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## **COMPREHENSIVE PLAN, GENERALLY**

**64.015. Council Declaration.** It is the purpose of SRC 64.200, 64.210, and 4.215 to adopt a revised Salem Area Comprehensive Plan and Urban Growth Boundary in conjunction with the adoption of identical plans and boundaries by Marion and Polk Counties; and that the end result be a comprehensive plan as described in ORS 197.015(4) conforming to the Statewide Planning Goals promulgated by the Oregon Land Conservation and Development Commission pursuant to ORS chapter 197. The process by which this plan and boundary were drafted, considered, reviewed, amended, and adopted has involved broad based citizen participation, both formal and informal, at all levels over a period of several years, beginning in 1973/74. It has considered and is based upon a wealth of studies, reports, surveys, and other documentation relating to the projected needs and goals for development of the Salem area for the rest of this century. It has liberally drawn upon the collective wisdom and expertise of professional planning staffs of the Mid Willamette Valley Council of Governments, the City of Salem, Marion and Polk Counties, the planning commissions and other advisory bodies of the three jurisdictions, and their elected officials, as well as organized neighborhood and civic groups and numerous private citizens.

This process, the catalogue of documentation upon which planning decisions were based, and the plan's relationship to LCDC goals are set forth in a document entitled "Conformance of the Revised Salem Area Comprehensive Plan with State Land Use Goals" dated September 10, 1979. That document references all of the relevant data and documentation underlying the plan. That document and underlying documentation referenced therein, is, by this reference, incorporated herein as a statement of findings and conclusions justifying the legislative act of plan and boundary adoption embodied in this ordinance. (Ord No. 175-79)

**64.020. Intent and Purpose.** The intent and purpose of this chapter is to create a planning framework within which land use and development regulations may be coordinated; detailed neighborhood planning may be carried out; decisions concerning traffic planning, park development, water and sewer service, and community growth may be made; administrative actions relating to land use, preservation of natural resources, and public safety may be guided; and capital expenditures for public facilities may be integrated into a comprehensive plan for long-range community development. Finally, this chapter has a purpose of compliance with the provisions of ORS chapter 197 relating to comprehensive planning. (Ord No. 118-77; Ord No. 53-82)

**64.030. Construction.** It is recognized that in comprehensive planning the more detailed goal and policy statements become, the greater the probability of apparently conflicting provisions. It is further recognized that any attempt to map projected land use goals will necessarily highlight apparently conflicting goals, and involve conflicts with specific existing and proposed uses. While general rules of construction may accord some assistance in resolving these conflicts, it is hereby declared the policy of the City of Salem that the State Land Use Goals are to be the final standard whereby the provisions of the comprehensive plan are to be interpreted, in order that the comprehensive plan be given a reasonable and workable construction. Subject to that overall standard, the following particular rules shall apply:

- (a) Apparently conflicting provisions shall be construed as mutually complementary and supplementary wherever possible.
- (b) The comprehensive plan, being the general law of the city, shall take precedence over any conflicting provision of a detailed plan.
- (c) In the event of irreconcilable conflict within the provisions of a particular component of the comprehensive plan, textual provisions shall control over maps, and the more specific textual provisions shall control over the more general.
- (d) No particular weight shall be accorded any provision by reason of the date of its enactment.

(e) The process of review and adoption of neighborhood plans is intended to eliminate any conflicts between the comprehensive plan and the neighborhood plans. Upon their adoption, there shall be a presumption that neighborhood plans conform with the rest of the comprehensive plan. (Ord No. 118-77; Ord No. 53-82)

**64.040. Definitions.** As used in this chapter, except where the context otherwise requires

(a) "Comprehensive plan" means SRC 64.020 to 64.220 together with the comprehensive plan map, the comprehensive policies plan, that part of the public facilities plan consisting of (a) list of public facility project titles, excluding the descriptions or specifications of those projects, (b) a map or written description of the public facility projects' locations or service areas, and (c) the policies or urban growth management agreements designating the provider of each public facility system and such neighborhood plans as are adopted pursuant to the provisions of this chapter. It is intended that such comprehensive plan meet the definition set forth in ORS 197.015(5).

(b) "Comprehensive plan map" means the official comprehensive plan map adopted by SRC 64.210.

(c) "Comprehensive policies plan" means the plan adopted by SRC 64.200.

(d) "Detailed plan" means a plan for a particular geographic area of the city, or for the provision or performance of some particular service or function. Examples of the latter include a transportation plan, a park and open space plan, a water plan, and a sewer plan.

(e) "Goal" means a stated ideal or value toward which effort is directed for achievement.

(f) "Major plan change" means a single proceeding which amends, supplements, or repeals SRC 64.020 to 64.220 including the comprehensive plan other than a minor plan change as herein defined.

(g) "Minor plan change" means a single proceeding for amendment to the comprehensive plan map affecting less than five privately and separately owned tax lots or a Category 4 plan amendment as described in SRC 64.050(d).

(h) "Neighborhood plan" means a neighborhood plan map and neighborhood policies plan which were initiated by a neighborhood organization, as an element of the comprehensive plan for the geographic area within the organization's jurisdiction.

(i) "Neighborhood organization" means a nonprofit corporation or association organized and recognized pursuant to SRC 64.250 to 64.340.

(j) "Planning body" means a neighborhood organization or other organization charged by the common council with the responsibility for formulating and initiating a detailed plan for adoption by the common council.

(k) "Policy" means a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions.

(l) "Public Facilities Plan" means the public facilities plan as defined in OAR 660-011-0005(1). The public facilities plan describes the water, sewer, storm water and transportation facilities which are to support the land uses designated in the comprehensive plan within the urban growth boundary. The public facilities plan is adopted as a detailed plan and is a support document to the comprehensive plan. (Ord No. 118-77; Ord No. 175-79; Ord No. 53-82; Ord No. 57-2000)

**64.050. Amendments to Comprehensive Plan; Categories.** An amendment to the comprehensive plan shall fall into one of the following categories:

(a) Category 1: an amendment to the text of SRC 64.020 through 64.220, and to the list of water, sewer, storm water and transportation public facility project titles and map or written description of such public facility projects' locations or service areas and the policies or urban growth management agreements designating the provider of public facility systems as

identified in the public facilities plan.

(b) Category 2: an amendment to the comprehensive plan map for property which is entirely within the city limits, not affecting the Urban Growth Boundary.

(c) Category 3: an amendment to or adoption of a neighborhood plan.

(d) Category 4: a minor plan amendment to the comprehensive plan map, with or without a concurrent minor plan amendment to a neighborhood plan map, initiated by petition pursuant to SRC 64.100, and not affecting the Urban Growth Boundary.

(e) Category 5: an amendment to the Urban Growth Boundary.

(f) Category 6: an amendment to the comprehensive plan map for property which is wholly or partially outside the city limits, not affecting the Urban Growth Boundary. (Ord No. 118-77; Ord No. 175-79; Ord No. 53-82; Ord No. 58-87; Ord No. 57-2000)

**64.060. Amendments; Standing to Initiate.** The following persons and public bodies have standing to initiate amendments to the Comprehensive Plan:

(a) Category 1 Amendment: the City Council of the City of Salem or the Salem Planning Commission.

(b) Category 2 Amendment: the City Council of the City of Salem or the Salem Planning Commission; any neighborhood organization with respect to its geographic area of jurisdiction.

(c) Category 3 Amendment: the City Council of the City of Salem; the Salem Planning Commission; or the neighborhood organization which initiated the neighborhood plan.

(d) Category 4 Amendment: any person having standing to file a petition for a zone change pursuant to SRC 300.200.

(e) Category 5 Amendment: the City Council of the City of Salem; or the Salem Planning Commission; or the board of commissioners of either Polk or Marion County.

(f) Category 6 Amendment: the City Council of the City of Salem or the Salem Planning Commission; or the board of commissioners of either Polk or Marion County. (Ord No. 118-77; Ord No. 175-79; Ord No. 53-82; Ord No. 126-85; Ord No. 63-86; Ord No. 58-87; Ord No. 53-89; Ord No. 1-10)

**64.070. Major Plan Changes, Generally.** Major plan changes are legislative acts of the City Council. No special burden of proof need be met by the proponents of such changes, and the criterion used by the City Council in making such changes shall be what is, in its opinion, in the best interest of the public health, safety, and welfare of its citizens; provided, however, that the City Council shall consider and accommodate as much as possible all applicable statewide planning goals. (Ord No. 118-77; Ord No. 1-10)

**64.080. Major Plan Change Procedure.**

Major plan changes may be initiated by any public body having standing to initiate such a plan change. Major plan changes shall follow the legislative procedures under SRC Chapter 300. The process shall be initiated by resolution of the public body, which shall be filed with the Planning Administrator. (Ord No. 118-77; Ord No. 53-82; Ord No. 56-83; Ord No. 1-10)

**64.090. Minor Plan Changes, Criteria.**

(a) Minor plan changes are hereby declared to be quasi-judicial acts and as such the burden of proving that the criteria set forth in subsection (b) of this section are met rests on the proponents of the change.

(b) Before making any minor change the deciding body shall be satisfied that the following criteria are met:

(1) A lack of appropriately designated suitable alternative sites within the vicinity for a

proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the follows:

- (A) Size: Suitability of the size of the alternative sites to accommodate the proposed use; or
  - (B) Location: Suitability of the location of the alternative sites to permit the proposed use; or
- (2) A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:
- (A) The construction of a major capital improvement (e.g., a parkway, an arterial, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended.
  - (B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate; and
- (3) The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and
- (4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and
- (5) The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and
- (6) The proposed change benefits the public. (Ord No. 118-77; Ord No. 29-89; Ord No. 1-91; Ord No. 21-91; Ord No. 91-99)

**64.100. Minor Plan Change Procedure.**

- (a) A category 1, 2, 3, 5 and 6 minor plan change is be initiated by any public body having standing to initiate such a plan change. Minor plan changes follow Type IV procedures under SRC Chapter 300. The process shall be initiated by resolution of the public body, which shall be filed with the Planning Administrator.
- (b) A category 4 minor plan change is initiated by a person with standing under SRC 64.060(d). Category 4 minor plan changes follow the Type III procedures under SRC Chapter 300. The process shall be initiated by a petition of the person with standing, which shall be filed with the Planning Administrator. The petition shall consist of a brief statement identifying the new plan designation and a thorough statement addressing each approval criteria and the reasons for the requested change, and shall include a copy of any associated application for a zone change petition. (Ord No. 118-77; Ord No. 53-82; Ord No. 126-85; Ord No. 29-89; Ord No. 53-89; Ord No. 15-2001; Ord No. 1-10)

**64.110. Action on Major or Minor Plan Change.**

- (a) Except for category 4 minor plan changes, following public hearing on a major or minor plan change the planning commission shall make recommendations to the common council as to what action it deems appropriate.
- (b) Following public hearing on a major or minor plan change in Category 1 or 2, the council shall proceed, by ordinance, to amend the comprehensive plan; or shall, by resolution, dismiss the proceeding.
- (c) Following public hearing on a major or minor plan change in Category 3, the council shall proceed by ordinance, to adopt or amend the neighborhood plan; or shall, by resolution, dismiss the proceeding.
- (d) Following public hearing on a Category 4 minor plan change the planning commission

shall grant or deny the proposal, subject to review by or appeal to the common council. All commission decisions on such plan changes shall be in the form of a resolution containing findings of fact and conclusions drawn therefrom.

(e) Following public hearing on a major or minor plan change in Category 5, the council shall proceed, by ordinance, to amend the Urban Growth Boundary or dismiss the proceeding. Such ordinance amending the boundary shall be conditioned and take effect upon adoption of identical amendments by Marion and Polk Counties and the city of Keizer, unless the jurisdiction has indicated it is unaffected by the amendment.

(f) Following public hearing on a major or minor plan change in Category 6, the council shall proceed, by ordinance, to amend the comprehensive plan map or dismiss the proceeding. Such ordinance amending the map shall be conditioned and take effect upon adoption of an identical amendment by the county in whose jurisdiction the property subject of the amendment lies. (Ord No. 118-77; Ord No. 175-79; Ord No. 53-82; Ord No. 29-89; Ord No. 48-89)

**64.135. Review and Revision of Plan.** In addition to those plan changes which may be initiated pursuant to SRC 64.080 and 64.100, the planning commission shall initiate and conduct a review of the plan to consider the adoption of any changes thereto necessary to accommodate changing public policies and circumstances. Review and revision under this section shall be conducted pursuant to SRC 64.080 and 64.110(a) and (b). Review under this section shall be initiated in October, 1985, October, 1990, and October, 1995. (Ord No. 53-82)

**64.200. Adoption of Comprehensive Policies Plan.** That certain document entitled "Salem Area Comprehensive Plan, Amended January 2005," one copy of which, marked "Official Text," is kept on file in the office of the City Recorder, is, by this reference, adopted as the "Comprehensive Policies Plan" and made part of this Code the same as if fully reproduced herein. (Ord No. 118-77; Ord No. 267-78; Ord No. 175-79; Ord No. 99-80; Ord No. 11-81; Ord No. 52-82; Ord No. 42-86; Ord No. 1-87; Ord No. 133-87; Ord No. 68-92; Ord No. 107-94; Ord No. 81-96; Ord No. 64-98; Ord No. 75-99; Ord No. 58-2000; Ord No. 43-2002; Ord No. 52-2003; Ord No. 2-05)

**64.210. Adoption of Comprehensive Plan Map.**

(a) That certain map, entitled "Salem Area Plan Map, January 12, 1987," one copy of which is kept on file in the office of the city recorder, is hereby adopted as the "Comprehensive Plan Map," and made a part hereof the same as if fully reproduced herein. Said plan map shall be deemed to include all subsequent amendments adopted under this code.

(b) The planning administrator shall keep on file a duplicate of the comprehensive plan map as filed with the city recorder, and may cause smaller scale copies to be reproduced and distributed with copies of the comprehensive policies plan. Such reproductions are not official, and the designations shown on the recorder's official copy shall control over any discrepancy with the unofficial copies. (Ord No. 118-77; Ord No. 267-78; Ord No. 175-79; Ord No. 99-80; Ord No. 11-81; Ord No. 52-82; Ord No. 42-86; Ord No. 1-87; Ord No. 1-91; Ord No. 57-2000)

**64.215. Adoption of Urban Growth Boundary.** That certain document entitled "Salem Urban Growth Boundary, Revised September 12, 1988," one copy of which is on file with the city recorder, and which contains a legal description of the said boundary, is, by this reference, adopted herein and the boundary therein described shall be known and referred to as the Salem Urban Growth Boundary, or simply the Urban Growth Boundary. Such boundary shall be shown on the Comprehensive Plan Map, but the legal description herein adopted shall supersede any conflicting or uncertain delineation on the map. (Ord No. 175-79; Ord No. 52-82; Ord No. 42-86; Ord No. 77-88)

**64.217. Post Acknowledgment Review of Comprehensive Plan Changes.**

- (a) For purposes of this section:
  - (1) "Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan, or regulation amendment conforms with the goals.
  - (2) "Director" means the Director of the Department of Land Conservation and Development.
  - (3) "Commission" means the Land Conservation and Development Commission.
  - (4) "Land use regulation" means any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046, or similar general ordinance establishing standards for implementing a comprehensive plan. "Land use regulation" does not include small tract zoning map amendments, conditional use permits, individual subdivision, partitioning, or planned unit development approvals or denials, annexations, variances, building permits, and similar administrative type decisions.
- (b) In addition to any other requirement under SRC 64.010 through 64.220, the planning administrator shall forward to the director four copies of the proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation at least 45 days before the final hearing on adoption. The proposal forwarded shall contain the text of the proposal, the scheduled date of the final hearing on the proposal, and any supplementary information that the local government believes is necessary to inform the director as to the effect of the proposal.
- (c) After amendment of an acknowledged comprehensive plan or land use regulation or after adoption of a new land use regulation, the planning administrator shall mail or otherwise submit to the director a copy of the adopted text of the comprehensive plan provision or land use regulation together with the findings adopted by the local government. The text and findings must be mailed or otherwise submitted not later than five working days after the final decision by the council. If the proposed amendment or new regulation that the director received under subsection (b) has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director.
- (d) Not later than five working days after the final decision under subsection (b), the planning administrator also shall mail or otherwise submit notice to persons who:
  - (1) Participated in the proceedings leading to the adoption of the amendment to the comprehensive plan or land use regulation or the new land use regulation; and
  - (2) Requested of the local government in writing that they be given such notice.
- (e) The notice required by subsection (d) shall:
  - (1) Describe briefly the action taken by the local government;
  - (2) State the date of the decision;
  - (3) List the place where and the time when the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation, and findings, may be reviewed; and
  - (4) Explain the requirements for the submission of written objections to the director under section 5a of Chapter 748, Oregon Laws 1981. (Ord No. 53-82)

**64.220. Adoption of Neighborhood Plans.** The portions labeled "Goals and Policies" and, where so indicated, the general land use maps of the following neighborhood plans are hereby adopted as part of the comprehensive plan as if fully reproduced herein. One copy of the portions of each such neighborhood plan so adopted shall be kept on file by the city recorder. Each portion so adopted shall be deemed to include all subsequent amendments adopted under this code.

- (a) The NESCA Neighborhood Plan, Northeast Salem Community Association, May, 1977, adopted by council April, 1978, SAVE AND EXCEPT Residential Policies 1 through 4, the

Traffic Generation Policy, and the land use map; and including the residential policy and land use map adopted by council May 21, 1979, amended January 14, 1985, amended March 25, 1985, is further amended by council April 22, 1985.

(b) The CAN-DO Neighborhood Plan, Central Area Neighborhood Development Organization, including the land use map, February 23, 1979, adopted by council, May 21, 1979, amended by council September 8, 1980, and March 26, 1984, is further amended by council August 13, 1984.

(c) Grant Neighborhood Plan, including the land use map, May 9, 1983, adopted by council June 13, 1983.

(d) Sunnyslope Neighborhood Plan, including the land use map, July 1, 1983, adopted by council August 8, 1983.

(e) Liberty-Boone Neighborhood Plan, including the land use map, June 2, 1983, adopted by council December 12, 1983, amended January 14, 1985, and amended January 13, 1986.

(f) East Lancaster Neighborhood Association Neighborhood Plan (ELNA), including the land use map, November 10, 1983, adopted by council January 16, 1984.

(g) Highland Neighborhood Plan, including the land use map, February 21, 1984, adopted by council June 11, 1984.

(h) Morningside Neighborhood Plan, including the land use map, January 11, 1984, adopted by council June 11, 1984.

(i) West Salem Neighborhood Plan, including the generalized land use map, adopted by council March 8, 2004. (Ord No. 102-78; Ord No. 105-79; Ord No. 107-80; Ord No. 53-82; Ord No. 33-83; Ord No. 55-83; Ord No. 84-83; Ord No. 19-84; Ord No. 40-84; Ord No. 67-84; Ord No. 94-84; Ord No. 9-85; Ord No. 51-85; Ord No. 5-86; Ord No. 99-86; Ord No. 1-91; Ord No. 11-2004)

**64.230. Adoption of Detailed Plans.** The following detailed plans are hereby adopted as part of this Code the same as if fully reproduced herein. One copy of each is kept on file in the office of the city recorder. Any portion of an adopted detail plan found not to be in conformance with the comprehensive plan shall be considered null and void.

(a) Comprehensive Park System Master Plan. Adopted April 26, 1999 and April 26, 2010.

(b) Salem Area Wastewater Management Master Plan, 1996, CH2M-Hill. Adopted December 16, 1996, as amended by the Willow Lake Facilities Plan, Black & Veatch Corp. / Carollo Engineers, adopted September 23, 2002, and further amended February 7, 2005 and April 9, 2007.

(c) Stormwater Master Plan. Adopted September 25, 2000.

(d) Water System Master Plan, 1994, CH2M-Hill. Adopted April 25, 1994, amended September 23, 1996, October 25, 1999, February 7, 2005, and July 9, 2007.

(e) McNary Field Airport Master Plan, Salem, Oregon, Hodges and Shutt, May 1979. Adopted June 18, 1979, revised April 27, 1987, and further revised November 24, 1997.

(f) Urban Growth Management Program. As amended and adopted July 23, 1979, and as further amended January 11, 1982, and November 28, 1983, and September 23, 1996.

(g) Willamette River Greenway Plan, July, 1979. Adopted September 24, 1979.

(h) South Liberty Road Corridor Study. Approved December 27, 1982.

(i) Salem Transportation System Plan adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, April 23, 2007, and April 26, 2010.

(j) Salem Urban Area Public Facilities Plan. Adopted October 12, 1992. (Ord No. 118-77; Ord No. 94-78; Ord No. 129-79; Ord No. 157-79; Ord No. 172-79; Ord No. 9-82; Ord No. 10-82; Ord No. 53-82; Ord No. 182-82; Ord No. 81-83; Ord No. 48-84; Ord No. 54-84; Ord No. 63-84; Ord No. 157-84; Ord No. 60-85; Ord No. 23-86; Ord No. 80-86; Ord No. 11-87; Ord No. 72-87; Ord No. 59-88; Ord No. 77-90; Ord No. 99-90; Ord No. 8-92;

Ord No. 16-92; Ord No. 26-92; Ord No. 47-92; Ord No. 68-92; Ord No. 6-93; Ord No. 30-93; Ord No. 26-94; Ord No. 34-94; Ord No. 86-94; Ord No. 91-95; Ord No. 70-96; Ord No. 93-96; Ord No. 60-97; Ord No. 67-97; Ord No. 3-98; Ord No. 64-98; Ord No. 41-99; Ord No. 62-99; Ord No. 89-99; Ord No. 91-99; Ord No. 9-2000; Ord No. 52-2000; Ord No. 57-2000; Ord No. 27-2001; Ord No. 54-2002; Ord No. 2-05; Ord No. 8-05; Ord No. 9-05; Ord No. 11-05; Ord No. 83-07; Ord No. 85-07; Ord No. 96-07; Ord No. 11-10; Ord No. 12-10)

**64.235. Relationship to Comprehensive Plan.** Detailed Plans are prepared as a policy guide to the Comprehensive Plan, and except as otherwise required by law, only the list of water, sewer, storm water and transportation public facility project titles and map or written description of such public facility projects' locations or service areas, are not part of the Comprehensive Plan. Detailed Plans must be consistent with the Comprehensive Plan. (Ord No. 57-2000)

**64.240. Amendment of Detailed Plans.** Amendments to Detailed Plans, or amendments to the list of water, sewer, storm water and transportation public facility project titles and map or written description of such public facility projects' locations or service areas, shall follow the procedure set forth in SRC 64.080(b). (Ord No. 57-2000)

#### **NEIGHBORHOOD ASSOCIATION PROGRAM**

**64.250. Purpose of Neighborhood Association Program.** The purpose of the Neighborhood Association Program is to involve citizens in local government planning and decision-making that affects their neighborhoods and the City as a whole; to provide an effective mechanism whereby the citizens of the city sharing common neighborhood identity, goals, and concerns, may form neighborhood associations and undertake an advisory role for the Council and all boards and commissions engaged in community planning and development; and to provide a mechanism for citizens, through their neighborhood associations, to provide input to Council on livability and quality of life issues affecting their neighborhood and the City as a whole. (Ord No. 118-77; Ord No. 56-2000; Ord No. 2-10)

**64.255. Definitions.** As used in SRC 64.250-64.335, the following mean:

- (a) City Manager means the City Manager or the department head charged by the City Manager with the implementation and administration of SRC 64.250-64.335 or that department head's designee.
- (b) Designated neighborhood means the geographical area of the city encompassed by the neighborhood association. (Ord No. 2-10)

**64.260. Procedure for Initial Recognition of a Neighborhood Association.**

- (a) When interest has been expressed by a number of persons who are residents, businesses owners, or property owners to form a neighborhood association, a request may be made to the City Manager for staff assistance. City staff shall organize informal meetings with interested residents, businesses, and property owners, and shall assist in determining the geographical area of the proposed neighborhood association, and provide background and information on the neighborhood program. If the residents determine that forming a neighborhood association is desirable, one or more meetings for the area identified for the proposed neighborhood association shall be held to increase awareness of the neighborhood program and to allow a request for recognition as an official neighborhood association to be approved.
- (b) A request for recognition as an official neighborhood association shall be considered by the City Council. If the group requesting recognition satisfies the requirements of SRC 64.280(a), the City Council shall adopt a resolution officially recognizing the neighborhood association. The resolution shall include a description of the designated neighborhood. Once

the neighborhood association has been recognized, the neighborhood association will serve as the official citizen organization for the designated neighborhood. (Ord No. 118-77; Ord No. 56-2000; Ord No. 42-09; Ord No. 2-10)

**64.265. Notice of Initial Recognition.** As soon as practical after recognition by the City Council, the City Manager shall send a letter to known property addresses within the designated neighborhood identified in the resolution recognizing the neighborhood association. The letter shall include:

- (a) A statement encouraging all property owners, residents, and businesses within the newly recognized neighborhood association to participate in meetings, preparation of neighborhood plans, and other activities leading to proposals and recommendations to the City.
- (b) A map of the neighborhood boundaries.
- (c) The names and contact information of all officers of the neighborhood association.
- (d) The names and contact information for the City staff who will be serving as the primary contacts with the neighborhood association. (Ord No. 118-77; Ord No. 56-2000; Ord No. 2-10)

**64.270. Incorporation of Newly Annexed Territory into Neighborhood Associations.** Whenever territory is annexed to the City, and the area is contiguous to a designated neighborhood, that neighborhood association may submit a request to the City Council for one of the following alternatives:

- (a) That the territory be added to the geographical area of the neighborhood association;
- (b) That the territory be considered for recognition as a new neighborhood association and its residents be encouraged immediately to seek recognition; or
- (c) That the area be considered for recognition a new neighborhood association, but because it is yet undeveloped, or is too small, that the territory should be temporarily represented by another neighborhood association, in which case the neighborhood association making the request shall function as the neighborhood association for the territory, provided, however that such neighborhood association shall not develop any neighborhood plan for the territory. (Ord No. 118-77; Ord No. 56-2000; Ord No. 2-10)

**64.275. Annual Review of Neighborhood Association Status.**

- (a) Within sixty days following the annual general meeting for electing board members, a neighborhood association shall provide the City Manager with evidence of compliance with the standards set forth in SRC 64.280(b).
- (b) The report will be reviewed by the City Manager. The City Manager may request such additional information or documentation that the City Manager deems necessary to establish compliance with the standards set forth in SRC 64.280(b). If, after review, the City Manager finds that the neighborhood association has established compliance with the standards set forth in SRC 64.280(b), then the City Manager shall send a notice to the neighborhood association, indicating continued recognition of the neighborhood association. If, after review, the City Manager finds that the neighborhood association has failed to establish compliance with the standards set forth in SRC 64.280(b), the City Manager shall send a notice of non-compliance to the neighborhood association identifying the deficiencies, and the corrective action which would be necessary.
- (c) Upon receipt of a notice of non-compliance, the neighborhood association shall, within sixty days of the notice, notify the City Manager of the date the corrective action will be completed, or provide the City Manager with an action plan to correct the deficiencies. If the corrective action will take more than three months to complete, then the neighborhood association shall provide an action plan, which shall include a timeline for completion. If corrective action is not completed within the date specified by the neighborhood association,

or no action plan is provided to the City Manager within sixty days following the notice of noncompliance, or timelines in the corrective action plan are not met, recognition of the neighborhood association shall be suspended.

(d) A neighborhood association which has had recognition suspended pursuant to subsection (c) of this section may request reinstatement by filing a request with the City Manager, in writing, not later than one year from the date the notice of non-compliance was provided to the neighborhood association. The request shall include documentation demonstrating that the neighborhood association satisfies all criteria set forth in SRC 64.280(a) and that it is capable of satisfying all the criteria set forth in SRC 64.280(b). If the City Manager finds that the neighborhood association's request satisfies all criteria set forth in SRC 64.280(a) and that it is capable of satisfying all the criteria set forth in SRC 64.280(b), the City Manager shall issue a notice of reinstatement. Recognition of a neighborhood association shall be terminated by resolution of the City Council if the neighborhood association fails to timely request reinstatement as provided in subsection (c) of this section, or fails to demonstrate satisfaction of all criteria set forth in SRC 64.280(a) and capability of satisfying all the criteria set forth in SRC 64.280(b) in its request for reinstatement. (Ord No. 118-77; Ord No. 2-10)

#### **64.280. Standards for Recognition.**

(a) A neighborhood association, in order to obtain initial recognition, shall meet the following standards:

(1) That one or more well-publicized general neighborhood meetings have been held for the purpose of information and approval of boundaries, organizational objectives, and bylaws.

(2) That bylaws provide for the following:

(A) A decision-making process for the association.

(B) Minutes of all official board and general meetings to be taken and filed with the City Manager.

(C) Participation open to any resident, property owner, or business in the neighborhood.

(3) That the association's structure is capable of providing necessary communication between the neighborhood residents and elected and appointed City officials.

(4) That the neighborhood association has an awareness of its duties and responsibilities with respect to the neighborhood association program.

(5) That the contiguous geographical boundaries of the neighborhood association should be the centerlines, when an arterial street is used as a boundary, or at some other clearly defined and relatively permanent natural or man-made feature.

(6) That the territory of the neighborhood is logical, represents a community of interest and identity as a neighborhood, and supports the City's intent that all areas within the city be represented by a neighborhood association and that no area be represented by more than one neighborhood association.

(7) Notices of organizational meetings prior to official recognition of the neighborhood association have been distributed to known property owners, residents, and businesses in the proposed designated neighborhood.

(b) A neighborhood association shall, in order to maintain official recognition, meet the following standards:

(1) The neighborhood association has held an annual well-publicized general neighborhood meeting for the election of board members.

(2) The neighborhood association has made reasonable efforts to notify all residents, property owners, and businesses in the geographical area encompassed by the neighborhood association of board and general meetings, studies, and other activities

of the neighborhood association.

(3) The bylaws of the neighborhood association have not been amended to eliminate the requirements of subsection (a)(2) of this section.

(4) Minutes of all official board and general meetings of the neighborhood association have been taken and filed with the City Manager.

(5) The neighborhood association has established one or more civic involvement goals.

(6) If the neighborhood association is organized as a non-profit corporation, that it has maintained its filings with the Oregon Secretary of State, and has maintained its status in good standing. (Ord No. 118-77; Ord No. 21-95; Ord No. 56-2000; Ord No. 35-2001; Ord No. 42-09; Ord No. 2-10)

**64.285. Effect of Recognition.** Officially recognized neighborhood associations are not branches of city government but independent organizations, and shall not be deemed public bodies under Oregon law. Any assistance provided to a neighborhood association pursuant to SRC 64.295 shall be deemed a grant, and not payment for services. (Ord No. 2-10)

**64.290. Neighborhood Association Responsibilities.** An officially recognized neighborhood association should:

- (a) Develop an organization which will maintain itself and further the intent and purpose set forth in SRC 64.250.
- (b) Establish one or more annual civic involvement goals.
- (c) Provide a neighborhood-based problem solving process, that will facilitate citizen-based problem solving on issues identified by citizens in the designated neighborhood and provide referrals for resources to assist in the problem solving process.
- (d) Engage in community-building by developing neighborhood cohesion and by organizing neighborhood citizen involvement activities.
- (e) Partner with the City to educate and involve citizens in local government decision making.
- (f) Act as an advisor to the City in legislative land use matters and general quality of life issues affecting the neighborhood.
- (g) Represent neighborhood opinion and concerns before public bodies and agencies.
- (h) Identify neighborhood resources.
- (i) Gather general data concerning the neighborhood as needed in order to fulfill the responsibilities of the neighborhood association.
- (j) Identify neighborhood problems and needs.
- (k) Hold neighborhood meetings to disseminate information and determine opinions of area residents, businesses, and property owners.
- (l) Develop recommendations to appropriate governmental agencies.
- (m) Prepare a neighborhood plan as City staff and funding are available.
- (n) Assist in implementing the adopted neighborhood plan.
- (o) Consider involvement in community service activities that could benefit the neighborhood or the city in general.
- (p) Coordinate with watershed councils whose boundaries overlap the neighborhood association's boundaries. (Ord No. 118-77; Ord No. 56-2000; Ord No. 2-10)

**64.295. City Support of Neighborhood Associations; Advisory Role to City.** A recognized neighborhood association will, subject to availability of resources, as determined by the City Manager, receive the following from the City:

- (a) City staff, who will conduct research, provide information, and assist the neighborhood association in organizational development and maintenance and implementation of the

neighborhood associations' projects.

- (b) Mailing, printing, clerical, and graphic services to assist the neighborhood association.
- (c) Grants of financial assistance for communication to members and outreach to the geographic area encompassed by the neighborhood association.
- (d) Assistance in the preparation and update of neighborhood plans.
- (e) Timely notice of any proposals affecting the geographic area encompassed by the neighborhood association that are to come before advisory boards and City Council.
- (f) Solicitation of a neighborhood association's position and reasoning on any issue especially affecting the geographic area encompassed by the neighborhood association. (Ord No. 118-77; Ord No. 56-2000; Ord No. 2-10)

## **NEIGHBORHOOD PLANS**

### **64.300. Neighborhood Plans, Generally.**

- (a) A neighborhood plan is a written plan embodying citizen desires on a broad range of concerns in a designated neighborhood. The purpose of a neighborhood plan is to provide detailed goals and policies for the designated neighborhood in a manner consistent with the Salem Area Comprehensive Plan.
- (b) The neighborhood plan shall be the basis for any neighborhood association's recommendation to any city board, commission, or agency. The city board, commission or agency shall consider the neighborhood plan in making any decision or recommendation which would affect the designated neighborhood. The City Council may consider the neighborhood plan before making any final decision as to the acquisition, construction, or improvement of public facilities in the designated neighborhood. (Ord No. 118-77; Ord No. 2-10)

**64.305. Development of a Neighborhood Plan.** The development of a neighborhood plan for a designated neighborhood may be initiated by a recognized neighborhood association, or by the Planning Administrator, after obtaining concurrence from the recognized neighborhood association. The Planning Administrator may initiate the development of a neighborhood plan for any area of the city for which there is no neighborhood association, if authorized by the City Council. (Ord No. 2-10)

### **64.310. Scope of Neighborhood Plan.**

- (a) A neighborhood plan shall address each of the following elements:
  - (1) Land use;
  - (2) Transportation;
  - (3) Public facilities and services;
  - (4) Housing; and
  - (5) Parks, recreation, and open spaces.
- (b) A neighborhood plan may address other subjects of particular concern to the neighborhood, such as:
  - (1) Economic development;
  - (2) Social services;
  - (3) Environmental quality; and
  - (4) Urban design.
- (c) A neighborhood plan should include the following:
  - (1) Goals and policy statements;
  - (2) Generalized land use map;
  - (3) Maps and diagrams that assist in showing the application of goal and policy statements; and

(4) Recommendations as to any element addressed in the neighborhood plan. (Ord No. 118-77; Ord No. 2-10)

**64.315. Time Frame and Phasing.**

- (a) Neighborhood plans should focus on a time span of at least ten years.
- (b) Within the time span of the neighborhood plan, the timing or phasing of specific applications of policies may depend upon the happening of future events, or may depend upon predicted growth over a particular time period. The neighborhood plan should specify the preconditions or timing of such policies and their application.
- (c) Neighborhood plans should be reviewed periodically. (Ord No. 118-77; Ord No. 2-10)

**64.320. Elements of Neighborhood Plan Which May be Adopted as Part of the Salem Area Comprehensive Plan.**

- (a) Only the goals and policy statements in a neighborhood plan and generalized land use map, shall be considered for adoption as part of the Salem Area Comprehensive Plan. The goals, policies and generalized land use map that are adopted shall be consistent with the Salem Area Comprehensive Plan and the statewide planning goals. Specific recommendations as to land use or public improvements shall not be adopted, but may be considered in making legislative land use decisions affecting the designated neighborhood.
- (b) In the event of any conflict between an adopted neighborhood plan and the Statewide Planning Goals, the Salem Area Comprehensive Plan, or the Salem Revised Code, the Statewide Planning Goals, the Salem Area Comprehensive Plan, or the Salem Revised Code shall control. (Ord No. 118-77; Ord No. 2-10)

**64.325. Process for Development of Neighborhood Plans.**

- (a) Property owners, residents, and businesses within the designated neighborhood shall be afforded maximum opportunity for involvement in all phases of the preparation of a neighborhood plan. Notification of all general neighborhood and board meetings where the proposed neighborhood plan will be discussed, and notification of the process by which the neighborhood plan is being prepared shall be given by the neighborhood association.
- (b) Proposed neighborhood plans must be presented at a minimum of two informational public meetings. In addition to these public meetings, the neighborhood association should use other means to obtain input and review of the neighborhood plan from property owners, residents, and businesses who would be directly affected by the proposed neighborhood plan.
- (c) The final draft neighborhood plan shall be adopted by resolution of the neighborhood association's governing board and affirmed by vote of the membership at a general or annual meeting.
- (d) The process for adoption of the neighborhood plan by the City is deemed initiated upon a filing of the resolution and a copy of the final draft neighborhood plan with the Planning Administrator. (Ord No. 118-77; Ord No. 2-10)

**64.330. Planning Commission Action on Neighborhood Plans.**

- (a) The Planning Commission and official representatives of the neighborhood association shall hold a joint work session exchange comments about the neighborhood plan, to identify any areas of potential disagreement, and to give the neighborhood association an opportunity to refine its plan. Such work session should be held within four weeks of the date the final draft neighborhood plan is filed with the Planning Administrator. At such work session the neighborhood association shall demonstrate compliance with SRC 64.325.
- (b) Based upon the work session described in subsection (a) of this section the neighborhood association shall, within sixty days after the work session, submit a notice of completion to the

Planning Administrator, which shall include any additions, modifications, or deletions it wishes to make to the final draft neighborhood plan, or a statement that it wishes to make no changes.

(c) The Planning Commission shall hold a public hearing on the final draft neighborhood plan within thirty days following the submission of the notice of completion by the neighborhood association under subsection (b) of this section. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. The Planning Commission shall forward its recommendation concerning the neighborhood plan to the City Council, within thirty days of the conclusion of its deliberations, unless the neighborhood association requests a further work session as provided in subsection (d) of this section.

(d) If, after the public hearing before the Planning Commission, the neighborhood association so requests, the Planning Commission shall schedule a further joint work session to be held for the purposes and in the manner specified in subsection (a) of this section. The request shall be made within seven days of the close of the public hearing, and the work session should be held within thirty days of the request. The neighborhood association shall proceed as provided in subsection (b) of this section. Within thirty days of receipt of the notice of completion, the Planning Administrator shall forward the final draft neighborhood plan, as modified, along with the Planning Commission's recommendations to the City Council. (Ord No. 118-77; Ord No. 53-82; Ord No. 2-10)

**64.335. Council Adoption of Neighborhood Plan.** The City Council shall hold a public hearing on the final draft neighborhood plan within 120 days following receipt of the Planning Commission's recommendation from the Planning Administrator. Notice of the hearing shall be given as provided for major plan changes in SRC 64.080. Following public hearing, City Council shall either recommend changes to the neighborhood plan or adopt such portions thereof it deems appropriate. If the City Council recommends changes, the neighborhood association may either revise the neighborhood plan and resubmit it for adoption by the City Council or it may notify the City Council that it declines to amend its plan further, in which case the City Council may adopt the plan as originally submitted or abandon the adoption process. (Ord No. 118-77; Ord No. 53-82; Ord No. 2-10)

