services (73)</td>
<td>P</td>
</tr>
<tr>
<td>Automotive repair services, and parking (75)</td>
<td>P</td>
</tr>
<tr>
<td>Miscellaneous repair services (76)</td>
<td>P</td>
</tr>
<tr>
<td>Motion pictures (78)</td>
<td>P</td>
</tr>
<tr>
<td>Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)</td>
<td>P</td>
</tr>
<tr>
<td>Health services (80) BUT EXCLUDING hospitals (806)</td>
<td>P</td>
</tr>
<tr>
<td>Legal services (81)</td>
<td>P</td>
</tr>
<tr>
<td>Educational services (82)</td>
<td>P</td>
</tr>
<tr>
<td>Social services (83) BUT EXCLUDING homeless shelters serving more than 5 persons</td>
<td>P</td>
</tr>
<tr>
<td>------------------------------------------</td>
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</tr>
<tr>
<td>Child day care home</td>
<td>P</td>
</tr>
<tr>
<td>Adult day care home</td>
<td>P</td>
</tr>
<tr>
<td>Membership organizations (86), BUT EXCLUDING religious organizations (8661)</td>
<td>P</td>
</tr>
<tr>
<td>Religious organizations (8661)</td>
<td>P</td>
</tr>
<tr>
<td>Engineering, Accounting, Research, Management, and Related Services (87)</td>
<td>P</td>
</tr>
<tr>
<td>Accounting, auditing, and bookkeeping (893)</td>
<td>P</td>
</tr>
<tr>
<td>Services, not elsewhere classified (899)</td>
<td>P</td>
</tr>
</tbody>
</table>

**PUBLIC ADMINISTRATION**

| Executive offices (911)                        | P | P | P |
| Executive and legislative combined (913)       | P | P | P |
| General government, not elsewhere classified (919) | P | P | P |
| Fire protection (9224)                         | P | P | P |
| Public order and safety, not elsewhere classified (9229) | P | P | P |
| Finance, taxation, and monetary policy (93)    | P | P | P |
| Administration of human resources programs (94) | P | P | P |
| Administration of environmental quality and housing programs (95) | P | P | P |
| Administration of economic programs (96)       | P | P | P |
| National security and international affairs (97) | P | P | P |

**OTHER USES**

| Community or neighborhood clubs               | P | P | P |
| Swimming pools, whether or not open to the public for a fee | P | P | P |
| Playgrounds, parks                            | P | P | P |
| Public buildings and structures, such as libraries, fire stations | P | P | P |
| Right-of-way for electric service lines, gas mains, communications and CATV lines, water lines, sewer lines | P | P | P |
| Public utility structures and buildings such as pump stations, reservoirs, radiomicrowave relay stations, telephone substations, and electric substations | P | P | P | P |
Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded | P P P
Recycling depots | P P P
Transit stop shelters | P P P
Ambulance Station [SRC 119.030] | S S
Ambulance Service Facility [SRC 119.040] | S S

**ACCESSORY USES and STRUCTURES**

Customary residential accessory buildings and structures for private use of the property and its occupants | P P P
A garage or parking area serving the main building or use | P P P
Sleeping quarters for domestic employees of the resident of the main building | P P P
Home occupations | P P P
The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit | P P P

*Non-residential uses in the MI Overlay Area are limited to a maximum building footprint of 6,000 square feet.

Section 53. SRC 143D.020 is amended to read as follows:

**143D.020. Definitions.**

(a) Mixed-Use Development means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this Chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.

(b) Change of Use means changing an activity from one Standard Industrial Classification (SIC) Division to another. Change of use does not include collocation, replacement, installation, modification, or construction of wireless communications facilities.

(c) Develop, Development, Redevelop, or Redevelopment means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. Develop, Development, Redevelop, or
Redevelopment does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;
(2) Reasonable emergency procedures necessary for the safety or operation of property; or
(3) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure; or
(4) Collocation, replacement, installation, modification, or construction of wireless communications facilities.

(d) Owner means the person holding fee title or a beneficial interest under a trust deed or mortgage, or the purchaser under a contract for sale of real estate.
(e) Pedestrian Pathway means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use.
(f) Tuck-Under Parking means parking placed at grade with a building constructed above.
(g) User means the user of property in the overlay zone as of December 1, 2002.

Section 54. SRC 143D.070 is amended to read as follows:

143D.070. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 55. SRC 143D.100 is amended to read as follows:

143D.100. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 56. SRC 143D.120 is amended to read as follows:

143D.120. Uses.

(a) Except as provided in subsection (b) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional, or wireless communications facilities use in the underlying zone.
communications facilities use in the underlying zone.

(b) The following uses are permitted uses in Area 3:

(1) Eating and drinking places and entertainment establishments;
(2) Beauty Shops (723);
(3) Barber Shops (724);
(4) Business Services (73);
(5) Membership sports and recreation clubs (7997);
(6) Medical and dental laboratories (807);
(7) Outpatient facilities (8093);
(8) Engineering, accounting, research, management and related services (87);
(9) Executive offices (911);
(10) Executive and legislative combined (913);
(11) Police protection (9221), BUT EXCLUDING jail facilities;
(12) Public finance, taxation and monetary policy (93);
(13) Administration of human resources programs (94);
(14) Administration of environmental quality and housing programs (95);
(15) Administration of economic programs (96);
(16) National security and international affairs (97);
(17) Used merchandise stores (593);
(18) General merchandise stores (53);
(19) Food stores (54);
(20) Apparel and accessory stores (56);
(21) Furniture, home furnishings and equipment stores (57);
(22) Miscellaneous retail (59);
(23) Miscellaneous repair services (76);
(24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
(25) Services not elsewhere classified (899).

(c) In addition to the prohibited uses in the underlying zone, the following uses are prohibited in Area 3:
(1) Agricultural production crops (071);
(2) Crop services (072);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products;
(5) Chemicals and allied products (28);
(6) Motorcycle dealers (557);
(7) Automotive dealers, not elsewhere classified (559);
(8) Fuel Dealers (598);
(9) Outdoor advertising services (7312);
(10) Disinfecting and pest control services (7342);
(11) Building cleaning and maintenance services not elsewhere classified (7349);
(12) Recycling Depots;
(13) Scrap and waste material establishments (5093);
(14) Livestock, except dairy, poultry, and animal specialties (021);
(15) Air transportation, Non-scheduled (452);
(16) Crude petroleum and natural gas extraction (131);
(17) Surface mining operations;
(18) Meat products (201);
(19) Animal and marine fats and oils (2077);
(20) Logging camps and logging contractors (241);
(21) Sawmills and planing mills (242);
(22) Paper and allied products (26);
(23) Agricultural chemicals (287);
(24) Miscellaneous chemical products (289);
(25) Petroleum and coal products (29);
(26) Cement hydraulic (324);
(27) Iron and steel foundries (332);
(28) Primary smelting and refining nonferrous metals (333);
(29) Secondary smelting and refining nonferrous metals (334);
(30) Rolling, drawing, and extruding of nonferrous metals (335);
(31) Ordinance and accessories, except vehicles and guided missiles (348);
(32) Storage batteries (3691);
(33) Primary batteries, dry and wet (3692);
(34) Livestock (5154);
(35) Chemicals and allied products (516);
(36) Racing, including track operation (7948); and
(37) Solid waste transfer stations.

Section 57. SRC 143D.180 is amended to read as follows:

143D.180. Uses. No building or structure shall be used, erected, structurally altered or
enlarged, or any land used, for any use not allowed as a permitted, special, administrative
conditional, or conditional, or wireless communications facilities use in the underlying zone.

Section 58. SRC 143D.190 is amended to read as follows:

143D.190. Uses.

(a) Except as provided in subsection (b) and (c) of this section, no building or structure
shall be used, erected, structurally altered or enlarged, or any land used, for any use not
allowed as a permitted, special, administrative conditional, or conditional, or wireless
communications facilities use in the underlying zone. Otherwise permitted uses in Area
5 may not be conducted as drive-through uses, defined as business activities typically
involving queuing lanes, service windows, service islands, and service bays. The
additional prohibited uses, identified under subsection (c) of this section that existed
within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the
lot or parcel where they are located on such date. Such uses may be intensified,
enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5
that were not previously utilized for such use.

(b) The following uses are permitted uses in Area 5:

(1) Mixed use developments as defined in this Chapter; and
(2) Dwellings meeting the density standards of Section 143D.210.

(e) In addition to the prohibited uses in the underlying zone, the following uses that are
allowed in the underlying zone are prohibited in Area 5:
(1) Agricultural production - crops (01);
(2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);
(3) Timber tracts (081);
(4) Forest nurseries and gathering of forest products (0831);
(5) Crude petroleum and natural gas extraction (131);
(6) Gas production and distribution (492);
(7) Lumber and other building materials dealers (521);
(8) Automotive dealers and gasoline service stations (55), but excluding auto and home supply stores (retail sales only, no service or installation) (5531);
(9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
(10) Camps and recreational vehicle parks (703);
(11) Carpet and upholstery cleaning (7217);
(12) Equipment Rental and Leasing (7359);
(13) Automotive rental and leasing, without drivers (751);
(14) Automotive repair shops (753);
(15) Automotive services, except repair (754);
(16) Motorcycle repair service;
(17) Professional sports clubs and promoters (7941);
(18) Temporary motor vehicle and recreational vehicle sales;
(19) Utilities - secondary truck parking and material storage yard;
(20) Recycling depots;
(21) Solid waste transfer stations.

Section 59. SRC 143D.230 is amended to read as follows:

143D.230. Uses.

(a) Except as provided in subsection (b) of this section, No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or-conditional, or wireless communications facilities use in the underlying zone.

(b) The following uses are permitted uses in Area 6:
(1) Home occupations pursuant with 143D.240.

**Section 60.** SRC 143D.250 is amended to read as follows:

**143D.250. Uses.** No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative or conditional, or wireless communications facilities use in the underlying zone.

**Section 61.** SRC 143E.060 is amended to read as follows:

**143E.060. Prohibited Uses within Overlay Zone.**

(a) No building, structure or land shall be used, erected, structured, or structurally altered or enlarged for any use not permitted under the underlying zone, including:

(1) Automotive dealers (55) BUT EXCLUDING auto and home supply stores (553) and gasoline service stations (554); and

(2) Outdoor display and storage of merchandise within 50 feet of Commercial Street SE right-of-way; and

(3) Freestanding Support Towers within 300 feet of Commercial Street SE right-of-way.

**Section 62.** SRC 144.050 is amended to read as follows:

**144.050. Prohibited Uses.** Within an EFU district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 144.020 to 144.040.

**Section 63.** SRC 145.030 is amended to read as follows:

**145.030. Special Uses.**

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RA district:

(1) Veterinary services for animal specialties (0742).

(2) Funeral service (726) except crematories.

(3) Public golf courses (7992).

(4) Membership sports and recreation clubs (7997) having golf courses.

(5) Elementary and secondary schools (821).

(6) Religious organizations (866).

(7) Boat and recreational vehicle storage area.
(8) Zero side yard dwellings.
(9) Two family shared housing.
(10) Public automobile parking areas.
(11) Manufactured homes on individual lots.
(12) Bed and breakfast establishments.
(13) Adult day care center.
(14) Keeping of a miniature swine.
(15) Residential Sales/Development Office.
(16) Wildlife Rehabilitation facility.
(17) Construction of a replacement single family dwelling unit on an individual lot.
(18) Individual and Family Social Service (832).
(19) Antennas attached to existing or approved structures.
(20) Parking for Special Activities at High Schools with Community Parks.
(21) Cottage Housing.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 64. SRC 145.050 is amended to read as follows:

145.050. Prohibited Uses. Within an RA district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 145.020 to 145.040-145.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 65. SRC 145.900 is amended to read as follows:

145.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Preservation of Trees and Vegetation SRC Chapter 68
Landslide Hazards SRC Chapter 69
Street Trees SRC Chapter 86
Planned Unit Developments SRC Chapter 121
Increased Residential Density SRC Chapter 122
Section 66. SRC 146.030 is amended to read as follows:

### 146.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RS district:

1. Funeral service (726) except crematories.
2. Public golf courses (7992).
3. Membership sports and recreation clubs (7997) having golf courses.
4. Elementary and secondary schools (821).
5. Religious organizations (866).
6. Boat and recreational vehicle storage area.
7. Zero side yard dwellings.
8. Two family shared housing.
9. Public automobile parking areas.
10. Manufactured homes on individual lots.
12. Adult day care center.
15. Existing wildlife rehabilitation facility.
16. Construction of a replacement single family dwelling unit on an individual lot.
17. Antennas attached to existing or approved structures.
Parking for Special Activities at High Schools with Community Parks.

Cottage Housing

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 67. SRC 146.050 is amended to read as follows:

146.050. Prohibited Uses. Within any RS district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 146.020 to 146.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 68. SRC 146.900 is amended to read as follows:

146.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Street Trees: SRC Chapter 86
- Planned Unit Developments: SRC Chapter 121
- Increased Residential Density: SRC Chapter 122
- Mobile Home Parks: SRC Chapter 123
- Home Occupations: SRC Chapter 124
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 69. SRC is amended to read as follows:

147.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RD district:
(1) Nursing and personal care facilities (805).
(2) Residential care facilities, including homeless shelters serving five or fewer persons (836), except residential home and other structures housing families of handicapped persons.
(3) Zero side yard dwellings.
(4) Keeping of a miniature swine.
(5) Manufactured homes on individual lots.
(6) Antennas attached to existing or approved structures.
(7) Religious organizations (866).

(b) In lieu of establishing any use listed in subsection (2) (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 70. SRC 147.050 is amended to read as follows:

147.050. Prohibited Uses. Within any RD district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040-147.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 71. SRC 147.900 is amended to read as follows:

147.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards
Street Trees
Planned Unit Developments
Increased Residential Density
Mobile Home Parks
Home Occupations
Lot Development Standards
Accessory Structures
Landscaping
Off-street Parking, Loading and Driveways

SRC Chapter 69
SRC Chapter 86
SRC Chapter 121
SRC Chapter 122
SRC Chapter 123
SRC Chapter 124
SRC Chapter 130
SRC Chapter 131
SRC Chapter 132
SRC Chapter 133
Flood Plain Overlay Zones
Willamette Greenway Overlay Zones
Wireless Communications Facilities

Section 72. SRC 148.170 is amended to read as follows:

148.170. RM1 Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RM1 district:

1. Nursing and personal care facilities.
2. Elementary and secondary schools.
3. Religious organizations.
5. Manufactured homes on individual lots, provided the minimum density requirements of SRC 148.220 are met.
6. Adult day care center.
9. Antennas attached to existing or approved structures

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118.

Section 73. SRC 148.200 is amended to read as follows:

148.200. RM1 Prohibited Uses. Within any RM1 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020-148.160 to 147.040-148.195, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 74. SRC 148.210 is amended to read as follows:

148.210. RM1 Design Approval. Developments subject to SRC 148.160-148.190 and SRC 148.200-148.300 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning
Commission pursuant to the guidelines contained in the adopted Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.

**Section 75.** SRC 148.300 is amended to read as follows:

148.300. **RM1 Reference to Additional Standards.** Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Planned Unit Development (SRC Chapter 121)
- Mobile Homes Parks (SRC Chapter 123)
- Home Occupations (SRC Chapter 124)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-Street Parking, Loading, and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 141)
- City of Salem Development Design Handbook
- Wireless Communications Facilities (SRC Chapter 703)

**Section 76.** SRC 148.350 is amended to read as follows:

148.350. **RM2 Prohibited Uses.** Within any RD RM2 district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 147.020 to 147.040 148.345, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

**Section 77.** SRC 148.360 is amended to read as follows:

148.360. **RM2 Design Approval.** Developments subject to SRC 148.310-148.340 and SRC 148.350-148.450 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Planning Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to all development standards contained in this Chapter.
Section 78. SRC 148.450 is amended to read as follows:

148.450. RM2 Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards
- Planned Unit Development
- Mobile Home Parks
- Home Occupations
- Lot Development Standards
- Accessory Structures
- Landscaping
- Off-Street Parking, Loading, and Driveways
- Flood Plain Overlay Zones
- Willamette Greenway Overlay Zones
- City of Salem Design Review Handbook
- Wireless Communications Facilities

Section 79. SRC 149.030 is amended to read as follows:

149.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RH district:

1. Nursing and personal care facilities (805).
2. Elementary and secondary schools (821).
3. Religious organizations (866).
5. Adult day care center.
8. Antennas attached to existing or approved structures.
9. Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval
pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 80. SRC 149.050 is amended to read as follows:

149.050. Uses. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 81. SRC 149.900 is amended to read as follows:

149.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Preservation of Trees and Vegetation: SRC Chapter 68
- Landslide Hazards: SRC Chapter 69
- Planned Unit Developments: SRC Chapter 121
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading, and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Development Design Handbooks for projects including three or more multiple family units: SRC Chapter 703

Section 82. SRC 150.030 is amended to read as follows:

150.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CO district:

1. Veterinary services for animal specialties (0742).
2. Public golf courses (7992); and Membership sports and recreation clubs (7997) having golf courses.
3. Nursing and personal care facilities (805).
4. Religious organizations (866).

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(5) Boat and recreational vehicle storage area.
(6) Zero side yard dwellings.
(7) Orthopedic and artificial limb offices - retail (5999).
(8) Keeping of miniature swine.
(9) Antennas attached to existing or approved structures.
(10) Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 83. SRC 150.050 is amended to read as follows:

150.050. Prohibited Uses. Within any CO district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 150.020 to 150.040, unless the use is deemed an equivalent use pursuant to SRC 150.045, provided in SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 84. SRC 150.900 is amended to read as follows:

150.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Preservation of Trees and Vegetation SRC Chapter 68
Landslide Hazards SRC Chapter 69
Home Occupations SRC Chapter 124
Lot Development Standards SRC Chapter 130
Accessory Structures SRC Chapter 131
Landscaping SRC Chapter 132
Off-street Parking, Loading and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units SRC Chapter 703

Wireless Communications Facilities
**Section 85.** SRC 151.030 is amended to read as follows:

151.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the GR CN district:

(1) Keeping of a miniature swine.

(2) Antennas attached to existing or approved structures.

(3) Freestanding support structures 35 feet or less in height and equipment enclosures.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

**Section 86.** SRC 151.040 is amended to read as follows:

151.040. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CN district:

(a) Crude petroleum and natural gas extraction (131).

(b) Electric services (491).

(c) Gas production and distribution (492).

(d) Water supply (494).

(e) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(f) Freestanding support structures greater than 70 feet in height and equipment enclosures.

**Section 87.** SRC 151.050 is amended to read as follows:

151.050. Prohibited Uses. Within any CN district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 151.020 to 151.040 151.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

**Section 88.** SRC 151.900 is amended to read as follows:

151.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

Home Occupations  
Lot Development Standards  
Accessory Structures  
Landscaping  
Off-street Parking, Loading, and Driveways  
Flood Plain Overlay Zones  
Willamette Greenway Overlay Zones  
Wireless Communications Facilities

Section 89. SRC 152.030 is amended to read as follows:

152.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CR district:

1 Gasoline service stations (554).
2 Used merchandise store (593).
3 Secondary dwellings and guest rooms.
4 Entertainment establishments.
5 Keeping of a miniature swine.
6 Existing wildlife rehabilitation facility.
7 Mobile food unit.
8 Antennas attached to existing or approved structures;
9 Freestanding support structures 35 feet or less in height and equipment enclosures.
10 Temporary motor vehicle sales (551).
11 Temporary recreational vehicle sales (556).
12 One single family dwelling, other than a manufactured home, per lot.
13 Ambulance Station.
14 Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval.
pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 90. SRC 152.040 is amended to read as follows:

152.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CR district:

(a) Those uses listed in SRC 152.030, at the developer's option, as provided in subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

(c) Manufacturing:

(1) Jewelry, silverware, and plated ware (391).

(2) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metal (396).

(3) Signs and advertising specialties (3993).

(d) Transportation, communications, electric, gas, and sanitary services:

(1) Local and suburban passenger transportation (411).

(2) InterCity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial (413).

(3) Communication services, not elsewhere classified (489).

(4) Electric services (491).

(5) Gas production and distribution (492).

(6) Water supply (494).

(7) Free standing support structures greater than 70 feet in height and equipment enclosures.

(e) Retail:

(1) Automotive dealers (55) BUT EXCLUDING gasoline service stations (554), and auto and home supply stores as permitted under SRC 152.020(c)(14).

(2) Nonstore retailers (596).

(f) Services:

(1) Camps and recreational vehicle parks (703).

(2) Carpet and upholstery cleaning (7217).
(3) Automotive rental and leasing, without drivers (751).
(4) Automotive repair shops (753).
(5) Automotive services, except repair (754).
(6) Electrical repair shops (762).
(7) Reupholstery and furniture repair (764).
(8) Motorcycle repair service.
(9) Professional sports clubs and promoters (7941).
(10) Homeless shelters and room and board facilities serving 6 to 75 persons.

(g) Unlimited number of dwelling units and guest rooms in apartment houses, court
apartments, lodging houses, condominiums, and residential hotels.

(h) Other uses:
(1) Utilities - secondary truck parking and material storage yard.
(2) Recycling depots.
(3) Solid waste transfer stations.
(4) Off-site response actions in accordance with applicable law to discharges of
oil and releases of hazardous substances, pollutants, and contaminants.

Section 91. SRC 152.050 is amended to read as follows:

152.050. Prohibited Uses. Within any CR district, no building, structure, or land shall be
used, erected, structurally altered, or enlarged for any use not permitted under SRC 152.020
to 152.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d)
or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 92. SRC 152.900 is amended to read as follows:

152.900. Reference to Additional Standards. Additional or alternative use and
development standards may be found in the following Chapters:

Landslide Hazards  SRC Chapter 69
Lot Development Standards  SRC Chapter 130
Accessory Structures  SRC Chapter 131
Landscaping  SRC Chapter 132
Off-street Parking, Loading, and Driveways  SRC Chapter 133
Flood Plain Overlay Zones  SRC Chapter 140
Section 93. SRC 153.030 is amended to read as follows:

153.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CG district:

(1) Used merchandise stores (593).

(2) Entertainment establishments.

(3) Keeping of a miniature swine.

(4) Wildlife rehabilitation facility.

(5) Antennas attached to existing or approved structures.

(6) Freestanding support structures 35 feet or less in height and equipment enclosures.

(7) Mobile food unit.

(8) Temporary motor vehicles sales (551).

(9) Temporary recreational vehicle sales (556).

(10) One single family dwelling, other than a manufactured home, per lot.

(11) Ambulance Station.

(12) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 94. SRC 153.040 is amended to read as follows:

153.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118 as applicable, are permitted in the CG district:

(a) Those uses listed in SRC 153.030, at the developer's option, as provided in subsection (b) of that section.

(b) Animal specialty services, except veterinary (0752).

(c) Farm labor and management services (076).

(d) Crude petroleum and natural gas extraction (131).
(e) Jewelry, silverware, and plated ware (391).
(f) Costume jewelry and notions (396).
(g) Signs and advertising specialties (3993).
(h) Electric services (491).
(i) Gas production and distribution (492).
(j) Water supply (494).
(k) Durable goods, not elsewhere classified (5099).
(l) Fish and seafoods (5146).
(m) Drive-in motion picture theaters (7833).
(n) Racing, including track operations (7948).
(o) Residential care (836), including homeless shelters serving 6 to 75 persons, except residential home.
(p) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, duplexes, and condominiums, room and board facilities serving 6 to 75 persons.
(q) Home occupations not otherwise permitted in SRC 153.020 or 153.030.
(r) Solid waste transfer stations.
(s) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.
(t) Freestanding support structures greater than 70 feet in height and equipment enclosures.

Section 95. SRC 153.050 is amended to read as follows:

153.050. Prohibited Uses. Within any CG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 153.020 to 153.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 96. SRC 153.900 is amended to read as follows:

153.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Landslide Hazards SRC Chapter 69
Lot Development Standards      SRC Chapter 130
Accessory Structures          SRC Chapter 131
Landscaping                  SRC Chapter 132
Off-street Parking, Loading, and Driveways      SRC Chapter 133
Flood Plain Overlay Zones    SRC Chapter 140
Willamette Greenway Overlay Zones    SRC Chapter 141
Wireless Communications Facilities    SRC Chapter 703

Section 97. SRC 154.030 is amended to read as follows:

154.030. Special Uses.
(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CB district:

(1) Keeping of a miniature swine.
(2) Antennas attached to existing or approved structures.
(3) Freestanding support structures thirty-five feet or less in height and equipment enclosures.
(4) Mobile food unit.
(5) Ambulance station.
(6) Ambulance service facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or SRC Chapter 118. See SRC 119.010.

Section 98. SRC 154.040 is amended to read as follows:

The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the CB district:

(a) Helicopter landing area, with or without passenger and freight terminal facilities.
(b) Farm labor and management services (076).
(c) Crude petroleum and natural gas extraction (131).
(d) Jewelry, silverware, and plated ware (391).
(e) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except
(f) Precious metal (396).

(g) Electric services (491).

(h) Gas production and distribution (492).

(i) Water supply (494).

(j) Metals and minerals, except petroleum (505) subject to the retail sales requirement of SRC 154.020(e).

(k) Durable goods, not elsewhere classified (5099) subject to the retail sales requirement of SRC 154.020(e).

(l) Recycling depots.

(m) Solid waste transfer stations.

(n) Homeless shelters and room and board facilities serving six to seventy-five persons; and relocation of larger than seventy-five-person facilities in existence as of September 1, 1993, from one CB zone site to another site within the CB zone, providing there is no increase in bed capacity.

(o) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(p) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(q) Drive-through for a bank or credit union in the downtown Historic Core District, where construction of the bank or credit union is commenced on or after October 1, 2011 and adequate measures are taken to ensure pedestrian safety.

Section 99. SRC 154.050 is amended to read as follows:

154.050. Prohibited Uses. Within any CB district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 154.020 to 154.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Otherwise permitted uses in the downtown Historic Core District, other than banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may not be conducted as drive-through uses, defined as business activities involving the buying and selling of goods or the provision of services to a motorist customer.
or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

Section 100. SRC 154.090 is amended to read as follows:

154.090. Design Approval. In all districts defined in SRC 154.055, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

Section 101. SRC 154.900 is amended to read as follows:

154.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Home Occupations SRC Chapter 124
- Lot Development Standards SRC Chapter 130
- Accessory Structures SRC Chapter 131
- Landscaping SRC Chapter 132
- Off-street Parking, Loading, and Driveways SRC Chapter 133
- Flood Plain Overlay Zones SRC Chapter 140
- Willamette Greenway Overlay Zones SRC Chapter 141
- Wireless Communications Facilities SRC Chapter 703

Section 102. SRC 155.030 is amended to read as follows:

155.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an IC district:

1. Mobile home as a dwelling for a caretaker.
2. Entertainment establishments.
5. Mobile food unit.
6. Antennas attached to existing structures.
7. Freestanding support structures 35 feet or less in height and equipment
One single family dwelling, other than a manufactured home, per lot.

Ambulance Station.

Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 103. SRC 155.040 is amended to read as follows:


The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IC district:

(a) Agriculture:

(1) Animal specialty services (0752).

(b) Mining:

(1) Crude petroleum and gas extraction (131).

(c) Manufacturing:

(1) Millwork (2431).

(2) Structural wood members, not elsewhere classified (2439).

(3) Wooden containers (244).

(4) Miscellaneous wood products (249).

(5) Furniture and fixtures (25).

(6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous chemical products (289).

(7) Rubber and plastics footwear (302).

(8) Fabricated rubber products, not elsewhere classified (306).

(9) Miscellaneous plastics products (307).

(10) Leather tanning and finishing (311).

(11) Fabricated structural metal products (344).

(12) Screw machine products and bolts, nuts, screws, rivets, and washers (345).

(13) Coating, engraving, and allied services (347).
(14) Miscellaneous fabricated metal products (349).
(15) Metalworking machinery and equipment (354).
(16) Woodworking machinery (3553).
(17) Refrigeration and service industry machinery (358).
(18) Ship and boat building and repairing (373).
(19) Jewelry, silverware, and patch ware (391).
(20) Costume jewelry, costume novelties, buttons, and miscellaneous notions, except precious metals (396).

(d) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (1) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(e) Utilities:
   (1) Electrical service (491).
   (2) Gas production and distribution (492).
   (3) Water supply (494).

(f) Wholesale trade:
   (1) Durable goods, not elsewhere classified (5099).

(g) Services:
   (1) Residential care (836).

(h) Residential:
   (1) Single family dwellings, other than mobile homes.
   (2) Manufactured Homes on individual lots subject to the non-variable standards of SRC 119.710.
   (3) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, and condominiums.
   (4) Homeless shelters and room and board facilities serving between 6 and 75 persons.

(i) Other uses:
   (1) Solid waste transfer stations.
(2) Off-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

(j) Those uses listed in SRC 155.030, at the developer's option, as provided in subsection (b) of that section.

Section 104. SRC 155.050 is amended to read as follows:

155.050. Prohibited Uses. Within any IC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 155.020 to 155.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 105. SRC 155.900 is amended to read as follows:

155.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards: SRC Chapter 69
- Lot Development Standards: SRC Chapter 130
- Accessory Structures: SRC Chapter 131
- Landscaping: SRC Chapter 132
- Off-street Parking, Loading and Driveways: SRC Chapter 133
- Flood Plain Overlay Zones: SRC Chapter 140
- Willamette Greenway Overlay Zones: SRC Chapter 141
- Wireless Communications Facilities: SRC Chapter 703

Section 106. SRC 156.030 is amended to read as follows:

156.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IBC district:

1. Gasoline service stations (554);
2. Antennas attached to existing or approved structures;
3. Freestanding support structures 35 feet or less in height and equipment enclosures;
4. Colleges, universities, professional schools, and junior colleges (8221);
5. One single family dwelling, other than a manufactured home, per lot;
Ambulance Station;

Ambulance Service Facility.

(b) The special uses permitted under Subsection (a) of this Section together with the permitted uses listed under SRC 156.020(h) through (j) shall:

(1) In the aggregate be limited in area to not more than ten percent of the gross area of the IBC district; and

(2) Not be developed until not less than 25 percent of the gross area of the IBC district has received an occupancy permit issued by the City of Salem for one or more permitted uses listed under SRC 156.020(b) through (f).

Section 107. SRC 156.035 is amended to read as follows:

156.035. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 118 or 118, as applicable, are permitted in the IBC district:

(a) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height and equipment enclosures.

(b) Utilities:

(1) Electrical service (491);

(2) Gas production and distribution (492);

(3) Water supply (494).

Section 108. SRC 156.050 is amended to read as follows:

156.050. Prohibited Uses. Within any IBC district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to SRC 456.030 156.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 109. SRC 156.900 is amended to read as follows:

156.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

<table>
<thead>
<tr>
<th>Landslide Hazards</th>
<th>SRC Chapter 69</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wireless Communications Facilities</td>
<td>SRC Chapter 703</td>
</tr>
</tbody>
</table>
Section 110. SRC 157.030 is amended to read as follows:

157.030. Special Uses.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the IP district:

1. Gasoline service stations (554).
2. Mobile home as a dwelling for a caretaker.
3. Antennas attached to existing or approved structures.
4. Freestanding support structures 35 feet or less in height and equipment enclosures.
5. One single family dwelling, other than a manufactured home, per lot.
6. Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 111. SRC 157.040 is amended to read as follows:

157.040. Conditional Uses. 157.040. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IP district:

(a) Transportation, communication, electric, gas, and sanitary services:

1. Air transportation, Nonscheduled (452).
2. Freestanding support structure greater than 70 feet in height and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

(e) Carpentering and flooring (175).

(d) Manufacturing:

1. Food and kindred products (20) BUT EXCLUDING beverages (208).
2. Miscellaneous textile goods (229).
3. Lumber and wood products, except furniture (24).
4. Furniture and fixtures (25).
5. Paper and allied products (26).
(6) Chemicals and allied products (28).
(7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303).
(8) Leather tanning and finishing (311).
(9) Flat glass (321).
(10) Glass and glassware, pressed or blown (322).
(11) Pottery and related products (326).
(12) Cut stone and stone products (328).
(13) Abrasive, asbestos and miscellaneous nonmetallic mineral products (329).
(14) Coating, engraving, and allied services (347).
(15) Ordnance and accessories, except vehicles and guided missiles (348).
(16) Industrial and commercial machinery and computer equipment (35) BUT EXCLUDING industries permitted under SRC 157.020.
(17) Storage batteries (3691).
(18) Primary batteries, dry and wet (3692).
(19) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 157.020.
(20) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

(e) Public utilities:
   (1) Electric services (491).
   (2) Gas production and distribution (492).
   (3) Water supply (494).

(f) Wholesale trade:
   (1) Durable goods, not elsewhere classified (5099).
   (2) Chemicals and allied products (516).
   (3) Petroleum and petroleum products (517).

(g) Animal specialty services, excluding veterinary (0752).

(h) Other uses:
   (1) Solid waste transfer stations.
(i) Those uses listed in SRC 157.030, at the developer's option, as provided in subsection (b) of that section.

Section 112. SRC 157.050 is amended to read as follows:

157.050. Prohibited Uses. Within any IP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 157.020 to 157.040, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 113. SRC 157.900 is amended to read as follows:

157.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards (SRC Chapter 69)
- Lot Development Standards (SRC Chapter 130)
- Accessory Structures (SRC Chapter 131)
- Landscaping (SRC Chapter 132)
- Off-street Parking, Loading, and Driveways (SRC Chapter 133)
- Flood Plain Overlay Zones (SRC Chapter 140)
- Willamette Greenway Overlay Zones (SRC Chapter 141)
- Wireless Communications Facilities (SRC Chapter 703)

Section 114. SRC 158.030 is amended to read as follows:

158.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the IG district;

1. Scrap and waste materials establishments (5093).
2. Mobile home as a dwelling for a caretaker.
3. Wildlife rehabilitation facility.
4. Mobile food unit.
5. Lumber and other building materials.
6. Retail nurseries, lawn and garden supply stores.
7. Antennas attached to existing or approved structures.
8. Freestanding support structures 70 feet or less in height whose base is greater
than 300 feet from an R or CO zone and equipment enclosures:

(97) Recreational vehicle sales (5561).

(108) One single family dwelling, other than a manufactured home, per lot.

(112) Ambulance Station.

(4210) Ambulance Service Facility.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 115. SRC 158.040 is amended to read as follows:

158.040. Conditional Uses. The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the IG district:

(a) Those uses listed in SRC 158.030, at the developer's option, as provided in subsection (b) of that section.

(b) Agriculture, forestry, and fishing:

(1) Livestock, except dairy, poultry, and animal specialties (021).

(e) Transportation, communication, electric, gas, and sanitary services:

(1) Air transportation, Nonscheduled (452).

(2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of a R or CO zone and equipment enclosures.

(d) Mining:

(1) Crude petroleum and natural gas extraction (131).

(2) Surface mining operations as a specific conditional use under SRC Chapter 118.

(e) Manufacturing:

(1) Meat products (201).

(2) Animal and marine fats and oils (2077).

(3) Logging camps and logging contractors (241).

(4) Hardwood veneer and plywood (2435).

(5) Softwood veneer and plywood (2436).

(6) Structural wood members, not elsewhere classified (2439).
(7) Sawmills and planing mills (242).
(8) Paper and allied products (26) where not otherwise permitted under SRC 158.020.
(9) Agricultural chemicals (287).
(10) Miscellaneous chemical products (289).
(11) Petroleum and coal products (29).
(12) Cement hydraulic (324).
(13) Structural clay products (325).
(14) Concrete, gypsum, and plaster products (327), except concrete block and brick (3271).
(15) Abrasives, asbestos, and miscellaneous nonmetallic mineral products (329).
(16) Iron and steel foundries (332).
(17) Primary smelting and refining of nonferrous metals (333).
(18) Secondary smelting and refining of nonferrous metals (334).
(19) Rolling, drawing, and extruding of nonferrous metals (335).
(20) Nonferrous foundries (castings) (336).
(21) Miscellaneous primary metal products (339).
(22) Ordinance and accessories, except vehicles and guided missiles (348).
(23) Storage batteries (3691).
(24) Primary batteries, dry and wet (3692).

(f) Wholesale trade:
(1) Livestock (5154).
(2) Chemicals and allied products (516).

(g) Services:
(1) Racing, including track operation (7948).

(h) Other uses:
(1) Solid waste transfer stations.

Section 116. SRC 158.050 is amended to read as follows:

158.050. Prohibited Uses. Within any IG district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 158.020.
to 158.040 158.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 117. SRC 158.900 is amended to read as follows:

158.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards - SRC Chapter 69
- Lot Development Standards - SRC Chapter 130
- Accessory Structures - SRC Chapter 131
- Landscaping - SRC Chapter 132
- Off-street Parking, Loading, and Driveways - SRC Chapter 133
- Flood Plain Overlay Zones - SRC Chapter 140
- Willamette Greenway Overlay Zones - SRC Chapter 141
- Lot Development Standards - SRC Chapter 130
- Accessory Structures - SRC Chapter 131
- Landscaping - SRC Chapter 132
- Off-street Parking, Loading, and Driveways - SRC Chapter 133
- Flood Plain Overlay Zones - SRC Chapter 140
- Willamette Greenway Overlay Zones - SRC Chapter 141
- Wireless Communications Facilities - SRC Chapter 703

Section 118. SRC 159.030 is amended to read as follows:

159.030. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in an II district:

1. Antennas attached to an existing and approved structure;
2. Freestanding support structures 35 feet or less in height and equipment enclosures;
3. Ambulance Station;

Section 119. SRC 159.040 is amended to read as follows:

159.040. Conditional Uses.
The following uses, with conditional use approval as provided in SRC Chapter 240 or 118, as applicable, are permitted in the II district:

(a) Transportation, communication, electric, gas, and sanitary services:
   (1) Air transportation, Nonscheduled (452).
   (2) Freestanding support structures greater than 70 feet in height whose base is within 300 feet of an R or CO zone and equipment enclosures.

(b) Crude petroleum and natural gas extraction (131).

c) Animal and marine fats and oils (2077).

d) Ordinance and Accessories except vehicles and guided missiles (348).

e) Eating and drinking places (58).

(f) Dwelling unit for a caretaker or watchman on the premises being cared for or guarded.

(g) Surface mining, including washing, screening, processing, asphalt concrete, and cement concrete making, as a specific conditional use under SRC Chapter 118.

(h) Solid waste transfer stations.

Section 120. SRC 159.050 is amended to read as follows:

159.050. Prohibited Uses. Within any II district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 159.020 to SRC 159.045, unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 121. SRC 159.900 is amended to read as follows:

159.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

- Landslide Hazards - SRC Chapter 69
- Lot Development Standards - SRC Chapter 130
- Accessory Structures - SRC Chapter 131
- Landscaping - SRC Chapter 132
- Off-Street Parking, Loading and Driveways - SRC Chapter 133
- Flood Plain Overlay Zones - SRC Chapter 140
- Willamette Greenway Overlay Zones - SRC Chapter 141
Section 122. SRC 160.020 is amended to read as follows:

160.020. Prohibited Uses. Within any P district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted in the particular district under SRC 160.030 to 160.120 unless the use is deemed an equivalent use pursuant to SRC 113.090(d) or allowed as a nonconforming use pursuant to SRC Chapter 270.

Section 123. SRC 160.100 is amended to read as follows:

160.100. Special Uses in P Zones.

(a) The following uses, when restricted, developed, and conducted as required in SRC Chapter 119, are permitted in the PA, PC, PE, PH, and PS districts:

1. Mobile home as a dwelling for a caretaker.
2. Existing wildlife rehabilitation facility.
3. Wildlife rehabilitation facility.
4. Mobile food unit.
5. Compost facility for yard debris franchise haulers and government entities only, when located on the site of and in compliance with the Oregon State Corrections Area Plan as adopted by the Capital Planning Commission.
6. Antennas attached to existing or approved structures.
7. Freestanding support structures 70 feet or less in height whose base is greater than 300 feet from a R or CO zone and equipment enclosures.
8. Ambulance Station.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 240 or 118. See SRC 119.010.

Section 124. SRC 160.900 is amended to read as follows:

160.900. Reference to Additional Standards. Additional or alternative use and development standards may be found in the following Chapters:

Preservation of Trees and Vegetation SRC Chapter 68
Landslide Hazards          SRC Chapter 69
Lot Development Standards  SRC Chapter 130
Accessory Structures       SRC Chapter 131
Landscaping               SRC Chapter 132
Off-street Parking, Loading, and Driveways SRC Chapter 133
Flood Plain Overlay Zones SRC Chapter 140
Willamette Greenway Overlay Zones SRC Chapter 141
Development Design Handbooks for projects including three or more multiple family units

Wireless Communications Facilities SRC Chapter 703

Section 125. SRC 161.060 is amended to read as follows:

161.060. Height. No building, structure or freestanding support structure in the EC Zone located ninety feet or more from a lot or parcel line that abuts a residential district shall exceed eighty feet in height, and no portion of any building, structure or freestanding support structure that is located within ninety feet of a lot or parcel line that abuts a residential district shall exceed twenty-eight feet in height.

Section 126. SRC 161.170 is amended to read as follows:

161.170. Additional Standards. Additional standards may apply to development in the EC Zone as a result of regulations found in the following Chapters:

SRC Chapter 69          Landslide Hazards
SRC Chapter 140          Flood Plain Overlay Zone
SRC Chapter 125          Airport Overlay Zone
SRC Chapter 703          Wireless Communications Facilities

Section 127. SRC 162.050 is amended to read as follows:

162.050. Special Uses.
The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

(a) Antennas attached to existing or approved structures.
(ba) Mobile food unit.
Section 128. SRC 162.120 is amended to read as follows:

162.120. Design Approval.

(a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to wireless communications facilities or to relocatable structures not attached to a permanent foundation.

(b) Lawful non-conforming buildings or structures may be structurally altered or enlarged provided such new development reduces the degree of non-conformity, and meets all other provisions of the Zoning Code and other laws, ordinances and regulations.

Section 129. SRC 162.130 is amended to read as follows:

162.130. Additional Standards. Additional standards may apply to development in the SWMU Zone. In the event there is any conflict between the standards of this Chapter and those contained in other chapters of the Salem Revised Code, the provisions of this Chapter shall control. Chapters that provide additional standards include, but may not be limited to:

- Sign Code
- Home Occupations
- General Development Standards
- Accessory Structures
- Landscaping
- Off-Street Parking, Loading, and Driveways
- Floodplain Overlay Zones
- Willamette Greenway
- Wireless Communications Facilities

Section 130. SRC 215.055 is amended to read as follows:

215.055. Additional Standards. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU shall apply.
Section 131. SRC 220.005 is amended to read as follows:

220.005. Site Plan Review.

(a) Applicability.

(1) Except as provided in paragraph (2) of this subsection, any development that requires a building permit must receive site plan review approval prior to issuance of the building permit.

(2) Exemptions. The following development that requires a building permit is exempt from 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) Sign installation.

(C) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(D) The alteration to the facade of a building.

(E) Interior construction or tenant improvements that involve no change of use.
(b) **Classes.** The three classes of Site Plan Review are:

1. **(1) Class 1 Site Plan Review.** Class 1 Site Plan Review is site plan review for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

2. **(2) Class 2 Site Plan Review.** Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

3. **(3) Class 3 Site Plan Review.** Class 3 Site Plan Review is required for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this paragraph, 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 the Salem Transportation System Plan;**
   - **(B) Requires a geotechnical report or geologic assessment under SRC Chapter 69, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;**
   - **(C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;**
   - **(D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;**
   - **(E) Requires deviation from the clear and objective standards of the UDC and where the review authority is granted the authority to use limited discretion in deviating from the standard; or**
   - **(F) Requires a variance, adjustment, or conditional use permit.**
(e) 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:
(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, buffers, berms, walls, and other proposed screening as they relate to buffer yard and landscaping required by SRC Chapter 132;
(viii) The location of all trees and vegetation required to be protected pursuant to SRC Chapter 68;
(ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC Chapter 86; and
(x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
(i) The total site area, dimensions, and orientation relative to north;
(ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
(iii) The location of the one-hundred-year flood plain, if applicable.

(C) A completed trip generation estimate for the proposed development, on forms provided by the City.

(2) Class 3 Site Plan Review. In addition to the submittal requirements for a Type II application under SRC Chapter 300, an application for Class 3 Site Plan Review shall include:

(A) All submittal requirements for a Class 2 Site Plan Review under subsection (e)(1) of this section;
(B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
(C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
(D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of fifteen percent;
(E) The location of drainage patterns and drainage courses, if applicable;
(F) A preliminary utility plan showing capacity needs for municipal water, stormwater management, and sewer service and schematic location of connection points to existing municipal water and sewer services;
(G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g. manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
(H) A geological assessment or geotechnical report, if required by SRC Chapter 69, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for
further landslide risk assessment; and

(I) A Transportation Impact Analysis, if required for the development, in the format specified, and based on thresholds specified in standards established, by the Director of Public Works.

(f) Criteria.

(1) Class 1 Site Plan Review. An application for a Class 1 Site Plan Review 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 buffeyards;

(D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

(E) The application meets all applicable standards of the UDC.

(2) Class 2 Site Plan Review. An application for a Class 2 Site Plan Review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

(B) The application meets all the applicable standards of the UDC.

(3) Class 3 Site Plan Review. An application for Class 3 Site Plan Review shall be granted if:

(A) The application meets all applicable standards of the UDC;

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

Section 132. SRC 300.100 is amended to read as follows:

300.100. Procedure Types.

(a) All land use actions required under the Salem Revised Code are classified as one of four procedure types in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

<table>
<thead>
<tr>
<th>Procedure Type</th>
<th>Decision Process</th>
<th>Decision Type</th>
<th>Process Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I</td>
<td>Ministerial</td>
<td>Permit</td>
<td>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.</td>
</tr>
<tr>
<td>Type II</td>
<td>Administrative</td>
<td>Limited Land Use</td>
<td>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.</td>
</tr>
<tr>
<td>Type</td>
<td>Procedure</td>
<td>Use</td>
<td>Details</td>
</tr>
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<td>-----------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>III</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>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.</td>
</tr>
<tr>
<td>IV</td>
<td>Quasi-Judicial</td>
<td>Land Use</td>
<td>The Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.</td>
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(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the Salem Revised Code, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.
(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

Table 300-2: Land Use Applications by Procedure Type

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Decision</th>
<th>Appeal</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
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<tr>
<td>ADJUSTMENT</td>
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<tr>
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<td>PC</td>
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<td>PC</td>
<td>CC</td>
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Table 300-2: Land Use Applications by Procedure Type

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<th>Procedure Type</th>
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<th>Decision</th>
<th>Appeal</th>
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<td>N</td>
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<tr>
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<td>TREE &amp; VEGETATION REMOVAL</td>
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<td>- Tree Conservation Plan</td>
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<tr>
<td>- Tree Conservation Plan Adjustment</td>
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<td>N</td>
<td>PA</td>
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<td>N</td>
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<td>Procedure Type</td>
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<td>Appeal</td>
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<td>Applicable Code Chapter(s)</td>
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<td>- Tree &amp; Vegetation Removal Permit</td>
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<td>- Hardship Variance</td>
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<td>III</td>
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<td>WILLAMETTE GREENWAY</td>
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<td>II</td>
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<td>HO</td>
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<td>Application</td>
<td>Procedure Type</td>
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<td>Decision</td>
<td>Appeal</td>
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<td>Applicable Code Chapter(s)</td>
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<td>III Y</td>
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<td>PC</td>
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<td>SRC 141</td>
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<td>FACILITIES SITING</td>
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<tr>
<td>- Temporary Wireless Communications Facilities Siting</td>
<td>I N</td>
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<td>Y</td>
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<tr>
<td>- Class 1 Wireless Communications Facilities Siting</td>
<td>I N</td>
<td>PA</td>
<td>Y</td>
<td>SRC 703</td>
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<tr>
<td>Facilities Siting</td>
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</tr>
<tr>
<td>- Class 2 Wireless Communications Facilities Siting</td>
<td>II N</td>
<td>PA</td>
<td>HO</td>
<td>Y</td>
<td>SRC 703</td>
<td></td>
</tr>
<tr>
<td>Facilities Siting</td>
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<tr>
<td>- Class 3 Wireless Communications Facilities Siting</td>
<td>III Y</td>
<td>HO</td>
<td>PC</td>
<td>Y</td>
<td>SRC 703</td>
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<tr>
<td>Facilities Siting</td>
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</tr>
<tr>
<td>- Wireless Communications       Facilities Adjustment</td>
<td>II Y</td>
<td>PA</td>
<td>HO</td>
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<td>SRC 703</td>
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<td>Facilities Adjustment</td>
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<td>ZONE CHANGE</td>
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<tr>
<td>- Zone Change</td>
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<td>HO</td>
<td>PC</td>
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<td>SRC 265</td>
<td></td>
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</table>
Table 300-2: Land Use Applications by Procedure Type

<table>
<thead>
<tr>
<th>Application</th>
<th>Procedure Type</th>
<th>Pre-App. Required</th>
<th>Review Authority</th>
<th>City Council Review</th>
<th>Applicable Code Chapter(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Decision</td>
<td>Appeal</td>
<td></td>
</tr>
</tbody>
</table>

**LEGEND**

PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council

**Section 133.** SRC 300.520 is amended to read as follows:

300.520. Type II Procedure.

(a) Application Requirements.

(1) Application Form. Type II applications shall be made on forms provided by the Planning Administrator.

(2) Submittal Requirements. Type II applications shall include the information required under SRC 300.210.

(b) Public Notice and Comment. Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for Subdivisions, Administrative Conditional Uses, Class 2 Wireless Communications Facilities Siting, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) Mailed Notice. Mailed notice shall be provided as follows:

(A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

(B) Notice of the application shall be mailed to:

(i) The applicant(s) and/or the applicant’s authorized representative(s);

(ii) The owner(s) or contract purchaser(s) of record of the subject

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property;

(iii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(iv) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;

(v) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

(vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

(C) Mailed notice shall include:

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

(ii) The type of application and a concise description of the nature of the land use action;

(iii) The proposed site plan;

(iv) The street address, or other easily understood geographical reference, for the subject property;

(v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;

(vi) A list of the approval criteria by name and code section;

(vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;

(viii) A brief summary of the decision making process for the application;

(ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;

(x) A statement that comments received after the close of the public comment period will not be considered;
(xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;

(xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and

(xiii) The name and contact information for the staff case manager.

(2) Posted Notice. Posted notice shall be provided, when required, as follows:

(A) The applicant shall post notice on the subject property no earlier than 14 and no later than 10 days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than 5 days after the date of original posting. The affidavit shall be made a part of the file.

(B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.

(C) Posted notice shall be on signs prepared by the Planning Administrator.

(D) To replace signs that are lost or damaged to the extent they can no longer be reused, the Planning Administrator shall establish a refundable sign deposit fee required for each sign, to be paid by the applicant at the time signs are issued to the applicant.

(E) The applicant shall remove the signs from the subject property and return them to the Planning Administrator within 7 days after the date the decision is issued. The Planning Administrator shall refund the sign deposit fee if the sign is returned within the required seven days, in an undamaged and reusable condition.
(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 5 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) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;

(D) Any group or individual who submitted written comments during the comment period;

(E) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;

(F) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and

(G) 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 City Council pursuant to SRC 300.1050, the decision by the Planning Administrator 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 300.100-2. Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City 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 or a Class 2 adjustment, notice of the appeal shall be provided to the City 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
City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

(B) The decision on a Class I adjustment is not subject to Council review. The decision of the Review authority is the final decision of the City.

(4) Appeal of the City’s final decision is to the Oregon Land Use Board of Appeals.

(g) Expiration of Approval. Approval of a Type II application expires automatically as provided by SRC 300.860(a).

Section 134. SRC 532.015 is amended to read as follows:

532.015. Uses, Generally.

(a) Classification of Uses.

(1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:
(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
(B) The date of the decision; and
(C) A description of the decision made.

(b) Use Categories.

(1) Residential.

(A) Characteristics. Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.
(B) Examples. Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

(A) Characteristics. A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
(B) Examples. Assisted living.

(3) Retail Sales and Service.

(A) Characteristics. Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.
(B) Examples. Retail Sales and Service permitted activities include the following activities:

   (i) Retail Sales-Oriented. Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing,
dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, 
groceries, hardware and home improvements, household products, 
jewelry, pets, pet food, pharmaceuticals, plants, printed material, 
stationery, or video. 

(ii) Personal Service-Oriented. Banks; urgent medical care; 
laundromats; photographic studios; photocopy and blueprint services; 
hair, tanning, and personal care services; business, martial arts, and other 
trade schools; dance or music studios; and veterinarians and animal 
grooming. 

(iii) Entertainment-Oriented. Restaurants, cafes, delicatessens, taverns, 
and bars; health clubs and gyms; membership clubs, lodges, and 
temporary lodging establishments with five or fewer guest rooms. 

(iv) Product Repair or Service Oriented. Repair of TVs, bicycles, 
clocks, watches, shoes, guns, appliances and office equipment; quick 
printing; tailors; locksmiths; and upholsterers. 

(4) Office. 

(A) Characteristics. Office consists of uses conducted in an office setting 
and generally involves business, professional, medical, or financial services. 

(B) Examples. Lawyers; accountants; engineers; architects; lenders; 
brokerage houses; bank headquarters; real estate agents; data processing; sales 
ofices; medical and dental clinics; and medical and dental laboratories. 

(5) Institutional. 

(A) Characteristics. Institutional consists of activities of a public, nonprofit, 
or charitable nature generally providing a local service to people of the 
community. Generally, institutional provides the service on the site or has 
employees at the site on a regular basis. The service is ongoing, and not just 
for special events. 

(B) Examples. Daycare, preschools, and nursery schools; adult daycare; 
public and private schools and colleges; senior centers; community centers; 
religious institutions; libraries; postal services; transit shelters; fire stations,
police stations and other structures providing necessary municipal services.

(6) Parks and Open Space.

(A) Characteristics. Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) Examples. Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) Public Utilities.

(A) Characteristics. Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) Examples. Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities.

(8) Wireless Communications Facilities.

(A) Characteristics. Wireless Communications Facilities consist of unstaffed facilities for the transmission or reception of radio frequency signals for commercial wireless communications purposes, including, but not limited to, auxiliary support equipment; support towers or support structures, or utility structures used to achieve the necessary elevation for the antenna; transmission and reception cabling and devices; and all antennas or arrays.

(B) Examples. Wireless communications facilities antennas attached to support towers, buildings, and other structures; generators; cabinets; cables; wiring.
Section 135. SRC 532.020 is amended to read as follows:

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

### TABLE 532-1

NCMU ZONE USES WITH MASTER PLAN

<table>
<thead>
<tr>
<th>Use</th>
<th>Status Inside Core</th>
<th>Status Outside Core</th>
<th>Limitations &amp; Qualifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>N</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling (Townhouse)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>N</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>Residential Facility</td>
<td>P</td>
<td>N</td>
<td>Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.</td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility Use</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>P</td>
<td>C</td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service Use</td>
<td></td>
<td></td>
<td>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited.</td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>P</td>
<td>N</td>
<td>• Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;</td>
</tr>
</tbody>
</table>
### Parks and Open Space Use

- Vehicle services such as motor vehicle repair, gas station, or car wash;
- Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted;
- Taxidermists;
- Mortuaries;
- Kennels;
- Casinos;
- Temporary lodging establishments with more than 5 guest rooms;
- Recreational vehicle parks;
- Indoor firing ranges;
- Theaters greater than 5,000 square feet;
- Pool halls;
- Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Institutional Use</th>
<th>Parks and Open Space Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office</strong></td>
<td><strong>Institutional</strong></td>
<td><strong>Parks and Open Space</strong></td>
</tr>
<tr>
<td>Office</td>
<td>Institutional</td>
<td>Parks and Open Space</td>
</tr>
<tr>
<td>P</td>
<td>P/C</td>
<td>P</td>
</tr>
<tr>
<td>N</td>
<td>C</td>
<td>P</td>
</tr>
</tbody>
</table>

**Public Utilities Use**

Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use:

- Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.

### Wireless Communications Facilities Use

<table>
<thead>
<tr>
<th>Wireless Communications Facilities</th>
</tr>
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<tbody>
<tr>
<td>W</td>
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</table>

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### TABLE 532-2

**NCMU ZONE USES IN LIEU OF MASTER PLAN**

<table>
<thead>
<tr>
<th>Use</th>
<th>Status</th>
<th>Limitations &amp; Qualifications</th>
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</thead>
<tbody>
<tr>
<td>Residential Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Detached Dwelling</td>
<td>P</td>
<td>One single family dwelling, other than a manufactured home, per lot.</td>
</tr>
<tr>
<td>Residential Home</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>Single Family Attached Dwelling (Townhouse)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Manufactured Home</td>
<td>S</td>
<td>One manufactured home per lot.</td>
</tr>
<tr>
<td>Two Family Dwelling (Duplex)</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Multiple Family</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>Residential Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td>All other Residential Uses</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td><strong>Senior Care Facility Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Care Facility</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td><strong>Retail Sales and Service Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Sales and Service</td>
<td>N</td>
<td></td>
</tr>
</tbody>
</table>

Section 136. SRC 532.025 is amended to read as follows:

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Office Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td><strong>Institutional Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional</td>
<td>N</td>
<td></td>
</tr>
<tr>
<td><strong>Parks and Open Space Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks and Open Space</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td><strong>Public Utilities Use</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Utilities</td>
<td>P/C</td>
<td></td>
</tr>
<tr>
<td>Wireless Communications Facilities Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wireless Communications Facilities</td>
<td>W</td>
<td></td>
</tr>
<tr>
<td><strong>LEGEND</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 147 240); W – Wireless Communications Facilities Use (Subject to SRC Chapter 703); N – Prohibited Use.

**Section 137.** SRC 532.040 is amended to read as follows:

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

- (a) Signs SRC Chapter 900
- (b) Preservation of Trees and Vegetation SRC Chapter 68
- (c) Landslide Hazards SRC Chapter 69
- (d) Trees and Shrubs SRC Chapter 86
- (e) Home Occupations SRC Chapter 124
- (f) Wetlands SRC Chapter 126
(g) General Development Standards      SRC Chapter 130
(h) Accessory Structures               SRC Chapter 131
(i) Landscaping                       SRC Chapter 132
(j) Off-Street Parking, Loading, and Driveways SRC Chapter 133
(k) Flood Plain Overlay Zones          SRC Chapter 140
(l) Wireless Communications Facilities SRC Chapter 703

Section 138. Repeal. SRC 116.130, 118.340, 119.460, 143B.050, 144.030, 144.035, 146.035,
147.035, 148.180, 148.330, 149.035, 150.035, 151.035, 152.035, 153.035, 154.035, 155.035,
156.032, 157.035, 158.035, 159.035, 160.110, 160.120, 161.040, and 162.060 are repealed.

Section 139. Savings Clause. A prosecution or code enforcement action which is pending on
the effective date of this Ordinance and which arose from a violation of a section of the Salem
Revised Code repealed by this Ordinance, or a prosecution or code enforcement action which is
started within one year after the effective date of this Ordinance arising from a violation of a
section of the Salem Revised Code repealed by this Ordinance, shall be tried and determined
exactly as if the section or sections had not been repealed.

Section 140. Codification. In preparing this ordinance for publication and distribution, the City
Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
limitations, may:

(a) Renumber sections and parts of sections of the ordinance;
(b) Rearrange sections;
(c) Change reference numbers to agree with renumbered chapters, sections or other parts;
(d) Delete references to repealed sections;
(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 141. 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 the ordinance shall remain in full force and effect.

Section 142. 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).

PASSED by the City Council this _______ day of ____________________, 2014.

ATTEST:

City Recorder
Approved by City Attorney: ____________________

Checked by: P Cole

g:\group\Reg\council\2013\111813 wireless communications facilities src ch 703 ord 24-13 engrossed 2.doc
TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER

FROM: GLENN W. GROSS, DIRECTOR COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: SUPPLEMENTAL STAFF REPORT CONCERNING THE PROPOSED AMENDMENTS TO THE SALEM REVISED CODE (SRC) ESTABLISHING A NEW WIRELESS COMMUNICATIONS FACILITIES ORDINANCE (SRC CHAPTER 703), AMENDING AND SUPPLEMENTING EXISTING PROVISIONS FOR WIRELESS COMMUNICATIONS FACILITIES IN SRC CHAPTERS 116, 118, AND 119, AND MAKING CORRESPONDING AMENDMENTS TO THE APPLICABLE CHAPTERS IN THE ZONING CODE (TITLE X OF THE SRC)

ISSUE:

Estimated third party review fees for wireless communications facility applications.

RECOMMENDATION:

Information only.

SUMMARY:

The purpose of this report is to provide an estimate of the cost of third party review. The estimate ranges from $1,500 to $1,800.

BACKGROUND:

At the March 10, 2014 Council public hearing, Council received a supplemental report detailing amendments to section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13 that would implement Council's February 24, 2014 motion to change the minimum setback from 30 feet to 100 feet for new support towers abutting property zoned EFU, RA, RS, RD, RH, RM1, RM2, or CO. Councilor Clem moved that no action be taken on that night and that the public hearing be continued to March 24, 2014. Council approved the motion.

While discussing the motion to continue the hearing, Councilor Clem indicated that he intended to introduce a motion on March 24, 2014 to amend the proposed ordinance to make third party review mandatory for several applications.
After the meeting, Councilor Clem and Councilor Clausen asked staff to provide an estimate of the cost of third party review. Staff requested estimates from several firms that provide radio frequency engineering consulting services to municipalities.

FACTS AND FINDINGS:

At the March 10, 2014 Council meeting, Council received a supplemental report detailing amendments to section 703.070(b)(1) of Engrossed Ordinance Bill No. 24-13, and that staff report is incorporated herein by reference.

The following additional information is provided in response to questions asked by Councilors Clem and Clausen after the March 10, 2014 Council meeting.

Stephen S. Lockwood, P.E., Senior Electrical Engineer with Hatfield & Dawson Consulting Engineers in Seattle, estimated that the analysis would require approximately eight hours at $225 per hour, or $1,800.

Joe P. Blaschka, Jr., P.E., with ADCOMM Engineering Company in Bothell, Washington, estimated that the analysis would cost approximately $1,500.

Lisa Anderson-Ogilvie, AIC/Urban Planning Administrator

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