



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

January 24, 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 008-07

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: February 8, 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
Jason Locke, DLCD Regional Representative
Cecilia Desantis Urbani, City Of Salem

<paa> ya/

NOTICE OF ADOPTION

Hand delivered

D
A
T
E

S
T
A
M
P

DEPT OF

JAN 18 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: City of Salem Local File Number: CA 07-2

Date of Adoption: November 5, 2007 Date Mailed: January 17, 2008

Date this Notice of Proposed Amendment was mailed to DLCD: June 21, 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 165.130 to require notification of property owners of potential creation of enclave territory

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice to 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: _____ New: _____

Applicable Statewide Planning Goals:

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: Cecilia DeSantis Urbani, Principal Planner Phone: (503) 588-6173 Extension: 7508

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip: 97301 E-Mail Address: curbani@cityofsalem.net

DLCD File No: 008-07 (16199)

1 A BILL FOR ORDINANCE NO. 115-07

2 AN ORDINANCE RELATING TO NOTIFICATION PROCEDURES FOR THE PROPERTY
3 OWNERS OF POTENTIAL ENCLAVE AREAS; AMENDING SRC 165.130; AND CREATING
4 NEW PROVISIONS.

5 *The City of Salem Ordains as follows:*

6 **Section 1.** SRC 165.130 is amended to read:

7 **165.130. CITY COUNCIL REVIEW OF PROPOSED ANNEXATIONS.**

8 (a) **Hearing.** No later than forty-five days prior to the date the proposed annexation must be
9 submitted to the county clerk for inclusion on the ballot, the City Council shall hold a public
10 hearing on each annexation proposal, including the proposed zoning and any comprehensive
11 plan designation for the territory to be annexed, if such designation is different than that
12 automatically applicable under SRC 165.100(a).

13 (b) **Notice of Hearing.**

14 ~~(1) At least ten (10) days before the public hearing, notice of the hearing shall be~~
15 ~~mailed to persons whose property will become an enclave as a result of the approval~~
16 ~~of the proposed annexation. The notice shall include a description of the proposed~~
17 ~~annexation, the city and state laws and regulations applicable to enclaved territory,~~
18 ~~and shall notify the affected property owners of the potential of their property to~~
19 ~~become an enclave. Failure of a property owner described in this section to receive~~
20 ~~notice shall not invalidate the annexation of the territory.~~

21 (2) At least 10 days before the hearing, notice of the hearing shall be mailed to the
22 person whose property will be annexed, any person who has submitted written or oral
23 evidence or testimony in a timely manner at the Planning Commission evidentiary
24 hearing, any recognized neighborhood organization for the area adjacent to that
25 proposed to be annexed, and persons who requested notice of the Planning
26 Commission's decision.

27 (c) **Criteria.** The City Council shall determine whether the proposed annexation meets the
28 following criteria:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Comprehensive Plan and applicable Statewide planning goals;

(2) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;

(3) The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;

(4) The public interest would be furthered by the referral of the annexation to the voters; and

(5) For annexations that propose a change in the comprehensive plan designation or a zoning designation that is different from the equivalent zoning designation set forth in Table 165-1, that:

- (A) The comprehensive plan and zone designation provides for the logical urbanization of land;
- (B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;
- (C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and
- (D) It is in the public interest that the proposed change be made.

(d) Decision. Unless the person whose property would be annexed agrees to a longer time period, the City Council shall adopt a decision, supported by findings, within twenty-one days of the hearing. If the annexation proposal would change the comprehensive plan designation or result in a zoning designation that is different from the equivalent zoning designation set forth in Table 165-1, the City Council shall adopt, modify or reject the Planning Commission's recommendation for land use designations, and approve or reject the conceptual plan.

(e) Notice of Decision. Within 5 days of the decision, the Director shall mail written notice of the decision to the person whose property would be annexed, and to any person who participated in the hearing before the City Council, any person who requested notice of the decision, and any recognized neighborhood organization for any area adjacent to the area proposed to be annexed. The notice shall summarize the decision of the City Council and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

explain the appeal rights. (Ord. No. 48-04)


Section 2. 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 5th day of November, 2007.

ATTEST:



DEPUTY City Recorder

Approved by City Attorney: 

Checked by: C. Urbani

G:\GROUP\LEGAL\Council\102207 Annexation Notification ord.wpd