



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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## NOTICE OF ADOPTED AMENDMENT

December 15, 2006

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 016-06



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: January 2, 2007**

This amendment was submitted to DLCD for review 45 days 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 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.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Jason Locke, DLCD Regional Representative  
Lisa Van de Water, City of Salem

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DEPT OF

DEC 11 2006

LAND CONSERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

This form must be mailed to 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 06-6  
(if no number, use none)

Date of Adoption November 27, 2006 Date Mailed December 8, 2006  
(must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD September 5, 2006

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other: Code amendment  
(Please specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
Amended Salem Revised Code Chapter 6, Salem Planning Commission to update the membership requirements for Planning Commission members, generally encouraging geographic diversity, requiring a non-city resident to live within the UGB, and reducing the number of allowed missed meetings and making other necessary updates.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice of the proposed amendment, write "N/A."  
The proposed amendment would have changed the number of Commission members from 7 to 9. The adopted amendment did not change the number of members.

Plan Map Change From NA to NA  
Zone Map Change From NA to NA  
Location: NA Acres Involved: NA  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: \_\_\_\_\_ Was an Exception adopted?  Yes  No

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?**  Yes  No  
If no, do the Statewide Planning Goals apply.  Yes  No  
If no, did the Emergency Circumstances Required immediate adoption.  Yes  No

Affected State or Federal Agencies, Local Governments or Special Districts: \_\_\_\_\_

Local Contact: Lisa Van de Water, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7581

Address: 555 Liberty Street SE, Room 305 City: Salem  
Zip Code+4: 97301-3503 Email Address: lvandewater@cityofsalem.net

DLCD File No: 016-06 (15540)



1 **ENGROSSED**

2 **A BILL FOR ORDINANCE NO. 47-06**

3 AN ORDINANCE relating to the Salem Planning Commission, amending SRC 6.010, SRC  
4 6.020, SRC 6.030, and SRC 6.040 and repealing SRC 6.050, SRC 6.060, SRC 6.070, SRC 6.080, SRC  
5 6.090 and SRC 6.100.

6 THE CITY OF SALEM ORDAINS AS FOLLOWS:

7 **Section 1.** SRC 6.010 is amended to read:

8 **6.010. Salem Planning Commission; Composition; Term of Office; Terms and Vacancies in**  
9 **Office; Removal from Office.**

10 (a) The Salem Planning Commission is hereby created.

11 (b) The Commission shall consist of ~~the city manager and the city engineer, ex-officio non-~~  
12 ~~voting members, and seven other~~ members to be appointed by the City Council, not more than one of  
13 whom shall be a nonresident of the City of Salem. ~~If the City Council appoints a nonresident member,~~  
14 ~~that member shall reside within the Salem/Keizer Urban Growth Boundary.~~ No more than one voting  
15 member shall be engaged principally in the buying, selling, or developing of real estate for profit as an  
16 individual or be a member of any corporation that is engaged principally in the buying, selling, or  
17 developing of real estate for profit. No more than one voting member shall be engaged in the same kind  
18 of business, trade, or profession. ~~In making appointments to the Commission, the City Council shall~~  
19 ~~encourage, but not require, geographic distribution of members throughout the City of Salem. Voting~~  
20 ~~members shall be residents of the City of Salem, except that one non-resident is allowed.~~

21 ~~(b) The commission shall have the powers and duties hereinafter set forth and such further and~~  
22 ~~additional powers and duties as may be conferred on such commission by the constitution and~~  
23 ~~laws of the State of Oregon, by the charter of the City of Salem, or by ordinances or orders of~~  
24 ~~the council.~~

25 (c) The term of office ~~for a member of the appointive members~~ shall be four years, or until a  
26 ~~successor is their successors~~ are appointed and qualified. ~~and their t~~Terms shall be staggered  
27 so that the term of office of not more than ~~three members two~~ will expire in the same calendar  
28 year. No ~~appointive~~ member shall serve more than two consecutive terms. ~~The terms of the~~

1 commissioners in office at the effective date of this ordinance shall not terminate, but they shall  
2 serve out their respective terms unless sooner removed as may be provided by this Code.

3 (d) Any vacancy in office in said commission shall be filled by appointment made by the City  
4 Council for the unexpired portion of the term. Members of the commission shall qualify by  
5 taking and subscribing an oath to office to uphold the Constitution of the United States and the  
6 State of Oregon, the laws of the State of Oregon, the Salem City Charter and the ordinances of  
7 the City of Salem, and to faithfully and impartially perform the duties of said office to the best  
8 of their his or her ability.

9 (e) A member may be removed by the City Council, after hearing, for misconduct or  
10 nonperformance of duty. Any member who misses more than four consecutive regular meetings  
11 without having been given a leave of absence by the City Council shall be removed by the City  
12 Council without a hearing, and another member shall be appointed to complete the unexpired  
13 term of such member.

14 (fe) The Members of the commission shall receive no compensation for their service on the  
15 Commission, but shall be reimbursed for duly authorized expenses.

16 **Section 2.** SRC 6.020 is amended to read:

17 **6.020. Organization.**

18 (a) At the first regular meeting of each calendar year, the Commission shall elect from its  
19 members a president and a vice president. The president shall preside at meetings of the  
20 Commission, and shall have the right to vote. The vice-president shall, in case of absence or  
21 disability of the president, perform the duties of presiding officer. , who shall be members  
22 appointed by the mayor and council, and shall hold office during the pleasure of the commission.  
23 Officers shall serve for terms of one year or until their successors are regularly elected and take  
24 office.

25 (b) Four members appointed by the mayor and council shall at all times constitute a quorum.  
26 The concurring vote of a majority of members present shall be required for approval or  
27 disapproval of any motion or other action of the Commission.

28 (c) The Commission shall meet at least once each month. , and the regular meeting place of the



1        ~~commission shall be at the city hall.~~

2        ~~(d) The Commission shall adopt, and may alter, may make, establish, and alter rules and~~  
3        ~~regulations for its government and of procedure for the governance of its meetings consistent~~  
4        ~~with the laws of the State of Oregon and with the Salem City Charter and ordinances of the City~~  
5        ~~of Salem.~~

6        **Section 3.** SRC 6.030 is amended to read:

7        **6.030. Annual Report to Council.** The Commission shall, ~~not later than on or before~~ the first day of  
8        ~~October of each calendar year, make and file with the council~~ a report with City Council, providing a  
9        ~~comprehensive review of its activities during of all transactions of the commission for the preceding~~  
10       ~~fiscal year.~~

11       **Section 4.** SRC 6.040 is amended to read:

12       **6.040. Powers and Duties.** It shall be the duty of the Commission, and it shall have the power, except  
13       as otherwise provided by law;

14        **(a)** To recommend and make suggestions to the City Council and to all other public authorities  
15        concerning the laying out, widening, extending, parking, and location of streets, sidewalks, and  
16        boulevards, the relief of traffic congestion, the betterment of housing and sanitation conditions  
17        and the establishment of zones or districts limiting the use of premises and the use, height, area  
18        and bulk of buildings and structures;

19        **(b)** To recommend to the City Council the establishment and alteration from time to time of  
20        building setback lines on private property adjacent to any alley, street, or other public way;

21        **(c)** To recommend to the City Council and all other public authorities plans for the regulations  
22        of the future growth development and beautification of the municipality in respect to its public  
23        and private buildings and works, streets, parks, grounds, vacant lots, and plans consistent with  
24        the future growth and development of the City of Salem, in order to secure to the City of Salem  
25        and its inhabitants sanitation, proper services of all public utilities, harbor, shipping, and  
26        transportation facilities;

27        **(d)** To do and perform any and all other acts and things necessary or proper to carry out the  
28        provisions of this Chapter; ordinance;

- 1 (e) To recommend to the City Council and all other public authorities plans for promotion,  
2 development, and regulation of the industrial and economic needs of the community in respect  
3 to private and public enterprises engaged in industrial advantages and opportunities of the  
4 municipality and the availability of real estate within the City of Salem municipality for  
5 industrial settlement, and on the encouragement of industrial settlement within the City of  
6 Salem; municipality;
- 7 (f) To study the needs of existing local industries with a view to strengthening and developing  
8 the local industries and stabilizing employment conditions;
- 9 (g) To serve as the committee for citizen involvement as described in Statewide Planning Goal  
10 1, responsible for assisting the City Council with the development of a program that promotes  
11 and enhances citizen involvement in land-use planning, assisting in the implementation of the  
12 citizen involvement program, and evaluating the process being used for citizen involvement;
- 13 (h) To exercise any and all powers, functions, and authority delegated to or conferred upon the  
14 commission by the laws of Oregon, the Salem City Charter, of the City of Salem; this Chapter,  
15 and ordinance or any other ordinances of the this City of Salem; and
- 16 (i) To, in general, to study and propose such measures as may be advisable for the promotion of  
17 the public interest, health, morals, safety, comfort, convenience, and welfare of said the City of  
18 Salem and the area for six miles adjacent thereto, except where by law such powers and duties  
19 devolve upon some other public body as to the area outside of the City of Salem.

- 20 **Section 5.** SRC 6.050 is repealed.
- 21 **Section 6.** SRC 6.060 is repealed.
- 22 **Section 7.** SRC 6.070 is repealed.
- 23 **Section 8.** SRC 6.080 is repealed.
- 24 **Section 9.** SRC 6.090 is repealed.
- 25 **Section 10.** SRC 6.100 is repealed.

26 /////

27 /////

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1 **Section 11. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any  
2 part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance  
3 shall remain in full force and effect.

4 PASSED by the Council this 27th day of November, 2006 .

5 ATTEST:

6 *Kathy Hall*  
7 City Recorder

8 Approved by City Attorney: lh

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Checked By: L. Vandewater

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CERTIFICATION OF MAILING

STATE OF OREGON )  
CITY OF SALEM )

I, Judy Copeland, do hereby certify that I, on the 8<sup>th</sup> day of December 2006 caused to be sent interoffice to the Department of Land Conservation and Development Notice of Adoption for Code Amendment 06-6 - Amended Salem Revised Code Chapter 6

A copy of which is filed in the case file.

DATED at Salem, Oregon, this 8<sup>th</sup> day of December 2006

  
\_\_\_\_\_  
Judy Copeland, Staff Assistant