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COMPREHENSIVE PLAN, GENERALLY

64.010. [Repealed by Ord No. 53-82]

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 classes of persons and public bodies have standing to initiate amendments within the several categories specified in SRC 64.050.

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

(b) Category 2: the Common 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: the Common Council of the City of Salem; the Salem Planning Commission; or the neighborhood organization which initiated the neighborhood plan.

(d) Category 4: any person having standing to file a petition for a zone change pursuant to SRC 110.230.

(e) Category 5: the Common 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: the Common 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)

64.070. MAJOR PLAN CHANGES, GENERALLY. Major plan changes are hereby declared to be legislative acts of the common council. No special burden of proof need be met by the proponents of such changes, and the criterion used by the common 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 council shall consider and accommodate as much as possible all applicable statewide planning goals. Major plan changes shall be processed as provided in SRC 64.080. (Ord No. 118-77)

64.080. MAJOR PLAN CHANGE PROCEDURE. (a) Major plan changes shall be initiated by resolution of any body having standing to initiate such a plan change. In the case of a neighborhood organization the resolution shall be filed with the planning commission and procedures conducted thereon as provided in this section. Notice of a hearing on a major plan change shall be given by publication in a newspaper of general circulation in the community setting forth the date, time, and place of the hearing together with a concise summary of the substance of a proposed change, on at least three consecutive days during the seven day period preceding the date of the hearing. In addition, notice of the date, time, and place of hearing accompanied by a full and correct copy of the proposed change shall be sent by regular mail to each body having standing to initiate a plan change in that category.

(b) Public hearings on the proposed plan shall be held before the Salem Planning Commission and the Common Council. (Ord No. 118-77; Ord No. 53-82; Ord No. 56-83)

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) Except as provided in subsection (c), minor plan changes shall be initiated by resolution of any body having standing to initiate such a plan change.

(b) Public hearings on a proposed minor plan change shall be held before the Salem Planning Commission and the council as provided in SRC 64.110. Notice of such hearings shall be given as provided for zone changes in SRC chapter 114. In addition, when street rights-of-ways are stubbed into the area proposed for change, the notice area shall be increased to include all properties abutting such stubbed streets to the nearest intersection.

(c) A category 4 minor plan change shall be initiated by petition of one who has standing under SRC 64.060(d). The petition shall consist of a copy of the zone change petition, if any, together with a brief statement as to what plan designation is requested, and a thorough statement addressing the approval criteria and the reasons therefor. Upon the filing of a petition the proceeding shall be deemed commenced and the planning commission shall proceed as provided in this section. (Ord No. 118-77; Ord No. 53-82; Ord No. 126-85; Ord No. 29-89; Ord No. 53-89; Ord No. 15-2001)

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)

64.120. through 64.130. [Repealed by Ord No. 53-82]

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)

64.140. [Repealed by Ord No. 53-82]

64.150. through 64.190. Reserved for Expansion.

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.

(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, and July 9, 2007.

(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 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. 119-07)

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. (a) 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 PROGRAM

64.250. PURPOSE OF NEIGHBORHOOD PROGRAM. The purpose of the Neighborhood Organization Program is:

(a) To involve citizens in local government planning and decision-making as it affects the development of their neighborhood. It is the intent of this chapter to provide an effective mechanism whereby the citizens of the city sharing common neighborhood identity, goals, and concerns, may form organizations and become officially recognized as advisory bodies to the council and to all boards and commissions engaged in community planning and development; and

(b) To provide a mechanism for citizens, through their neighborhood organization, to provide input to council on livability and quality of life issues affecting their neighborhood. (Ord No. 118-77; Ord No. 56-2000)

64.260. NEIGHBORHOOD ORGANIZATION RESPONSIBILITIES.

Responsibilities of an officially recognized neighborhood organization include:

(a) Development of an organization which will maintain itself and further the intent and purpose set forth in SRC 64.250.

(b) Representation of neighborhood opinion and concerns before public bodies and agencies.

(c) Identification of neighborhood resources.

(d) Gathering of general data concerning the neighborhood.

(e) Identification of neighborhood problems and needs.

(f) Holding of neighborhood meetings to disseminate information and determine opinions of area residents and property owners.

(g) Development of recommendations to appropriate governmental agencies.

(h) Preparation of a neighborhood plan.

(i) Assistance in implementing the adopted neighborhood plan.

(j) Consideration of involvement in community service activities that could benefit the neighborhood or the city in general.

(k) Coordination with Watershed Councils whose boundaries overlap the neighborhood organization's boundaries. (Ord No. 118-77; Ord No. 56-2000)

64.270. CITY RESPONSIBILITIES. Once a neighborhood organization is officially recognized, it shall be accorded the following services and consideration by the city, subject to availability of resources as determined by the city manager:

(a) A city representative to act as liaison with other city departments and agencies; to conduct research, and provide information; and to assist the neighborhood in organizational development and maintenance and implementation of the projects.

(b) Mailing, printing, clerical, and graphic services to assist the neighborhood organization.

(c) Assistance of neighborhood planning team in order to prepare and update a neighborhood plan.

(d) Timely notice to the neighborhood organization of any proposals affecting the neighborhood that are to come before advisory boards and council.

(e) Solicitation of the neighborhood organization's position and reasoning on any issue especially affecting that neighborhood. (Ord No. 118-77; Ord No. 56-2000)

64.280. STANDARDS FOR RECOGNITION OF NEIGHBORHOOD

ORGANIZATIONS. A neighborhood organization shall meet and continue to maintain conformity with the following minimum standards for official recognition:

(a) 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.

(b) That bylaws provide for the following:

(1) A decision-making process for the organization.

(2) Minutes of all official board and general meetings to be taken and filed with the department of community services.

(3) Participation open to any resident, property owner, or business in the neighborhood. (c) That the organization's structure is capable of providing necessary communication between the neighborhood residents and elected and appointed city officials.

(d) That the neighborhood organization has an awareness of its duties and responsibilities with respect to the neighborhood organization program;

(e) That the contiguous geographical boundaries of the neighborhood organization 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.

(f) 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 organization and that no area be represented by more than one neighborhood organization.

(g) That the neighborhood organization has met with city staff and formally requested recognition by the planning commission and council. (Ord No. 118-77; Ord No. 21-95; Ord No. 56-2000; Ord No. 35-2001)

64.290. PROCEDURE FOR INITIAL RECOGNITION OF A

NEIGHBORHOOD ORGANIZATION. When interest has been expressed by a number of residents, a request shall be made to the department of community services for city staff assistance. After informal meetings with city staff and interested residents, businesses, and property owners, one or more neighborhood-wide meeting shall be held to increase awareness of the program and formally request recognition as an official neighborhood organization. The request will be considered by the planning commission and forwarded with its recommendation to the council. Once the group has been recognized by council resolution, the council and planning commission will look to the association as the official citizen organization for that area of the city. (Ord No. 118-77; Ord No. 56-2000)

64.300. RECOGNITION OF EXISTING NEIGHBORHOOD

ORGANIZATIONS. A neighborhood organization which was officially recognized by resolution of the common council on or before the effective date of this ordinance shall be deemed recognized for purposes of this chapter without further proceedings. (Ord No. 118-77)

64.310. PROCEDURES FOR ANNUAL REVIEW OF NEIGHBORHOOD ORGANIZATION STATUS. (a) Within 60 days following an annual general meeting for electing board members, the neighborhood organization will provide the Salem Planning Commission with evidence of compliance with the standards set forth in SRC 64.280.

(b) The report will be reviewed by the planning commission and city council. If the report indicates noncompliance, the organization will be asked to take corrective action. If corrective action is found necessary by the city council and such action is not taken within 60 days following council notifying the neighborhood organization of noncompliance, recognition of the neighborhood organization will be suspended. (Ord No. 118-77)

64.320. NOTICE OF INITIAL RECOGNITION. Upon formal recognition by the city, the mayor shall cause a letter to be sent in his or her name to all property owners, residents, and businesses within the neighborhood. The mayor's letter shall include the following:

(a) A statement encouraging all property owners, residents, and businesses within the newly recognized neighborhood to participate in meetings, preparation of neighborhood plans, and other activities leading to proposals and recommendations to city government.

(b) A description of neighborhood boundaries.

(c) The names, addresses, and telephone numbers of all officers of the neighborhood organization.

(d) A list of all standing committees and a description of each.

(e) The names of persons and departments within city government who will be serving as primary contacts with the neighborhood organization. (Ord No. 118-77; Ord No. 56-2000)

64.330. NOTIFICATION OF NEIGHBORHOOD ACTION; CITY POLICY.

(a) It is the policy of the City of Salem that pursuant to the requirements of this chapter, all affected property owners, residents, and businesses be reasonably notified of meetings, studies, and other activities of recognized neighborhood organizations.

(b) Where the city assists with the distribution of announcements of organizational meetings prior to official recognition of the neighborhood organization, such notices shall be distributed to all property owners, residents, and businesses in the area of the proposed neighborhood organization. (Ord No. 118-77; Ord No. 114-81; Ord No. 119-82)

64.340. NOTIFICATION PROCEDURE. (a) The notice of the annual general neighborhood meeting shall be distributed to all property owners, residents, and businesses in the designated neighborhood; except that any notice to a property owner not occupying the property within the neighborhood may be distributed by delivery to the address of the property owned in the neighborhood.

In lieu of delivery to the address of property owned in the neighborhood, a property owner not occupying said property may request through the city that any neighborhood meeting notices or newsletters be mailed to an address designated by said owner.

(b) When neighborhood organizations send other mailings that are funded by the city to property owners, residences and businesses it shall be as provided in neighborhood communications policy approved by the council.

(c) All official neighborhood organization board and general meetings shall be listed in a calendar of neighborhood meetings published weekly through a local newspaper of general circulation. (Ord No. 118-77; Ord No. 114-81; Ord No. 119-82; Ord No. 15-85; Ord No. 56-2000)

64.350. NEWLY ANNEXED AREAS. Whenever an area that is not within the boundaries of an existing neighborhood organization is annexed to the city, the planning commission shall, within 30 days of the effective date of the annexation, solicit the input of affected neighborhood associations and recommend to the council one of the following alternatives:

(a) That the area be added to the territory of an existing neighborhood organization;
(b) That the area be recognized as the nucleus of a new neighborhood organization and its citizens encouraged immediately to seek recognition as a new neighborhood organization;
or

(c) That the area be recognized as the nucleus of a new neighborhood organization, but because it is yet undeveloped, or is of too small a size, it should be temporarily represented by another neighborhood organization. In such an event the temporary representative organization shall function in all respects as though the area were within its boundaries except that it shall not develop any neighborhood plan for the newly annexed area. (Ord No. 118-77; Ord No. 56-2000)

NEIGHBORHOOD PLANS

64.360. NEIGHBORHOOD PLANS, GENERALLY. A neighborhood plan is a plan encompassing a broad range of concerns and including the entire neighborhood area. A neighborhood plan provides for more detailed goals and policies of the neighborhood as a refinement of and consistent with the Salem Area Comprehensive Plan. It shall be considered as applying to a shorter time frame than the comprehensive plan. (Ord No. 118-77)

64.370. SCOPE OF NEIGHBORHOOD PLANS. (a) A neighborhood plan should address each of the following elements:

- (1) Land use
- (2) Transportation
- (3) Public facilities and services
- (4) Housing
- (5) Parks, recreation, and open spaces

(b) In addition, the neighborhood plan may address subjects of particular concern to the neighborhood such as:

- (1) Economic activity
- (2) Social services
- (3) Environmental quality
- (4) Urban design

(c) The neighborhood plan should include such maps and diagrams as may assist in showing the application of goal and policy statements in the plan. (Ord No. 118-77)

64.380. TIME FRAME AND PHASING. (a) Neighborhood plans, particularly maps and detailed land use statements therein, should be reviewed biennially and should focus on a time span of at least five to ten years.

(b) Within the time span of the 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. (Ord No. 118-77)

64.390. CONFORMITY TO OTHER PLANS. Adopted neighborhood plans shall conform to the rest of the comprehensive plan. In addition, they should consider and accommodate as much as possible all applicable statewide planning goals. Neighborhood plans may contain guidelines which provide policy direction to the neighborhood. Such guidelines are not part of the comprehensive plan. (Ord No. 118-77; Ord No. 53-82)

64.400. ELEMENTS OF NEIGHBORHOOD PLAN WHICH MAY BE ADOPTED. Only the goal and policy statements of the neighborhood plan, and any generalized land use map projecting those goals and policies, shall be considered for adoption. Specific recommendations as to zoning or public improvements shall not be adopted, but should be considered and acted upon separately. (Ord No. 118-77)

64.410. INITIATION OF NEIGHBORHOOD PLANS. (a) Property owners, residents, and businesses within the 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 plan will be discussed, and notification of the process by which the plan is being prepared shall be given as provided in SRC 64.330 and 64.340.

(b) Proposed neighborhood plans must be presented at a minimum of two informational neighborhood meetings. In addition to these public meetings, the neighborhood organization is encouraged to use other means of contacting citizens to obtain their input and review of the neighborhood plan. A specific effort should be made by neighborhood organizations to obtain the opinions of property owners, residents, and businesses directly affected by the plan.

(c) The final draft neighborhood plan shall be adopted by resolution of the neighborhood organization's governing board and affirmed by vote of the membership at a general neighborhood meeting. The process for official adoption of the neighborhood plan is deemed initiated upon a filing of that resolution and a copy of the neighborhood plan with the secretary of the planning commission. (Ord No. 118-77)

64.420. PLANNING COMMISSION ACTION ON NEIGHBORHOOD PLANS.

(a) Prior to holding public hearing as provided in SRC 64.080, the planning commission shall hold a joint work session with representatives of the neighborhood organization. The purpose of such work session shall be to give the planning commission and the neighborhood organization an opportunity to exchange comments about the neighborhood plan, to identify any areas of potential disagreement, and to give the neighborhood organization an opportunity to refine its plan prior to the public hearing. Such work session shall be held

within four weeks of receipt of the draft neighborhood plan. At such work session the neighborhood organization shall prove compliance with the provisions of SRC 64.410.

(b) Based upon the work session described in subsection (a) of this section the neighborhood organization shall, within 60 days after the work session, submit any additions, modifications, or deletions it wishes to make to its neighborhood plan, or notify the planning commission that it wishes to make no changes.

(c) The planning commission shall hold a public hearing within 30 days following the neighborhood organization's action described in subsection (b) of this section. Notice of such hearing shall be given as provided for major plan changes in SRC 64.080. The planning commission shall forward the neighborhood plan to the city recorder along with the recommendations within 15 days thereafter unless the neighborhood organization requests a further work session as provided in subsection (d) of this section.

(d) If, after public hearing before the planning commission, the neighborhood organization 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 shall be held within 14 days of the request. Within 15 days after the joint work session the planning commission shall forward the neighborhood plan to the city recorder along with its recommendations. (Ord No. 118-77; Ord No. 53-82)

64.430. COUNCIL ACTION ON NEIGHBORHOOD PLAN. Following public hearing as provided in SRC 64.420, the common council shall either recommend changes to the neighborhood plan or adopt such portions thereof as are deemed appropriate under SRC 64.390. If the council recommends changes, the neighborhood organization may either revise its plan and resubmit it for adoption or it may notify the council that it declines to amend its plan further. In no event shall the council adopt any portion of a neighborhood plan which portion is in conflict with the rest of the comprehensive plan. (Ord No. 118-77; Ord No. 53-82)

64.440. STATUS OF NEIGHBORHOOD PLAN. (a) The neighborhood plan shall be the basis for any neighborhood recommendation to any city board, commission, or agency having planning responsibilities.

(b) Every city board, commission, and agency having planning responsibilities shall consider the neighborhood plan before making any decision which would affect the neighborhood.

(c) The common council shall consider the neighborhood plan before making any final decision as to the acquisition, construction, or improvement of public facilities in the neighborhood. (Ord No. 118-77)