



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

March 31, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment  
DLCD File Number 020-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 15, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

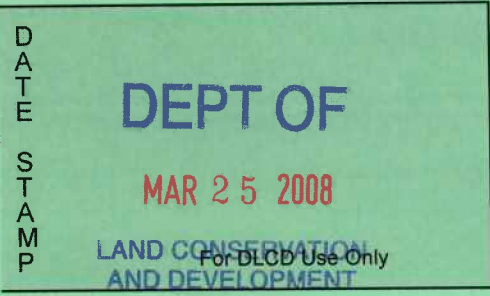
Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Darren Nichols, DLCD Community Services Division Manager  
Judith Moore, City Of Salem

<paa> ya/

# NOTICE OF ADOPTION

THIS FORM **MUST BE MAILED** BY DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

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Jurisdiction: City of Salem Local File Number: CA 07-11  
Date of Adoption: March 3, 2008 Date Mailed: March 21, 2008  
Date this Notice of Proposed Amendment was mailed to DLCD: December 5, 2007

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Amended SRC Chapter 63.360 to codify phased subdivisions for commercial and industrial uses.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the Proposed Amendment, write "N/A."

Same

Plan Map Changed from: NA to: NA  
Zone Map Changed from: NA to: NA  
Location: NA Acres Involved: NA  
Specify Density: Previous: NA New: NA  
Applicable Statewide Planning Goals: NA

Was an Exception Proposed:  YES  NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (45) days prior to first evidentiary hearing?**  Yes  No  
If no, do the statewide planning goals apply?  Yes  No  
If no, did Emergency Circumstances require immediate adoption?  Yes  No

Affected State of Federal Agencies, Local Governments or Special Districts:

Local Contact: Judith Moore, Asst Urban Planning Admin Phone: (503) 588-6173 Extension: 7598  
Address: 555 Liberty Street SE, Room 305 City: Salem  
Zip: 97301 E-Mail Address: jimoore@cityofsalem.net

DLCD File No: 020-07 (16572)

1 **ORDINANCE BILL NO. 8-08**

2 AN ORDINANCE RELATING TO SUBDIVISIONS; AMENDING SRC CHAPTER 63; AND  
3 CREATING NEW PROVISIONS.

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 63.360 is added to and made a part of the Salem Revised Code, Title V, Chapter 63,  
6 as:

7 **63.360. Phased Subdivisions.**

8 (a) Real property which will be developed for commercial or industrial use may  
9 be subdivided as a phased subdivision, as provided in this section.

10 (b) **Additional Submittal Requirements.** In addition to the information required  
11 under SRC 63.038(b), a tentative plan for a phased subdivision shall include a  
12 phasing plan that indicates the tentative boundaries and sequencing of each  
13 phase and the tentative configuration of lots in each phase. The phasing plan  
14 shall include the provisions for the construction of all public facilities,  
15 including streets, water, sewer and storm drain, in each phase of the  
16 subdivision.

17 (c) **Additional Approval Criteria.** In addition to any other approval criteria set  
18 forth in this Chapter, a phased subdivision shall:

19 (1) Show tentative connectivity for streets and utilities between each phase  
20 to ensure the orderly and efficient construction of required public  
21 improvements among all phases;

22 (2) Demonstrate that each phase is substantially and functionally self-  
23 contained and self-sustaining with regard to required public  
24 improvements; and

25 (3) Each phase is designed in such a manner that all phases support the  
26 infrastructure requirements for the phased subdivision as a whole.

27 (d) **Conditions of Approval.** Conditions of approval shall be imposed upon the  
28 tentative plan that will ensure all public facilities will be completed in a timely

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manner, that safe and healthful development of the subject property and neighboring properties will be ensured, and that the public health, safety and welfare will be preserved.

(e) **Construction of Public Facilities; Performance Security.** The developer shall be required to construct or provide performance guarantee for only those public improvements required as conditions of tentative plan approval for that phase, unless the tentative plan approval specifically requires otherwise as a condition of development approval. A developer shall only be required to provide performance security allowed under SRC 63.053(a), (b) and (c) for public improvements that are required to be constructed as a condition of final plat approval for the specific phase that is to be recorded.

(f) **Final Plat Approval.** Approval of a final plat for a phase of a phased subdivision shall be as set forth in SRC 63.052. Final plat for each phase shall be in substantial conformance with the tentative plan, and shall have satisfied any conditions of approval with respect to the phase involved set forth in the tentative plan approval. The final plat for each phase may diverge from the tentative plan as provided in this subsection, and unless the divergence from the tentative plan would require a modification of any condition of approval, and still be considered in substantial conformance with the approved tentative plan if there is:

- (1) A decrease or increase in the number of lots within the particular phase;
- (2) A change in the location or size of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, does not change the street designation from one classification to another;



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- (3) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;
- (4) A decrease in the number of phases or area of a specific phase; or
- (5) An increase in the area of a specific phase.

(g) **Time Limit for Tentative Plan Approval.** Tentative plan approval for a phased subdivision shall be valid for ten years following the date tentative plan approval becomes a final.

**Section 2. Savings Clause.** Amendments to this Chapter do not affect any applications in effect prior to the effective date of this ordinance, and do not affect any appeals that are pending upon the effective date of this ordinance.


**Section 3. 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 Council this 3rd day of March, 2008 .

ATTEST:



**DEPUTY** City Recorder

Approved by City Attorney: 

Checked By: J. Moore

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COMMUNITY DEVELOPMENT  
Planning Division  
555 Liberty St. SE / Room 305  
Salem, OR 97301-3513

X

**DEPARTMENT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 200  
SALEM, OR 97301-2540**