

TO: MAYOR AND CITY COUNCIL

THROUGH: ROBERT G. WELLS, CITY MANAGER

**FROM: VICKIE HARDIN WOODS, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT**

SUBJECT: PROPOSED AMENDMENTS TO SALEM ANNEXATION PROCEDURES

ISSUE:

Proposed amendments to annexation procedures, amending SRC 2.2184, repealing SRC Chapter 54, and creating new provisions.

RECOMMENDATION:

It is recommended that the City Council hold a public hearing on the proposed amendments.

BACKGROUND:

On April 12, 2004, the City Council passed a motion to initiate changes to SRC Chapter 54, Annexation Procedures. On July 6, 2004, a Council Committee was appointed to review existing annexation procedures and work with City staff to develop a draft of proposed changes to SRC Chapter 54. After a series of several sessions with City staff, the Committee approved a draft of revised annexation procedures. The Committee recommended that the changes be referred to the City Council for its approval to proceed with the code amendment process.

FACTS AND FINDINGS:

1. Between August 23 and September 23, 2004, the Council Committee held five work sessions to review changes to the existing annexation procedures (SRC Chapter 54). The purpose of the Committee's review was to ensure that the City's annexation process is consistent with State law and to streamline the annexation process.
2. On September 23, 2004, the Committee approved a draft of the proposed revisions to SRC Chapter 54 (Attachment A). The proposed changes include repealing SRC Chapter 54 and moving annexation procedures to SRC Chapter 165. The proposed amendments also include deleting SRC 2.1284(I) and moving the requirement to include adjacent areas to avoid the creation of enclaves to SRC 165.040.

Proposed Amendments to SRC Chapter 54

1. The proposed amendments to SRC Chapter 54 include streamlining the application submittal requirements for applicant-initiated annexations. Under the proposed amendments, the applicant is not required to submit a development plan for annexations without a comprehensive plan/zone change. Applications with a comprehensive plan/zone change require a conceptual plan that shows general circulation patterns and proposed uses. Additionally, the proposed amendments allow the applicant to modify their conceptual plan after the Planning Commission makes a zoning recommendation and prior to City Council review. Under the proposed revisions to SRC Chapter 54, comprehensive plan and zone designations are binding for five years after annexation.
2. Additional changes to the application process include allowing annexations to be submitted to the voters at any general or special election. Applications for annexations without a comprehensive plan/zone change may be submitted at a later date (240 days prior to the election) due to a reduction in staff processing time. Applications for annexations with a comprehensive plan/zone change must be submitted at least 315 days prior to the election to allow sufficient processing time.
3. The proposed amendments authorize the City Council to initiate annexation of territory into the City of Salem consistent with state statutes. In instances where the city initiates an annexation with a comprehensive plan/zone change at a landowners request, the landowner is required to file a conceptual plan and findings demonstrating compliance with applicable comprehensive plan/zone change criteria. The landowner is also required to pay all fees, deposits and costs associated with the annexation request.
4. The proposed amendments also streamline and clarify the City Council and Planning Commission review process. The proposed amendments identify review criteria the City Council shall use for referring annexations to the voters. The amendments include additional review criteria for approving annexations with a comprehensive plan/zone change. For annexations not requiring a comprehensive plan/zone change, a separate public hearing before the Planning Commission is not required. In addition, a separate public hearing before the City Council is not required regarding approval of the annexation fact sheets. The proposed amendments require annexations under appeal to wait to be referred to the voters until after the appeal is resolved.
5. The proposed amendments clarify the criteria for determining whether or not development is in substantial conformance with an approved conceptual plan. Under the proposed revisions, the Director shall approve proposed changes to a conceptual plan provided the plan complies with applicable land use and development regulations, the plan is consistent with the character of and development patterns in the surrounding area, and the plan minimizes any reasonably likely adverse impacts on the surrounding area. This decision is appealable to the Hearings Officer.
6. On October 18, 2004, staff sent notice to the Department of Land Conservation and Development (DLCD) regarding the proposed amendments to SRC Chapter 54.

Based upon the 45-day notice requirement, a public hearing may be held after December 3, 2004.

7. The proposed schedule for reviewing amendments to annexation procedures is described as follows:

- **November 2, 2004** - Planning Commission review to set work session on proposed amendments.
- **November 8, 2004** - Staff report to City Council recommending that the Council hold a public hearing regarding the proposed amendments to annexation procedures.
- **November 15, 2004** - First reading of ordinance before City Council.
- **December 6, 2004** - Public hearing and deliberations regarding the proposed amendments.
- **December 13, 2004** - Second reading of ordinance with an emergency clause to become effective immediately.

David J. Pratt
Assistant Urban Planning Administrator

Attachment: A. Proposed Revisions to SRC Chapter 165 - Annexation Procedures