

ORDINANCE BILL NO. 5-25

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT THE 2500 BLOCK OF MICHIGAN CITY LANE NW AND THE 3300 BLOCK OF LEVI STREET NW ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE SPRING VALLEY 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). The territory consists of two properties, owned by Amritpal Singh, et al., (2500 Block of Michigan City Lane NW), and Nancy Odell Trust, by its trustee, Nancy Odell (3300 Block of Levi Street NW). Signed annexation petitions have been received from each property owner of the territory. The territory is located within the Salem Urban Growth Boundary and is subject to Salem's acknowledged Comprehensive Plan. The territory is contiguous to the City limits on the north, west, and south sides. 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 7.66 acres in size, which includes
8 6.60 acres of private property at the 2500 Block of Michigan City Lane NW (Polk County
9 Assessor's Map and Tax Lot Number: 073W08AB / 3100), and 1.06 acres of private property at
10 the 3300 Block of Levi Street NW (Polk County Assessor's Map and Tax Lot Number:
11 073W08BA / 502); it does not include right-of-way as Michigan City Lane NW and Levi Street
12 NW are already inside City limits. The annexation of unincorporated territory contiguous to the
13 City limits will result in urban services being provided in a more orderly, efficient, and timely
14 manner. Unincorporated territory adjacent to the City limits prevents the orderly expansion of
15 City services because gaps are created in the City's infrastructure, and services within those gaps
16 must be provided by the county, or by the City pursuant to intergovernmental or other
17 agreements. This results in inefficiencies due to discontinuous and fragmented methods of
18 providing infrastructure and inefficiencies, as well as additional delays for any development
19 proposal. The boundary resulting from the proposed annexation will provide a more compact and
20 efficient urban form for providing urban services, because the services will be integrated into the
21 existing City infrastructure that exists adjacent to the property, and potential jurisdictional
22 conflicts will not exist. The proposed annexation complies with this criterion.

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

25 **Finding:** Comments provided by the various City departments indicate that the territory in the
26 proposed annexation can be served through the orderly, efficient, and timely extension of key
27 urban facilities and services as outlined in the City's adopted master plans, Capital Improvement
28 Plan (CIP) and Public Works and Parks design and construction standards, and the Urban
29 Growth Management process as set forth in SRC Chapter 200. City Services are available in
30 Michigan City Lane NW and Levi Street NW to serve the properties; no additional

1 improvements to urban facilities and services are needed at this time to serve the territory. The
2 territory is located outside of the Urban Service Area. At time of development, improvements to
3 existing public infrastructure, or new construction of new infrastructure, may be required to
4 serve the proposed development. The proposed annexation complies with this criterion.

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

8 **Finding:** When withdrawal from a special service district is not automatic, the City Council shall
9 decide on withdrawal from those special service districts. These withdrawals shall be made
10 according to applicable state statutes governing the specific withdrawal. The City will withdraw
11 the territory from the Spring Valley Rural Fire Protection District and replace those services with
12 service from the City of Salem Fire Department. ORS 222.520 establishes the process by which
13 the territory may be withdrawn from service districts at the same time as the annexation. No
14 Comprehensive Plan provision or implementing ordinance of the City applies to the withdrawal
15 decision, and none is amended in the process of making the decision. In addition, the decision to
16 withdraw the territory and serve the territory with City-supplied urban services rather than
17 district-supplied services, does not have significant impacts on present or future land uses.
18 Consequently, the withdrawal decision is not the kind of decision that requires application of
19 land use laws.

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

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

28 **Section 2. Annexation.** The territory described in "Exhibit A" is hereby annexed to the City of
29 Salem, Oregon.

1 **Section 3. Land Use Designations.** The zoning for the territory is prescribed as “RA –
2 Residential Agriculture.” The Planning Administrator shall add to the official zoning map the
3 territory herein annexed.
4 **Section 4. Withdrawal.** The territory is hereby withdrawn from the Spring Valley Rural Fire
5 Protection District. Such withdrawal is effective upon, and contemporaneous with, the date of
6 annexation.
7 **Section 5.** The City Recorder shall submit a copy of this ordinance and such other information
8 as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and
9 reports required by ORS 222.005(1) and ORS 222.010 to the person or entities described therein.

10 PASSED by the City Council this _____ day of _____, 2025.

11 ATTEST:

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City Recorder
Approved by City Attorney: _____

Checked by: J. Donaldson