

**TO: MAYOR AND CITY COUNCIL**

**THROUGH: ROBERT G. WELLS, CITY MANAGER**

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

**SUBJECT: PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO  
ANNEXATION PROCEDURES**

**ISSUE:**

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

**RECOMMENDATION:**

Adopt the proposed changes to annexation procedures as recommended by the Council Committee, with recommended staff changes as shown in Attachment B.

**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 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. On October 18, 2004, staff sent notice to the Department of Land Conservation and Development (DLCD) regarding the proposed amendments.

On November 15, 2004, an ordinance bill amending the City's annexation procedures was introduced to Council. At the meeting, Council decided to hold a public hearing on December 6, 2004 regarding the proposed amendments.

**FACTS AND FINDINGS:**

1. On November 15, 2004, the Council held first reading of Ordinance No. 48-04 - Annexation Procedures to amend SRC 2.1284, repeal SRC Chapter 54 and create new annexation provisions (SRC Chapter 165).
2. On November 23, 2004, the Planning Commission held a work session to discuss the proposed amendments. A copy of the minutes from the Planning Commission Work Session is included as Attachment A. One Commissioner indicated no objections to the proposed amendments, another Commissioner supported

repealing Chapter 54, but recommended against adopting Chapter 165, and the remaining three Commissioners in attendance did not support the proposed amendments.

3. Those Commissioners opposing the proposed amendments raised concerns regarding the criteria for determining whether or not development is in substantial conformance with a conceptual plan and the process for making changes to the conceptual plan after annexation (SRC Chapter 165.190). They felt the proposed amendments would result in conceptual plans that could be easily changed in the future and that this would be misleading to the voters. They also thought the criteria for approving changes to a conceptual plan are too subjective and that the decision on whether or not to approve changes to the conceptual plan should be more open to the public.
4. Other concerns raised by the Commissioners in opposition to the proposed changes include, reducing the amount of information available to the voters by not requiring development plans for annexations without a Comprehensive Plan and/or zone change, and assigning newly annexed property the City zoning districts which most closely correspond to the county. A concern was expressed that there may be instances where other City zone districts may also be appropriate designations even though they do not most closely correspond to the County designation.
5. Staff recommends approval of Ordinance No. 48-04 with the changes identified in the revised ordinance (Attachment B). The recommended changes include revising SRC 165.100 and 165.110 (page 7) to recognize that there is one Comprehensive Plan that applies to all territory within the Urban Growth Boundary. In addition, staff recommends revising Table 165-1 (pages 13-15) to include a category for the properties with a Multi-Family Residential Comprehensive Plan Map designation in Polk County. The table has also been updated to eliminate overlapping zoning categories that implement the same Comprehensive Plan map designation.
6. The Legal Department also recommends revising the ordinance to add a provision that requires an applicant for annexation to sign a consent and waiver of Ballot Measure 37 claims. The recommended changes are located in SRC 1675.080(b-d) on pages 5-6 of Attachment B. SRC 165.040 (Page 2) was also revised to allow the Director discretion when deciding whether or not to include enclaved territories with an annexation proposal. This would allow the Director to assess whether or not the property should be included based on potential Ballot Measure 37 claims.

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David J. Pratt  
Assistant Urban Planning Administrator

- Attachment: A. Draft Minutes from the Planning Commission Work Session, November 23, 2004
- B. Staff Recommended Changes to Salem Annexation Procedures (Ord. No. 48-04)