

ORDINANCE BILL NO. 11-25

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 3741 LANGLEY STREET SE AND THE 3700 TO 3800 BLOCKS OF LANGLEY STREET SE AND TIMBET DRIVE SE ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE TURNER RURAL FIRE PROTECTION DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

Voter Approval.

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

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

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

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

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

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

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

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

Finding: The proposed annexation is exempt from voter approval pursuant to SRC 260.010(d)(2)(C)(i)-(iv). The territory proposed for annexation includes five tax lots owned by Good Seedz, LLC. All of the members of the company have signed the required annexation petition. The property is located within the Salem Urban Growth Boundary and subject to Salem's acknowledged Comprehensive Plan. The property is also contiguous to the City limits at its southeast corner abutting Timbet Drive SE. The territory is therefore exempt from voter approval.

1 *Approval Criteria.*

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

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

7 **Finding:** The proposed annexation is for a territory totaling approximately 48.02 acres in size,
8 including public street right-of-way. The annexation of unincorporated territory contiguous to the
9 city limits will result in urban services being provided in a more orderly, efficient, and timely
10 manner. Unincorporated territory adjacent to the city limits prevents the orderly expansion of
11 City services because gaps are created in the city's infrastructure, and services within those gaps
12 must be provided by the county, or by the City pursuant to intergovernmental or other
13 agreements. This results in inefficiencies due to discontinuous and fragmented methods of
14 providing infrastructure, as well as additional delays for any development proposal. The
15 boundary resulting from the proposed annexation will provide a more compact and efficient
16 urban form for providing urban services, because the services will be integrated into the existing
17 city infrastructure that exists in the surrounding area, and potential jurisdictional conflicts will
18 not exist. The proposed annexation 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
22 proposed for annexation can be served through the orderly, efficient, and timely extension of key
23 urban facilities and services as outlined in the City's adopted master plans, Capital Improvement
24 Plan (CIP), and Public Works and Parks design and construction standards. No improvements to
25 urban facilities and services are needed at this time to serve the territory but as land within the
26 territory is developed, necessary urban facilities and services and site-specific infrastructure will
27 be identified and required to be provided in accordance with the city's adopted master plans,
28 CIP, and Urban Growth Management process as set forth in SRC Chapter 200.

29 The territory proposed for annexation lies outside the City's Urban Service Area. Pursuant to the
30 City's adopted growth management program found in SRC 200, an Urban Growth Area (UGA)

1 Development Permit will be required to provide adequate public facilities, including water,
2 sewer, stormwater, transportation, and park services, that may be necessitated by future
3 development. The proposed annexation complies with this criterion..

4 *SRC 260.010(g)(1)(C): The withdrawal of the territory from any applicable special districts*
5 *complies with applicable state statutes governing the withdrawal of the territory from those*
6 *districts.*

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

10 The territory is currently located within the Turner Rural Fire Protection District and the Santiam
11 Water Control District. The City will withdraw the territory from the Turner Rural Fire
12 Protection District and replace that service with service from the City of Salem Fire Department.
13 The Santiam Water Control District, however, is not a district that is subject to withdrawal
14 requirements for special districts when property is annexed. As such, the territory will not be
15 withdrawn from this District.

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

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

24 **Finding:** The proposed annexation of the territory conforms to the Salem Area Comprehensive
25 Plan and City services can be provided consistent with the City's adopted master plans. The city
26 is expected to annex land within the Urban Growth Boundary over time to facilitate development
27 commensurate with urban densities found within the city. The annexation of unincorporated
28 territory contiguous to the city limits will result in urban services being provided in a more
29 orderly, efficient, and timely manner and will allow urban levels of development. Therefore, the
30 proposed annexation is in the public interest and complies with this criterion.

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

3 **Section 3. Land Use Designations.** The zoning for the Territory is hereby prescribed as “IP –
4 Industrial Park.” The Planning Administrator shall add to the official zoning map the Territory
5 herein annexed.

6 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Turner Rural Fire
7 Protection District. Such withdrawal is effective upon, and contemporaneous with, the date of
8 annexation.

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

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

13 ATTEST:

14
15
16 City Recorder

17 Approved by City Attorney: _____
18

19 Checked by: B. Bishop
20
21
22
23
24
25
26
27
28
29
30