

1 **ORDINANCE BILL NO. 4-24**

2 AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 4785 AND 4815
3 AUBURN ROAD NE ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING,
4 AND WITHDRAWING THE TERRITORY FROM THE MARION COUNTY FIRE
5 DISTRICT #1 AND THE EAST SALEM SEWER AND DRAINAGE DISTRICT

6 *The City of Salem ordains as follows:*

7 **Section 1. Findings.**

8 *Voter Approval.*

9 Pursuant to SRC 260.010(d)(2) voter approval is not required if the annexation request meets one
10 of the following criteria:

11 *(A)The annexation is being made pursuant to an annexation agreement effective prior to May 16,*
12 *2000;*

13 *(B)The annexation is necessitated by a failing septic system or health hazard; or*

14 *(C)The annexation, notwithstanding the Salem City Charter, complies with all of the following*
15 *requirements:*

16 *(i)The annexation petition request is signed by all owners of the property proposed to be*
17 *annexed;*

18 *(ii)The territory proposed for annexation is within the urban growth boundary;*

19 *(iii)The territory proposed for annexation is subject to an acknowledge comprehensive plan*
20 *upon annexation; and*

21 *(iv) At least one lot within the territory proposed for annexation is contiguous to the City*
22 *limits.*

23 **Finding:** The territory is owned by Daniel and Jessica Lonbeck (4785 Auburn Road NE) and
24 Jaime Tenorio (4815 Auburn Road NE). Signed annexation petitions have been received from
25 each property owner of the territory. The property is located within the Salem Urban Growth
26 Boundary and is subject to Salem’s acknowledged Comprehensive Plan. The property is
27 contiguous to the City limits on the north and west side. The territory is therefore exempt from
28 voter approval.

29 *Approval Criteria:*

1 Salem Revised Code (SRC) 260.010(g)(1) sets forth the following criteria that must be met
2 before approval can be granted to a request for an Annexation without a minor comprehensive
3 plan map amendment or quasi-judicial zone change.

4 *SRC 260.010(g)(1)(A): The annexation will result in a boundary in which services can be*
5 *provided in an orderly, efficient, and timely manner;*

6 **Finding:** The proposed annexation is for a territory that is 1.32-acres in size; it does not include
7 right-of-way as Auburn Road NE is already inside City limits. The annexation of unincorporated
8 territory contiguous to the City limits will result in urban services being provided in a more
9 orderly, efficient, and timely manner. Unincorporated territory adjacent to the City limits
10 prevents the orderly expansion of City services because gaps are created in the City's
11 infrastructure, and services within those gaps must be provided by the county, or by the City
12 pursuant to intergovernmental or other agreements. This results in inefficiencies due to
13 discontinuous and fragmented methods of providing infrastructure and inefficiencies, as well as
14 additional delays for any development proposal. The boundary resulting from the proposed
15 annexation will provide a more compact and efficient urban form for providing urban services,
16 because the services will be integrated into the existing City infrastructure that exists adjacent to
17 the property, and potential jurisdictional conflicts will not exist. The proposed annexation
18 complies with this criterion.

19 *SRC 260.010(g)(1)(B): The land uses and development densities that will be allowed can be*
20 *served through the orderly, efficient, and timely extension of key urban facilities and services;*

21 **Finding:** Comments provided by the various City departments indicate that the territory in the
22 proposed annexation is both already served and can be served through the orderly, efficient, and
23 timely extension of key urban facilities and services as outlined in the City's adopted master
24 plans, Capital Improvement Plan (CIP) and Public Works and Parks design and construction
25 standards. City Services are available in Auburn Road NE to serve the territory; no additional
26 improvements to urban facilities and services are needed at this time to serve the Territory. The
27 Territory is located outside of the Urban Service Area. At time of development, improvements to
28 existing public infrastructure, or new construction of new infrastructure, may be required to
29 serve the proposed development.

1 *SRC 260.010(g)(1)(C): The withdrawal of the territory from any applicable special districts*
2 *complies with applicable state statutes governing the withdrawal of the territory from those*
3 *districts; and*

4 **Finding:** When withdrawal from a special service district is not automatic, the City Council shall
5 decide on withdrawal from those special service districts. These withdrawals shall be made
6 according to applicable state statutes governing the specific withdrawal.

7 The City will withdraw the Territory from the Marion County Fire District #1 and replace those
8 services with service from the City of Salem Fire Department. Additionally, the Territory will be
9 withdrawn from the East Salem Sewer and Drainage District as the development is connected to
10 City infrastructure.

11 ORS 222.520 establishes the process by which the Territory may be withdrawn from service
12 districts at the same time as the annexation. No Comprehensive Plan provision or implementing
13 ordinance of the City applies to the withdrawal decision, and none is amended in the process of
14 making the decision. In addition, the decision to withdraw the Territory and serve the Territory
15 with City-supplied urban services rather than district-supplied services, does not have significant
16 impacts on present or future land uses. Consequently, the withdrawal decision is not the kind of
17 decision that requires application of land use laws.

18 *SRC 260.010(g)(1)(D): The public interest is furthered by the annexation of the territory.*

19 **Finding:** The proposed annexation of the territory conforms to the Salem Area Comprehensive
20 Plan and City services can be provided consistent with the City’s adopted master plans. The City
21 is expected to add land within the Urban Growth Boundary over time to facilitate development
22 commensurate with urban densities found within the City. The annexation of unincorporated
23 territory contiguous to the city limits will result in urban services being provided in a more
24 orderly, efficient, and timely manner and will allow urban levels of development. Therefore, the
25 proposal is found to be in the public interest.

26 **Section 2. Annexation.** The Territory described in “Exhibit A” is hereby annexed to the City of
27 Salem, Oregon.

28 **Section 3. Land Use Designations.** The zoning for the Territory is prescribed as “RA –
29 Residential Agriculture.” The Planning Administrator shall add to the official zoning map the
30 Territory herein annexed.

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Section 4. Withdrawal. The Territory is hereby withdrawn from the Marion County Fire District #1 and East Salem Sewer and Drainage Service District. Such withdrawal is effective upon, and contemporaneous with, the date of annexation.

Section 5. The City Recorder shall submit a copy of this ordinance and such other information as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and reports required by ORS 222.005(1) and ORS 222.010 to the person or entities described therein.

PASSED by the City Council this _____ day of _____, 2024.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: A. Panko