

On October 23, the Planning Commission will hold its first work session on a package of proposed changes to the City's zoning and development code known as the Unified Development Code.

The proposed changes address issues that have arisen since the last update in 2016. They include minor housekeeping amendments as well as policy-related changes that respond to concerns from the community and changes in State law.

The October 23rd work session will focus on a number of the proposed changes. Those changes include the following:

Streamlining Neighborhood Plan Adoption Process (SRC Chapter 64)

Sec. 64.300. - Neighborhood plans, generally.

- (a) 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.
- (b) 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 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.
- (c) Neighborhood plans should focus on a time span of at least ten years.
- (d) Neighborhood plans should be reviewed periodically.

~~Sec. 64.305. - Development of a neighborhood plan.~~

~~The development of a neighborhood plan for a designated neighborhood may be initiated by a recognized neighborhood association, or by the Planning Administrator, after obtaining concurrence from the recognized neighborhood association. The Planning Administrator may initiate the development of a neighborhood plan for any area of the City for which there is no neighborhood association, if authorized by the Council.~~

Sec. 64.510305. - Scope of neighborhood plan.

- (a) A neighborhood plan shall address each of the following elements:
 - (1) Land use;
 - (2) Transportation;
 - (3) Public facilities and services;
 - (4) Housing; and
 - (5) Parks, recreation, and open spaces.
- (b) A neighborhood plan may address other subjects of particular concern to the neighborhood, such as:
 - (1) Economic development;
 - (2) Social services;
 - (3) Environmental quality; and
 - (4) Urban design.
- (c) A neighborhood plan should include the following:
 - (1) Goals and policy statements;

- ~~(2) Generalized land use map;~~
- ~~(3)(2) Maps and diagrams that assist in showing the application of goal and policy statements; and~~
- ~~(4)(3) Recommendations as to any element addressed in the neighborhood plan.~~

Sec. 64.315. -- Timeframe and phasing.

- ~~(a) Neighborhood plans should focus on a time span of at least ten years.~~
- ~~(b) Within the time span of the neighborhood plan, the timing or phasing of specific applications of policies may depend upon the happening of future events, or may depend upon predicted growth over a particular time period. The neighborhood plan should specify the preconditions or timing of such policies and their application.~~
- ~~(c) Neighborhood plans should be reviewed periodically.~~

Sec. 64.320310. - Elements of neighborhood plan which may be adopted as part of the Salem Area Comprehensive Plan.

- (a) Only the goals and policy statements in a neighborhood plan and generalized land use map shall be considered for adoption as part of the Salem Area Comprehensive Plan. The goals, ~~and~~ policies ~~and generalized land use map~~ that are adopted shall be consistent with the Salem Area Comprehensive Plan and the statewide planning goals. ~~Specific recommendations as to land use or public improvements~~ Recommendations that are not consistent with the Salem Area Comprehensive Plan shall not be adopted as components of the Salem Area Comprehensive Plan, but may be adopted as Support Documents and may be considered in making ~~legislative~~ land use decisions affecting the designated neighborhood.
- (b) In the event of any conflict between an adopted neighborhood plan and the statewide planning goals, the Salem Area Comprehensive Plan, or the Salem Revised Code, the statewide planning goals, the Salem Area Comprehensive Plan, or the Salem Revised Code shall control.

Sec. 64.325315. - Process for development of neighborhood plans.

- (a) Property owners, residents, and businesses within the designated neighborhood shall be afforded maximum opportunity for involvement in all phases of the preparation of a neighborhood plan. ~~Notification of all general neighborhood and board meetings where the proposed neighborhood plan will be discussed, and notification of the process by which the neighborhood plan is being prepared shall be given by the neighborhood association.~~
- (b) Proposed neighborhood plans must be presented at a minimum of onetwo informational public ~~meetings~~ meeting. In addition to ~~these this~~ public ~~meeting~~ meeting, ~~the neighborhood association should use~~ other means should be used to obtain input and review of the neighborhood plan from property owners, residents, and businesses who would be directly affected by the proposed neighborhood plan.
- (c) The final draft neighborhood plan shall be adopted by resolution of the neighborhood association's governing board ~~and affirmed by vote of the membership~~ at a general or annual meeting. The neighborhood association shall submit the resolution to the Planning Administrator.
- (d) ~~The process for adoption of the neighborhood plan by the City is deemed initiated upon a filing of the resolution and a copy of the final draft neighborhood plan with the Planning Administrator.~~

Sec. 64.330320. -- Planning Commission action on neighborhood plans Adoption of Neighborhood Plans.

- ~~(a) The Planning Commission and official representatives of the neighborhood association shall hold a joint work session to exchange comments about the neighborhood plan, to identify any areas of potential disagreement, and to give the neighborhood association an opportunity to refine its plan. Such work session should be held within four weeks of the date the final draft neighborhood plan is filed with the Planning Administrator. At such work session, the neighborhood association shall demonstrate compliance with SRC 64.325. The adoption of a neighborhood plan is a Major Comprehensive Plan Amendment subject to~~

SRC 64.020. Major Comprehensive Plan Amendments are legislative land use decisions and are processed according to the Legislative Procedures set forth in SRC Chapter 300.

- ~~(b) Based upon the work session described in subsection (a) of this section, the neighborhood association shall, within 60 days after the work session, submit a Notice of Completion to the Planning Administrator, which shall include any additions, modifications, or deletions it wishes to make to the final draft neighborhood plan, or a statement that it wishes to make no changes.~~
- ~~(c) The Planning Commission shall hold a public hearing on the final draft neighborhood plan within 30 days following the submission of the notice of completion by the neighborhood association under subsection (b) of this section. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. The Planning Commission shall forward its recommendation concerning the neighborhood plan to the Council, within 30 days of the conclusion of its deliberations, unless the neighborhood association requests a further work session as provided in subsection (d) of this section.~~
- ~~(d) If, after the public hearing before the Planning Commission, the neighborhood association so requests, the Planning Commission shall schedule a further joint work session to be held for the purposes and in the manner specified in subsection (a) of this section. The request shall be made within seven days of the close of the public hearing, and the work session should be held within 30 days of the request. The neighborhood association shall proceed as provided in subsection (b) of this section. Within 30 days of receipt of the notice of completion, the Planning Administrator shall forward the final draft neighborhood plan, as modified, along with the Planning Commission's recommendations to the Council.~~

~~Sec. 64.335. - Council adoption of neighborhood plan.~~

~~The Council shall hold a public hearing on the final draft neighborhood plan within 120 days following receipt of the Planning Commission's recommendation from the Planning Administrator. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. Following public hearing, Council shall either recommend changes to the neighborhood plan or adopt such portions thereof it deems appropriate. If the Council recommends changes, the neighborhood association may either revise the neighborhood plan and resubmit it for adoption by the Council or it may notify the Council that it declines to amend its plan further, in which case the Council may adopt the plan as originally submitted or abandon the adoption process.~~

Definition of Subject Property for Mailed Notification Purposes (SRC Chapter 111)

Subject property means the real property that is the subject of any land use proceeding. For ~~notification~~ purposes of mailed notice, subject property includes not only the real property that is the subject of the land use proceeding for which notice is required, but also any contiguous property in which the applicant or owner holds a legal or equitable interest.

Relationship of Historic Design Review to other Design Review (Various Chapters)

Sec. 604.025. - Design review.

Design review under SRC chapter 225 is required for development within the Pine Street Mixed-Use Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 604.030 is required for all development within the Pine Street Mixed-Use Overlay Zone.
- (b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.

- (c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 604.030.
- (d) Residential care with three or more self-contained dwelling units shall only be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC chapter 702.
- (e) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC Chapter 230.

Massage Therapy Added List of Activities Under Outpatient Medical Services and Laboratories Use Category (SRC Chapter 400)

Sec. 400.065. - Health services.

Health services consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel. Except for medical and dental laboratories, which may have little direct contact with patients, patients typically come to the site to receive health and/or dental services from licensed professionals.

(b) **Outpatient medical services and laboratories.**

- (1) *Characteristics.* Outpatient medical services and laboratories are characterized by prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care professionals that are provided on an out-patient basis. Outpatient medical services and laboratories also include medical testing and analysis services. Patients generally do not spend more than 24 hours at a time. Emergency services are generally not provided, although urgent care may be included.
- (2) *Examples.* Blood banks; kidney dialysis centers; medical and dental laboratories; offices of doctors, nurses, physicians' assistants, dentists, chiropractors, massage therapists, optometrists, podiatrists, audiologists, dieticians, midwives, naturopaths, occupational and physical therapists, psychologists, psychiatrists, speech therapists, osteopathic doctors, and acupuncturists; orthotic and prosthetic services; outpatient drug or alcohol treatment clinics; outpatient urgent care facilities; rehabilitation centers.
- (3) *Exceptions.*
 - (A) Skilled nursing care facilities are included in group living: nursing care.
 - (B) Hospitals are included in health services: medical centers/hospitals.
 - (C) Cosmetology services are included in retail sales and service: personal services.
 - (D) Home health care services provided to individuals in their own homes is considered accessory to household living.

Growing of Recreational Marijuana Allowed as Conditional Use in the CG Zone (SRC Chapter 523)

Sec. 523.005. - Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

TABLE 523-1. USES		
Use	Status	Limitations & Qualifications
Farming, Forestry, and Animal Services		

Agriculture	N C	Marijuana production.
	P	All other agriculture.
Forestry	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	C	
Animal services	C	Wildlife rehabilitation facilities.
	P	All other animal services.

Post-Secondary and Adult Education Allowed as Permitted Use in the CO Zone (SRC Chapter 521)

Sec. 521.005. - Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CO zone are set forth in Table 521-1.

TABLE 521-1. USES		
Use	Status	Limitations & Qualifications
Education Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	N P	

Clarification of Setbacks Abutting I-5 & Alleys (SRC Chapter 800)

Sec. 800.020. - Designation of lot lines.

(d) Lot line adjacent to an interstate freeway or alley. The lot line adjacent to an interstate freeway or alley shall be considered either an interior side lot line or an interior rear lot line depending upon the dimensions and configuration of the lot.

Clarification of Setbacks Abutting Property Located Outside City (SRC Chapter 800)

Sec. 800.035. - Setbacks.

(c) Zone-to-zone setbacks abutting property outside City limits or Urban Growth Boundary.

(1) Property Located Outside City Limits. Where a zone-to-zone setback is required abutting a property located outside the City limits, the abutting zone for purposes of determining the required zone-to-zone setback shall be the property's equivalent City zone identified under SRC Chapter 260, Table 260-1, based on its comprehensive plan designation and zoning in the county.

(2) Property Located Outside UGB. Where a zone-to-zone setback is required abutting a property located outside the Urban Growth Boundary (UGB), the minimum setback for buildings, accessory structures, and vehicle use areas shall be 40 feet.

Correction of Interior Side Setback Requirement for Parking and Vehicle Use Areas in IC Zone (SRC Chapter 551)

Sec. 551.010. - Development standards.

Development within the IC zone must comply with the development standards set forth in this section.

(b) *Setbacks.* Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

TABLE 551-3. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Interior Side		
Vehicle Use Areas		
Single family and two family	Per SRC chapter 806	
Multiple family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807.
All <u>other</u> uses	Zone-to-zone setback (Table 551-4)	

Electric Fencing Around Outdoor Storage Areas in CG Zone (SRC Chapter 800)

Sec. 800.050. - Fences, walls, hedges, gates, and retaining walls.

(d) Hazardous Materials. Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:

(3) Electric fencing.

(A) Location. Electric fencing is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.

(B) Standards. Where allowed as set forth in this paragraph, electric fencing shall comply with the following additional standards:

- (i) Enclosure of Livestock. Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
- (ii) Outdoor Storage Areas for Non-Residential Uses within the CG Zone and Industrial Zones. Electric fencing around outdoor storage areas, including vehicle storage areas, for any non-residential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:

- (aa) The fence shall not exceed 10 feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of 6 feet in height.
- (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
- (cc) An electrical permit and inspection shall be obtained prior to installation.
- (dd) The electric fence shall be listed by a testing laboratory approved by the State of Oregon, and shall be installed and used in accordance with the testing laboratory listing.
- (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER – ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.
- (ff) Emergency Access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.