



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

03/11/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 018-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, March 22, 2013

This amendment was submitted to DLCD for review prior to adoption 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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Bryce Bishop, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

MAR 01 2013

LAND CONSERVATION
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Salem**

Local file number: **CA13-02**

Date of Adoption: **2/25/2013**

Date Mailed: **2/28/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 12/28/2012

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".

Proposed amendments to Salem Revised Code (SRC) Chapter 63 (Subdivisions), Chapter 66 (Urban Growth Management), and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals), modifying the expiration periods applicable to applications for Subdivisions, Partitions, Replats, Urban Growth Area Development Permit Preliminary Declarations, and Urban Growth Area Development Permits.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Bryce Bishop, Planner II

Phone: (503) 540-2399 Extension:

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005

City: Salem

Zip: 97301-

E-mail Address: bbishop@cityofsalem.net

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

1 **Section 2.** SRC 63.360 is amended to read as follows:

2 **63.360. Phased Subdivisions.**

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

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

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

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

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

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

20 (d) **Conditions of Approval.** Conditions of approval shall be imposed upon the
21 tentative plan that will ensure all public facilities will be completed in a timely manner,
22 that safe and healthful development of the subject property and neighboring properties
23 will be ensured, and that the public health, safety and welfare will be preserved.

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

1 that is to be recorded.

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

- 10 (1) A decrease or increase in the number of lots within the particular phase;
- 11 (2) A change in the location or size of public rights-of-way within the specific
12 phase; provided, however, the change does not materially affect connectivity,
13 does not increase or decrease the number of connections to streets set forth in the
14 tentative plan, does not change the point of connection with existing or planned
15 streets, does not change the street designation from one classification to another;
- 16 (3) A change in the location or width of a public utility easement, so long as the
17 change does not adversely affect connectivity with constructed or planned
18 utilities;
- 19 (4) A decrease in the number of phases or area of a specific phase; or
- 20 (5) An increase in the area of a specific phase.

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

24 **Section 3.** SRC 66.050 is amended to read as follows:

25 **66.050. Urban Growth Area Development Permit Required; Term and Fee.**

26 (a) Prior to subdivision plat approval for a residential or commercial subdivision, or
27 application for a building permit for any development where no subdivision is
28 contemplated, a developer shall first obtain an Urban Growth Area Development
29 Permit if the development is within the Urban Growth Area (UGA), or is within the
30 Urban Service Area (USA), but precedes city construction of required facilities that are

1 shown in the adopted capital improvement plan, public facilities plan or comparable
2 plan for the area of the development.

3 (b) Prior to issuance of a building permit for a single family residence or duplex in a
4 subdivision subject to subsection (a) of this section, and prior to issuing a certificate of
5 occupancy for any other development subject to subsection (a) of this section, the
6 building official shall ascertain that all conditions of the Urban Growth Area
7 Development Permit have been complied with.

8 (c) It shall be unlawful for any person to construct or commence construction of any
9 single family residence or duplex in a subdivision subject to subsection (a) of this
10 section, or to occupy (except under a temporary occupancy certificate issued pursuant
11 to UBC Sec. 306(d) and subsection (d) of this section) any other development subject to
12 subsection (a) of this section without first obtaining and fully complying with all
13 conditions of an Urban Growth Area Development Permit.

14 (d) Notwithstanding the provisions of subsection (b) of this section, the building
15 official may issue a temporary occupancy certificate as provided in UBC Sec. 306(d) if
16 the holder has substantially complied with the conditions of an Urban Growth Area
17 Development Permit and agrees in writing to complete all remaining conditions by a
18 date certain not more than 180 days from the issuance of the temporary certificate.
19 Failure to comply with such a written agreement shall result in revocation of the
20 temporary certificate without further notice.

21 (e) A UGA Development Permit shall be valid for a period of two years from its date
22 of issuance; provided, however, that once a development has received tentative plan
23 approval, (in the case of a subdivision), or been granted a building permit, the
24 developer and his successors in interests shall be bound to complete all terms and
25 conditions of the permit.

26 (f) The fee for a UGA Development Permit shall be as prescribed by resolution of the
27 ~~common~~ City Council.

28 **Section 4.** SRC 66.070 is amended to read as follows:

29 **66.070. UGA Development Permit, Preliminary Declaration.**

30 (a) The Planning Administrator shall review each application and shall issue a

1 Preliminary Declaration listing the extent of all public facilities which the developer
2 must provide as conditions of the permit.

3 (b) Notwithstanding SRC 300.860, The a Preliminary Declaration shall be valid as
4 follows; for a period of two years following the date of the decision of the Planning
5 Administrator under subsection (a) of this section. Two extensions of up to two years
6 each may be granted by the director of public works upon good cause shown.

7 (1) If the Preliminary Declaration is issued in connection with a subdivision,
8 phased subdivision, planned unit development, manufactured dwelling park, or
9 site plan review approval, the Preliminary Declaration shall be valid so long as the
10 subdivision, phased subdivision, planned unit development, manufactured
11 dwelling park, or site plan review approval remains valid,

12 (2) If the Preliminary Declaration is issued in connection with any land use
13 approval other than a subdivision, phased subdivision, planned unit development,
14 manufactured dwelling park, or site plan review approval, the Preliminary
15 Declaration shall remain valid for a period of 4 years following the effective date
16 of the decision.

17 (3) If the Preliminary Declaration is issued independent of any other land use
18 approval, the Preliminary Declaration shall remain valid for a period of 4 years
19 following the effective date of the decision.

20 ~~(c) No application for a tentative subdivision plan approval, planned unit development,~~
21 ~~manufactured dwelling park, or zone change shall be deemed complete without a copy~~
22 ~~of the Preliminary Declaration.~~

23 **Section 5.** SRC 300.860 is amended to read as follows:

24 **300.860. Expiration and Extensions.**

25 **(a) Approval Expiration and Termination.**

26 (1) Unless a different period of time is established in the Salem Revised Code or
27 in the decision, all approvals of land use actions shall expire automatically upon
28 the dates set forth in Table 300.860-1 unless one of the following has occurred:

29 (A) Development has commenced in compliance with the land use
30 approval;

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- (B) An extension has been granted pursuant to SRC 300.860(b); or
- (C) The land use approval has been revoked as provided under SRC 300.870 or is otherwise invalidated by an administrative board or court of competent jurisdiction.

(2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300.860-1, and all required building permits issued for the land use action have expired.

(b) Extensions.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300.860-1 through filing an application for extension prior to the expiration date.

(2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to the standards and criteria used to approve the original application.

(3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

Table 300.860-1: Expiration and Extension of Approvals			
Procedure Type	Expiration Period¹	Extensions Allowed	Maximum Period for Each Extension²
Type I ³	No Expiration Period	N/A	N/A
Type II ⁴	2-Years	2	2-Years
Type III ⁵	2-Years	2	2-Years

Type IV	No Expiration Period	N/A	N/A
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1. 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.
2. The extension period is calculated from the date of the expiration of the approval.
3. Sign Permits requiring a building permit shall be valid for 180 days. All other Sign Permits shall be valid for ninety days. Sign Permits may receive one extension for up to ninety days.
4. Type I and Type I Limited Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
5. Administrative Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
6. Minor Historic Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
7. Type II Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
8. Comprehensive Plan Change and Zone Change approvals have no expiration period.

TABLE 300.860-1
EXPIRATION AND EXTENSION OF APPROVALS

Table 300.860-1: Expiration and Extension of Approvals				
<u>Procedure Type</u>	<u>Expiration Period</u> ¹	<u>Extensions Allowed</u>	<u>Maximum Period for Each Extension</u> ²	<u>Limitations & Qualifications</u>
<u>Type I:</u>				
<u>Administrative Design Review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Minor Historic Design Review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Sign Permit (Requiring Building Permit)</u>	<u>180 Days</u>	<u>1</u>	<u>90 Days</u>	
<u>Sign Permits (All Others)</u>	<u>90 Days</u>	<u>1</u>	<u>90 Days</u>	
<u>Type I Limited Site Plan Review</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.</u>
<u>Type I Site Plan Review</u>				
<u>All Other Type I</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	

Table 300.860-1: Expiration and Extension of Approvals				
<u>Procedure Type</u>	<u>Expiration Period¹</u>	<u>Extensions Allowed</u>	<u>Maximum Period for Each Extension²</u>	<u>Limitations & Qualifications</u>
<u>Type II</u>				
<u>Partition Tentative Plan; Tentative Replat</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Subdivision Tentative Plan</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased Subdivision Tentative Plan (First Phase)</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased Subdivision Tentative Plan (All Other Phases)</u>	<u>10 Years</u>	<u>None</u>	<u>N/A</u>	
<u>Type II Site Plan Review</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.</u>
<u>All Other Type II</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Type III</u>				
<u>Comprehensive Plan Change; Zone Change</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	
<u>All Other Type III</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Type IV</u>				
<u>All Type IV</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	
<p><u>1 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.</u></p> <p><u>2 The extension period is calculated from the date of expiration of the approval.</u></p>				

Section 6. Codification. In codifying this ordinance the City Recorder may change the word “ordinance,” “code,” “article,” “section,” or “chapter” to reflect the proper terminology; may renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors in the text which do not affect the meaning of text.

Section 7. 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.

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Section 8. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the City Council this 25th day of February, 2013.

ATTEST:

Kathy Hall

City Recorder

Approved by City Attorney: 

Checked by: B. Bishop

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TO: MAYOR AND CITY COUNCIL

THROUGH: *Linda Norris*
LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENTS TO THE SALEM REVISED CODE (SRC) MODIFYING THE EXPIRATION PERIODS FOR LAND DIVISION AND URBAN GROWTH AREA (UGA) DEVELOPMENT APPROVALS (CA 13-02)

ISSUE:

Should the City Council enact Ordinance Bill No. 4-13, amending SRC Chapter 63 (Subdivisions), Chapter 66 (Urban Growth Management) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to modify the expiration periods for land division and Urban Growth Area (UGA) development approvals?

RECOMMENDATION:

Staff recommends that the City Council advance Ordinance Bill No. 4-13, amending SRC Chapter 63 (Subdivisions), Chapter 66 (Urban Growth Management), and SRC Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to modify the expiration periods for land division and Urban Growth Area (UGA) development approvals, to second reading for enactment.

BACKGROUND:

The Salem Revised Code contains regulations that specify when land use approvals issued under the code expire. Generally, most land use approvals expire within two years and may be extended twice for up to two years each, resulting in a maximum expiration period of six years.

Due to the current state of the economy, however, the Home Builders Association of Marion and Polk Counties has approached staff with concerns that the expiration periods currently specified in the code for land divisions are presenting an issue as approvals are nearing their maximum expiration period, but applicants are still unable to proceed with their projects within the period of time allowed due to economic conditions beyond their control (Attachment A). Once expired, these projects are required to go through the review process again, resulting in additional cost and delay.

In order to address this issue, Ordinance Bill No. 4-13 increases the maximum expiration period for subdivisions, partitions, and replats. Ordinance Bill 4-13 also modifies the expiration period for Urban Growth Area Development Permit Preliminary Declarations to

correspond to the changes proposed to the expiration periods for subdivisions, partitions, and replats. Over the past six years, roughly two hundred approvals have been issued for land division and UGA development proposals. Ordinance Bill No. 4-13 provides flexibility for a percentage of those approvals that have not already been completed and that remain current by allowing additional time for completion.

FACTS AND FINDINGS:

Procedural Findings

Under SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff through preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another Review Authority for review and recommendation, or may decline to advance the ordinance bill to second reading.

On January 14, 2013, Ordinance Bill No. 4-13 was presented to the City Council for first reading. The Council voted to hold a public hearing on the proposed ordinance bill and a public hearing date was subsequently set for February 11, 2013.

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was delivered on December 28, 2012.

Notice of the public hearing on the proposal was mailed on January 22, 2013, and published in the newspaper.

Proposed Amendments

The proposed amendments included in Ordinance Bill No. 4-13 result in the following changes:

1. Maximum Expiration Period for Subdivisions, Partitions, and Replats Increased.

The code currently establishes an expiration period of two years for tentative subdivisions, partitions, and replats. The expiration period may be extended twice for a period of two years each, resulting in a total maximum expiration period of six years.

Requests for extensions to the expiration period are processed as staff-level Type I decisions under the City's Procedures Ordinance (SRC Chapter 300). Such extension requests are approved if, based on the approval criteria contained under SRC 300.860(b)(2), there have been no modifications to the standards and criteria used to approve the original application.

Under the proposed amendment, the initial two-year expiration period for subdivisions, partitions, and replats will remain the same, but instead of being limited to just two two-year extensions, the approval will be eligible for up to four two-year extensions, resulting in an increase of the maximum expiration period from six to ten years. The proposed ten year maximum is consistent with the expiration period currently established under

the code for phased subdivisions, and is also consistent with the maximum time period established for subdivision approvals under ORS 92.040(3).

2. Expiration Period for UGA Development Permit Preliminary Declarations Modified.

The expiration period currently established in the code, pursuant to SRC 66.070(b), for UGA Development Permit Preliminary Declarations is the same two years, with two two-year extensions, allowed for subdivisions, partitions, and replats.

Under the proposed amendment, where an application for UGA Development Permit Preliminary Declaration is submitted in connection with a subdivision, phased subdivision, planned unit development (PUD), manufactured dwelling park permit, or site plan review approval, the UGA Development Permit Preliminary Declaration will remain valid so long as the subdivision, phased subdivision, PUD, manufactured dwelling park permit, or site plan review approval remains valid. This proposed change ensures that the expiration period for a UGA Development Permit Preliminary Declaration is linked to the accompanying land use approval, and that one approval will not expire without the other.

Where an application for UGA Development Permit Preliminary Declaration is submitted independent of another land use approval, the approval is proposed to be valid for a total of four years.

In 2009, a similar code amendment, Ordinance Bill No. 52-09, was proposed to link the expiration period for Urban Growth Area Development Permit Preliminary Declarations to the underlying land use approval. The amendment also included a retroactive provision that would have made it applicable to all Preliminary Declaration in effect on or after January 1, 2004. However, when the amendment was presented for review by the City Council, concern was expressed about the retroactive provision, and no further action was taken.

Ordinance Bill No. 4-13, does not include a retroactive provision and is only applicable to those approvals that have not already expired.

3. Requirement that UGA Development Permit Preliminary Declaration be submitted with Application for Tentative Subdivision, PUD, Manufactured Dwelling Park, or Zone Change Removed.

The code currently requires, under SRC 66.070(c), that Urban Growth Area Development Permit Preliminary Declarations be included with the submittal of applications for tentative subdivisions, PUDs, manufactured dwelling parks, and zone changes. This requirement is proposed for deletion under the proposed amendment because it results in UGA Development Permit Preliminary Declarations being issued prior to, and therefore reaching their expiration date before, the land use approvals they're required in connection with.

The proposed amendments included in Ordinance Bill No. 4-13 provide flexibility by allowing more time for approved projects to be completed; while at the same time retaining

the City's ability to review approvals as requests for extensions are submitted to ensure that the proposed development still conforms to the standards and criteria of the code.

Attachments:

- A. Letter from Home Builders Association of Marion and Polk Counties (dated: January 3, 2013)



Glenn W. Gross, Urban Planning Administrator

Prepared by Bryce Bishop, Planner II

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA13-02 - Land Division-UGA Time Extensions Ch 63, 66 & 300 (Bryce)\CA 13-02 (CC Public Hearing 2-11-2013).doc



385 Taylor Street NE
Salem, OR 97301

tel 503-399-1500
fax 503-399-0651

homebuildersassociation.org

January 3, 2013

Vickie Woods
Community Development Director
City of Salem
555 Liberty St SE
Salem, OR 97301

Dear Vickie,

As you are well aware, the collapse of the housing market approximately five years ago has created unprecedented economic conditions for many residential developers that has left them unable to move forward with development projects which have received tentative plan approval, within the six years allowed for under city code. Chapter 63.049 currently provides that the tentative plan approval is valid for two years, with the ability to seek two 2-year extensions.

In a number of cases, developers invested significant sums of money taking projects through the approval process and receiving tentative plan approval prior to the housing market collapse, have been granted two 2-year extensions, and are now facing significant economic uncertainty and the costs associated with having to go back to square one and start the application process over once again.

To remedy this unique situation, the Home Builders Association of Marion & Polk Counties is requesting that Salem amend the subdivision code to provide for up to four 2-year extensions, which would allow for up to 10 years from tentative plan approval until final plat. Additionally, we would request that the code be modified such that the expiration of UGA Development Permits be tied to the expiration of the underlying development permit.

As we are aware of developments with tentative plan approval that will expire as early as late March, we would encourage the city to act on this matter as soon as possible.

Thank you for your consideration, and please feel free to contact me if you have any questions.

Sincerely,

Mike Erdmann
Chief Executive Officer

cc: Glenn Gross, Urban Planning Administrator


Affiliated With



ATTACHMENT A

FUTURE REPORT FOR: January 7, 2013
FOR COUNCIL MEETING OF: January 14, 2013
AGENDA ITEM NO.: 8.1 (b)

February 11, 2013
4 (a)

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENTS TO THE SALEM REVISED CODE (SRC) MODIFYING THE EXPIRATION PERIODS FOR LAND DIVISION AND URBAN GROWTH AREA (UGA) DEVELOPMENT APPROVALS (CA 13-02)

ISSUE:

Should the City Council schedule for public hearing Ordinance Bill No. 4-13, amending SRC Chapter 63 (Subdivisions), Chapter 66 (Urban Growth Management) and Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to modify the expiration periods for land division and Urban Growth Area (UGA) development approvals?

RECOMMENDATION:

Staff recommends that the City Council schedule for public hearing Ordinance Bill No. 4-13, amending SRC Chapter 63 (Subdivisions), Chapter 66 (Urban Growth Management), and SRC Chapter 300 (Procedures for Land Use Applications and Legislative Land Use Proposals) to modify the expiration periods for land division and Urban Growth Area (UGA) development approvals.

BACKGROUND:

The Salem Revised Code contains regulations that specify when land use approvals issued under the code expire. Generally, most land use approvals expire within two years and may be extended twice for up to two years each, resulting in a maximum expiration period of six years.

Due to the current state of the economy, however, the Home Builders Association of Marion and Polk Counties has approached staff with concerns that the expiration periods currently specified in the code for land divisions are presenting an issue as approvals are nearing their maximum expiration period, but applicants are still unable to proceed with their projects within the period of time allowed due to economic conditions beyond their control (Attachment A). Once expired, these projects are required to go through the review process again, resulting additional cost and delay.

In order to address this issue, Ordinance Bill No. 4-13 increases the maximum expiration period for subdivisions, partitions, and replats. Ordinance Bill 4-13 also modifies the expiration period for Urban Growth Area Development Permit Preliminary Declarations to

correspond to the changes proposed to the expiration periods for subdivisions, partitions, and replats. Over the past six years, roughly two hundred approvals have been issued for land division and UGA development proposals. Ordinance Bill No. 4-13 provides flexibility for a percentage of those approvals that have not already been completed and that remain current by allowing additional time for completion.

FACTS AND FINDINGS:

Procedural Findings

Under SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff through preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another Review Authority for review and recommendation, or may decline to advance the ordinance bill to second reading.

Subsequent to initiation of the proposed amendments, notice of public hearing will be provided as required under SRC Chapter 300.

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was delivered on December 28, 2012.

Proposed Amendments

The proposed amendments included in Ordinance Bill No. 4-13 result in the following changes:

1. Maximum Expiration Period for Subdivisions, Partitions, and Replats Increased.

The code currently establishes an expiration period of two years for tentative subdivisions, partitions, and replats. The expiration period may be extended twice for a period of two years each, resulting in a total maximum expiration period of six years.

Requests for extensions to the expiration period are processed as staff-level Type I decisions under the City's Procedures Ordinance (SRC Chapter 300). Such extension requests are approved if, based on the approval criteria contained under SRC 300.860(b)(2), there have been no modifications to the standards and criteria used to approve the original application.

Under the proposed amendment, the initial two-year expiration period for subdivisions, partitions, and replats will remain the same, but instead of being limited to just two two-year extensions, the approval will be eligible for up to four two-year extensions, resulting in an increase of the maximum expiration period from six to ten years. The proposed ten year maximum is consistent with the expiration period currently established under the code for phased subdivisions, and is also consistent with the maximum time period established for subdivision approvals under ORS 92.040(3).

2. Expiration Period for UGA Development Permit Preliminary Declarations Modified.

The expiration period currently established in the code, pursuant to SRC 66.070(b), for UGA Development Permit Preliminary Declarations is the same two years, with two two-year extensions, allowed for subdivisions, partitions, and replats.

Under the proposed amendment, where an application for UGA Development Permit Preliminary Declaration is submitted in connection with a subdivision, phased subdivision, planned unit development (PUD), manufactured dwelling park permit, or site plan review approval, the UGA Development Permit Preliminary Declaration will remain valid so long as the subdivision, phased subdivision, PUD, manufactured dwelling park permit, or site plan review approval remains valid. This proposed change ensures that the expiration period for a UGA Development Permit Preliminary Declaration is linked to the accompanying land use approval, and that one approval will not expire without the other.

Where an application for UGA Development Permit Preliminary Declaration is submitted independent of another land use approval, the approval will remain valid for a total of four years.

In 2009, a similar code amendment, Ordinance Bill No. 52-09, was proposed to link the expiration period for Urban Growth Area Development Permit Preliminary Declarations to the underlying land use approval. The amendment also included a retroactive provision that would have made it applicable to all Preliminary Declaration in effect on or after January 1, 2004. However, when the amendment was presented for review by the City Council, concern was expressed about the retroactive provision, and no further action was taken.

Ordinance Bill No. 4-13, does not include a retroactive provision and is only applicable to those approvals that have not already expired.

3. Requirement that UGA Development Permit Preliminary Declaration be submitted with Application for Tentative Subdivision, PUD, Manufactured Dwelling Park, or Zone Change Removed.

The code currently requires, under SRC 66.070(c), that Urban Growth Area Development Permit Preliminary Declarations be included with the submittal of applications for tentative subdivisions, PUDs, manufactured dwelling parks, and zone changes. This requirement is proposed for deletion under the proposed amendment because it results in UGA Development Permit Preliminary Declarations being issued prior to, and reaching their expiration date before, the land use approvals they're required in connection with.

The proposed amendments included in Ordinance Bill No. 4-13 provide flexibility by allowing more time for approved projects to be completed; while at the same time retaining the City's ability to review approvals as requests for extensions are submitted to ensure that the proposed development still conforms to the standards and criteria of the code.

Attachments:

- A. Letter from Home Builders Association of Marion and Polk Counties (dated: January 3, 2013)



Glenn W. Gross, Urban Planning Administrator

Prepared by Bryce Bishop, Planner II

G:\CD\PLANNING\CASE APPLICATION FILES 2011-On\CODE AMENDMENTS\CA13-02 - Land Division-UGA Time Extensions Ch 63, 66 & 300 (Bryce)\CA 13-02 (CC Future Report 1-7-2013)v2.doc



385 Taylor Street NE
Salem, OR 97301

tel: 503-399-1500
fax: 503-399-0651

homebuildersassociation.org

January 3, 2013

Vickie Woods
Community Development Director
City of Salem
555 Liberty St SE
Salem, OR 97301

Dear Vickie,

As you are well aware, the collapse of the housing market approximately five years ago has created unprecedented economic conditions for many residential developers that has left them unable to move forward with development projects which have received tentative plan approval, within the six years allowed for under city code. Chapter 63.049 currently provides that the tentative plan approval is valid for two years, with the ability to seek two 2-year extensions.

In a number of cases, developers invested significant sums of money taking projects through the approval process and receiving tentative plan approval prior to the housing market collapse, have been granted two 2-year extensions, and are now facing significant economic uncertainty and the costs associated with having to go back to square one and start the application process over once again.

To remedy this unique situation, the Home Builders Association of Marion & Polk Counties is requesting that Salem amend the subdivision code to provide for up to four 2-year extensions, which would allow for up to 10 years from tentative plan approval until final plat. Additionally, we would request that the code be modified such that the expiration of UGA Development Permits be tied to the expiration of the underlying development permit.

As we are aware of developments with tentative plan approval that will expire as early as late March, we would encourage the city to act on this matter as soon as possible.

Thank you for your consideration, and please feel free to contact me if you have any questions.

Sincerely,

Mike Erdmann
Chief Executive Officer

cc: Glenn Gross, Urban Planning Administrator



ATTACHMENT A

ORDINANCE BILL NO. 4-13

1 AN ORDINANCE RELATING TO THE EXPIRATION AND EXTENSION OF
2 SUBDIVISIONS, PARTITIONS, REPLATS, AND URBAN GROWTH AREA
3 DEVELOPMENT PERMIT PRELIMINARY DECLARATIONS; AMENDING SRC 63.049,
4 SRC 63.360, SRC 66.050, SRC 66.070, AND SRC 300.860; AND DECLARING AN
5 EMERGENCY
6

7 *The City of Salem ordains as follows:*

8 **Section 1.** SRC 63.049 is amended to read as follows:

9 **63.049. Time Limit on Tentative Plan Approval.**

10 (a) ~~Except as provided in subsection (b) of this section, tentative plan approval shall~~
11 ~~be valid for a period of two years following the date of the final decision of the~~
12 ~~planning administrator, commission, or council. Tentative plan approval shall expire as~~
13 ~~provided in SRC 300.860, unless an application for final plat is submitted within the~~
14 ~~time limits set forth in SRC 300.860, or an extension is granted pursuant to SRC~~
15 ~~300.860(b). If no application for final plat, or no application for extension, is submitted~~
16 ~~for final approval within that the time limits set forth in SRC 300.860, no final plat~~
17 ~~shall thereafter be approved; provided, however, the applicant may begin anew the~~
18 ~~process of tentative plan approval. In such a case the ~~planning administrator,~~~~
19 ~~commission, and council-City shall not be bound by the terms of the prior approval.~~
20 (b) ~~Where unforeseen circumstances beyond the control of the applicant intervene, the~~
21 ~~administrative body which granted the final decision on the subdivision or partition~~
22 ~~may extend the time for filing a final plat for a period not to exceed an additional two~~
23 ~~years, upon a written finding that the facts upon which the approval was based have not~~
24 ~~changed to an extent sufficient to warrant refiling of the tentative plan. No more than~~
25 ~~two such extensions shall be granted for any one partition or subdivision, resulting in a~~
26 ~~maximum time extension of four years.~~

27 (e2) For subdivisions that were granted tentative plan approval to be constructed in
28 phases, the final phase shall be recorded within ten-(10) years of the effective date of
29 the tentative plan approval date. ~~An application for an extension may be filed as~~
30 ~~allowed under subsection (b) of this section.~~

1 Section 2. SRC 63.360 is amended to read as follows:

2 **63.360. Phased Subdivisions.**

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

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

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

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

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

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

20 (d) **Conditions of Approval.** Conditions of approval shall be imposed upon the
21 tentative plan that will ensure all public facilities will be completed in a timely manner,
22 that safe and healthful development of the subject property and neighboring properties
23 will be ensured, and that the public health, safety and welfare will be preserved.

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

1 that is to be recorded.

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

- 10 (1) A decrease or increase in the number of lots within the particular phase;
11 (2) A change in the location or size of public rights-of-way within the specific
12 phase; provided, however, the change does not materially affect connectivity,
13 does not increase or decrease the number of connections to streets set forth in the
14 tentative plan, does not change the point of connection with existing or planned
15 streets, does not change the street designation from one classification to another;
16 (3) A change in the location or width of a public utility easement, so long as the
17 change does not adversely affect connectivity with constructed or planned
18 utilities;
19 (4) A decrease in the number of phases or area of a specific phase; or
20 (5) An increase in the area of a specific phase.

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

24 **Section 3.** SRC 66.050 is amended to read as follows:

25 **66.050. Urban Growth Area Development Permit Required; Term and Fee.**

26 (a) Prior to subdivision plat approval for a residential or commercial subdivision, or
27 application for a building permit for any development where no subdivision is
28 contemplated, a developer shall first obtain an Urban Growth Area Development
29 Permit if the development is within the Urban Growth Area (UGA), or is within the
30 Urban Service Area (USA), but precedes city construction of required facilities that are

1 shown in the adopted capital improvement plan, public facilities plan or comparable
2 plan for the area of the development.

3 (b) Prior to issuance of a building permit for a single family residence or duplex in a
4 subdivision subject to subsection (a) of this section, and prior to issuing a certificate of
5 occupancy for any other development subject to subsection (a) of this section, the
6 building official shall ascertain that all conditions of the Urban Growth Area
7 Development Permit have been complied with.

8 (c) It shall be unlawful for any person to construct or commence construction of any
9 single family residence or duplex in a subdivision subject to subsection (a) of this
10 section, or to occupy (except under a temporary occupancy certificate issued pursuant
11 to UBC Sec. 306(d) and subsection (d) of this section) any other development subject to
12 subsection (a) of this section without first obtaining and fully complying with all
13 conditions of an Urban Growth Area Development Permit.

14 (d) Notwithstanding the provisions of subsection (b) of this section, the building
15 official may issue a temporary occupancy certificate as provided in UBC Sec. 306(d) if
16 the holder has substantially complied with the conditions of an Urban Growth Area
17 Development Permit and agrees in writing to complete all remaining conditions by a
18 date certain not more than 180 days from the issuance of the temporary certificate.
19 Failure to comply with such a written agreement shall result in revocation of the
20 temporary certificate without further notice.

21 (e) A UGA Development Permit shall be valid for a period of two years from its date
22 of issuance; provided, however, that once a development has received tentative plan
23 approval, (in the case of a subdivision), or been granted a building permit, the
24 developer and his successors in interests shall be bound to complete all terms and
25 conditions of the permit.

26 (f) The fee for a UGA Development Permit shall be as prescribed by resolution of the
27 ~~common~~ City Council.

28 **Section 4.** SRC 66.070 is amended to read as follows:

29 **66.070. UGA Development Permit, Preliminary Declaration.**

30 (a) The Planning Administrator shall review each application and shall issue a

1 Preliminary Declaration listing the extent of all public facilities which the developer
2 must provide as conditions of the permit.

3 ~~(b) Notwithstanding SRC 300.860, The a Preliminary Declaration shall be valid as~~
4 ~~follows: for a period of two years following the date of the decision of the Planning~~
5 ~~Administrator under subsection (a) of this section. Two extensions of up to two years~~
6 ~~each may be granted by the director of public works upon good cause shown.~~

7 (1) If the Preliminary Declaration is issued in connection with a subdivision,
8 phased subdivision, planned unit development, manufactured dwelling park, or
9 site plan review approval, the Preliminary Declaration shall be valid so long as the
10 subdivision, phased subdivision, planned unit development, manufactured
11 dwelling park, or site plan review approval remains valid.

12 (2) If the Preliminary Declaration is issued in connection with any land use
13 approval other than a subdivision, phased subdivision, planned unit development,
14 manufactured dwelling park, or site plan review approval, the Preliminary
15 Declaration shall remain valid for a period of 4 years following the effective date
16 of the decision.

17 (3) If the Preliminary Declaration is issued independent of any other land use
18 approval, the Preliminary Declaration shall remain valid for a period of 4 years
19 following the effective date of the decision.

20 ~~(e) No application for a tentative subdivision plan approval, planned unit development,~~
21 ~~manufactured dwelling park, or zone change shall be deemed complete without a copy~~
22 ~~of the Preliminary Declaration.~~

23 **Section 5.** SRC 300.860 is amended to read as follows:

24 **300.860. Expiration and Extensions.**

25 **(a) Approval Expiration and Termination.**

26 (1) Unless a different period of time is established in the Salem Revised Code or
27 in the decision, all approvals of land use actions shall expire automatically upon
28 the dates set forth in Table 300.860-1 unless one of the following has occurred:

29 (A) Development has commenced in compliance with the land use
30 approval;

- (B) An extension has been granted pursuant to SRC 300.860(b); or
- (C) The land use approval has been revoked as provided under SRC 300.870 or is otherwise invalidated by an administrative board or court of competent jurisdiction.

(2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300.860-1, and all required building permits issued for the land use action have expired.

(b) Extensions.

(1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300.860-1 through filing an application for extension prior to the expiration date.

(2) Requests for extensions shall be processed as Type I applications and shall be granted if there have been no modifications to the standards and criteria used to approve the original application.

(3) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(4) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

Table 300.860-1: Expiration and Extension of Approvals

Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²
Type I ³	No Expiration Period	N/A	N/A
Type II ⁴	2 Years	2	2 Years
Type III ⁵	2 Years	2	2 Years

Type IV	No Expiration Period	N/A	N/A
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1. 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.
2. The extension period is calculated from the date of the expiration of the approval.
3. Sign Permits requiring a building permit shall be valid for 180 days. All other Sign Permits shall be valid for ninety days. Sign Permits may receive one extension for up to ninety days.
4. Type I and Type I Limited Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
5. Administrative Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
6. Minor Historic Design Review approvals shall be valid for two years and may receive two extensions for up to two years.
7. Type II Site Plan approvals shall be valid for four years. No extensions of Site Plan approvals are allowed. If a valid building permit application is submitted, the Site Plan approval shall remain valid until the building permit expires.
8. Comprehensive Plan Change and Zone Change approvals have no expiration period.

TABLE 300.860-1
EXPIRATION AND EXTENSION OF APPROVALS

Table 300.860-1: Expiration and Extension of Approvals				
<u>Procedure Type</u>	<u>Expiration Period</u> ¹	<u>Extensions Allowed</u>	<u>Maximum Period for Each Extension</u> ²	<u>Limitations & Qualifications</u>
<u>Type I</u>				
<u>Administrative Design Review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Minor Historic Design Review</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
<u>Sign Permit (Requiring Building Permit)</u>	<u>180 Days</u>	<u>1</u>	<u>90 Days</u>	
<u>Sign Permits (All Others)</u>	<u>90 Days</u>	<u>1</u>	<u>90 Days</u>	
<u>Type I Limited Site Plan Review</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.</u>
<u>Type I Site Plan Review</u>				
<u>All Other Type I</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	

Table 300.860-1: Expiration and Extension of Approvals				
<u>Procedure Type</u>	<u>Expiration Period</u> ¹	<u>Extensions Allowed</u>	<u>Maximum Period for Each Extension</u> ²	<u>Limitations & Qualifications</u>
Type II				
<u>Partition Tentative Plan; Tentative Replat</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Subdivision Tentative Plan</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased Subdivision Tentative Plan (First Phase)</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
<u>Phased Subdivision Tentative Plan (All Other Phases)</u>	<u>10 Years</u>	<u>None</u>	<u>N/A</u>	
<u>Type II Site Plan Review</u>	<u>4 Years</u>	<u>None</u>	<u>N/A</u>	<u>If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.</u>
<u>All Other Type II</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
Type III				
<u>Comprehensive Plan Change; Zone Change</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	
<u>All Other Type III</u>	<u>2 Years</u>	<u>2</u>	<u>2 Years</u>	
Type IV				
<u>All Type IV</u>	<u>No Expiration Period</u>	<u>N/A</u>	<u>N/A</u>	
<p><u>1 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.</u></p> <p><u>2 The extension period is calculated from the date of expiration of the approval.</u></p>				

Section 6. Codification. In codifying this ordinance the City Recorder may change the word “ordinance,” “code,” “article,” “section,” or “chapter” to reflect the proper terminology; may renumber sections, subsections, paragraphs and clauses to reflect proper sequencing; may correct any cross-references; and may correct any typographical errors in the text which do not affect the meaning of text.

Section 7. 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.

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Section 3. Emergency Clause. This act being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the City Council this _____ day of _____, 2013.

ATTEST:

City Recorder

Approved by City Attorney: 

Checked by: B. Bishop

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City of Salem
Community Development Department
55 Liberty Street, SE, Room 105
Salem, OR 97301

State

DEPT OF

MAR 01 2013

**LAND CONSERVATION
AND DEVELOPMENT**

Land Conservation & Development
Department
635 Capitol St NE, Suite 150
Salem OR 97301