

ORDINANCE BILL NO. 10-21

AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED AT 681 REES HILL ROAD, SE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING SALEM AREA COMPREHENSIVE PLAN MAP DESIGNATION, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE SALEM SUBURBAN RURAL FIRE PROTECTION DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

(a) **Petition.** On December 5, 2019, Toni Whitler of City of Salem Public Works submitted an annexation application and valid triple-majority annexation petition signed by City Manager Steven D. Powers on behalf of the property owner and petitioner, the City of Salem, and paid the filing fee, for certain real property located at the 681 Rees Hill Road SE (the Territory), as more particularly described in “Exhibit A,” which is attached hereto and incorporated herein by reference.

(b) **Exemption from Voter Approval.** State law (ORS 222.111 to 222.180) was amended in 2016 through Senate Bill 1573 to prohibit cities that have voter approved annexation from submitting an annexation decision to the voters if all of the owners of the property proposed to be annexed have submitted the annexation petition. The law further specifies that in order for the voter approval prohibition to apply, the territory proposed for annexation must be included within an urban growth boundary, subject to an acknowledged comprehensive plan upon annexation, and contiguous to the city limits, and the proposal shall comply with all other requirements of the city’s ordinances.

The annexation is subject to the requirements of Senate Bill 1573 because all the owners of the property have applied for annexation, and the annexation may not be referred to the voters for approval as set forth below:

- (1) The territory is within the Salem Urban Growth Boundary (UGB).
- (2) The territory is currently subject to the acknowledged Salem Area Comprehensive Plan, and will continue to be subject to the Plan upon annexation.
- (3) The territory is contiguous to the city limits.

1 (4) The proposal conforms to all other requirements of the city’s ordinances.

2 (c) **Hearing and Decision.** The Council held a duly advertised public hearing on
3 September 13, 2021, and received evidence and testimony regarding whether the
4 Petitioner signed a valid triple majority petition for annexation of the Territory; whether
5 the proposed annexation of the Territory was exempt from a vote of the people pursuant
6 to Senate Bill 1573(2016); whether the proposed annexation of the Territory, including
7 the change in the Salem Area Comprehensive Plan Map designation for the portion of the
8 Territory east of the centerline of the proposed extension of Lone Oak Road SE from
9 “Developing Residential” to “Parks, Open Space, and Outdoor Recreation” upon
10 annexation, the change in zoning designation for the portion of the Territory east of the
11 centerline of the proposed extension of Lone Oak Road SE from Marion County Urban
12 Transition-10 Acre (UT-10) to City of Salem Public Amusement (PA) upon annexation,
13 and the application of City of Salem Residential Agriculture (RA) zoning from Marion
14 Urban Transition-10 Acre (UT-10) to the portion of the Territory west of the centerline of
15 the proposed extension of Lone Oak Road SE, complied with SRC Chapter 260 and the
16 applicable land use and other criteria; and whether the withdrawal of the Territory from
17 the Salem Suburban Rural Fire Protection District (the District) upon annexation would
18 be in the best interest of the City. At the conclusion of the public hearing, after due
19 consideration of the evidence and testimony, the Council adopted Order No. 2021-3 ANX
20 as its final decision and findings determining that the proposed annexation is exempt
21 from voter approval because it meets the requirements of Senate Bill 1573(2016); the
22 proposed annexation of the Territory, including land use designations, complies with
23 SRC Chapter 260 and the applicable land use and other criteria, subject to the following
24 Condition of Approval imposed on the proposed zone change to City of Salem “Public
25 Amusement” (PA):

26 **Condition 1:** The proposed legal description of the boundary between the PA
27 (Public Amusement) zone and RA (Residential Agriculture) zone,
28 and the corresponding boundary between the "Parks, Open Space,
29 and Outdoor Recreation" Salem Comprehensive Plan Map
30 designation and "Developing Residential" Salem Comprehensive

1 Plan Map designation, shall be submitted to the Planning
2 Administrator for review and approval within one year of the
3 effective date of the annexation or at the time of final approval of
4 public construction plans for the extension of Lone Oak Road SE,
5 whichever is later;

6 and the withdrawal of the Territory from the District would be in the best interest of the
7 City.

8 **(d) Additional Finding.** The Council finds that the Petitioner signed a valid triple
9 majority petition for annexation of the Territory.

10 **(e) Withdrawal from Special Districts.** After due consideration of the evidence and
11 testimony, the City Council finds it is in the best interest of the City to withdraw the
12 Territory from the Salem Suburban Rural Fire Protection District, and to provide the
13 Territory with city services because the public good of the City and the citizens residing
14 in the annexed Territory would be best served if the citizens residing in the Territory
15 receive city services without the problems attendant with coordination that would result
16 from the Territory being subject to the jurisdiction of overlapping urban service
17 providers. It would not be in the best interest of the City for the citizens residing in
18 newly annexed Territory to pay both City taxes and an additional assessment to the Salem
19 Suburban Rural Fire Protection District to receive services that may readily be supplied
20 by the City without such additional taxation. Leaving the Territory in the Salem
21 Suburban Rural Fire Protection District would lead to a fragmented approach to delivery
22 of public services, unequal tax bases, and resistance to cooperation. Withdrawal would
23 promote efficiency, economy, and sound management in the provision of urban services
24 for newly annexed Territory, and the Territory should be withdrawn from the District.

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

27 **Section 3. Land Use Designations.** The portion of the Territory east of the centerline of the
28 proposed extension of Lone Oak Road SE is designated “Parks, Open Space, and Outdoor
29 Recreation” on the Salem Area Comprehensive Plan, and the Plan Map. The zoning of the
30 portion of the Territory east of the centerline of the proposed extension of Lone Oak Road SE

1 Territory is prescribed as “Public Amusement.” The zoning of the portion of the Territory west
2 of the centerline of the proposed extension of Lone Oak Road SE is prescribed as “Residential
3 Agriculture.” The Planning Administrator shall add to the official zoning map the Territory
4 herein annexed.

5 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Salem Suburban Rural
6 Fire Protection District, such withdrawal to be effective upon, and contemporaneous with, the
7 date of annexation.

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

11 PASSED by the City Council this _____ day of _____, 2021.

12 ATTEST:

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15 City Recorder

16 Approved by City Attorney: _____
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18 Checked by: P. Cole
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