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118.010. APPLICATION AND SCOPE OF CHAPTER. The specific conditional uses set forth in this chapter shall be reviewed by the hearings officer. Where a use set forth in this chapter is listed as a permitted use in a particular zone, the provisions of this chapter shall not apply, and the use may be established without any further review or approval. The minimum standards and conditions set forth in this chapter may be supplemented by the hearings officer with other standards as allowed for conditional uses, generally, under SRC Chapter 117. (Ord No. 62-96)

118.020. through 118.090. Reserved for Expansion.

SOLID WASTE DISPOSAL SITE

118.100. SOLID WASTE DISPOSAL SITES. Solid waste disposal sites as defined in SRC 118.110 are specific conditional uses in the PS zone, and shall be developed and operated in compliance with SRC 118.100 to 118.160, together with any other conditions imposed on the conditional use approval.

118.110. DEFINITIONS. As used in SRC 118.100 to 118.160:

- (a) "Dispose" or "disposal" means accumulation, storage, collection, or interment of solid wastes.
- (b) "Solid wastes" means all lumber, tile, bricks, concrete rubble, siding, roofing, asphalt, structural metal work, plaster and gypsum board, mortar stones, concrete blocks, pipe, plumbing fixtures, electrical wiring and fixtures, and shredded or split tires. Such term does not include leaves, prunings and grass clippings, household appliances, machinery, motor vehicles or their parts other than shredded or split tires, or any putrescible substance; nor does such term include any item collected or stored for reuse or sale in any form.
- (c) "Solid waste disposal site" means land used for disposal of solid waste.

118.120. MINIMUM STANDARDS. The following minimum standards shall apply to the operation of any solid waste disposal site.

- (a) **Bufferyards, screening and landscaping.** Bufferyards, screening and landscaping shall be provided as required in SRC Chapter 132, EXCEPT that all sites shall be screened from all adjacent streets and all adjacent property by a sight-obscuring fence or wall of not less than seven feet in height.
- (b) **Access roads.** All access to the site shall be by a route or routes approved by the director of public works.
- (c) **Nuisance.** If for any reason materials are blown or noxious odors are given off from the solid waste disposal site, the owner or developer must cover or remove the offensive materials within 24 hours of a notice from the building official.
- (d) **Drainage.** The applicant shall provide a drainage system approved by the director of public works. (Ord No. 89-92)

118.130. RECLAMATION PLAN REQUIRED. A plan for the reclamation of the site which, at a minimum, satisfies the requirements of SRC 118.140 shall be submitted with

an application for conditional use approval for a solid waste disposal site. Compliance with an approved reclamation plan shall be a condition of every such approval.

118.140. SITE RECLAMATION STANDARDS. (a) The owner or operator of the disposal site shall be responsible for the eventual site reclamation as described in the approved reclamation plan. Upon voluntary closure of the site for additional solid waste disposal, or cessation of active operation for more than six consecutive months, the owner or operator shall have three years to complete reclamation of the site as described in the approved reclamation plan, all other conditions of the permit, and this section. In the event the owner or operator does not comply after written notice and a reasonable period set by council, the council may cause the required work to be done and the cost thereof, if not paid by the owner, operator, or surety, to be assessed as a lien against the property as provided for dangerous buildings in SRC 56.390.

(b) A condition of an approved reclamation plan shall be the removal of all buildings, equipment, apparatus, and appurtenances used in the operation and not designated for other lawful use in the approved reclamation plan.

(c) All excavations shall be backfilled and rough graded for the uses shown on the approved reclamation plan.

(d) Topsoil shall be replaced to sufficient depth to allow landscaping material to be installed except on the site of buildings which are approved as part of the reclamation plan.

(e) The owner or operator shall, after complying with subsections (c) and (d) of this section, file with the building official a site plan showing the location of subsurface areas where solid wastes are interred, and the type and depth of in-place fill material and ground cover.

118.150. BOND OR SECURITY DEPOSIT. As a condition of the conditional use approval the applicant shall file with the city recorder a bond or security deposit in a form approved by the city attorney, conditioned upon the faithful performance of the approved reclamation plan, and in an amount set by the commission at least equal to the estimated cost of completion of the reclamation work.

118.160. FAILURE TO MAINTAIN COMPLIANCE. The operator of a solid waste disposal site under conditional use approval shall continuously operate and maintain the site within the terms and conditions set forth in SRC 118.100 to 118.160 and the conditional use approval.

CHILD DAY CARE CENTERS

118.170. CHILD DAY CARE CENTERS. Where permitted as a specific conditional use in a residential zone, child day care centers shall be developed and operated in compliance with SRC 118.170 to 118.180 together with any other conditions imposed on the conditional use approval. Notwithstanding SRC 112.040, non-conforming residential structures shall not be extended, altered, or expanded to accommodate more than 30 children. (Ord. No. 17-88)

118.180. DEVELOPMENT STANDARDS. (a) Non-variable standards. The following minimum standards shall apply to the operation of any child day care center. The

applicant has the burden of proof in demonstrating compliance, and failure to meet non-variable standards shall constitute grounds for denial of the specific conditional use permit.

(1) Centers in residential structures. No more than 30 children may be accommodated by any child day care center in a residential structure at any time. Off-street parking shall be provided according to the following schedule:

Children	Off-Street Parking Spaces
13-18	2
19-26	3
27-30	4

(2) Centers in all structures.

A. Lot size. Lot size shall meet the requirements of the zoning district in which the use is situated.

B. Off-street loading. One space per 25 children.

C. Street access. No alley only access shall be permitted.

D. Street location. In a residential zone, no day care center shall be located along any dead end or cul de sac street on which a day care center is currently operating. In any case, the boundary of a parcel or lot containing a day care center in any structure shall be separated from the boundary of any other parcel or lot containing a day care center by not less than 400 feet or 800 feet measured along the shortest street traveled distance, whichever is greater.

(b) General standards. The following development standards shall apply unless otherwise modified upon a showing by the applicant that the proposal as modified complies with the comprehensive plan; that there is a public need for the modification, and that reasonably likely adverse consequences of the proposed use and development to the immediate neighborhood are reasonably minimized. Failure to meet a general standard whose modification is not justified shall constitute grounds for denial of the specific conditional use permit.

(1) Off-street parking requirements, nonresidential structures. Provision of off-street parking for day care centers in nonresidential structures shall be as required by SRC Chapter 133.

(2) Street location. Child day care centers shall be located only on arterials and collectors designated on the Functional Highway Classification Map of the Salem-Keizer Areawide Transportation Plan.

(3) Screening. Outdoor play areas along common property lines with residential uses shall be screened with not less than a 6 foot high sight obscuring fence, wall, or hedge. (Ord. No. 17-88)

118.190. NURSING AND PERSONAL CARE AND RESIDENTIAL CARE FACILITIES. Where permitted as a specific conditional use, nursing and personal care (SIC 805) and residential care facilities (SIC 836), excluding homes for single families of handicapped individuals, shall be developed and operated in compliance with the following development standards:

(a) **Lot coverage.** Not more than 40 percent.

(b) **Yards.** Front yard, 20 foot minimum. Side and rear yard, 20 foot minimum.

(c) **Off-street parking.** No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines. No required off-street parking shall be permitted in the required yard adjacent to a street except on driveways.

(d) **Landscaping.** All lot area not lawfully developed for buildings, structures, parking, loading or driveways, shall be landscaped as provided in SRC Chapter 132.

(e) **Screening.** Parking areas shall be screened from adjacent uses, except abutting streets, by a sight-obscuring fence, wall or hedge.

(f) **Non-Variable Development Standards.** Nursing and personal care and residential care facilities located in an RA or RS district and serving 6 and not more than 40 clients shall meet the following non-variable standards:

(1) The care facility shall have street frontage on an arterial or collector street designated in the Salem Transportation System Plan;

(2) The lot shall have a minimum frontage of 100 feet on one street, either an arterial or a collector, with a minimum lot area of 12,000 square feet;

(3) The care facility shall be screened from any abutting lot zoned or used for residential purposes. (Ord No. 2-93; Ord No. 91-99)

SURFACE MINING

118.200. SURFACE MINING; INTENT AND PURPOSE. Surface mining sites are permitted as specific conditional uses in an IG or II district when a permit issued by the Oregon Department of Geology and Mineral Resources pursuant to ORS 517.750 to 517.900 would otherwise be required. The purpose of SRC 118.200 to 118.240 is to implement the legislative policy expressed in ORS 517.760 and the goals and policies relating to mineral resource extraction expressed in the comprehensive plan; and to provide for regulations on the operation and reclamation of mined lands subject to approval by the Oregon Department of Geology and mineral resources pursuant to subsection (2) of ORS 517.780. (Ord. No. 48-89)

118.210. DEFINITIONS; ADOPTION BY REFERENCE. As used in SRC 118.200 to 118.240, the words and phrases defined in ORS 517.750 and OAR 632-30-010 shall have the meanings set forth therein.

118.220. RECLAMATION PLAN REQUIRED; OTHER CONDITIONS. A plan for reclamation of the surface mining site which, at a minimum, satisfies the requirements of OAR 632-30-025 (except that the word "commission" shall replace the word "department" as used therein) shall be submitted with an application for conditional use approval for a surface mining operation. In addition to conditions as to the reclamation of the site, the commission may impose any condition as to conduct of the surface mining operation otherwise permitted under SRC 116.030. Compliance with an approved rehabilitation plan as well as any other conditions as to conduct of the surface mining operation, shall be a condition of every such conditional use approval.

118.230. BOND OR SECURITY DEPOSIT REQUIRED. As a condition of the conditional use approval, the applicant shall file with the city recorder a bond or security deposit in a form approved by the city attorney, conditioned upon the faithful performance of the

approved reclamation plan, and in an amount set by the commission at least equal to the estimated cost of completion of the reclamation work, but not more than \$500 per acre.

118.240. FAILURE TO MAINTAIN COMPLIANCE. (a) The operator of a surface mining under conditional use approval shall continuously operate and maintain the site within the terms and conditions set forth in SRC 118.200 to 118.240 and the conditional use approval.

(b) In the event of any of the conditions described in paragraphs (a) to (d) of (2) of ORS 517.860 (the period of time mentioned in paragraph (a) of such subsection being the compliance period specified in a written notice from the building official to correct deficiencies), the council may cause the required work to be done and the cost thereof, if not paid by the owner, operator, or surety, to be assessed as a lien against the property as provided for dangerous buildings in SRC 56.390.

118.250. through 118.290. Reserved for Expansion.

HISTORIC, ETC., BUILDINGS

118.300. HISTORICALLY AND ARCHITECTURALLY SIGNIFICANT BUILDINGS AND STRUCTURES; INTENT AND PURPOSE. (a) Certain limited commercial uses in historically or architecturally significant buildings and structures are conditional uses in all residential districts and in the CO district. The intent and purpose of SRC 118.300-118.330 is to allow these conditional uses in such historically or architecturally significant buildings and structures in order to preserve these buildings or structures, where other uses would not be economically practical, and where a zone change would be inappropriate.

(b) In determining whether or not a proposed limited commercial use shall be permitted as a conditional use pursuant to SRC 118.300-118.330, the following factors shall be considered:

(1) To preserve the residential integrity of historic districts, the use of residential structures located within a residential historic district for any other use is discouraged.

(2) To avoid the adverse impact and disruption caused by commercial uses in residential neighborhoods, commercial uses should not be permitted in the interior of an RS or RD zone.

(3) The structure must be on or abutting an arterial or collector street.

(4) Adequate parking for the proposed use is available with visual and acoustic screening.

(5) The proposed use will not otherwise have a substantial adverse impact on public health, safety, and welfare.

(6) The building or structure will not be structurally expanded. (Ord No. 8-95; Ord No. 4-2003)

118.310. USES PERMITTED. Under conditional use approval for a historically or architecturally significant building or structure, the following uses may be permitted singly or in combination as the hearings officer may deem appropriate:

(a) **Additional dwelling units:**

(1) RS - maximum of four units;

(2) RD - maximum of four units;

- (b) **Telephone answering service;**
- (c) **Professional offices:**
 - (1) Accounting services (SIC 8721);
 - (2) Artists;
 - (3) Engineering, architectural, and surveying services (SIC 871);
 - (4) Legal services (SIC 81);
 - (5) Offices of physicians (SIC 801), dentists (SIC 802), osteopathic physicians (SIC 803), and other health practitioners (SIC 804).
- (d) **Retail:**
 - (1) Used merchandise store (SIC 5931);
 - (2) Men's and Boys' Clothing and Accessory Stores (SIC 561);
 - (3) Women's ready-to-wear stores (SIC 562);
 - (4) Women's accessory and specialty stores (SIC 563);
 - (5) Children's and Infants' Wear Stores (SIC 564);
 - (6) Art gallery and framing shop;
- (e) **Services:**
 - (1) Interior decorating studio;
 - (2) Child day care services (SIC 835);
 - (3) Residential care (SIC 836).
- (f) **Other office, service, and retail uses** approved by the hearings officer as being substantially similar in traffic generation, noise generation, parking demand, hours of operation, and other similar factors relating to their compatibility with surrounding uses. (Ord No. 71-91; Ord No. 57-2000; Ord No. 4-2003)

118.320. CRITERIA FOR DESIGNATION OF BUILDING OR STRUCTURE. To qualify for a designation as a historically or architecturally significant building or structure for purposes of SRC 118.300 to 118.330, the building or structure must either:

- (a) Be designated as an individually-listed historic resource, or as a historic contributing or historic non-contributing building or structure in a district listed in the "National Register of Historic Places" published by the United States Department of the Interior; or
- (b) Be previously designated as such pursuant to the former SRC 56.410 or 120A.020. (Ord No. 4-2003)

118.330. DEVELOPMENT STANDARDS. The following development standards shall apply to buildings and structures approved for a conditional use under SRC 118.300 to 118.330:

- (a) Exterior alterations shall be reviewed in accordance with SRC 120A.060.
- (b) Any sign identifying the use of the building or structure otherwise permitted by the Salem Sign Ordinance shall be limited to the minimum necessary for such identification. (Ord No. 8-95; Ord No. 4-2003)

WIRELESS COMMUNICATION FACILITIES

118.340 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 by the administrator under SRC 110.210, 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.

(6) 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. (Ord No. 82-96; Ord No. 4-97; Ord No. 4-2003)

OTHER USES

118.400. Repealed. (Repealed by Ord No. 16-2004)

118.410. OTHER USES. Where elsewhere designated in this zoning code as requiring specific conditional use approval, specific uses and development shall be reviewed by the commission pursuant to this chapter.

APPEAL OR REVIEW

118.500. APPEAL OR REVIEW. Any party to the hearings officer action on a specific conditional use approval may appeal the decision to the planning commission within 15 days of the decision. Alternatively, the city council may review the decision pursuant to SRC 114.210. (Ord No. 62-96)