

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

LAND USE
PROCEDURE
TYPES

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

Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	The 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. The final decision of the City may be appealed to the Oregon Land Use Board of Appeals.
Type II	Administrative	Limited Land Use	The 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. 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. Public notice, opportunity to comment, and a public hearing are required. The decision may be appealed. 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 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, opportunity to comment, and public hearings are required for both the initial hearing making recommendation and the subsequent hearing taking final action. The final decision of the City may be appealed to the Oregon Land Use Board of Appeals.

Land Use Applications

LAND USE
APPLICATIONS
BY PROCEDURE
TYPE

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						
Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ADJUSTMENT						
Class 1 Adjustment	II	N	PA	HO	N	SRC 250
Class 2 Adjustment	II	Y	PA	HO	Y	SRC 250
AIRPORT OVERLAY ZONE HEIGHT VARIANCE						
COMPREHENSIVE PLAN MAP AMENDMENT (MINOR)	III	Y	PC	CC	Y	SRC 64
CONDITIONAL USE						
DESIGN REVIEW	III	Y	HO	PC	Y	SRC 240
DESIGN REVIEW						
Class 1 Design Review	I	Y	PA	-	N	SRC 225
Class 2 Design Review	II	Y	PA	PC	N	SRC 225
Class 3 Design Review	III	Y	PC	CC	Y	SRC 225
FAIRVIEW MIXED-USE ZONE						
Fairview Plan	III	Y	PC	CC	Y	SRC 530
Fairview Plan Amendment (Minor)	II	Y	PA	PC	Y	SRC 530
Fairview Plan Amendment (Major)	III	Y	PC	CC	Y	SRC 530
Refinement Plan	III	Y	PC	CC	Y	SRC 530
Refinement Plan Amendment (Minor)	II	Y	PA	PC	Y	SRC 530
Refinement Plan Amendment (Major)	III	Y	PC	CC	Y	SRC 530
FLOOD PLAIN OVERLAY ZONE						
Floodplain Development Permit	I	N	BO & PWD	-	N	SRC 601
Class 1 Floodplain Overlay Zone Variance	III	N	HO	CC	Y	SRC 601
Class 2 Floodplain Overlay Zone Variance	III	N	HO	CC	Y	SRC 601
HISTORIC REVIEW						
Minor Historic Design Review	I	N	PA	HLC	N	SRC 230
Major Historic Design Review	III	N	HLC	HO	N	SRC 230

Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
Major Historic Design Review – New Construction	III	N	HLC	HO	Y	SRC 230
Historic Resource Adaptive Reuse	III	N	HO	PC	Y	SRC 230
Historic Resource Demolition	III	N	HLC	CC	Y	SRC 230
Local Historic Resource Designation	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
Class 1 Local Historic Resource Designation Removal	I	N	PA	-	N	SRC 230
Class 2 Local Historic Resource Designation Removal	IV	N	HLC – Recommendation; CC – Decision	-	N	SRC 230
LANDSLIDE HAZARD CONSTRUCTION PERMIT	I	N	PWD	HO	N	SRC 810
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	Y	SRC 235
NEIGHBORHOOD CENTER MASTER PLAN						
Class 1 NCMP	III	Y	PC	CC	Y	SRC 215
Class 2 NCMP	III	Y	PC	CC	Y	SRC 215
Class 2 NCMP Detailed Plan (Subsequent Phases)	II	N	PA	PC	Y	SRC 215
Class 3 NCMP (First Subarea)	III	Y	PC	CC	Y	SRC 215
Class 3 NCMP (Subsequent Subareas)	III	Y	PC	CC	Y	SRC 215
NCMP Amendment (Minor)	II	N	PA	PC	Y	SRC 215
NCMP Amendment (Major)	III	N	PC	CC	Y	SRC 215
NEIGHBORHOOD PLAN MAP AMENDMENT	III	Y	PC	CC	Y	SRC 64
NONCONFORMING USE EXTENSION, ALTERATION, EXPANSION, or SUBSTITUTION	III	Y	HO	PC	Y	SRC 270
PARTITION						
Tentative Plan	II	N	PA	PC	Y	SRC 205
Final Plat	Exempt	N	PA	-	N	SRC 205
PLANNED UNIT DEVELOPMENT						
Tentative Plan	III	Y	PC	CC	Y	SRC 210
Final Plan	II	N	PA	-	N	SRC 210
PROPERTY LINE ADJUSTMENT	I	N	PA	-	N	SRC 205
PROPERTY BOUNDARY VERIFICATION	I	N	PA	-	N	SRC 205

Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
REPLAT						
Tentative Plan	II	N	PA	PC	Y	SRC 205
Final Plat	Exempt	N	PA	-	N	SRC 205
SIGNS						
Sign Permit	I	N	CDD	-	N	SRC 900
Sign Adjustment	II	N	CDD	-	N	SRC 900
Sign Conditional Use Permit	III	N	HO	PC	Y	SRC 900
Sign Variance	III	N	HO	PC	Y	SRC 900
SITE PLAN REVIEW						
Class 1 Site Plan Review	I	N	PA	-	N	SRC 220
Class 2 Site Plan Review	I	N	PA	-	N	SRC 220
Class 3 Site Plan Review	II	N	PA	HO	Y	SRC 220
SOUTH WATERFRONT MIXED-USE ZONE						
Development Phasing Plan	II	N	PA	HO	Y	SRC 531
SUBDIVISION						
Tentative Plan	II	N	PA	PC	Y	SRC 205
Phased Subdivision Tentative Plan	II	N	PA	PC	Y	SRC 205
Manufactured Dwelling Park Subdivision Tentative Plan	II	N	PA	PC	Y	SRC 205
Final Plat	Exempt	N	PA	-	N	SRC 205
TEMPORARY USE PERMIT						
Class 1 Temporary Use Permit	I	N	PA	-	N	SRC 701
Class 2 Temporary Use Permit	II	N	PA	HO	N	SRC 701
TREE & VEGETATION REMOVAL						
Tree Conservation Plan	I	N	PA	HO	N	SRC 808
Tree Conservation Plan Adjustment	I	N	PA	HO	N	SRC 808
Tree & Vegetation Removal Permit	I	N	PA	-	N	SRC 808
Tree Variance	II	N	PA	HO	Y	SRC 808
URBAN GROWTH MANAGEMENT						
Urban Service Area Amendment	IV	N	CC	-	N	SRC 200
Urban Growth Preliminary Declaration	II	N	PA	CC	Y	SRC 200
VALIDATION OF UNIT OF LAND	III	Y	HO	PC	Y	SRC 205
VARIANCE	III	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						

Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
Class 1 Greenway Development Permit	II	N	PA	HO	Y	SRC 600
Class 2 Greenway Development Permit	III	Y	HO	PC	Y	SRC 600
WIRELESS COMMUNICATION FACILITIES						
Temporary Siting Permit	I	N	PA	-	N	SRC 703
Class 1 Siting Permit	I	N	PA	-	N	SRC 703
Class 2 Siting Permit	II	N	PA	HO	Y	SRC 703
Class 3 Siting Permit	III	Y	HO	PC	Y	SRC 703
Wireless Communication Facilities Adjustment	II	N	PA	HO	Y	SRC 703
ZONE CHANGE (QUASI-JUDICIAL)	III	Y	HO	CC	Y	SRC 265

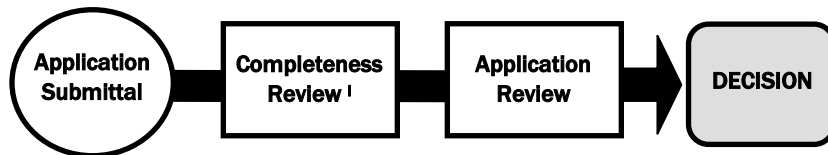
LEGEND

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

The Type I applications are ministerial in nature, and involve land use actions governed by clear and objective approval criteria and non-discretionary standards. A Type I application follows 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 I process is illustrated below.



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 Minor Historic Design Review, notice of the decision for Type I applications are only mailed to the applicant.

Notice of decision on a Minor 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 Minor Historic Design Review, Tree Conservation Plans and Tree Conservation Plan Adjustments, and Landslide Hazard Construction Permits, the decision on a Type I application is the final decision, may not be appealed, and is not subject to City Council review.

The decision on a Minor 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 Minor Historic Design Review application. The decision of the Historic Landmarks Commission on appeal of a Minor Historic Design Review application is the final decision of the City.

The decision on a Tree Conservation Plan, Tree Conservation Plan Adjustment, or Landslide Hazard Construction Permit may be appealed to the City's Hearings Officer. Only the applicant, or the owner of the subject property, has standing to appeal the

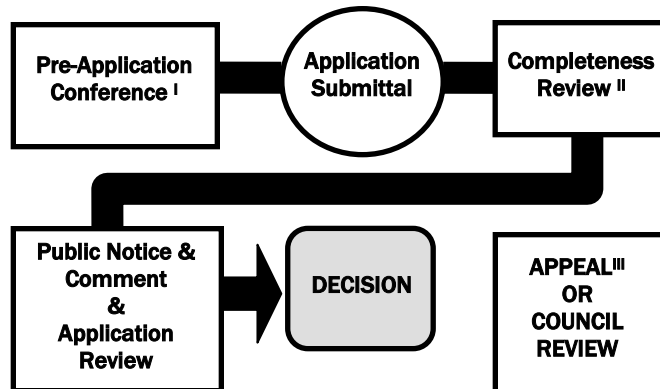
decision. The decision of the Hearings Officer on appeal is the final decision of the City.

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 illustrated below:



- I Pre-application conferences required for applications as noted in the table on pages 3-6.
- II Completeness review conducted within 30 days of application submittal.
- III 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 required to be posted on the subject property for Subdivisions, Class 2 Wireless Communication Facilities Siting Permits, Manufactured Dwelling Park Permits, and Class 1 Greenway Development Permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

The notice of the application is mailed within 10 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 3-6 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 5 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, the Review Authority's decision on a Type II application shall be the final decision of the City.

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 3-6.

Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or Class 2 Adjustment, 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 on appeal is the final decision of the City.

NOTE: The decision on a Class 1 Adjustment, Class 2 Design Review, Planned Unit Development (PUD) Final Plan, Sign Adjustment, or Class 2 Temporary Use Permit is not subject to Council review. The decision of the Review Authority, or the decision of the Review Authority on appeal, is the final decision of the City.

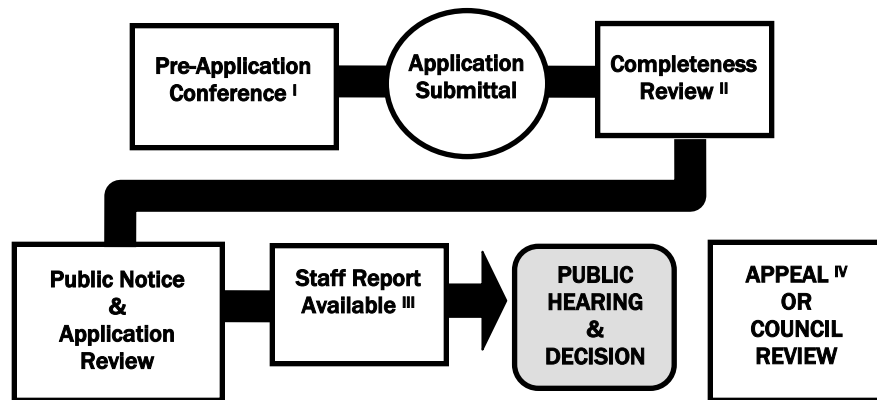
Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

Expiration of Approval - Approvals of Type II applications generally expire automatically after two years, unless development has commenced, and may generally receive up to two two-year extensions. Please refer to the section on Expiration and Extension of Approvals on pages 18 and 19 for a full listing of the applicable expiration periods for Type II applications.

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 process is illustrated below:



- I Pre-application conferences required for applications as noted in the table on pages 3-6.
- II Completeness review conducted within 30 days of application submittal.
- III Staff report available 7 days prior to public hearing.
- IV 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 mailed at least 20 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 Major Historic Design Review applications within a historic district and historic resource demolition applications.

In addition to the above notice, notice is also provided to the Oregon Department of Land Conservation and Development (DLCD) for certain Type III applications as required by State Law (ORS 197.610). Required notice to DLCD is provided a minimum of 35 days prior to the first public hearing on the application.

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 3-6 for Review Authority). The staff report will be available to the public for review a minimum of 7 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 7 days from the date the Review Authority adopts the written order, notice of the decision will be mailed to the applicant, the property owner, the City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property, anyone who submitted testimony for the record prior to the close of the public hearing, any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any community organizations, agencies, or individuals who submitted written requests for notice of the decision to the City.

Appeal and Council Review - Unless appealed, or review is initiated by the City Council, the decision on a Type III application shall be the final decision of the City.

NOTE: Except for new construction, as defined under SRC Chapter 230, the decision on a Major Historic Design Review application is not subject to City Council review. The decision on a Major Historic Design review application for new construction is subject to Council review.

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 3-6.

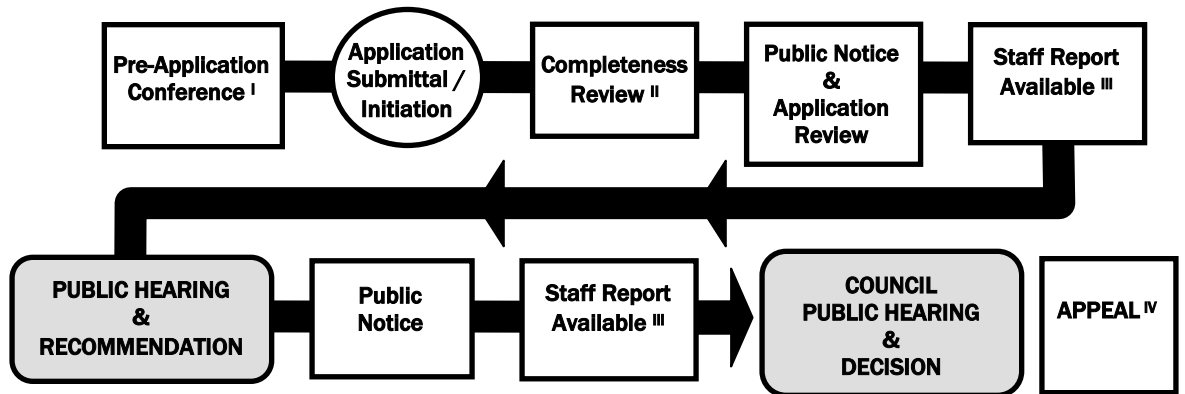
Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

Expiration of Approval - Approvals of Type III applications generally expire automatically after two years, unless development has commenced, and may generally receive up to two two-year extensions. Please refer to the section on Expiration and Extension of Approvals on pages 18 and 19 for a full listing of the applicable expiration periods for Type III applications.

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.



- I Pre-application conferences required for applications as noted in the table on pages 3-6. 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 Staff report available 7 days prior to public hearing.
- IV 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 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 a minimum of 20 days prior to the hearing. The City will mail notice of the final hearing a minimum of 10 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 a minimum of 20 days prior to the hearing. The City will mail notice of the final public hearing at least 10 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 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.

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 7 days prior to each public hearing.

Public Hearings - An initial evidentiary public hearing is held before the applicable Review Authority in order to receive evidence and testimony on the application and to forward a recommendation to the City Council. A final public hearing is then held before the City Council to receive additional evidence and testimony 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 7 days of the date the Review Authority adopts its written order, notice of the recommendation will be 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; any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; any community organizations, agencies, or individuals who submitted written requests for notice of the recommendation; and any group or individual 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 7 days from the date the City Council adopts its written order. Notice of the decision will be 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; any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; any community organizations, agencies, or individuals who submitted written requests for notice of the decision; any group or individual who submitted testimony for the record prior to the close of the public hearing; and the Oregon Department of Land Conservation and Development (DLCD) for decisions which required initial notice to the DLCD.

Appeals - The decision of the City Council on a Type IV application 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 - Approvals of Type IV applications do not expire.

Decision Effective Date

A decision on a land use application becomes effective as follows:

DECISION
EFFECTIVE
DATE

Decision Becomes Effective On:	
When No Appeal is Allowed	The day the decision is issued.
When Appeal is Allowed	The day after the appeal period expires, if no appeal is filed, or
	The day the decision is issued by the final appeal body, if an appeal is filed.
When Called-Up for Review by City Council	The day the decision is issued by the City Council.

Expiration & Extension of Approvals

EXPIRATION
& EXTENSION
OF
APPROVALS

Unless a different period of time is established in the code or in the decision, all approvals of land use actions shall expire automatically within the time periods set forth in the following table, unless development has commenced in compliance with the land use approval or an extension has been granted.

Where a decision involves work that requires a building permit, no exercise of the rights granted under the land use approval shall be deemed to have commenced until a building permit has been issued.

Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Type I				
Class 1 Design Review	2 Years	2	2 Years	
Minor Historic Design Review	2 Years	2	2 Years	
Sign Permit (Requiring Building Permit)	180 Days	1	90 Days	
Sign Permits (All Others)	90 Days	1	90 Days	
Class 1 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
Class 2 Site Plan Review				
All Other Type I	No Expiration Period	N/A	N/A	
Type II				
Partition Tentative Plan; Tentative Replat	2 Years	4	2 Years	
Subdivision Tentative Plan	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (First Phase)	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (All Other Phases)	10 Years	None	N/A	
Class 3 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs

Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
				later.
All Other Type II	2 Years	2	2 Years	
Type III				
Comprehensive Plan Map Amendment (Minor); Zone Change (Quasi-Judicial)	No Expiration Period	N/A	N/A	
Planned Unit Development Tentative Plan (with Land Division)	2 Years	4	2 Years	
All Other Type III	2 Years	2	2 Years	
Type IV				
All Type IV	No Expiration Period	N/A	N/A	
<p>1 The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal.</p> <p>2 The extension period is calculated from the date of expiration of the approval.</p>				

Extensions. Whenever a decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the additional periods of time identified in the table above, through filing an application for an extension prior to the expiration date of the approval. There are two types of extensions.

Class 1 Extension is an extension that applies to approvals where there have been no changes to the standards and criteria used to approve the original application. Class 1 Extensions follow a Type I procedure. No notice or opportunity to comment is provided.

Class 2 Extension is an extension that applies to approvals where there have been changes to the standards and criteria used to approve the original application, but such changes would not require modification of the original approval. Class 2 Extensions follow a Type II procedure which includes public notice, comment, and an opportunity to appeal the decision. Class 2 extensions are also reviewable by the City Council.

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 Salem Revised Code and other ordinances provide the detailed regulations to carry out Comprehensive Plan policy.

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 Map Amendments) must be completed, from application to final decision, including appeal, within 120 days.

Adjustments

Adjustments allow for deviation from the strict application of the development standards in the Unified Development Code (UDC) in those cases where such deviations satisfy, or otherwise equally or better meet, the purpose of the standard proposed for adjustment and will not unreasonably impact surrounding existing or potential uses and development. There are two types of Adjustments. A Class 1 Adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent. A Class 2 Adjustment is an adjustment to any development standard in the UDC other than a Class 1 Adjustment, including an adjustment to any numerical development in the UDC that increases or decreases the standard by more than 20 percent. See SRC Chapter 250 (Adjustments).

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.

Formal Interpretation

The purpose of a formal interpretation is to clarify ambiguous provisions in the City's Unified Development Code (UDC) and their 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 Director is authorized to issue formal interpretations. The Director may, however, in lieu of issuing a formal interpretation, refer the matter to the Hearings Officer who is authorized to make such interpretations.

Requests for formal interpretations must be submitted on forms provided by the Director. Appeals of formal interpretations made by the Director or the Hearings Officer may be appealed to, or called up for review by, the City Council. See SRC 110.075.

Comprehensive Plan Map Amendment

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. The Comprehensive Plan consists of several components identified under SRC 64.015. Two of these components are the Comprehensive Plan Map and the Comprehensive Policies Plan.

A **minor plan map amendment** is an amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances. Minor plan map amendments are quasi-judicial decisions that may be initiated by the City Council, the Planning Commission, or a property owner.

A **major plan map amendment** is any amendment to the Urban Growth Boundary; or an amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties. Major plan map amendments are legislative decisions that may only be initiated by the City Council.

Conditional Use

A conditional use is a use that is similar to other uses permitted outright in a zone and/or overlay zone, but because of the manner in which the use may be conducted, or the land or buildings developed, additional review is required to determine whether placement of conditions on the use is necessary to protect the public health, safety and

welfare; and minimize any reasonably likely adverse affects of the proposed use on the surrounding area. Conditional uses require a Conditional Use Permit, which requires public notice and a public hearing with the City’s Hearings Officer. See SRC Chapter 240 (Conditional Use)

Design Review

Development design standards and guidelines apply to projects located within specific overlay zones and to multiple family developments.

Administrative - Standards - The City may approve projects that are in strict conformance with the applicable design standards. 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 and the requisite site plan review approval, 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 the 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 Chapter 530 (Fairview Mixed-Use Zone) provides details.

Final Plat

A Final Plat 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 205 (Land Division and Reconfiguration).

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 Chapter 601 (Floodplain Overlay Zone).

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 Chapter 601.

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 SRC Chapter 230. Minor applications are administrative decisions and adhere to prescribed design standards. Major applications are discretionary decisions and utilize design guidelines. The types of Historic Review are described below:

Minor: 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.

Major: Review performed by the HLC based upon the guidelines in SRC Chapter 230. Discretionary decision with a public hearing, notice and opportunity for appeal. Applicable to projects that do not meet the criteria for a Minor 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 503-540-2397.

Land Use Application/Decision

Requests 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. 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. See SRC Chapter 235 (Manufactured Dwelling Parks).

Ministerial Decision

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

Neighborhood Plan

A Neighborhood Plan is a written plan embodying citizen desires on a broad range of concerns in a designated neighborhood. The purpose of a neighborhood plan is to provide detailed goals and policies for the designated neighborhood in a manner consistent with the Salem Area Comprehensive Plan. The neighborhood plan shall be the basis for any neighborhood association's recommendation to any city board, commission, or agency. The city board, commission or agency shall consider the neighborhood plan in making any decision or recommendation which would affect the designated neighborhood. The City Council may consider the neighborhood plan before making any final decision as to the acquisition, construction, or improvement of public facilities in the designated neighborhood. A list of the adopted neighborhood plans can be found in SRC Chapter 64.

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 Oregon 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 land to create not more than three parcels of land within a calendar year. Tentative approval of a partition must be followed by a final plat to finalize and record the division of land. See SRC Chapter 205 (Land Division and Reconfiguration).

Planned Unit Developments

A Planned Unit Development (PUD) is a development of land 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 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 the approval of a final planned unit development plan to finalize and record the development. If individual lots or parcels are to be created within a PUD, a subdivision or partition is required with the PUD. See SRC Chapter 210 (Planned Unit Development).

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. The 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 many 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 relocates or eliminates all or a portion of 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 Unified Development Code. See SRC Chapter 205 (Land Division and Reconfiguration).

Property Boundary Verification

A Property Boundary Verification is a method through which the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code. See SRC Chapter 205 (Land Division and Reconfiguration).

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 easements within a recorded partition or subdivision plat. See SRC Chapter 205 (Land Division and Reconfiguration).

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. See SRC Chapter 900 (Sign Code).

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 220) allows City staff to review new development proposals for compliance with City development standards such as setbacks, 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 three different types of site plan review:

Class 1 Site Plan Review is required for development proposals which involve a change of use or change of occupancy where only construction or improvements to the interior of a building or structure are required. Class 1 Site Plan Review is not a land use decision under state statute. As such, Class 1 Site Plan Review 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 of the Unified Development Code (UDC), then the City must approve the Class 1 Site Plan Review application.

Class 2 Site Plan Review is required for development proposals which only involve the clear and objective standards of the UDC, and meet all such clear and objective standards. Class 2 Site Plan Review is not a land use decision

under state statute. As such, Class 2 Site Plan Review 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 Class 2 Site Plan Review application.

Class 3 Site Plan Review is required for development which requires the use of staff discretion in reviewing the site plan. Because discretion is involved, Class 3 Site Plan Review meet the definition of a limited land use decision, or land use decision under state statute. Class 3 Site Plan Review involves public notice, an administrative decision, and an opportunity for appeal. Neighborhood Associations are invited to comment on all Class 3 Site Plan Review applications. Like other land use actions, comments on Class 3 Site Plan Review cases must pertain to the criteria for Class 3 Site Plan Review, which are found in SRC 220.005(f)(3).

Examples of common discretionary issues which require Class 3 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 Class 3 Site Plan Review include, but are not limited to: driveway location, traffic vision clearance, or geologic assessment requirements. SRC 220.005(b)(3) further outlines applicability for Class 3 Site Plan Review.

Subdivision

The act of dividing land into four or more lots within a calendar year. 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 Chapter 205 (Land Division and Reconfiguration).

Tree and Vegetation Removal/Conservation

The City of Salem Trees and Vegetation Preservation Ordinance (SRC Chapter 808) provides protection of heritage trees, significant trees, trees in riparian corridors, native vegetation in riparian corridors, and trees on lots or parcels 20,000 square feet or greater 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, the removal is approved in conjunction with a tree conservation plan that has demonstrated there are no reasonable design alternatives to enable preservation of the tree, or by the granting of a Tree 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 Preliminary Declaration

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 Preliminary Declaration if the development is within the Urban Growth Area. An approved Urban Growth Preliminary Declaration lists all required public facilities necessary to fully serve a proposed development, as well as their timing and phasing. The required public facilities must be constructed as conditions of any subsequent land use approval for the proposed development.

Urban Service Area and Urban Service Area Amendment

The Urban Service Area is that territory of the City where all required facilities are in place or fully committed, and designated as such pursuant to SRC 200.010. The Urban Service Area is meant to provide a continuous ten-year supply of developable land serviced with public facilities including water, sewer, stormwater facilities, streets, and parks that is maintained to avoid unnecessary increases in land prices created by artificial shortages of land. An Urban Service Area Amendment results in a change to the boundaries of the Urban Service Area. Areas of land proposed for addition to the Urban Service Area must have required facilities in place or fully committed.

Validation of Unit 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 make legal units of land that were 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 Chapter 205 (Land Division and Reconfiguration).

Variance (Excluding Signs)

The purpose of a variance is to vary or modify the strict application of Unified Development Code regulations in situations where practical difficulties or unnecessary hardships are created by the physical characteristics of the land. The Hearings Officer may grant a variance from any of the development standards imposed by the Unified Development Code on a piece of property, unless a variance to the standard is prohibited under SRC 245.005(a)(1). Examples of development standards include, but are not limited to: lot area, lot width, percentage of lot coverage, building height, setbacks, landscaping, and parking and loading spaces. No variance can be granted to allow a use not otherwise allowed in a zone. See SRC Chapter 205 (Variances).

Willamette Greenway

Greenway Development Permit review is required 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 Chapter 600 (Willamette Greenway), and where applicable, stormwater water quality standards adopted and administered by the City of Salem Public Works Department. To ensure that the proposed intensification, development, or change of use complies with the Greenway Plan and the purposes set forth in SRC 600.001, additional conditions may be imposed to preserve and enhance the natural, scenic, historic, and recreational qualities of the Willamette River Greenway.

There are two types of Willamette Greenway Development Permits:

Class 1 Greenway Development Permit is a permit for any intensification, development, or change of use occurring within the Willamette Greenway, but outside of the Compatibility Review Boundary. A Class 1 Greenway Development Permit is processed as a Type II procedure with public notice, comment, and an opportunity to appeal.

Class 2 Greenway Development Permit is a permit for any intensification, development, or change of use occurring inside the Compatibility Review Boundary. A Class 2 Greenway Development Permit is processed as a Type III procedure with public notice, comment, and public hearing with the City's Hearings Officer.

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. Criteria considered in evaluating applicant-initiated zone changes include compliance with the Comprehensive Plan and Unified Development Code, the existence of a mistake in the application of the zone to the property, changes in the economic, demographic, or physical character of the vicinity, whether the proposed zone is equally or better suited for the property than the existing zone, compliance with applicable Statewide Planning Goals, whether the property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed zone, and factors relating to health, safety and general welfare. See SRC Chapter 265 (Zone Changes).

If the zone change does not require a change in the Salem Area Comprehensive Plan Map, such as a change from Commercial Office (CO) to Commercial Retail (CR), it is heard by the Hearings Officer.

Zone Change with Minor Comprehensive Plan Map Amendment

Zone changes which affect the broader land use classification of property as it is designated on the Salem Area Comprehensive Plan Map, such as zone changes from Single Family Residential (RS) to Multiple Family Residential (RM-II), also require an amendment to the Comprehensive Plan Map. A zone change consolidated with a Minor Comprehensive Plan Map Amendment is heard by 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/planning.

Resources available online include:

- A searchable database of land use applications and their status;
- Resource guides on topics such as building a fence or shed, cutting a tree, etc;
- Salem Revised Code text;
- Salem Comprehensive Plan;
- Interactive maps of pending and past land use decisions;
- Meeting agendas; and
- Information about current projects and other items of interest.