

TO: MAYOR AND CITY COUNCIL
Robert Wells
THROUGH: ROBERT G. WELLS, CITY MANAGER
FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: INITIATE AN AMENDMENT TO SALEM REVISED CODE CHAPTER 121
(PLANNED UNIT DEVELOPMENT) TO ADD CRITERIA FOR APPROVAL,
CLARIFYING THE RELATIONSHIP BETWEEN THE PLANNED UNIT
DEVELOPMENT ORDINANCE AND THE SUBDIVISION ORDINANCE AND
AUTHORIZING DEFERRED IMPROVEMENT AGREEMENTS

ISSUE:

To initiate amendments to SRC Chapter 121 for the purpose of adding criteria for approval, clarifying the relationship between the planned unit development ordinance and the subdivision ordinance, and authorizing deferred improvement agreements. These code amendments would be referred to the Salem Planning Commission for its recommendation and direct the Urban Planning Administrator to set a Planning Commission Public Hearing date in order to receive testimony concerning the proposed amendment.

RECOMMENDATION:

City Council adopt Resolution No. 2007-102 to:

- 1) Initiate amendments to SRC Chapter 121 for the purpose of adding criteria for approval, clarifying the relationship between the planned unit development ordinance and the subdivision ordinance, and authorizing deferred improvement agreements;
- 2) Refer the matter to the Salem Planning Commission for its recommendation; and
- 3) Direct the Urban Planning Administrator to set a date for a public hearing before the Salem Planning Commission to receive testimony concerning the proposed amendment.

BACKGROUND:

Under Agenda Item No.11.2.a for the September 24, 2007 meeting, Councilor Nanke introduced this issue. The following motion was approved by City Council:

“Direct staff to prepare a resolution for City Council to initiate a review of the Planned Unit Development Ordinance, SRC Chapter 121, for the purpose of

adding criteria for approval, clarifying the relationship between the planned unit development ordinance and the subdivision ordinance, and authorizing deferred improvement agreements. ”


FACTS AND FINDINGS:

1. The following background information and justification in support of the Council's motion to initiate a review of the Planned Unit Development Ordinance, SRC Chapter 121, was provided by Councilor Nanke at the September 24, 2007 meeting:

“On June 4 of this year City Council reviewed a Planning Administrator decision to approve a planned unit development for property located at 990 Cedar Way and 2740 Summer Street SE. City Council will recall that a central issue during our review of the proposal was what constitutes an “amenity” as contained in the purpose statement and whether we had the ability to require said amenity. Our conclusion was that while the purpose statement references open space and amenities as reasons to approve planned unit developments, the lack of criteria in the code precludes our ability to deny an application based on a lack of open space and/or amenities. Staff has subsequently reviewed planned unit development ordinances from other jurisdictions and is now prepared to develop proposed code language that will address this issue.

In addition, staff has identified a couple of housekeeping items dealing with clarifying the relationship between PUD and Subdivision approval and authorizing the City to enter into a deferred improvement agreement with project applicants.”

2. Following the initiation of amendments to SRC Chapter 121 the Urban Planning Administrator shall set a date for a public hearing to be held before the Salem Planning Commission. A notification to the Department of Land Conservation and Development at least 45 days prior to the first evidentiary hearing is required under ORS 197.610 and OAR 660-018-0020.
3. After holding a public hearing to receive testimony, the Salem Planning Commission shall forward a recommendation to the City Council on the matter.
4. Upon receipt of the Salem Planning Commission recommendation, the City Council may take action on the matter.



Glenn W. Gross, Urban Planning Administrator

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RESOLUTION NO. 2007-102

A RESOLUTION INITIATING AMENDMENTS TO SALEM REVISED CODE CHAPTER 121, PLANNED UNIT DEVELOPMENT

Whereas, at its September 24, 2007 meeting the City Council directed staff to prepare a resolution to initiate amendments to Salem Revised Code Chapter 121, Planned Unit Development (PUD), to add criteria for approval, to clarify the relationship between the PUD ordinance and the subdivision ordinance, and to allow the use of deferral agreements for improvements required as conditions of approval for a PUD; and

Whereas, pursuant to SRC 110.070(a), proposed amendments to the Salem Zoning Code may be initiated by City Council resolution; and

Whereas, a notification period of 45 days to the Oregon Department of Land Conservation and Development of a proposed amendment is required under ORS 197.610 and OAR 660-018-0020; and

Whereas, under SRC 110.070(b), the Urban Planning Administrator must fix a date for a public hearing before the Planning Commission and cause notice to be published as provided in SRC 114.080; and

Whereas, under SRC 110.070(b), after a public hearing before the Planning Commission, the Planning Commission must forward a report of its deliberations and a recommendation on the amendments to the City Council; and

Whereas, the City Council has determined amendment of SRC Chapter 121, Planned Unit Development, is necessary and proper and in the public interest;

NOW, THEREFORE, THE CITY OF SALEM RESOLVES AS FOLLOWS:

Section 1. The City Council hereby initiates amendments to SRC Chapter 121 to add criteria for approval, to clarify the relationship between the PUD ordinance and the subdivision ordinance, and to allow the use of deferral agreements for improvements required as conditions of approval for a PUD.

Section 2. A public hearing on proposed amendments to SRC Chapter 121 shall be set before the Salem Planning Commission at a future date to be determined by the Urban Planning Administrator.


Section 3. This resolution is effective upon adoption.

ADOPTED by the Council this _____ day of _____, 2007.

ATTEST:

City Recorder

Approved by City Attorney: _____



Checked by: C. Urbani

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