

COMMUNITY DEVELOPMENT DEPARTMENT

Neighborhood Enhancement Division

Guide to Salem Land Use Procedures

NEIGHBORHOOD ENHANCEMENT DIVISION

Guide to Salem Land Use Procedures

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Land Use Procedure Types

When a Land Use application is filed, it is determined to fall under one of these four procedure types. The process that the land use application follows is determined by its procedure type.

LAND USE PROCEDURE TYPES	Procedure Type	Decision Process	Decision Type	Process Description
	Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
	Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of decision is provided. A public hearing is not required unless the decision is appealed. The final decision of the City may be appealed to the Oregon Land Use Board of Appeals.
	Type III	Quasi-Judicial	Land Use	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. Opportunity for commentary is provided via public notice and during the public hearing process (required). The final decision of the City may be appealed to the Oregon Land Use Board of Appeals.
	Type IV	Quasi-Judicial	Land Use	The Type IV procedure is used for site-specific or policy-related 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, resulting in recommendation, and subsequent hearing taking final action.

Land Use Applications

The table below lists the various types of land use applications that are received by the City of Salem. For a more detailed explanation of a particular land use procedure, locate it on this chart, and refer to the procedure type diagrams which follow to determine the exact decision-making timeline and process.

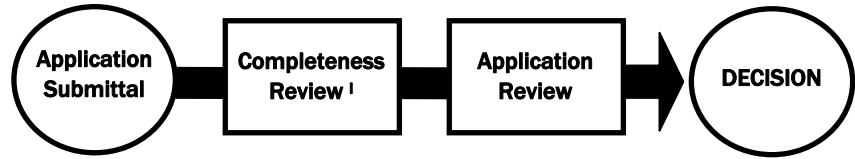
LAND USE APPLICATIONS BY PROCEDURE TYPE				Review Authority		Applicable Code Chapter(s)
	Application	Procedure Type	Pre-App. Required	Decision	Appeal	
	ADJUSTMENT	II	N	PA	HO	SRC 116
	ADMINISTRATIVE CONDITIONAL USE	II	N	PA	HO	SRC 116
	CODE INTERPRETATION	III	N	PC	CC	SRC 110
	COMPREHENSIVE PLAN CHANGE					
	-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	SRC 64
	-Minor Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 64
	CONDITIONAL USE	III	Y	HO	PC	SRC 117
	DESIGN REVIEW					
	-Administrative - Standards	I	Y	PA	-	SRC 120
	-Discretionary - Guidelines	III	Y	PC	CC	SRC 120
	FAIRVIEW MIXED-USE ZONE					
	-Fairview Plan	III	Y	PC	CC	SRC 143C
	-Fairview Plan Amendment – Minor	II	Y	PA	PC	SRC 143C
	-Fairview Plan Amendment – Major	III	Y	PC	CC	SRC 143C
	-Refinement Plan	III	Y	PC	CC	SRC 143C
	-Refinement Plan Amendment – Minor	II	Y	PA	PC	SRC 143C
	-Refinement Plan Amendment – Major	III	Y	PC	CC	SRC 143C
	FLOOD PLAIN OVERLAY ZONE					
	-Floodplain Development Permit	I	N	BO & PWD	-	SRC 140
	-Floodplain Overlay Zone Variance	III	N	HO	CC	SRC 140
	HISTORIC DESIGN REVIEW					
	-Administrative – Standards (Type I)	I	N	PA	HLC	SRC 120A
	-Administrative – Standards (Type II)	III	N	HLC	HO	SRC 120A
	-Discretionary – Guidelines (Type III)	III	N	HLC	HO	SRC 120A
	HISTORIC REVIEW					
	-Historic Resource Demolition	III	Y	HLC	CC	SRC 120A

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
-Historic Resource Designation / Historic Resource Designation Removal	IV	Y	HLC – Recommendation; CC – Decision	-	SRC 120A
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	SRC 123
MASTER PLAN	III	Y	PC	CC	
NEIGHBORHOOD PLANS					
-Neighborhood Plan Change (Applicant Initiated)	III	Y	PC	CC	SRC 64
-Neighborhood Plan Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 64
PARTITION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
PLANNED UNIT DEVELOPMENT					
-Tentative Plan	III	Y	PC	CC	SRC 121
-Tentative Plan w/ Subdivision	III	Y	PC	CC	SRC 121
-Final Plan	I	N	PA	-	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	SRC 63
REPLAT	II	N	PA	PC	SRC 63
SIGNS					
-Sign Permit	I	N	CDD	-	SRC 62
-Sign Conditional Use Permit	III	N	HO	PC	SRC 62
-Sign Variance	III	N	HO	PC	SRC 62
SITE PLAN REVIEW					
-Type I Limited	I	N	PA	-	SRC 163
-Type I	I	N	PA	-	SRC 163
-Type II	II	N	PA	HO	SRC 163
SPECIFIC CONDITIONAL USE	III	Y	HO	PC	SRC 118
SUBDIVISION					
-Tentative Plan	II	N	PA	PC	SRC 63
-Final Plat	Exempt	N	PA	-	SRC 63
-Subdivision of Manufactured Dwelling Park	II	N	PA	PC	SRC 63
TREE & VEGETATION REMOVAL					
-Tree Conservation Plan	I	N	PA	-	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	SRC 68

Application	Procedure Type	Pre-App. Required	Review Authority		Applicable Code Chapter(s)
			Decision	Appeal	
-Hardship Variance	II	N	PA	HO	SRC 68
-Economical Use Variance	II	N	PA	HO	SRC 68
URBAN GROWTH MANAGEMENT					
-Urban Service Area Amendment	IV	N	CC	-	SRC 66
-UGA Development Permit Preliminary Declaration	II	N	PA	CC	SRC 66
-UGA Development Permit	I	N	PWD	-	SRC 66
VALIDATION OF UNITS OF LAND	III	Y	HO	PC	SRC 63
VARIANCE	III	Y	HO	PC	SRC 115
WILLAMETTE GREENWAY					
-Greenway Development Permit – Outside Compatibility Review Boundary	II	N	PA	HO	SRC 141
-Greenway Development Permit – Inside Compatibility Review Boundary	III	Y	HO	PC	SRC 141
ZONE CHANGE					
-Zone Change (Applicant Initiated)	III	Y	HO	PC	SRC 113
-Zone Change (City Initiated)	IV	N	PC – Recommendation; CC – Decision	-	SRC 113
ZONE CHANGE W/ COMPREHENSIVE PLAN CHANGE	III	Y	PC	CC	SRC 113; SRC 64
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					

Procedure Type I

PROCEDURE
TYPE I



I Completeness review conducted within 30 days of application submittal.

Public Notice and Comment Period - Public notice and opportunity for comment is not provided for Type I applications.

Notice of Decision - Except in the case of Type I Administrative Historic Design Review, notice of the decision for Type I applications are only mailed to the applicant.

Notice of the decision on a Historic Design Review application is mailed to the applicant, the owner of the subject property, any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property, and property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property.

Appeal and Review - Except in the case of Administrative Historic Design Review, the decision on a Type I application is the final decision, may not be appealed, is not subject to City Council review, and shall become effective on the date when written notice of the decision is mailed to the applicant.

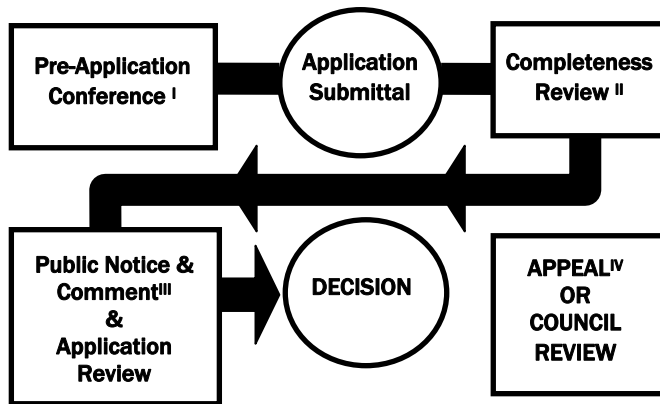
The decision on a Type I Administrative Historic Design Review application may be appealed to the Historic Landmarks Commission. Only the applicant, the owner of the subject property, or any person entitled to notice of the decision have standing to appeal the decision on a Type I Administrative Historic Design Review application. The decision of the Historic Landmarks Commission on appeal of a Type I Administrative Historic Design Review application is the final decision of the City. The decision shall become effective on the date when written notice of the decision is mailed to the persons entitled to notice of the decision.

Expiration - Approval of a Type I application does not expire, unless otherwise provided in the Salem Revised Code.

Procedure Type II

PROCEDURE
TYPE II

Type II applications are administrative in nature, and involve land use actions governed by approval criteria and standards which require the exercise of limited discretion. Impacts on nearby properties associated with the land use action may require imposition of conditions of approval to minimize those impacts or to ensure compliance with the Salem Revised Code. A Type II application is an administrative review process where the Review Authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision. The Type II process is below:



- I Pre-application conferences required for applications noted in the table on pages 2-4
- II Completeness review conducted within 30 days of application submittal.
- III Comment period is open 14 days after notice is mailed
- IV Appeal period of 15 days from decision mailing date.

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. Notice is also posted on the subject property for Subdivisions, Administrative Conditional Uses, and Manufactured Dwelling Park Permits. All Type II applications include a comment period of fourteen days from the date notice is mailed.

The notice of the application is mailed within ten days after the application is deemed complete to the applicant(s) and/or the applicant's authorized representative(s); the owner(s) or contract purchaser(s) of record of the subject property; any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; property owners of record, as shown on the most recent property tax assessment roll, within two hundred fifty (250) feet of the subject property; any governmental agency which is entitled to notice by law or under an intergovernmental

agreement with the City; and any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

Application Review - The Review Authority (see chart on pages 2-4 to determine which Review Authority) will 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 cannot be considered.

Decision - The Review Authority will 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 will 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.

Notice of Decision - Notice of the decision will be mailed within five days after the decision is signed to those who received the original notice of application, as well as others who submitted written comments during the comment period.

Appeal and Council Review - Unless appealed, or review is initiated by the City Council, a Type II approval becomes effective on the date when written notice of the decision is mailed.

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.

The Review Authorities for appeals are identified in the table on pages 2-4.

Upon receipt of an appeal of a Type II Site Plan Review decision, notice of the appeal will be provided to the City Council at its next regular meeting. The Council may assume jurisdiction for review. If the City Council does not assume jurisdiction, then the decision of the Review Authority is the final decision of the City.

NOTE: The decision on a zoning adjustment is not subject to Council review. The decision of the Review Authority is the final decision of the City.

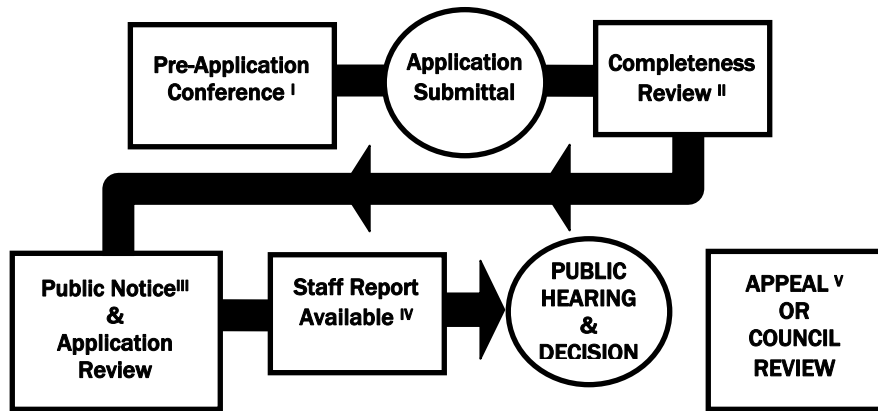
Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

Expiration of Approval - Approval of a Type II application expires automatically after two years, with up to two two-year extensions allowed.

Procedure Type III

PROCEDURE
TYPE III

Type III applications are quasi-judicial in nature, and involve land use actions governed by criteria and standards that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with the Salem Revised Code and Salem Area Comprehensive Plan. A Type III application is a quasi-judicial review process where the Review Authority receives evidence and testimony, reviews the application for conformance with the applicable standards and approval criteria and issues a decision. The Type III application process is illustrated below:



- I Pre-application conferences required for applications identified on pages 2-4.
- II Completeness review conducted within 30 days of application submittal.
- III Notice is mailed at least 20 days prior to the public hearing
- IV Staff report available 7 days prior to public hearing.
- V Appeal period of 15 days from decision mailing date.

Public Notice. Public notice is required by mail and by posting on the subject property for Type III 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 to present evidence and testimony as part of the hearing process.

Notice is given to the Oregon Department of Land Conservation and Development a minimum of forty-five days prior to the first public hearing on the application. Notice is also mailed at least twenty days prior to the public hearing to the applicant(s) and/or authorized representative(s); the owner(s) or contract purchaser(s) of record of the subject property; any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property; any governmental agency entitled to notice by law or under an

intergovernmental agreement with the City; any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; the tenants of a manufactured home or mobile home park, for applications involving a Comprehensive Plan map change and/or Zone change affecting all or part of the manufactured home or mobile home park; all property owners within the historic district for Type II Administrative Historic Design Review applications within a historic district when the proposed project consists of either an addition that increases the gross square footage of the structure by more than fifty percent or new construction in the historic district; and all property owners within the historic district, for Type III Discretionary Historic Design Review applications within a historic district.

Application Review and Staff Report - Staff will review the application and written comments and evidence submitted prior to the public hearing and prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and making a recommendation to the Review Authority (see pages 2-4 for Review Authority). The staff report will be available to the public for review a minimum of seven days prior to the hearing.

Public Hearing - A public hearing shall be held before the Review Authority for the purpose of receiving evidence and testimony regarding the application. The Review Authority shall consider in its review the application, all evidence and testimony submitted for the record, and the recommendation of staff.

Decision - The Review Authority will 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 will be a written order.

Notice of Decision - Within seven days from the date the Review Authority adopts the written order, notice of the decision will be mailed to those who received the original notice of application, as well as others who submitted testimony for the record prior to the close of the public hearing.

Appeal and Council Review - Unless appealed, or review is initiated by the City Council, the decision on a Type III application becomes effective on the date when written notice of the decision is mailed to persons entitled to notice.

Only the applicant and persons who provided evidence or testimony prior to the close of the public hearing have standing to appeal a Type III application.

The Review Authorities for appeals are identified in the table on pages 2-4. Except in the case of a Type II Administrative Historic Design Review or Type III Discretionary Historic Design Review application, the decision of the Review Authority on appeal, or, if review is initiated by the City Council, the City Council on review, will be the final decision of the City.

The decision on a Type II Administrative Historic Design Review or Type III Discretionary Historic Design Review application is not subject to Council review. The decision of the Review Authority is the final decision of the City.

Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

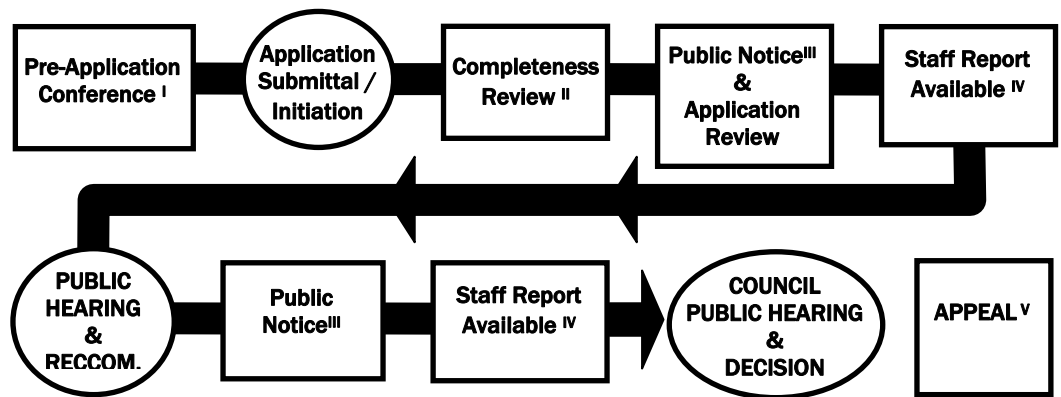
Expiration of Approval - Approval of a Type III application expires automatically after two years, with up to two two-year extensions allowed.

Procedure Type IV

PROCEDURE
TYPE IV

Type IV applications are quasi-judicial in nature, and involve land use actions governed by criteria that require the use of discretion and judgment. Type IV applications may be applicant-initiated or city-initiated. The Type IV application procedure is a quasi-judicial review process where Historic Landmarks Commission or Planning Commission makes recommendation to the City Council for final decision. The Type IV application process is illustrated below.

Type IV Procedure



- I Pre-application conferences required for applications identified under Table 300.100-2. Does not apply to City initiated applications.
- II Completeness review conducted within 30 days of application submittal. Does not apply to City initiated applications.
- III For City-initiated applications, initial notice is mailed 20-40 days prior to the hearing; for applicant-initiated applications, initial notice is mailed at least 20 days prior to the hearing. Final notice is mailed at least 10 days prior to the Council hearing.
- IV Staff report available 7 days prior to public hearing.
- V Appeal to the Oregon Land Use Board of Appeals. Appeal period of 21 days from decision mailing date.

Public Notice - Public notice is required for Type IV applications. The purpose of this notice is to provide property owners in the area and other interested parties with the opportunity to participate in the public hearing process through the submission of written and oral testimony. Because Type IV applications require evidentiary public hearings before the initial Review Authority and before the City Council, public notice is required for each hearing. Public notice will be both mailed and posted on the subject property. (Notice to the Oregon Department of Land Conservation and Development is also required for certain Type IV applications, pursuant to ORS 197.610.)

Notice – Notice is required to be posted on the subject property, and to be mailed as follows:

City-Initiated Applications - When a Type IV application is City-initiated, the City will mail notice of the initial evidentiary hearing 20-40 days prior to the hearing. The City will mail notice of the final hearing a minimum of ten days prior to the hearing. Notices of both public hearings are mailed to: the owner(s) or contract purchaser(s) of record of the subject property; any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property; any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; the tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park; any group or individual who submitted testimony for the record prior to the close of initial public hearing; and any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the City Council.

Applicant-Initiated Applications. When a Type IV application is applicant-initiated, the City will mail notice of the initial evidentiary hearing at least 20 days prior to the hearing. The City will mail notice of the final public hearing at least ten days prior to the hearing. Notice of both public hearings are mailed to: the applicant(s) and/or authorized representative(s); the owner(s) or contract purchaser(s) of record of the subject property; any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property; property owners of record, as shown on the most recent property tax assessment roll, within two hundred and fifty feet of the subject property; any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; the tenants of a manufactured home or mobile home park for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park; any group or individual who submitted testimony for the record prior to the close of initial public hearing; and any group or individual who requested notice of the initial decision of the Review Authority making recommendation to the City Council.

Application Review and Staff Report - Staff will review the application and written comments and evidence submitted prior to each public hearing and prepare staff reports summarizing the application, comments received to-date, and the relevant issues associated with the application, and making a recommendation to the Review Authority. The staff reports will be made available to the public for review a minimum of seven days prior to each public hearing.

Public Hearings - An initial evidentiary public hearing will be held before the applicable Review Authority in order for the Review Authority to receive evidence and testimony on the application and to forward a recommendation to the City Council. A final public hearing will be held before the City Council in order for the Council to receive additional evidence and testimony and the recommendations of the Review Authority and staff and to make a final decision on the application.

Recommendation - Subsequent to the close of the initial public hearing, the Review Authority will make a recommendation to approve, approve with conditions, or deny the application, based upon the facts contained in the record and according to the applicable standards and criteria. The recommendation of the Review Authority will be a written order.

Notice of Recommendation - Within seven days of the date the Review Authority adopts its written order, notice of the recommendation will be mailed to those who received the original notice of application, as well as others who submitted testimony for the record prior to the close of the public hearing.

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

Notice of Decision - Notice of the decision will be mailed within seven days from the date the City Council adopts its written order.

Appeals - The decision of the City Council on a Type IV application becomes the City's final decision on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Appeals of Type IV applications are to the Oregon Land Use Board of Appeals.

Expiration of Approval - Approval of a Type IV application does not expire.

Definitions and Terms

General Information

GENERAL
INFORMATION

Statewide Goals and Guidelines; Administrative Rules

The Oregon Land Conservation and Development Commission (LCDC) and Oregon Department of Land Conservation and Development (DLCD) enforce and administer the statutory requirements for local land use planning. These requirements are set out in a series of 19 statewide land use planning goals, which are in turn implemented by Oregon Administrative Rules.

Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan fulfills State rules which require cities to have an overall long-range land use plan. It is the primary planning document guiding land use patterns in Salem, providing for a full range of land uses, such as open space, residential, commercial, industrial, and community services. Where acknowledged by LCDC as complying with state requirements, the Comprehensive Plan and implementing ordinances, rather than state requirements, apply to local land use decision making. Most changes to the plan are made by the Planning Commission, with an optional appeal to City Council; although major plan changes are made by both the Planning Commission and City Council. Changes to certain “regional policies” identified in the plan are subject to review and approval by the neighboring jurisdictions of Marion County, Polk County, and the City of Keizer. The plan must go through a formal review and approval process with the Land Conservation and Development Commission (LCDC). The zoning code, subdivision code and other ordinances provide the detailed regulations to carry out Comprehensive Plan policy.

Glossary of Terms

GLOSSARY OF
TERMS

120 Day Rule

According to State of Oregon Land Use Law (ORS 227.178), most Type II, III, and City-initiated Type IV applications (except Comprehensive Plan Changes) must be completed from application to final decision, including appeal, within 120 days.

Adjustment

Adjustments allow for minor deviations from development standards in the Zoning Code. Fence standards (height, location, density), and deviations up to 20 percent of other numeric development standards (except lot size) may be adjusted. An adjustment is used to modify the strict application of the Zoning Code regulations in those cases where such modification would satisfy the intent and purpose of Salem Zoning Code and not unreasonably impact surrounding existing or potential uses and development. See Salem Revised Code (SRC) Chapter 116.

Administrative Conditional Use

A conditional use is an activity which is basically similar to other uses permitted in the district, but because of the manner in which such use may be conducted, or the manner in which land and buildings might be developed to accommodate such use, a public hearing and review of the specific proposed use and the imposition of certain conditions, if necessary, will adapt the use to its location and neighborhood. Standard process for a Conditional Use Application is contained in SRC Chapter 117. The conditional use procedure also applies to enlarging, expanding or altering an existing conditional use.

Administrative/Ministerial Decision

An administrative, or ministerial, decision strictly determines whether criteria are met, and which does not require discretion in order to make the decision. These are considered Type I decisions which do not require public hearings or notification. Other types of land use decisions are quasi-judicial and legislative.

Building Official

The building official oversees the Building and Safety Division of the Community Development Department, and decisions related to construction plans review, inspection services and permitting; professional and police protective licensing; maintenance of multifamily-housing licensing; and other building and construction permits. For more information see the Building and Safety Division website.

City Council

Salem operates under the council-manager form of city government. The Mayor and the City Councilors are elected by the citizens and they develop the policies that will direct the operation of the city. The Mayor and Council hire the City Manager to implement their policy direction and actually manage the operations of the city. The City Charter provides the authority under which the City operates and outlines the roles of the Mayor, Council, and City Manager in Chapters I through V. Additional information will be found in the Salem Revised Codes and in the Council Rules.

City Council meetings are on the second and fourth Mondays of each month at 6:30 PM. The meetings are open to the public and are held in the City Council Chambers, Room 240, Vern Miller Civic Center, 555 Liberty St. SE. The annual Council Calendar shows all of the dates reserved for Council, Urban Renewal, and Housing Authority meetings for the current calendar year. The Meetings of Interest Calendar shows the actual time and location of each meeting.

Code Interpretation

The purpose of a formal interpretation is to clarify the intent of the City's zoning code and its application in particular circumstances; but not to vary or modify any clear and unambiguous provision, nor supplement the provisions by adding new restrictions, standards, or policies not apparent or necessarily implied within the code itself. The administrator, when he/she deems it appropriate, or any person, upon submitting an application, may request that the Planning Commission issue a formal code interpretation. Following the proper notification and hearings process, the Planning Commission may either 1) Issue a formal interpretation if it determines that such interpretation is within its ability and is not a legislative act; or 2) Refer the question to the council with any explanation it deems appropriate, or 3) recommend to the council appropriate revisions to this zoning code to resolve the question, or to revise or supplement a policy issue. See SRC 110.

Comprehensive Plan Change

The Salem Area Comprehensive Plan is Salem’s overall long-range land use plan. It guides land use patterns and development in Salem, and provides for a full range of land uses, such as open space, residential, commercial, industrial, and community services. It consists of two parts: the Comprehensive Plan Map, and Goals and Policies.

A **minor plan change** is a single proceeding for amendment to the comprehensive plan map affecting less than five privately and separately owned tax lots or an amendment consisting of a minor plan amendment to the comprehensive plan map, with or without a concurrent minor plan amendment to a neighborhood plan map, initiated by petition pursuant to SRC 64.100, and not affecting the Urban Growth Boundary

Conditional and Specific Conditional Uses

For each land use zoning district, in addition to the permitted uses, the Zone Code lists “conditional uses,” which, due to the characteristics of the particular uses, may be permitted only after a public hearing and approval by the Hearings Officer. Certain “specific conditional uses” (allowed only with certain non-variable standards and other necessary conditions) also require a public hearing before the Hearings Officer. The Hearings Officer may impose additional conditions necessary to, among other things, protect the public health, safety and welfare; to minimize any reasonable likely adverse affects of the proposed conditional use; and to implement the Comprehensive Plan goals and policies. Conditional Uses are addressed in SRC 117. Specific Conditional Uses are addressed in SRC 118.

Design Review

Development design standards and guidelines apply to projects located within multiple family zone districts, compact development overlay zones, specific downtown core areas, and north downtown planning districts.

Administrative - Standards - The City may approve projects that are in strict conformance with the design standards defined in the Development Design Handbook. The review process is nondiscretionary, and is comparable to the process for evaluating building permit applications. With the exception of a mandatory pre-application conference for non-historic design review, there are no additional “processes” or additional City decisions beyond applying the standards. If the project meets the standards, the city must approve the plans. And, like projects reviewed for conformity with building code standards, projects approved under this alternative are not considered land use decisions; there are no public notice or hearing requirements;

and the approved plans are not appealable to the State Land Use Board of Appeals (LUBA).

Discretionary - Guidelines - Some projects may not meet all the City's prescribed design standards. The applicant may choose to follow more general design guidelines and seek project approval from the City's Planning Commission. This process adds flexibility and involves City discretion for approval. Under this alternative, the project becomes a limited land use decision, appealable to LUBA.

Fairview Mixed Use Zone

The Fairview Mixed-Use (FMU) Zone implements the Salem Area Comprehensive Plan "Mixed-Use" land use designation in the Fairview area. SRC 143C provides details.

Final Plat

A Final Plat application is required to record partition, subdivision, planned unit development and replat proposals following tentative plan approval. The final plat includes a final survey map and other writing containing all the descriptions, locations, specifications, provisions and information concerning the partition, subdivision, planned unit development or replat. See SRC Chapter 63.

Flood Plain Overlay Zone

Floodplains for major waterways are shown on the official zoning maps as the Floodplain Overlay Zone, and have a particular set of regulations which pertain to land within this zone. Variances may be granted by the Hearings Officer to afford relief from a hardship affecting use and development of land which would be worked by strict application of the provisions of the Flood Plain Overlay Zone, but only as provided for in SRC 140.

A floodplain development permit is required to be obtained before construction, development, or change of use within any floodplain or area of special flood hazard defined under SRC 140.

Hearings Officer

The Hearings Officer is appointed by the City Council, and has authority to hear matters committed to the Hearings Officer by the Salem Revised Code, or referred to the Hearings Officer by the City Council. Hearings Officers must be members in good standing of the Oregon State Bar. They have the power to conduct quasi-judicial

hearings, to serve as the expedited land division referee, to administer oaths or affirmations, to serve as a special master and make findings of fact in matters referred by the City Council, to prepare a record of quasi-judicial proceedings, and to make findings of fact and conclusions of law in all quasi-judicial proceedings heard by the Hearings Officer.

Historic Design Review/Historic Review

Historic design review is applicable to new development, exterior alterations, and requests for demolition of existing structures designated as historic resources or located within one of Salem's four historic districts. The design approval falls under the Development Design Handbook, Section 5 – Historic Resources. Type I and Type II applications are administrative decisions and adhere to prescribed design standards. Type III applications are discretionary decisions and utilize design guidelines. The types of Historic Review are described below:

Type I: Review by Planning Administrator or designee - administrative, no public hearing. Applicable to projects that are limited in scope or minor alterations on the rear or interior side yard, not visible from the public right-of-way and no increase in building footprint or massing.

Type II: Review by the Historic Landmarks Commission (HLC) based upon the standards in the Development Design Handbook. Administrative decision with no public hearing. Applicable to projects that are limited in scope or minor alterations on the rear or interior side yard, not visible from the public right-of-way and no increase in building footprint or massing.

Type III: Review performed by the HLC based upon the guidelines in the Development Design Handbook. Discretionary decision with a public hearing, notice and opportunity for appeal. Applicable to projects that do not meet the criteria for a Type I or II review.

Historic Landmarks Commission

The Historic Landmarks Commission was established in 1986 with the City's adoption of a Historic Preservation Program. The Commission is made up of City residents who volunteer their time and professional expertise to review, designate, and encourage the preservation of historic resources, as well as providing review of certain development applications for conformance with the design review guidelines.

The Commission routinely meets on the fourth Thursday of each month at 5:30 p.m. in Council Chambers, Salem Civic Center. These meetings are open to the public and everyone is encouraged to attend.

To learn more about the Historic Landmarks Commission, meeting agenda, listed historic resources, alteration/design review, research, technical assistance, code requirements, etc., visit the Historic Landmarks Commission web page, and/or contact the staff liaison at 503-588-6173.

Land Use Application/Decision

Request to change the way that land is currently designated to be developed or used requires a land use application. Visit the searchable database of pending land use applications for information about specific cases. Visit the interactive maps and land use decisions list for information on land use decisions.

Legislative Land Use Decision

Legislative land use decisions seek to change current ordinances or laws related to land use in general. Salem legislative land use decisions must be enacted by an ordinance adopted by the City Council. Other types of land use decisions are administrative and quasi-judicial.

Limited Land Use Decision

A “Limited land use decision” is defined by Oregon Revised Statutes 197.015 as a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns either the approval or denial of a tentative subdivision or partition plan, or the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review. It does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

Manufactured Dwelling Park Permit

A Manufactured Dwelling Park Use Permit is required in order to establish, operate, allow to be occupied, expand or alter a manufactured dwelling park. The owner or operator of a manufactured dwelling park must also obtain this permit before establishing, operating or allowing it to be occupied.

Neighborhood Plan

A Neighborhood plan includes a neighborhood plan map and neighborhood policies plan which were initiated by a neighborhood organization, and has been adopted by the City Council as an element of the comprehensive plan for a specific neighborhood association area. There are currently nine neighborhoods which have adopted Neighborhood Plans (listed in SRC 64.220). The update or development of a neighborhood plan requires the assistance of the City's Planning Division, in order to make it consistent with the Salem Area Comprehensive Plan. Salem Revised Code Chapter 64 deals with Neighborhood Planning.

Oregon Department of Land Conservation and Development (DLCD)/Oregon Land Conservation and Development Commission (LCDC)

The Oregon Department of Land Conservation and Development (DLCD) and its advisory committee, the Land Conservation and Development Commission (LCDC), enforce and administer the statutory requirements for local land use planning. These requirements are set out in a series of 19 statewide land use planning goals, which are in turn implemented by Oregon Administrative Rules.

Oregon Land Use Board of Appeals (LUBA)

The Land Use Board of Appeals (LUBA) was created by legislation in 1979 (ORS Chapter 197) and has exclusive jurisdiction to review all governmental land use decisions, whether legislative or quasi-judicial in nature.

Partition

The act of dividing a parcel of land to create two or three new lots or tracts. Tentative approval of a partition must be followed by a final plat to finalize and record the division of land. See SRC 63.

Planned Unit Developments

A Planned Unit Development (PUD) is a development of residential lands under regulations that allow for more flexibility than a conventional subdivision for such standards as lot size, setbacks, and internal streets. PUD standards allow for the preservation of natural features in large open space areas, with dwelling units clustered together, as opposed to uniform size lots and full street widths required in standard, single-family, detached housing subdivisions. PUDs may also include a mix of housing

types, such as “townhouse” style dwellings that share common walls, clusters of detached dwellings and conventionally spaced dwellings. Tentative approval of a planned unit development must be followed by a final planned unit development plat to finalize and record the division of land. See SRC 121.

Planning Administrator

The Planning Administrator is the lead Planning Division staff, and reports to the Community Development Director. The Planning Administrator is the Review Authority for several Type I and Type II land use decisions. Planning Administrator can be reached at 503-588-6173.

Planning Commission

The Salem Planning Commission acts as an advisory commission to the City Council with a broad scope of concern in promoting the growth and orderly development of the city of Salem. Meetings are held the first and third Tuesday of each month at 5:30 p.m. The Planning Commission is the primary Review Authority for several Type III and IV land use decisions, and hears appeals for many Type II and III decisions. Planning Commission agendas, minutes, and other information is available online.

Pre-Application Conference

The purpose of a pre-application conference is to advise and inform applicants of the procedural and substantive requirements of a land use review. A pre-application conference is required for all Type III land use reviews prior to submittal of the application. Optional pre-application conferences are also available to discuss projects that entail a lower review process (Type I and II) or for projects that do not require a land use review (such as a building permit review).

Property Line Adjustment

A Property Line Adjustment can be applied to adjust a common property line between two abutting units of land. Property Line Adjustments shall not be used to create an additional unit of land, and may not reduce an existing unit of land below the minimum size allowed under the Zoning Code. See SRC 63.

Property Boundary Verification

To use property lines for building setback purposes for lots defined under SRC 111.130(g), a property owner/developer may use the Property Boundary Verification process to establish outside boundaries for parcels and lots when the affected units of land are under one ownership. See SRC 63.

Quasi-Judicial Decision

A quasi-judicial decision applies current laws and ordinances to a specific land use case. There are special rules pertaining to City Council review of quasi-judicial decisions (Council Rule 19(b)). Other types of land use decisions are legislative and administrative.

Replat

A Replat is required to consolidate or reconfigure lots or parcels and public utility easements within a recorded partition or subdivision plat. See SRC 63.

Sign Variance

The development standards imposed under the sign code cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as general standards applicable to most situations. If an applicant chooses to appeal the sign inspector's decision, a sign variance may be applied for to the Hearings Officer. The purpose of a sign variance is to provide flexibility, adaptability, and reasonableness in the application and administration of the sign code where special conditions exist. The Sign Code can be found in SRC 62.

Site Plan Review

Site Plan Review is a land use application required with most new building permits (except single family and duplex residential construction). The site plan review process (See SRC Chapter 163) allows City staff to review new development proposals for compliance with City development standards such as setbacks, bufferyards, off-street parking, landscaping, and utilities. Other issues reviewed by staff include traffic impact on surrounding streets, and parking lot layout and safety. A building permit cannot be issued until the related site plan review is approved. Site plan review may take place prior to building permit review or concurrent with building permit review. There are two different types of site plan review:

Type I Site Plan Review (non-discretionary review) is for development proposals which only involve the clear and objective standards of the Salem Revised Code (SRC), and meet all such clear and objective standards. Type I reviews are not land use decisions under state statute. As such, type I decisions do not involve any public notification and are processed with the building permit application. If the site plan meets the clear and objective standards, then the City must approve the type I application.

Type II Site Plan Review (discretionary review) is required for development which requires the use of staff discretion in reviewing the site plan. Because discretion is involved, type II reviews meet the definition of a limited land use decision, or land use decision under state statute. Type II site plan review involves public notice, an administrative decision, and an opportunity for appeal. Neighborhood Associations are invited to comment on all type II site plan review applications. Like other land use actions, comments on type II site plan review cases must pertain to the criteria for type II review, which are found in SRC 163.070.

Examples of common discretionary issues which require a type II site plan review include new developments which will generate enough new vehicle trips per day to require a Traffic Impact Analysis (TIA), or developments proposing not to dedicate the full amount of public right of way required by the Salem Transportation System Plan for fronting streets. Other common discretionary issues that may require a type II review include, but are not limited to: driveway location, traffic vision clearance, interpretation of bufferyard requirements, or geologic assessment requirements. SRC 163.020 further outlines applicability for type II site plan review.

Subdivision

The act of dividing a parcel of land to create four or more new lots or tracts. Tentative approval of a subdivision must be followed by a final plat to finalize and record the division of land. Subdivision proposals often include internal street systems. See SRC 63.

Tree and Vegetation Removal/Conservation

The City of Salem Trees and Vegetation Preservation Ordinance (SRC Chapter 68).provides protection of heritage trees, significant trees, trees in riparian corridors and native vegetation in riparian corridors, as natural resources of the City, and increases the tree canopy over time by requiring tree retention and planting of trees in the residential areas of the City.

No person shall remove a heritage tree unless the tree has been determined to be hazardous by a certified arborist and the City Council has rescinded the heritage tree designation. A heritage tree is defined to be a tree designated as such due to its location, size, age, botanical interest, commemorative planting, or historic significance.

Significant trees are defined as rare, threatened or endangered trees of any size and Oregon white oaks with a diameter at breast height of 24 inches or greater. Significant trees may not be removed unless the removal is excepted for certain activities, the tree is determined to be hazardous, or by the granting of a variance.

Trees and native vegetation in riparian corridors are protected. The riparian corridor boundary is measured 50 feet horizontally from the top of the bank on each side of a creek, stream or river within the Salem city limits which flows year round, with the exception of the Willamette River. A 75-foot riparian corridor is required for the Willamette River. No trees or native vegetation may be removed from riparian corridors unless the removal is allowed by an administrative exception or removal permit, a tree conservation plan or permitted by a variance.

Urban Growth Management

Urban Growth Area (UGA) Development Permit

Prior to subdivision plat approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, a developer must first obtain an Urban Growth Area Preliminary Declaration, and then a Development Permit if the development is within the Urban Growth Area. The Development Review Committee, composed of city management staff appointed by the City Manager from the departments of Public Works, Fire, and/or Community Development, makes the decision of whether to approve an Urban Growth Area Development Permit. The permit includes a declaration of public facilities required to serve the area and detailed specification of, and construction assurances for, such facilities.

Urban Service Area

An Urban Service Area is meant to be a continuous ten-year supply of developable land serviced with facilities such as water and sewer that is maintained to avoid unnecessary increases in land prices created by artificial shortages of land.

Validation of Units of Land

Validation of Units of Land is a rarely used land use process, which was established to implement Chapter 866 Oregon Laws 2007, whereby persons may obtain validation of units of land that are not lawfully established. This process only applies to a lot, parcel or tract of land that was created by a sale that did not comply, but could have complied, with the criteria that were applicable to the creation of the unit of land at the time of sale. This process may only be used to validate those units of land that were created, but not lawfully established, on or before January 1, 2007. See SRC 63.150.

Variance (Excluding Signs)

The purpose of a variance is to vary or modify the strict application of the Zone Code Regulations in land development situations where practical difficulties or unnecessary hardships, among other conditions, exist. The Hearings Officer may grant a variance from any of the development standards imposed by the Zone Code on a piece of property. Examples of development standards include: lot area, lot width, percentage of lot coverage, height of structure, location, yards, landscaping, parking and loading space, and vision clearance. No variance can be granted to allow a use not otherwise permitted in a zone. See SRC 115.

Willamette Greenway

Greenway Development Permit review is to ensure that all proposed changes to a site within the Willamette River Greenway are consistent with the Greenway Plan, the Willamette Greenway Riparian Buffer Enhancement Guide, all other applicable standards of SRC 141, and where applicable, stormwater runoff water quality standards adopted and administered by the City of Salem Public Works Department. To insure that the proposed intensification, development, or change of use complies with the Greenway Plan and the purposes set forth in SRC 141.010, additional conditions may be imposed to preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

Zone Change

A zone change is a reclassification of a specific area from one zoning designation to another, or the zoning classification of property that is newly annexed. A zone change may be initiated by the City Council, the Planning Commission, or application of a property owner. When initiated by the City Council or Planning Commission, the zone change must be shown to be in the general public interest or achieve a governmental purpose. A zone change request initiated by an application may be filed by the property

owner or his/her agent, the purchaser, or the renter (the latter three must include written consent by the owner). Zone change applications filed by private individuals must give the reasons for the request, including any proposed land use and development, and must justify the request. Factors considered in evaluating applicant-initiated zone changes include compliance with the Comprehensive Plan and zoning code, the existence of a mistake, a change in patterns or conditions of the neighborhood, the effect of the proposal on the neighborhood, and factors relating to health, safety and general welfare.

If the zone change does not require a change in the Salem Area Comprehensive Plan, such as a change from Residential Agriculture (RA) to Residential-Single Family (RS), it is heard by the Hearings Officer. Often the Hearings Officer will grant the zone change with conditions necessary to make uses permitted in the new zone compatible and harmonious with surrounding uses and zoning districts.

Zone Change with a Minor Comprehensive Plan Change

Zone changes which affect the broader land use classification of a parcel of land as it is designated in the Salem Area Comprehensive Plan, such as changes from Residential-Multifamily (RM) to Commercial Retail (CR), require a change in the Comprehensive Plan. These types of zone changes are heard before the Planning Commission.

FOR MORE INFORMATION

By Phone: 503-588-6173

Community Development/Planning Division staff can answer questions about a specific development or land use process.

Online: www.cityofsalem.net. Resources available online include:

- a searchable database of land use applications and their status,
- Salem Revised Code text,
- the Salem Comprehensive Plan,
- interactive maps of pending and past land use decisions,
- meeting agendas,
- other information about current items of interest.