



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/17/2010

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment  
DLCD File Number 003-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, June 30, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

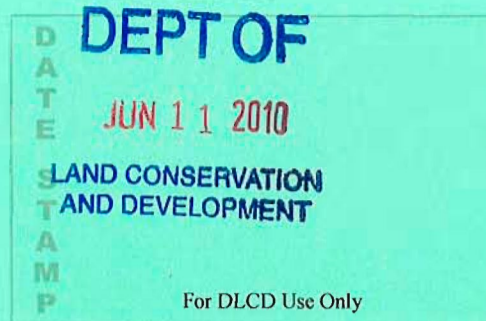
\*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer  
Gloria Gardiner, DLCD Urban Planning Specialist

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**MRP 2 Notice of Adoption**

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: Keizer Local file number: TA2010-03  
Date of Adoption: 6/7/2010 Date Mailed: 6/9/2010  
Date original Notice of Proposed Amendment was mailed to DLCD: 3/15/2010

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**Text amendment to Section 3.112 (Annexations) of the Keizer Development Code will amend this section of the code to allow annexations which are consistent with Marion County Comprehensive Plan policies and applicable state regulations.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**Same**

Plan Map Changed from: na to: na  
Zone Map Changed from: na to: na  
Location: na Acres Involved: na  
Specify Density: Previous: na New: na  
Applicable Statewide Planning Goals: na

Was and Exception Adopted?  YES  NO

DLCD File No.: 003-10 (18154) [16169]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing?**       **Yes**       **No**  
If no, do the statewide planning goals apply?       **Yes**       **No**  
If no, did Emergency Circumstances require immediate adoption?       **Yes**       **No**

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

**none**

Local Contact: **Sam Litke, Senior Planner**      Phone: **(503) 856-3442**      Extension: \_\_\_\_\_  
Address: **390 Chemawa Rd.**      City: **Keizer**  
Zip Code + 4: **97307-**      Email Address: **litkes@keizer.org**

### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO (2) Copies** of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 587

A BILL

ORDINANCE NO.

2

2010- 608

3

FOR

4

5

AN ORDINANCE

6

7

AMENDING KEIZER DEVELOPMENT CODE REGARDING

8

SECTION 3.112 (ANNEXATIONS); AMENDING

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ORDINANCE 98-389

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WHEREAS, the Keizer Planning Commission has recommended to the Keizer

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City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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WHEREAS, the City Council has held a hearing on this matter and considered the

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testimony given and the recommendation of the Keizer Planning Commission; and

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WHEREAS, the Keizer City Council has determined that it is necessary and

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appropriate to amend the Keizer Development Code as set forth herein; and

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WHEREAS, the Keizer City Council has determined that such amendments meet

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the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer

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Development Code;

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NOW, THEREFORE,

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The City of Keizer ordains as follows:

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Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in

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Exhibit "A" attached hereto and by this reference incorporated herein.

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Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The

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Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption

1 of the changes to Section 3.112 (Annexations) as set forth in Exhibit "B" attached hereto,  
2 and by this reference incorporated herein.

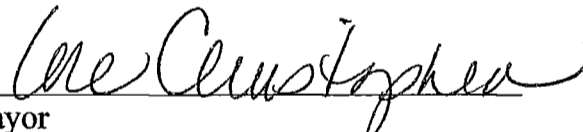
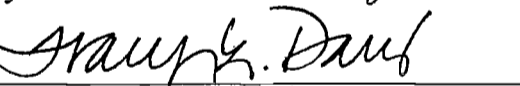
3 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,  
4 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or  
5 is denied acknowledgment by any court or board of competent jurisdiction, including,  
6 but not limited to the Land Use Board of Appeals, the Land Conservation and  
7 Development Commission and the Department of Land Conservation and Development,  
8 then such portion shall be deemed a separate, distinct, and independent provision and  
9 such holding shall not affect the validity of the remaining portions hereof.

10 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days  
11 after its passage.

12 PASSED this 7th day of June, 2010.

13 SIGNED this 7th day of June, 2010.

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\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
City Recorder

## EXHIBIT "A"

### Findings regarding the adoption of amendments to the Keizer Development Code (Section 3.112 Annexations)

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
  - a. Section 3.112 (Annexations) of the Keizer Development Code (KDC) contains the requirements governing annexations into the city limits.
  - b. The particulars of this case are found within planning file Text Amendment 2010-03. Public hearings were held before the Planning Commission on April 14, 2010 and also before the City Council on May 3, 2010. The Planning Commission reviewed the proposed revisions and unanimously recommended that it be adopted. The City Council unanimously directed staff to prepare findings and an ordinance to adopt the proposed text amendment.
2. Amendments to the Comprehensive Plan or Development Code shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -

**Findings:** The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. This section of the Development Code was last reviewed in 1998. The proposed amendment is intended in part to correct several identified errors within the existing regulations. This revision will establish clear development standards. Currently, the city is prohibited by its own ordinance from annexing any land outside of the urban growth boundary. While state law technically does not prohibit such an application the county's comprehensive plan policies only permits the annexation of land that is outside of an urban growth boundary if it is for health reasons such as failing sanitary systems, or failing water supplies. The amendment would allow the option of annexing land that is outside the city's urban growth boundary provided that it is

consistent with Marion County's Comprehensive Plan policies. Therefore, the proposed code revision complies with this review criterion.

4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

**FINDINGS:** The proposed text amendment complies with the statewide land use planning goals as discussed below.

**Goal 1 – Citizen Involvement:** The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the Planning Commission on April 14, 2010 and also before the City Council on May 3, 2010. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules.

**Goal 2 – Land Use Planning:** This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. No public testimony was received at either the planning commission or the city council's public hearing. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

**Goal 3 – Farm Land:** The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there is only one zone which is located in the northwest portion of the city near the city's urban growth boundary that is designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. The amendment governing annexation requirements will allow the annexation of lands provided the proposed annexation is consistent with Marion County Comprehensive Plan policies. While this may result in the annexation of lands that are currently designated to allow agricultural uses it is not possible to accurately predict what impact that this have on any properties that are designated to allow for agricultural uses. If lands are annexed but are allowed to remain outside to the city urban growth boundary then the city would be required to place an Exclusive Farm Use qualifying zone designation on the

property. This would limit the type of uses that could occur on the property and so would then result in it being compatible with any adjacent farm uses. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

**Goal 4 – Forest Land:** The intent of this goal is to protect lands that are designated for commercial forest uses. There are no lands designated within the city limits to allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to Section 3.112 KDC does not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

**Goal 5 – Natural Resources:** The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendment to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the amendments to the annexation regulations will be consistent with this goal and with administrative rules designed to implement this goal.

**Goal 6 – Air, Water and Land Quality:** The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in Willamette River or any local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. Any potential annexation will not automatically be required to be connected to all city utilities but will be reviewed on a case by case basis to determine if public utilities are available to serve the area proposed to be annexed or if it is not practical, feasible or warranted to serve the area with city facilities. The revision to the city's zone code regarding annexation regulations will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

**Goal 7 – Natural Hazards:** The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of



structures within identified 100-year floodplains. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience very significant water depth and velocity flows. Upon annexation the property would be required to comply with city floodplain regulation and any other natural hazard regulations enforced by the city. The revision to the zone code will neither impact this goal nor any administrative rules.

**Goal 8 – Recreation:** This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city's future park and recreation needs. There are a number of parks, playgrounds, and other recreational opportunities within the city limits. The proposed amendment to the annexation regulations will not have a direct impact on the recreational activities or uses within the city. However, it may result in the annexation of land that could become utilized for park and recreation purposes and so would then have a positive impact on the recreational opportunities of the city. A case in point is this ordinance combined with amendments to the Marion County Comprehensive Plan would then allow the potential annexation of land adjacent to the Keizer Rapids Park which would result in greater park and recreational opportunities and would then satisfy this goal and any related rules.

**Goal 9 – Economic Development:** The intent of this goal is to ensure that the city plans for its overall economic vitality. The city is currently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the region so as to better plan to take advantage of these economic opportunities. While the proposed amendment to the city's annexation regulations does not reflect new requirements but allows the annexations which are consistent with

Marion County's Comprehensive Plan policies. Since this is a legislative matter and there is no actual application for annexation it is impossible to accurately assess the impact which may result from this text amendment. Lands which might be annexed range from park lands with no development and therefore no economic impact all the way to lands to be which could be development with employment or commercial opportunities. Again, with this text amendment there is no way to gauge the impact that might be associated with any specific annexation. In addition, annexation of land can be argued to have a positive impact on the local economy since it will result in increased consumers within the city. Therefore, the proposal is consistent with this goal.

**Goal 10 – Housing:** This goal requires the city to plan and provide for the housing needs of its residents. The proposed amendment to Section 3.112 KDC will have no impact on either this goal or on any related rules.

**Goal 11- Public Facilities and Services:** The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, has an established street system, administrative and police and public safety also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District or Marion County Fire District #1 depending on which district the land proposed to be annexed is located. It is not possible the full impacts on the city street system, administrative and police service and other services that might result from this text amendment. While future annexation may have impacts to the city's public facilities and services the proposed amendment to Section 3.112 KDC will have no impact the city's public facilities and services, and so this goal and any rules are satisfied.

**Goal 12 – Transportation:** The city has an adopted Transportation System Plan that describes the city's transportation systems. This system includes streets, transit bike, and pedestrian systems. While any future annexation may have impact on the city's transportation systems the proposed revisions to the annexation provisions within the Keizer Development Code will by themselves have no impact on any of the city's public transportation systems, and so this goal and any rules will be met.

**Goal 13 – Energy Conservation:** This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will have not impact this goal nor any of the implementing administrative rules.

**Goal 14 – Urbanization:** The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed

zone code revision on the public water supply regulations will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

**Goal 15 – Willamette River:** This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revisions to the annexation requirements in Section 3.112 KDC will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

**Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources)** govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable.

In consideration of the above findings, the proposed zone code revision to Section 3.112 complies with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**
- a. It corrects identified error(s) in the previous plan.
  - b. It represents a logical implementation of the plan.
  - c. It is mandated by changes in federal, state, or local law.
  - d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

**FINDINGS:** The proposed amendment is intended in part to correct several identified errors within the existing regulations. Currently, the city is prohibited by its own ordinance from annexing any land outside of the urban growth boundary. While state law technically does not prohibit such an application the county's comprehensive plan policies only permits the annexation of land that is outside of an urban growth boundary if it is for health reasons such as failing sanitary systems, or failing water supplies. The reason for this amendment is that the city is seeking to annex land adjacent to the Keizer Rapids Park which will then be included as part of the park. The money that will be used to purchase this land is from the sale of land which is within the urban renewal district. For this transaction to occur the land must be within the city limits. This text amendment will allow the option to annex land provide it is consistent with Marion County's Comprehensive Plan policies.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption,

determined that the text revision to Section 3.112 KDC is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

## **3.112 ANNEXATIONS**

### **3.112.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the urban growth boundary and contiguous to the City or separated from it by a stream or right-of-way only or is consistent with Marion County Comprehensive Plan Policies and applicable state regulations. (5/98)

### **3.112.02 General Annexation Procedure**

- A. Public Hearing. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation. (5/98)
- B. Planning Commission Action. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council ~~within 10 days for the hearing.~~ The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will: (5/98)
  1. Affect the community's air resources; (5/98)
  2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands; (5/98)
  3. Relate to areas with natural hazards; (5/98)
  4. Affect the fish and wildlife in the proposed annexation; (5/98)
  5. Utilize energy resources and conserve energy use; (5/98)
  6. Protect open spaces and scenic views and areas; (5/98)
  7. Provide for transportation needs in a safe, orderly and economic manner; (5/98)
  8. Provide for an orderly and efficient arrangement of public services; (5/98)
  9. Provide for the recreation needs of the citizens; (5/98)
  10. Affect identified historical sites and structures and provide for the preservation of such sites and structures; (5/98)

DRAFT to City Council  
4-10

11. Improve and enhance the economy of the City; and
  12. Provide quality, safe housing through a variety of housing types and price ranges. (5/98)
- C. City Council Action. The City shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.112.02 (B). (5/98)

### **3.112.03 Annexation by Election**

- A. Election Process. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, or to dispense with submitting the proposal for annexation to the registered voters of the City. (2/01)
- B. General or Special Election. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more that twelve months apart. (5/98)
- C. Multiple Annexations. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot. (5/98)
- D. Notice. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The

DRAFT to City Council  
4-10

Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different. (5/98)

#### **3.112.04 Annexation Procedure Without City Election**

- A. Council Hearing. By ordinance, the Council may elect to conduct a hearing on the annexation and set a date for a public hearing, at which time the registered voters of the City can be heard on the annexation proposal. (5/98)
- B. Published Notice. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period. (5/98)
- C. Written Notice. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation. (5/98)
- D. Public Hearing. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200. (2/01)

#### **3.112.05 Annexation Procedure with Election in Proposed Territory**

Property Owner Petition. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day: (5/98)

- A. The public hearing procedure shall be pursuant to Subsections 3.112.02 (A) and (B); and Subsections 3.112.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or (5/98)
- B. The Council takes the necessary action to call the annexation election in the City under Subsection 3.112.03 (D), if the Council submits the question to the registered voters of the City. (5/98)

DRAFT to City Council  
4-10

**3.112.06 Island Annexation**

- A. City Council Authority. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory. (5/98)
- B. Notice and Procedures. Notice and procedures for public hearing without election shall be provided pursuant to the provisions of Section 3.112.02 and 3.112.04. Notice and procedures by election shall be provided pursuant to Section 3.112.03. & 3.112.05 (2/01)

**3.112.07 Submission of Annexation Reports**

- A. Notice to County. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines. (5/98)
- B. Notice to State. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State: (5/98)
  - 1. A copy of the annexation ordinance; (5/98)
  - 2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation; (5/98)
  - 3. A copy of the statement of consent of landowners in the territory annexed; (5/98)
  - 4. A copy of the ordinance of the City declaring that no election is required in the City; and (5/98)
  - 5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. (5/98)

**3.112.08 Effective Date of Annexation**

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.112.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. (5/98)



DRAFT to City Council  
4-10

**3.112.09 Zone Designation of Annexed Property**

The City Council shall establish the appropriate Comprehensive plan designation and Zoning district upon annexation of the property to the City. (5/98)

CITY OF KEIZER  
COMMUNITY DEVELOPMENT  
P.O. BOX 21000  
KEIZER, OR 97307-1000

D C C D

635 Capitol St. NE

Suite 150

Salem, OR 97301

ATT: Plan Amendment

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