

**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  
3 210.060, SRC 220.005, SRC 225.005, SRC 225.010, SRC 230.005, SRC 230.020, SRC  
4 230.040, SRC 230.045, SRC 230.050, SRC 250.005, SRC 270.005, SRC 300.100, SRC  
5 300.520, SRC 300.850, SRC 514.010, SRC 522.015, SRC 523.015, SRC 524.005, SRC  
6 524.010, SRC 525.010, SRC 531.025, SRC 533.010, SRC 533.015, SRC 534.010, SRC  
7 534.015, SRC 536.015, SRC 537.010, SRC 545.010, SRC 551.015, SRC 603.020, SRC  
8 700.005, SRC 700.007, SRC 700.085, SRC 701.030, SRC 704.001, SRC 704.005, SRC  
9 704.010, SRC 800.065, SRC 806.025, SRC 806.030, SRC 806.035, SRC 806.040, SRC  
10 806.060, AND SRC 806.080; REPEALING SRC 525.015, SRC 525.020, SRC 531.030,  
11 SRC 531.035, SRC 537.015, SRC 537.020, SRC 603.025, AND SRC 603.030; AND  
12 CREATING SRC 704.015.

13 *The City of Salem ordains as follows:*

14 **Section 1.** The following Salem Revised Code (SRC) chapters are hereby amended as  
15 set forth in **Exhibit A**, attached hereto and by reference incorporated herein: SRC 111,  
16 SRC 205, SRC 210, SRC 220, SRC 225, SRC 230, SRC 250, SRC 270, SRC 300, SRC  
17 514, SRC 522, SRC 523, SRC 524, SRC 525, SRC 531, SRC 533, SRC 534, SRC 536,  
18 SRC 537, SRC 545, SRC 551, SRC 603, SRC 700, SRC 701, SRC 704, SRC 800, and  
19 SRC 806.

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

- (a) *Applicability.* A Class 2 or Class 3 design review approval may be modified after its  
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.

- 1 (c) *Review Authority.* The Review Authority for the modification of a Class 2 or Class 3 design  
2 review approval shall be the Planning Administrator.
- 3 (d) *Submittal requirements.* Modification of a Class 2 or Class 3 design review approval shall  
4 include, in addition to the submittal requirements for a Type II application under SRC  
5 chapter 300, the following:
- 6 (1) A proposed site plan showing:
    - 7 (A) The complete dimensions and setbacks of the lot, and all existing and proposed  
8 buildings and structures, including the location, size, height, proposed use,  
9 design, and gross floor area of each building.
    - 10 (B) All existing and proposed walls and fences, including the location, height, type  
11 of design, and composition.
    - 12 (C) The location and design of the existing and proposed on-site pedestrian and  
13 vehicle circulation system.
    - 14 (D) Locations and dimensions of all existing and proposed outdoor storage areas,  
15 including, but not limited to, trash collection and recycling areas.
  - 16 (2) Architectural drawings, renderings, or sketches showing all elevations of proposed  
17 buildings as they will appear on completion.
  - 18 (3) A landscape plan showing the location of natural features, trees, and plant materials  
19 proposed to be removed, retained, or planted; the amount, height, type, and location  
20 of landscaped areas, planting beds, and plant materials; and provisions for irrigation.
  - 21 (4) A topographic survey and grading plan showing two-foot contour intervals on hillside  
22 lots and five-foot contour intervals on all other lots.
  - (5) An open space plan showing locations of common and private open space, including  
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.
- (e) *Criteria.* Modification of a Class 2 or Class 3 design review approval shall be granted if all  
of the following criteria are met:
- (1) The proposed modification does not substantially change the original approval; and
  - (2) The proposed modification will not result in significant changes to the physical  
appearance of the development, the use of the site, and the impacts on surrounding  
properties.

1 (f) *Appeal and review.*

2 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City Council  
3 pursuant to SRC 300.1050, the decision of the Review Authority on the modification  
4 of a Class 2 or Class 3 design review approval shall be the final decision of the City.

5 (2) The appeal, or review by the City Council, of a modification of a Class 2 or Class 3  
6 design review approval shall be in accordance with the provisions for the appeal or  
7 Council review of a Type II application under SRC 300.520(f); provided, however:

8 (A) The Review Authority for the appeal of a modification of a Class 2 or Class 3  
9 design review approval shall be the Planning Commission; and

10 (B) The decision of the Review Authority on the modification of a Class 2 design  
11 review approval is not subject to Council review.

12 (g) *Expiration.* The effect of a modification upon the expiration period of the original approval,  
13 if any, shall be established in the modification decision.

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

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

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<b>Expiration and Extension of Class 2 and Class 3 Design Review Approvals</b>				
<b>Application Type</b>	<b>Expiration Period<sup>1</sup></b>	<b>Extensions Allowed</b>	<b>Maximum Period for Each Extension<sup>2</sup></b>	<b>Limitations &amp; Qualifications</b>
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.

<sup>1</sup> 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.

<sup>2</sup> The extension period is calculated from the date of expiration of the approval.

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

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

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

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

**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.