

ORDINANCE BILL NO. 2-22

AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED
AT 3476/3480 BLOSSOM DRIVE NE AND ADJACENT LANDS, NE, ANNEXED TO THE
CITY OF SALEM, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY
FROM THE KEIZER FIRE DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

(a) Petition. On November 30, 2020, Brad Kilby of Harper Houf Peterson Righellis filed an application and petition for an annexation with concurrent zone change on behalf of applicant Clutch Industries and petitioner Blossom Gardens Apartments LLC (Clutch Multifamily LLC (Terence Christian Blackburn and Sean A. Blackburn)), for certain real property located at 3476 and 3480 Blossom Drive NE and Adjacent Lands (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 January 10, 2022, and received evidence and testimony regarding whether the Petitioner
4 signed a valid triple majority petition for annexation of the Territory; whether the
5 proposed annexation of the Territory was exempt from a vote of the people pursuant to
6 Senate Bill 1573(2016); whether the proposed annexation of the Territory, including the
7 change in zoning from Marion County Urban Transition-5 Acres (UT-5) to City of Salem
8 Multiple Family Residential-I (RM-II) upon annexation, complied with SRC Chapter 260
9 and the applicable land use and other criteria; and whether the withdrawal of the Territory
10 from the Keizer Fire District (the District) upon annexation would be in the best interest
11 of the City. At the conclusion of the public hearing, after due consideration of the
12 evidence and testimony, the Council adopted Order No. 2022-1 ANX as its final decision
13 and findings determining that the proposed annexation is exempt from voter approval
14 because it meets the requirements of Senate Bill 1573(2016); the proposed annexation of
15 the Territory, including land use designations, complies with SRC Chapter 260 and the
16 applicable land use and other criteria; and the withdrawal of the Territory from the
17 District would be in the best interest of the City.

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

20 **(e) Withdrawal from Special Districts.** After due consideration of the evidence and
21 testimony, the City Council finds it is in the best interest of the City to withdraw the
22 Territory from the Keizer Fire District, and to provide the Territory with city services
23 because the public good of the City and the citizens residing in the annexed Territory
24 would be best served if the citizens residing in the Territory receive city services without
25 the problems attendant with coordination that would result from the Territory being
26 subject to the jurisdiction of overlapping urban service providers. It would not be in the
27 best interest of the City for the citizens residing in newly annexed Territory to pay both
28 City taxes and an additional assessment to the Keizer Fire District to receive services that
29 may readily be supplied by the City without such additional taxation. Leaving the
30 Territory in the Keizer Fire District would lead to a fragmented approach to delivery of

1 public services, unequal tax bases, and resistance to cooperation. Withdrawal would
2 promote efficiency, economy, and sound management in the provision of urban services
3 for newly annexed Territory, and the Territory should be withdrawn from the District.

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

6 **Section 3. Land Use Designations.** The Territory is designated “Multi-Family Residential” on
7 the Salem Area Comprehensive Plan, and the Plan Map. The zoning of the portion of the
8 Territory is prescribed as “Multiple Family Residential-II.” The Planning Administrator shall add
9 to the official zoning map the Territory herein annexed.

10 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Keizer Fire District, such
11 withdrawal to be effective upon, and contemporaneous with, the date of annexation.

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

15 PASSED by the City Council this _____ day of _____, 2022.

16 ATTEST:

19 City Recorder

20 Approved by City Attorney: _____

22 Checked by: P. Cole