

## 2TITLE X

### UNIFIED DEVELOPMENT CODE

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**CHAPTER 110  
ADMINISTRATION**

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**110.001. Title.** Chapters 110 through 900 of the Salem Revised Code shall be known as the “Unified Development Code” or “UDC.” Unless the context otherwise specifically requires, references to “the code” in the Unified Development Code are references to other titles in the Salem Revised Code. (Ord No. 31-13)

**110.005. Authority.** The City of Salem Charter confers upon the City Council the authority to adopt all forms of regulations for the public health, safety and welfare, including those related to land use. Oregon Revised Statutes, including Chapters 92, 197, and 227, also provide authority for the adoption of regulations related to land use. (Ord No. 31-13)

**110.010. Purpose.** The purpose of the Unified Development Code is to implement the Salem Area Comprehensive Plan through a comprehensive land use and development code governing all land within the corporate limits of the City and establishing regulations to:

- (a) Promote and protect the health, safety, and general welfare of the public;

- (b) Provide for the orderly growth and development of the City;
- (c) Ensure an appropriate mix of land uses to provide for the economic and social benefits which result from the orderly, planned use of land;
- (d) Ensure the provision of adequate public facilities and services;
- (e) Allow for adequate open space;
- (f) Protect property from risks and dangers;
- (g) Preserve and restore historic resources; and
- (h) Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community. (Ord No. 31-13)

**110.015. Organization.** The UDC is organized under the following major sections:

(a) **General Administration (Division 100).** The “General Administration” chapters govern the overall administration and enforcement of the UDC and establish definitions for selected terms and methods of measurement under the UDC.

(b) **Land Use and Development Review (Division 200).** The “Land Use and Development Review” chapters govern the various types of land use and development review applications under the UDC. These chapters identify the specific submittal requirements, the applicable review procedure types, and the approval criteria for such applications.

(c) **Procedures (Division 300).** The “Procedures” chapter governs the applicable procedures for the review and processing of land use and development review applications, and legislative land use proceedings, under the UDC. The chapter establishes general submittal requirements, specific procedure types for the processing of land use and development review applications, and requirements for public notice, hearings, and appeals.

(d) **Use Classifications (Division 400).** The “Use Classifications” chapter governs the classification of land uses under the UDC. The chapter establishes general categories of land uses. Uses falling within these categories are defined by their functional characteristics. Examples of activities which meet those characteristics are provided. The land uses in Chapter 400 form the basis for identifying uses allowed in the City’s zones and overlay zones.

(e) **Zones (Division 500).** The “Zone” chapters establish the City’s different zones. These chapters identify the land uses that are allowed within each zone, and also establish development standards (e. g., lot standards, setbacks, and height) applicable within each zone. The City’s zones are shown on the City’s official zoning map. Zones are intended reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

(f) **Overlay Zones (Division 600).** The “Overlay Zones” chapters establish the City’s different overlay zones. These chapters establish additional regulations beyond those of the base zone in order fulfill specific community objectives within identified areas of the City. Overlay zones are shown on the City’s official zoning map. Overlay zone standards apply in addition to the standards of the base zone, or, in some cases, may supersede them.

(g) **Special Requirements (Division 700).** The “Special Requirements” chapters establish special standards that apply to specific uses in some or all zones where those uses are allowed. The standards in these chapters apply in addition to the standards of the zones, or, in some cases, may supersede them.

(h) **Development Standards (Division 800).** The “Development Standards” chapters establish standards generally applicable to development throughout the City, including, but not limited to, standards for City utilities, streets, driveways and driveway approaches, off-street parking and loading, landscaping, tree preservation, and sensitive lands. These standards are used in preparing development plans and reviewing development applications.

(i) **Sign Code (Division 900).** The “Sign Code” chapter establishes the regulations applicable

to all signage in the UDC. The chapter establishes the types of signs allowed within the City's zones and overlay zones and their applicable development standards. (Ord No. 31-13)

**110.020. Zones and Overlay Zones, Generally.** Land in the City is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development standards. Property may also be subject to an overlay zone. An overlay zone establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone. (Ord No. 31-13)

**110.025. Zones.**

(a) **Zones.** The zones applicable to land within the City are listed in Table 110-1:

**TABLE 110-1  
ZONES**

<b>Table 110-1: Zones</b>			
<b>Broad Zone Category</b>	<b>Zone</b>	<b>Abbreviation</b>	<b>SRC Chapter</b>
Agricultural	Exclusive Farm Use	EFU	500
Residential	Residential Agriculture	RA	510
	Single Family Residential	RS	511
	Duplex Residential	RD	512
	Multiple Family Residential-I	RM-I	513
	Multiple Family Residential-II	RM-II	514
	Multiple Family High-Rise Residential	RH	515
Commercial	Neighborhood Commercial	CN	520
	Commercial Office	CO	521
	Commercial Retail	CR	522
	Commercial General	CG	523
	Central Business District	CB	524
Mixed-Use	Fairview Mixed-Use	FMU	530
	South Waterfront Mixed-Use	SWMU	531
	Neighborhood Center Mixed-Use	NCMU	532
Public	Public Amusement	PA	540
	Public and Private Cemeteries	PC	541
	Public and Private Educational Services	PE	542
	Public and Private Health Services	PH	543
	Public Service	PS	544
	Capitol Mall	PM	545
Industrial and Employment	Employment Center	EC	550
	Industrial Commercial	IC	551
	Industrial Business Campus	IBC	552
	Industrial Park	IP	553
	General Industrial	IG	554
	Intensive Industrial	II	555

(b) Unless otherwise specifically provided, wherever the broad zone category terms “agricultural zone,” “residential zone,” “commercial zone,” “mixed-use zone,” “public zone,” or “industrial and employment zone” are used under the UDC, they shall be deemed to refer to all zones falling under that broad zone category. For example, “residential zone” includes the RA, RS, RD, RM-I, RM-II, and RH zones; “commercial zone” includes the CN, CO, CR, CG, and CB zones; and “industrial and employment zone” includes the EC, IC, IBC, IP, IG, and II zones. (Ord No. 31-13)

**110.030. Overlay Zones.**

(a) **Overlay Zones.** The overlay zones applicable to land within the City are listed in Table 110-2:

**TABLE 110-2  
OVERLAY ZONES**

<b>Table 110-2: Overlay Zones</b>	
<b>Overlay Zone</b>	<b>SRC Chapter</b>
Willamette Greenway Overlay Zone	600
Flood Plain Overlay Zone	601
Airport Overlay Zone	602
Portland/Fairgrounds Road Overlay Zone	603
Pine Street Mixed-Use Area Overlay Zone	604
Northgate Mixed-Use Area Overlay Zone	605
Wallace Road Corridor Overlay Zone	606
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Hoyt/McGilchrist Overlay Zone	624
Saginaw Street Overlay Zone	625
Commercial/High Density Residential Overlay Zone	626
22 <sup>nd</sup> and Electric Overlay Zone	627
State Street Overlay Zone	628
McNary Field Overlay Zone	629
South Gateway Overlay Zone	630

<b>Table 110-2: Overlay Zones</b>	
<b>Overlay Zone</b>	<b>SRC Chapter</b>
Compact Development Overlay Zone	631
General Retail /Office Overlay Zone	632
Front Street Overlay Zone	633

(Ord No. 31-13)

**110.035. Official Zoning Map.** The boundaries of zones and overlay zones shall be depicted on an official map titled the Salem Zoning Map. The Salem Zoning Map may be maintained in digital form. The Salem Zoning Map may be divided into geographic units for convenience of use, and to more readily identify locations on the map, and may contain any additional information that reflects the application of the UDC to property within the City. (Ord No. 31-13)

**110.040. Interpretation of Zone Boundaries and Overlay Zone Boundaries.** Where uncertainty exists as to the boundary of any zone or overlay zone as shown on the Salem Zoning Map, the Director shall apply the following rules to determine the location of the boundary:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be deemed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be deemed to follow such platted lot lines.
- (c) Boundaries indicated as approximately following city limits shall be deemed to follow city limits.
- (d) Boundaries indicated as following railroad lines shall be deemed to fall midway between the main tracks.
- (e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be deemed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) of this section shall be deemed to be parallel to or extensions of such features.
- (g) Where the boundary is based on a legal description adopted by ordinance, the legal description shall establish the boundary.
- (h) Where two or more legal descriptions adopted by ordinance establish conflicting boundaries, the legal description set forth in the most recent action shall be deemed to establish the boundary.
- (i) Where a legal description adopted by ordinance and a depiction on the Salem Zoning Map establish conflicting boundaries, the legal description shall be deemed to establish the boundary.
- (j) Where a legal description adopted by ordinance includes a scrivener's error, the Director shall refer an amendment to the Council to correct the error. (Ord No. 31-13)

**110.045. Application, Compliance, and Scope of Regulations.**

- (a) The UDC is intended to provide minimum regulations for the use and development of land, and shall apply uniformly to land, uses, buildings, and structures unless otherwise allowed by the UDC.
- (b) The UDC applies to the owners of record, to persons undertaking the development or the use of land, and to those persons' assigns and successors in interest. (Ord No. 31-13)

**110.050. Relationship to Salem Revised Code Regulations.**

- (a) Unless otherwise provided in the UDC, if a conflict exists between standards in the UDC, the most restrictive standard shall govern.

(b) Unless otherwise provided in the UDC, if a standard in the UDC conflicts with other rules or regulations in the Salem Revised Code, the most restrictive standard shall govern. (Ord No. 31-13)

**110.055. Relationship to State and Federal Regulations.**

(a) The UDC shall not be construed in any way to impair or interfere with any applicable state or federal law or regulation relating to the use or development of land, or any buildings, structures, or other improvements thereon.

(b) Where a reference to state or federal law or regulation is included in the UDC, such reference:

(1) Is provided for information purposes only and does not necessarily constitute a complete listing of the applicable laws or regulations; and

(2) Shall not imply any responsibility by the City for enforcement. (Ord No. 31-13)

**110.060. Relationship to Private Regulations and Restrictions.**

(a) The UDC shall be applied independently of, and without regard to, any private easement, covenant, condition, restriction, or other legally enforceable interest in, or obligation imposed on, the use or development of land.

(b) The City does not enforce any easement, covenant, condition, restriction, or other agreement between private parties, nor is the UDC generally intended to abrogate, annul, or impair such easements, covenants, conditions, restrictions, or agreements. In those instances where the UDC imposes a greater restriction or higher standards than required by an easement, covenant, condition, restriction, or other agreement between private parties, or where the UDC otherwise conflicts with those private party agreements, the UDC shall control. (Ord No. 31-13)

**110.065. Compliance with Standards.** No property shall be developed, redeveloped, or changed in use; no building, structure, or premises shall be used or occupied; and no building or structure or portion thereof shall be erected, constructed, moved, structurally altered, or enlarged unless done so:

(a) In conformity with all applicable regulations in the UDC;

(b) In compliance with all conditions imposed in any applicable land use action; and

(c) Only after applying for and securing all permits, licenses, or other approvals required by applicable laws and ordinances. (Ord No. 31-13)

**110.070. Director; Authority; Enforcement.**

(a) The Director shall have authority to administer and enforce, to render written and oral interpretations of, and to adopt administrative rules and procedures necessary and proper for the administration and enforcement of, the UDC.

(b) Nothing in the UDC shall be construed to create mandatory enforcement obligations for the City. The enforcement shall be a function of the availability of sufficient financial resources consistent with adopted budgetary priorities and prosecutorial priorities within the range of discretion delegated to the Director. Neither the Director nor the City shall be liable for any damages for failure to enforce the UDC. (Ord No. 31-13)

**110.075. Formal Interpretations.**

(a) **Purpose.** The purpose of a formal interpretation is to clarify ambiguous provisions in the UDC and their application in particular circumstances.

(b) **Procedure.** In-lieu of the procedures set forth in SRC Chapter 300, formal interpretations shall follow the procedures set forth in this section.

(c) The Director is authorized to issue formal interpretations of the UDC. Requests for formal interpretations shall be submitted on a form provided by the Director.

(1) The Director shall make a written interpretation of the specific provision of the UDC subject to the request for formal interpretation. Appeals of formal interpretations by the Director shall be to the City Council.

(2) In lieu of issuing an interpretation under paragraph (1) of this subsection, the Director may refer the request for formal interpretation to the Hearings Officer, in which case the Hearings Officer shall make a written interpretation of the specific provision of the UDC subject to the formal interpretation request. Appeals of formal interpretations referred to the Hearings Officer shall be to the City Council.

(d) **Notice.** Notice of adoption of the formal interpretation shall be provided within 10 days of the date the interpretation is issued. Notice shall be:

(1) Provided to the applicant, all City-recognized neighborhood associations, and anyone who has submitted a written request to receive notification of formal interpretations; and

(2) Posted on the City's website.

(e) **Appeal and Review.** Unless appealed, or review is initiated by the City Council pursuant to SRC Chapter 300, the formal interpretation shall become final 21 days after the date it appears on the City Council agenda.

(f) **Record of Formal Interpretations.** The Director shall keep a permanent file of all formal interpretations.

(g) **Effect of Formal Interpretation.** Formal interpretations which have become final shall control future application and enforcement of the UDC, unless superseded by subsequent formal interpretations. (Ord No. 31-13)

**110.080. Rules of Construction.** The following rules of construction shall be used in interpreting the UDC.

(a) An interpretation shall be consistent with generally accepted principles of statutory construction as recognized by the Oregon courts, and shall not, by way of interpretation, add new restrictions, standards, or policies that are not apparent or necessarily implied within the text or context of the provision.

(b) In making an interpretation, the duty is to simply ascertain and declare what is, in terms or in substance, contained in the provision.

(c) No interpretation shall insert what has been omitted or omit what has been inserted.

(d) Where there are several provisions relating to the same subject, a construction shall be given where, if possible, all provisions will be given effect.

(e) As used in the UDC, words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory.

(f) An interpretation shall consider the Salem Area Comprehensive Plan, where applicable. No interpretation shall be inconsistent with the Salem Area Comprehensive Plan.

(g) In construing an ambiguous provision, the legislative history of the provision may be considered.

(h) In making interpretations, great weight shall be given to prior interpretations of the same or any related provision.

(i) Chapters in the UDC contain purpose statements which are intended to provide general explanatory information concerning the Chapter. The content of these sections does not constitute approval criteria. (Ord No. 31-13)

**110.085. Amendments to the UDC.**

(a) **Procedure Type.** Amendments to the UDC are legislative land use decisions, and are processed according to the Legislative Procedures set forth in SRC Chapter 300.

(b) **Criteria.** An amendment to the UDC may be made if:

(1) The amendment is in the best interest of the public health, safety, and welfare of the

City; and

(2) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development. (Ord No. 31-13)

**110.090. Fees and Charges.** Fees and charges for applications and other services provided pursuant to the UDC shall be set by resolution of the City Council. Fees and charges shall be paid at the time of application submittal, or, if no application is required, at the time the request for a particular service is made. No application shall be deemed complete until the fee or charge for such application has been paid in full. For applications or services requiring payment of a deposit, the amount of the deposit shall be credited against the exact final calculated costs. If applicable, any unused portion of the deposit shall be refunded once all incurred fees are paid. (Ord No. 31-13)

**110.095. Computation of Time.**

(a) Unless otherwise specifically provided in the UDC, where a period of time is expressed as a number of days, such period of time shall mean consecutive calendar days. The period of time shall be calculated by excluding the first day, the day on which the period begins to run, and including the last day, the day on which the period ends. If the last day falls on a Saturday, Sunday, or legal holiday, the period of time shall extend to the next following business day. The period of time shall end at 5 p.m. on the last day.

(b) Unless otherwise specifically provided in the UDC, where a period of time is expressed as between particular hours, the period of time shall begin and end on the same day unless the first hour stated is after noon and the second hour stated is before noon, in which case the period of time shall end at the second hour stated on the day following the first hour stated. (Ord No. 31-13)

**110.100. Performance Guarantees.**

(a) An applicant shall provide a performance guarantee, where required by the UDC or by SRC 77.120, to ensure completion of a required improvement. The amount of the performance guarantee shall be equal to 100 percent of the estimated construction costs of the required improvement, as determined by the Public Works Director. The performance guarantee shall remain in place until the required improvements have been completed by the applicant and accepted by the City.

(b) The Public Works Director has discretion to determine which performance guarantee, or combination of performance guarantees, is acceptable to insure the completion of the required improvement, as set forth in subsection (c).

(c) The performance guarantees that may be provided to ensure completion of a required improvement are:

(1) A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney.

(2) A deposit of cash or negotiable securities with the City, together with an agreement that provides:

(A) The applicant shall forfeit the deposit to the City upon the Public Works Director declaring that the required improvements have been not completed in a satisfactory manner, or that there has been a default under the improvement agreement; and

(B) The Public Works Director may release portions of the deposit as progress payments, in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the Public Works Director.

(3) A deposit of cash or negotiable securities with an escrow agent or trust company, selected by the Public Works Director, together with an escrow agreement that provides:

- (A) The deposit may be disbursed only upon written approval of the Public Works Director;
  - (B) The Public Works Director may release portions of the deposit as progress payments, in such amounts and at such times as a corresponding proportion of the required improvements are completed to the satisfaction of the Public Works Director; and
  - (C) The escrow agent or trust company shall release the deposit to the City upon receipt of a statement from the Public Works Director stating that the required improvements have been not completed in a satisfactory manner, or that there has been a default under the improvement agreement.
- (4) A guaranty agreement between the City, the applicant, and one or more financial or lending institutions, in a form approved by the City Attorney. The guaranty agreement shall provide:
- (A) An unconditional provision that funds in an amount equal to 100 percent of the estimated construction cost of the required improvements are available and guaranteed as payment for the construction cost of the required improvements; and
  - (B) The lending institution shall release funds to the City upon receipt of a statement from the Public Works Director stating that the required improvements have not been completed in a satisfactory manner, or that there has been a default under the improvement agreement.
- (5) An irrevocable standby letter of credit issued by a financial institution acceptable to the Public Works Director, in a form approved by the City Attorney. The irrevocable standby letter of credit shall:
- (A) Name the City as the beneficiary; and
  - (B) Provide for automatic extensions equal to the original term, unless the issuing financial institution gives not less than 60 days written notification to the Public Works Director prior to its expiration, and the issuing institution agrees that any unused portion of the credit shall be available upon presentation of the City's sight draft within sixty days of the issuing bank's receipt of notice of non renewal.
- (6) For subdivisions and partitions, a no-build agreement between the applicant and City, in a form approved by the City Attorney. The no-build agreement shall:
- (A) Provide that no building permits for any buildings or structures within the subdivision or partition shall be issued until all required improvements have been substantially completed, as certified by the Public Works Director;
  - (B) Be binding on the applicant and the applicant's heirs, successors and assigns until such time as all improvements are complete;
  - (C) Be recorded in the deed records of the appropriate county; and
  - (D) Provide that upon completion and acceptance by the City of the required improvements, that the Public Works Director shall record a certificate of completion releasing the property from the no-build agreement in the deed records of the appropriate county.
- (d) City Remedies if Applicant Fails to Construct Required Improvement.**
- (1) If an applicant fails to complete a required improvement, the City may seek any remedy available at law or in equity to remedy such failure, including but not limited to money damages and specific performance of an improvement agreement for which performance security has been provided.
  - (2) In addition to the remedies set forth in paragraph (1) of this subsection, if an applicant fails to complete a required improvement, the Director may estimate the cost of completing the required improvement, obtain the necessary funds from one of the performance guarantees specified in SRC 110.100(c)(1)-(5), and complete the improvement. If the funds

are insufficient to cover the costs of completion, the City may hold the funds obtained until additional funds have been provided by the applicant, or expend the funds on a modified improvement or on such portion of the required improvement as is deemed reasonable by the Public Works Director, provided, however, that such action by the Public Works Director shall not relieve the applicant of the obligation to construct the required improvement. (Ord No. 31-13)

**110.105. Inspection and Right of Entry.** When necessary to investigate a suspected violation of the UDC, or an application for or revocation of any permit issued under the UDC, the Director may enter on any site, building, or structure open to the public for the purpose of investigation, provided entry is done in accordance with law. Absent a search warrant, no site, building, or structure that is closed to the public shall be entered without the consent of the owner or occupant. No owner or occupant or agent thereof, shall, after being presented with a search warrant, refuse to permit entry authorized by the warrant. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry. (Ord No. 31-13)

**110.110. Civil Enforcement.**

**(a) Stop Work Orders.**

(1) The Director may order development or other work regulated by the UDC stopped whenever the Director has reason to believe that:

- (A) The work is not authorized by a valid permit or approval;
- (B) Inaccurate information was used to obtain the permit or approval;
- (C) The development or other work is being performed in violation of a provision of the UDC or the term of a permit or approval; or
- (D) The development or other work is, or threatens to become, an imminent hazard to property or public health, safety, or welfare.

(2) The City shall post a written notice of the stop work order at the site, or serve such notice on any person engaged in the work or causing such work to be performed. The notice shall specify the nature of the violation or problem which must be remedied prior to resuming work. Upon the posting or service of notice, all persons engaged in the development or other work or causing the work to be performed shall immediately stop such development or other work until authorized in writing by the Director to proceed. Failure to stop work shall be independent grounds for penalties and additional enforcement actions.

(3) Persons violating the UDC, or the terms of a permit or approval issued under the UDC, shall be responsible for restoring damaged areas in conformance with a plan approved by the Director which provides for repair of any environmental or property damage and restoration of the site. The plan shall result in conditions upon the site which, to the greatest extent practical, equal the conditions that would have existed had the violation not occurred, as verified by the Director.

(4) Any person to whom a stop work order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in SRC Chapter 20J. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the Director issues a revised order lifting the stop work order.

**(b) Stop Use Orders.**

(1) The Director may order a use or activity stopped or limited when:

- (A) The use or activity is not a permitted use, special use, conditional use, or nonconforming use properly authorized under the UDC; or
- (B) The use or activity violates the terms of any land use approval or permit issued pursuant to the UDC.

(2) The Director shall post a written stop use order on the property and serve a copy of the order on any person engaged in the use on the property, and on the property owner, if different. The order shall fix a time limit within which compliance must be reached. Unless compliance is reached, no person shall use or occupy the property in violation of the order after the time limit has expired.

(3) Any person to whom an order is issued pursuant to this section may file a written notice of appeal in the manner prescribed in SRC Chapter 20J. Notwithstanding any provisions of this code to the contrary, the filing of an appeal shall not stay an order issued hereunder, which shall remain in effect until the final determination of the appeal, or the Director issues a revised order lifting the stop use order.

(c) **Civil Penalty.** Any person who fails to comply with the requirements of the UDC, or the terms of a permit or approval issued thereunder, who undertakes an activity regulated by the UDC without first obtaining a permit, or who fails to comply with a stop work order or stop use order issued pursuant to this Chapter shall also be subject to an administrative civil penalty as provided in SRC Chapter 20J, not to exceed \$2,000 per violation. Each day that a permit violation continues shall constitute a separate violation.

(d) **Civil Penalties Against Agents.** Any person who acts as the agent of, or otherwise assists, a person who engages in an activity which would be subject to a civil penalty, may likewise be subject to a civil penalty.

(e) **Abatement.** Any use, building, or structure established, operated, erected, moved, altered, enlarged, painted, or maintained contrary to the UDC is a public nuisance and may be abated as provided in SRC Chapter 50.

(f) **Reconsideration.** Any person aggrieved by any decision, action, or determination, including stop work and stop use orders, made by the Director pursuant to this section may seek reconsideration by filing a written request for reconsideration with the Director within 10 days after notice of such decision, action, or determination has been provided to the user; provided, however, the filing of a request for reconsideration shall not be a prerequisite for the filing of an appeal. The notice shall set forth in detail the facts supporting the request for reconsideration. The Director's decision, action, or determination shall remain in effect during such period of reconsideration.

(g) **Appeals.** Any person aggrieved by any decision, action, or determination, including stop work and stop use orders, made by the Director pursuant to this section may appeal the decision to the Hearings Officer by following the process set forth in SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set forth in SRC 20J.240-20J.430.

(h) **Proceedings by City Attorney.** The City Attorney, upon request of the Director, may institute any legal proceedings in circuit court necessary to enforce the provisions of the UDC. Proceedings may include, but are not limited to, injunctions to prohibit the continuance of any use, occupation, building, structure, or sign, or the carrying on of other conduct or activities in violation of any provision of the UDC.

(i) **Remedies not Exclusive.** The remedies provided in this Chapter are cumulative and not mutually exclusive and are in addition to any other right, remedies, and penalties available under any other provision of law. (Ord No. 31-13)

#### **110.115. Unlawful Use of Property.**

(a) It shall be unlawful for any person to engage in any use on any real property if the use is not a permitted use, special use, or authorized conditional use in the zone or overlay zone where the property is located.

(b) A violation of this section is an infraction. (Ord No. 31-13)

**110.120. Unlawful Failure to Obtain a Permit or Approval.**

- (a) It shall be unlawful for a person to engage in any activity for which a permit or other approval is required by the UDC without first obtaining a permit or approval therefor.
- (b) A violation of this section is an infraction. (Ord No. 31-13)

**110.125. Unlawful Development of Land.**

- (a) It shall be unlawful to knowingly develop or redevelop buildings, structures, or land, or to construct or structurally alter a building or structure, or to grade, excavate, or fill any premises, in violation of any applicable standard in the UDC, or in violation of any permit or approval issued pursuant to the UDC.
- (b) A violation of this section is an infraction. (Ord No. 31-13)

**110.130. Unlawful Occupancy or Maintenance.**

- (a) It shall be unlawful to occupy or maintain a building, structure, or premises in a manner that violates any applicable development standard of the UDC, or any permit or approval issued pursuant to the UDC.
- (b) A violation of this section is an infraction. (Ord No. 31-13)

**110.135. Violation of Stop Work and Stop Use Orders.**

- (a) It shall be unlawful to knowingly violate a stop work order or stop use order issued pursuant to SRC 110.110.
- (b) A violation of this section is a misdemeanor. (Ord No. 31-13)

**110.140. Excavation, Injury, Destruction, or Alteration of Archeological Resources.**

- (a) It shall be unlawful for a person to knowingly excavate, injure, destroy, or alter an archaeological site or to knowingly remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. As used in this section, "archaeological site" and "archaeological object" shall have the meanings set forth in ORS 358.905.
- (b) A violation of this section is a misdemeanor. (Ord No. 31-13)

**110.145. Demolition of Historic Resources.**

- (a) It shall be unlawful to knowingly or negligently demolish a historic contributing building or individually listed resource, without first obtaining a historic resource demolition permit under SRC Chapter 230.
- (b) A violation of this section is a misdemeanor. (Ord No. 31-13)

**110.150. Unlawful Activity in Floodplain Overlay Zone.**

- (a) No person shall construct, locate, extend, convert, alter any structure, or intensify the use of land, or construct, locate, or extend any obstruction within the floodplain established by SRC Chapter 601 without fully complying with SRC Chapter 601 and any other applicable state or federal regulations.
- (b) No person shall negligently, recklessly, or intentionally violate any condition imposed by a Floodplain Development Permit or variance issued pursuant to SRC 601.130.
- (c) No person shall make, cause, suffer, or permit any intensification, change of use, or development within any floodplain without full compliance with the terms of SRC Chapter 601, Floodplain Overlay Zone.
- (d) A violation of this section is a misdemeanor. (Ord No. 31-13)

**110.155. False Information.**

(a) It shall be unlawful for any person to knowingly make a false or fraudulent statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to the UDC.

(b) A violation of this section is a misdemeanor. (Ord No. 31-13)