



WIRELESS COMMUNICATION FACILITIES ADJUSTMENT

City of Salem Permit Application Center
City Hall, Room 320
503-588-6213
Website: www.cityofsalem.net/planning

PURPOSE

The purpose of a Wireless Communication Facilities Adjustment is to provide a process to allow deviations from the development standards of SRC Chapter 703 for wireless communication facilities. Adjustments provide flexibility to allow reasonable development of wireless communication facilities where a gap in coverage or capacity can only be filled through an adjustment or where an adjustment would minimize or eliminate negative impacts to surrounding properties or their uses.

Requirements pertaining to Wireless Communication Facilities Adjustments are contained in Salem Revised Code (SRC) Chapter [703.090](#).

PROCEDURE TYPE

An application for a Wireless Communication Facilities Adjustment is processed as a Type II procedure under SRC Chapter 300.

PROCESS

Most decisions are issued within 60 days of application submittal (*State Law requires the City to issue a decision within 120 days of the date the application is deemed complete*).

- Pre-Application Conference. A required pre-application conference is the first step in the Wireless Communication Facilities Adjustment process. Pre-application conference request forms are available at <https://www.cityofsalem.net/Pages/Request-a-pre-application-conference.aspx>;
- Applicant submits application (including all items in the attached checklist) following instructions at: <https://www.cityofsalem.net/Pages/land-use-applications.aspx>;
- Staff reviews application for completeness. If the application is not complete, the applicant will be notified as to what information is missing and allowed 180 days to submit the additional information;
- Applicant may track the status of their application online at the City of Salem permit tracking webpage: <https://permits.cityofsalem.net>;
- After all required information is submitted and the application is deemed complete, staff sends notice of application, indicating a public comment period of 14 days, to the applicant, property owner, neighborhood association, property owners within 250 ft., all addresses within 250 ft., all addresses on the subject property, and any active and duly incorporated Homeowner's Association (HOA) involving the subject property.
- The Planning Administrator issues a decision to grant or deny the application based upon whether the proposal meets the applicable criteria for a Wireless Communication Facilities Adjustment under SRC 703.090(d);
- Staff sends copy of decision (*noting 15-day appeal period*) to applicant, property owner, neighborhood association, and property owners within 250 feet;
- If no appeal is filed and City Council does not elect to review the decision, the Wireless Communication Facilities Adjustment decision becomes effective.

- **The associated building permit or franchise permit for the proposed facility will not be issued until the siting permit is approved.**

NOTE: This packet is supplemental to the Salem Revised Code (SRC). In the event of a conflict between a statement in this document and the SRC applicable to a particular development, the SRC shall apply. The full version of the SRC is available online at www.cityofsalem.net, under "Revised Codes".

APPLICATION CHECKLIST

An application for a Wireless Communication Facilities Adjustment shall contain the following:

- COMPLETED APPLICATION FORM.** The application may be submitted by one or more of the following persons: **(1)** The owner of the subject property; **(2)** The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent; **(3)** A lessee in possession of the property, when the application is accompanied by the owners' written consent; or **(4)** The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (1), (2) or (3), and accompanied by proof of the agent's authority. The application form must be signed by the applicant(s), property owner(s), and/or duly authorized representative(s). If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your land use application.
- APPLICATION FEE.** The application fee must be paid at the time of filing your application.
- RECORDED DEED/LAND SALES CONTRACT WITH LEGAL DESCRIPTION.** A copy of the recorded deed/land sales contract of the total contiguous ownership of the applicant must be submitted.
- PRE-APPLICATION CONFERENCE WRITTEN SUMMARY OR APPROVED WAIVER.** A required pre-application conference is the first step in the Wireless Communication Facilities Adjustment process. Pre-application conference request forms are available in the Permit Application Center.
- SITE PLAN.** The site plan must include all information necessary to establish satisfaction with the approval criteria. By way of example, but not limitation, such information may include the following:
 - Total site area, dimensions, and orientation relative to north;
 - Location of existing and proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance to such structures from property lines and adjacent on-site structures;
 - All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - Location of all trees and vegetation required to be protected pursuant to SRC Chapter 808;
 - Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps;
 - Description of the proposed siting's design and dimensions, as it would appear with and without the adjustment;
 - Elevations showing all components of the wireless communications facility, and its connection to utilities, as it would appear with and without the adjustment;
 - Color simulations of the wireless communications facility after construction demonstrating compatibility with the vicinity, as it would appear with and without the adjustment.

□ **WRITTEN STATEMENT.** A written statement shall be submitted describing the proposal and how it would meet the following approval criteria for a Wireless Communication Facilities Adjustment (SRC 703.090(d):

- The adjustment is consistent with the purpose of the development standard for which the adjustment is sought.
- Based on a visual analysis, the design minimizes the visual impacts to residential zones through mitigating measures, including, but not limited to, building heights, bulk, color, and landscaping.
- The owner demonstrates the existence of either of the following:

(A) Gap in Service.

- (i) A gap in the coverage or capacity of the service network exists such that users are regularly unable to connect to the service network, or are regularly unable to maintain a connection, or are unable to achieve reliable wireless coverage within a building;
- (ii) The gap can only be filled through an adjustment in one or more of the standards in this Chapter; and
- (iii) The adjustment is narrowly tailored to fill the service gap such that the wireless communications facility conforms to this Chapter's standards to the greatest extent possible.

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

- (i) A decrease in negative visual impacts, including, but not limited to, visual clutter;
- (ii) Better preservation of views or view corridors;
- (iii) A decrease in negative impacts on property values; or
- (iv) A decrease in any other identifiable negative impacts to the surrounding area's primary uses.