

ORDINANCE BILL NO. 8-24

1 AN ORDINANCE RELATING TO HOUSING AND LAND USE; AMENDING SRC
2 111.001, SRC 205.005, SRC 205.010, SRC 205.055, SRC 210.030, SRC 210.035, SRC
3 220.005, SRC 225.005, SRC 225.010, SRC 230.005, SRC 230.020, SRC 230.040, SRC
4 230.045, SRC 230.050, SRC 250.005, SRC 270.005, SRC 300.100, SRC 300.520, SRC
5 300.850, SRC 514.010, SRC 522.015, SRC 523.015, SRC 524.005, SRC 524.010, SRC
6 525.010, SRC 533.010, SRC 533.015, SRC 534.010, SRC 534.015, SRC 536.015, SRC
7 537.010, SRC 545.010, SRC 551.015, SRC 603.020, SRC 700.005, SRC 700.007, SRC
8 700.085, SRC 704.001, SRC 704.005, SRC 704.010, SRC 806.035, AND SRC 806.040;
9 REPEALING SRC 525.015, SRC 525.020, SRC 537.015, SRC 537.020, SRC 603.025,
10 AND SRC 603.030; AND CREATING SRC 704.015.

11 *The City of Salem ordains as follows:*

12 **Section 1.** The following Salem Revised Code (SRC) chapters are hereby amended as
13 set forth in **Exhibit A**, attached hereto and by reference incorporated herein: SRC 111,
14 SRC 205, SRC 210, SRC 220, SRC 225, SRC 230, SRC 250, SRC 270, SRC 300, SRC
15 514, SRC 522, SRC 523, SRC 524, SRC 525, SRC 533, SRC 534, SRC 536, SRC 537,
16 SRC 545, SRC 551, SRC 603, SRC 700, SRC 704, and SRC 806.

17 **Section 2. Modification of Class 2 and Class 3 Design Review Applications Submitted**
18 **and/or Approved Prior to Ordinance Effective Date.** Modifications of Class 2 and Class 3
19 Design Review applications submitted and/or approved prior to the effective date of this
20 ordinance shall follow the applicable provisions of this section.

- 21 (a) *Applicability.* A Class 2 or Class 3 design review approval may be modified after its
22 effective date if the proposed modification meets the criteria in this section. Proposed
modifications that do not meet the criteria in this section require submittal of a new
application for design review.
- (b) *Procedure type.* Modification of a Class 2 or Class 3 design review approval shall be
processed as a Type II procedure under SRC chapter 300.
- (c) *Review Authority.* The Review Authority for the modification of a Class 2 or Class 3 design
review approval shall be the Planning Administrator.

1 (d) *Submittal requirements.* Modification of a Class 2 or Class 3 design review approval shall
2 include, in addition to the submittal requirements for a Type II application under SRC
chapter 300, the following:

3 (1) A proposed site plan showing:

4 (A) The complete dimensions and setbacks of the lot, and all existing and proposed
5 buildings and structures, including the location, size, height, proposed use,
design, and gross floor area of each building.

6 (B) All existing and proposed walls and fences, including the location, height, type
7 of design, and composition.

8 (C) The location and design of the existing and proposed on-site pedestrian and
vehicle circulation system.

9 (D) Locations and dimensions of all existing and proposed outdoor storage areas,
10 including, but not limited to, trash collection and recycling areas.

11 (2) Architectural drawings, renderings, or sketches showing all elevations of proposed
buildings as they will appear on completion.

12 (3) A landscape plan showing the location of natural features, trees, and plant materials
13 proposed to be removed, retained, or planted; the amount, height, type, and location
of landscaped areas, planting beds, and plant materials; and provisions for irrigation.

14 (4) A topographic survey and grading plan showing two-foot contour intervals on hillside
15 lots and five-foot contour intervals on all other lots.

16 (5) An open space plan showing locations of common and private open space, including
17 active and passive recreational areas. The open space plan shall show the total area of
individual classifications of proposed open space and shall be drawn to scale.

18 (e) *Criteria.* Modification of a Class 2 or Class 3 design review approval shall be granted if all
of the following criteria are met:

19 (1) The proposed modification does not substantially change the original approval; and

20 (2) The proposed modification will not result in significant changes to the physical
21 appearance of the development, the use of the site, and the impacts on surrounding
properties.

22 (f) *Appeal and review.*

- 1 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City Council
 2 pursuant to SRC 300.1050, the decision of the Review Authority on the modification
 3 of a Class 2 or Class 3 design review approval shall be the final decision of the City.
 4 (2) The appeal, or review by the City Council, of a modification of a Class 2 or Class 3
 5 design review approval shall be in accordance with the provisions for the appeal or
 6 Council review of a Type II application under SRC 300.520(f); provided, however:
 7 (A) The Review Authority for the appeal of a modification of a Class 2 or Class 3
 8 design review approval shall be the Planning Commission; and
 9 (B) The decision of the Review Authority on the modification of a Class 2 design
 review approval is not subject to Council review.
 (g) *Expiration.* The effect of a modification upon the expiration period of the original approval,
 if any, shall be established in the modification decision.

10 **Section 3. Extensions of Approval of Class 2 and Class 3 Design Review Applications**

11 **Submitted and/or Approved Prior to Ordinance Effective Date.** The approval period for
 12 Class 2 and Class 3 design review applications submitted and/or approved prior to the effective
 13 date of this ordinance may be extended as set forth in the following table through filing an
 application for an extension pursuant to SRC 300.850(b) prior to the approval expiration date.

14 **Expiration and Extension of Class 2 and Class 3 Design Review Approvals**

| Application Type | Expiration Period ¹ | Extensions Allowed | Maximum Period for Each Extension ² | Limitations & Qualifications |
|-----------------------|--------------------------------|--------------------|--|--|
| Class 2 design review | 2 Years | 2 | 2 Years | |
| | 4 Years | None | N/A | Applicable if consolidated with an application for site plan review. |
| Class 3 design review | 2 Years | 2 | 2 Years | |
| | 4 Years | None | N/A | Applicable if consolidated with an application for site plan review. |

1 ¹ The expiration period is calculated from the effective date of the decision on the land use
2 action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration
3 period shall be tolled until a final decision is issued on the appeal.

² The extension period is calculated from the date of expiration of the approval.

4 Nothing in this section shall be construed to grant more time or additional extensions beyond that
5 which is otherwise allowed under the original approval.

6 **Section 5. Findings.** This is a legislative land use amendment. Findings demonstrating
7 compliance with the applicable criteria are set forth in **Exhibit B**, which is attached
8 hereto and incorporated herein by reference.

9 **Section 6. Codification.** In preparing this ordinance for publication and distribution, the
10 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but
11 within such limitations, may:

- 12 (a) Renumber sections and parts of sections of the ordinance;
- 13 (b) Rearrange sections;
- 14 (c) Change reference numbers to agree with renumbered chapters, sections or other
15 parts;
- 16 (d) Delete references to repealed sections;
- 17 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 18 (f) Change capitalization and spelling for the purpose of uniformity;
- 19 (g) Add headings for purposes of grouping like sections together for ease of
20 reference; and
- 21 (h) Correct manifest clerical, grammatical or typographical errors.

22 **Section 4. Severability.** Each section of this ordinance, and any part thereof, is
severable, and if any part of this ordinance is held invalid by a court of competent
jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2024.

ATTEST:

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City Recorder

Approved by City Attorney: _____

Checked by: E. Kim.