

ORDINANCE BILL NO. 8-08

1
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

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

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

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

- 21 (1) A decrease or increase in the number of lots within the particular
22 phase;
- 23 (2) A change in the location or size of public rights-of-way within the
24 specific phase; provided, however, the change does not materially
25 affect connectivity, does not increase or decrease the number of
26 connections to streets set forth in the tentative plan, does not change
27 the point of connection with existing or planned streets, does not
28 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 _____ day of _____, 2008 .

ATTEST:

City Recorder

Approved by City Attorney:  _____

Checked By: J. Moore

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