

**BEFORE THE CITY COUNCIL  
OF THE CITY OF SALEM, OREGON**

|  |                                 |   |
|--|---------------------------------|---|
| <b>IN THE MATTER OF THE<br/>PETITIONER-INITIATED<br/>ANNEXATION OF<br/>TERRITORY LOCATED AT<br/>4400-4600 BLOCKS OF<br/>HAZELGREEN ROAD NE</b> | )<br>)<br>)<br>)<br>)<br>)<br>) | <b>ORDER NO. 2019-8 ANX<br/><br/>FINAL ORDER ADOPTING THE<br/>FINAL DECISION AND FINDINGS OF<br/>IN ANNEXATION CASE NO. C-735</b> |
|--|---------------------------------|---|

**Whereas**, on August 26, 2019, after due notice was given, the City Council of the City of Salem held a public hearing to take testimony and evidence on annexation proposal C-735 (the Annexation Proposal), as required by SRC 260.060(a); and

**Whereas**, after receiving evidence and hearing testimony, and upon consideration of the Staff Report and Recommendation, and being fully advised, the City Council hereby finds that the Annexation Proposal complies with SRC 260.060(c); and

**Whereas**, the Petitioner has met the annexation petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040; and

**Whereas**, a triple majority consent petition for annexation of the Territory (Exhibit A) has been signed and the triple majority requirements of ORS 222.170(1) are satisfied because more than half of the owners of land in the Territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the Territory; and

**Whereas**, the annexation proposal meets the requirements of SRC 260.020(b) as a state-mandated annexation, and is therefore exempt from voter approval; and

**Whereas**, following the recommendation of the Planning Commission pursuant to SRC 260.045(b), the City Council has determined that the Comprehensive Plan designation of the Territory will be changed to "Parks, Open Space, and Outdoor Recreation" and its zoning will be changed to City of Salem Public Amusement (PA) zoning; and

**Whereas**, the withdrawal of the Territory from Marion County Fire District #1 is in the best interest of the City; and

**Whereas**, this FINAL ORDER constitutes the final land use decision in the Annexation Proposal and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal, as provided in SRC 260.060(e).

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:**

**Section 1:** Proposed Annexation C-735, of the Territory more particularly described in the attached Exhibit B, which is incorporated herein by this reference, satisfies the criteria set forth in SRC 260.060(c) and is hereby approved based on the facts and findings stated in the attached Exhibit C, which is incorporated herein by reference.

**Section 2:** The Territory shall, pursuant to SRC 260.045, be designated "Parks, Open Space, and Outdoor Recreation" on the City of Salem Comprehensive Plan Map and be zoned Salem PA (Public Amusement).

**Section 3:** The Territory shall be withdrawn from Marion County Fire District #1.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
City Recorder  
City of Salem

Checked by: P. Cole



PERMIT APPLICATION CENTER/CITY HALL  
555 LIBERTY STREET SE/ROOM 320  
SALEM, OREGON 97301  
(503) 588-6256  
Website: [www.cityofsalem.net](http://www.cityofsalem.net)

ANNEXATION PETITION AND  
CONSENT AND WAIVER OF BALLOT MEASURE 49 CLAIMS

TO: The Honorable Mayor and City Council of the City of Salem, Marion County, State of Oregon

Petitioner(s): City of Salem is/are the legal owner(s) or contract purchaser(s)  
of the following described real property (the Territory) comprising approximately 45.26 acres, and  
located outside of, but contiguous to, the corporate boundaries of the City of Salem:

062W31D00100 [add legal description or tax lot number]

Petitioner(s) respectfully request(s) that the Territory be annexed to the City of Salem, and by my/our  
signature(s) hereon, (does)(do) hereby consent to such annexation, and (does)(do) hereby request that the City  
Council take such steps as are necessary to determine whether the Territory should be annexed.

Petitioner(s) knowingly and willingly waive(s) any and all claims that I/we might assert against the City of Salem  
arising out of, or resulting from, or are in anyway connected to, those certain statewide initiative commonly  
known as Ballot Measure 49 or any successors thereto, and that might accrue as a result of the annexation of  
the territory into the City of Salem, or the imposition of City of Salem land use regulations pursuant thereto,  
whether the claims be past, present or future. Petitioner(s) hereby consent(s) to the imposition of such land use  
regulations that are in existence at the time of annexation, and to which the territory becomes subject as a result  
of the annexation into the corporate limits of the City of Salem.

Owner(s) or Contract Purchaser(s):  
(Owner/Purchaser signatures)

Address:

Steve Powers, City of Salem City Manager

555 Liberty Street SE, Room 220, Salem Or 97302

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Turn over for petitioner statement and notarization of signature(s). Each owner must  
sign as a petitioner and each signature must be notarized.  
Attach additional sheets as necessary.

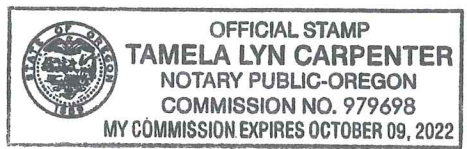
I, Steven D. Powers, Petitioner, upon oath or affirmation, say that I signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts, and I further affirm that, to the best of my knowledge, the petitioners constitute 100 percent of the owners of land in the territory proposed to be annexed and these owners also own 100 percent of the land in the territory and own real property in that territory representing 100 percent of the assessed value of all real property in the territory.

X Steven Powers  
Petitioner (Petitioner Signature)

STATE OF OREGON )  
COUNTY OF Marion ) ss.

Signed and sworn to/affirmed before me on February 27, 20\_\_ by Steven D. Powers

(Name of Person Signing) \_\_\_\_\_  
Tamela Lyn Carpenter  
NOTARY PUBLIC FOR OREGON (Notary Signature)  
My Commission expires: October 09, 2022



(NOTARY SEAL)

I, \_\_\_\_\_, Petitioner, upon oath or affirmation, say that I signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts, and I further affirm that, to the best of my knowledge, the petitioners constitute 100 percent of the owners of land in the territory proposed to be annexed and these owners also own 100 percent of the land in the territory and own real property in that territory representing 100 percent of the assessed value of all real property in the territory.

\_\_\_\_\_  
Petitioner (Petitioner Signature)

STATE OF OREGON )  
COUNTY OF \_\_\_\_\_ ) ss.

Signed and sworn to/affirmed before me on \_\_\_\_\_, 20\_\_ by \_\_\_\_\_

(Name of Person Signing) \_\_\_\_\_  
\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON (Notary Signature)  
My Commission expires: \_\_\_\_\_

(NOTARY SEAL)

**4400-4600 Blocks of Hazelgreen Road NE**

All that real property as being described in a Statutory Warranty Deed recorded in Reel 4095, Page 034, on June 29, 2018, in Marion County and being situated in the Southeast One-Quarter of Section 31 and the Southwest One-Quarter of Section 32, Township 6 South, Range 2 West, Willamette Meridian, Marion County, State of Oregon, being more particularly described as follows:

Beginning at an angle point in the now existing City Limits Line, also being the Southeast corner of the lands described in Reel 3372, Page 127, recorded April 05, 2012, Marion County Deed Records, and running thence;

Along the now existing City Limits line and the North line of the lands described in Reel 2833, Page 453, Marion County Deed Records, North  $89^{\circ}49'41''$  East 477.85 feet, more or less, to the Northwest corner of Parcel 3 of Reel 3978, Page 175, Marion County Deed Records;

Thence continuing along said now existing City Limits Line and the North line of said Parcel 3, North  $89^{\circ}49'41''$  East 495.00 feet, more or less, to the Northeast corner of said Parcel 3, also being a point on the North line of Parcel 4 of Reel 3978, Page 175, Marion County Deed Records;

Thence continuing along said now existing City Limits Line and the North line of said Parcel 4, North  $89^{\circ}49'41''$  East 506.93 feet, more or less, to the Southwest corner of the lands described in Reel 1369, Page 657, Marion County Deed Records;

Thence leaving said now existing City Limits Line along the West line of said Reel 1369, Page 657, and the West line of the lands described in Reel 3896, Page 303, Marion County deed Records, North  $00^{\circ}22'38''$  West 1320.34 feet, more or less, to a point on the South Right of Way line of Hazelgreen Road, also being a point on the South line of that Right of Way Acquisition Deed to Marion County recorded in Reel 1500, Page 158;

Thence along the South Right of Way line of Hazelgreen Road and the South line of said Acquisition Deed, North  $89^{\circ}43'25''$  West 8.65 feet, more or less, to the Southwest corner of the Lands Acquired in said Acquisition Deed;


Thence continuing along the South Right of Way line of Hazelgreen Road and along the West line of the lands described in in said Acquisition Deed, North  $00^{\circ}16'35''$  East 68.14 feet, more or less, to the North Right of Way Line of Hazelgreen Road;

Thence along said North Right of Way line of Hazelgreen Road, North  $89^{\circ}43'25''$  West 1477.49 feet, more or less, to a point where the Easterly line of the lands described in Reel 3498, Page 016, Marion County Deed Records extends northerly to said North Right of Way Line, said point also being an angle point on the now existing City Limits Line;

Thence Southerly along the said now existing City Limits Line, the East line of Reel 3498, Page 016, and Northerly extension Thereof, and the East line of Reel 3372, Page 127, Marion County Deed Records, South 00°36'07" East 1400.14 feet, more or less, to the Point of Beginning; containing 47.44 acres of land more or Less.


The basis of Bearing for this description is the Centerline of Hazelgreen Road per Marion County Survey Record 35905.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

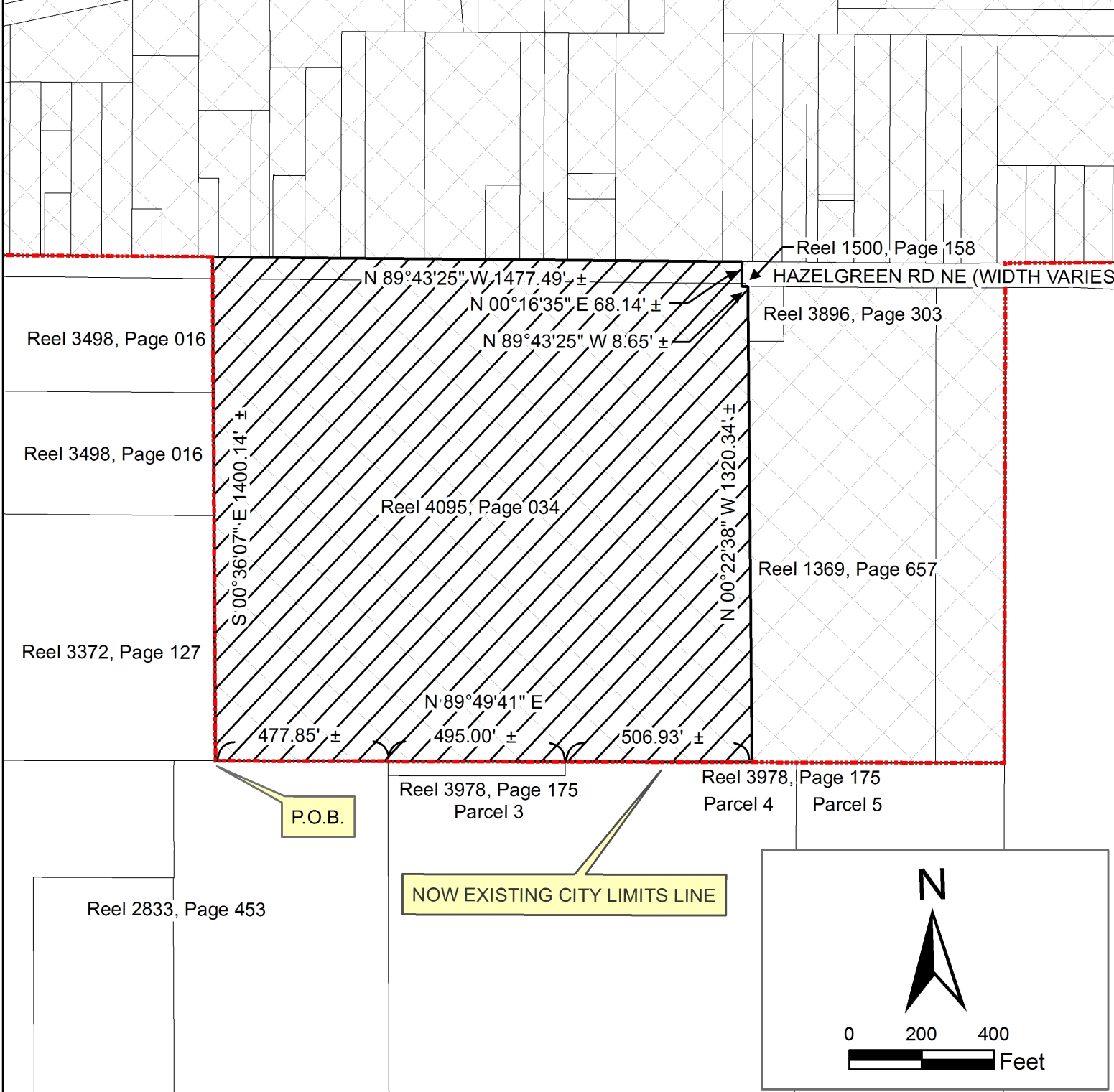


OREGON  
JANUARY 12, 2002  
JON M. YAMASHITA  
53760LS

RENEWS 6/30/2020

Approved:   
Date: May 08, 2019  
Annexation No.: C-735

DOR No.: 24-P247-2019  
DOR Date: July 03, 2019



NOTE: BASIS OF BEARINGS -  
Centerline of Hazelgreen Road per MCSR 35905  
± = More or Less Distance

P.O.B. = Point of Beginning  
MCSR = Marion County Survey Record

Property in Marion County  
 PROPERTY PROPOSED TO BE ANNEXED INTO CITY

**EXHIBIT MAP**

TOWNSHIP 6 SOUTH, RANGE 2 WEST, SECTION 31 & 32,  
WILLAMETTE MERIDIAN

|  |                    |
|--|--------------------|
| <b>CITY OF SALEM, OREGON<br/>PUBLIC WORKS DEPARTMENT</b> |                    |
| 4400-4600 Blocks of Hazelgreen Rd NE                     |                    |
| CITY OF SALEM ORDINANCE NO. _____                        |                    |
| ANNEXED: _____   | ADJACENT TO WARD 5 |
| CONTAINING 47.44 Acres                                   |                    |
| CASE NO. C-735   | TRACT NO. _____    |



**EXHIBIT C, ORDER NO. 2019-8 ANX,  
FINDINGS:  
COMPLIANCE OF ANNEXATION C-735  
WITH SRC CHAPTER 260 AND 260.060(c)**

1. **The proposed petitioner-initiated annexation of that certain real property located at the 4400-4600 Blocks of Hazelgreen Road NE (Territory) and more specifically described in Exhibit B, Council Order in Annexation Case No. C-735, conforms to the following criteria found in SRC 260.060(c):**

**Criterion 1: The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable Statewide Planning Goals.**

Under Salem Revised Code (SRC) 260.045, territory annexed to the City is automatically given the Salem Area Comprehensive Plan and zoning designations that are equivalent to the applicable County zoning designations, as set forth in Table 260-1, unless the petitioner or City Council proposes a new Comprehensive Plan/zone designation under SRC 260.045(a).

SRC 260.045(a)(1) allows the petitioner to request a new Comprehensive Plan designation and zoning designation other than the equivalent city designation in Table 260-1 in the petition for annexation. The petitioner requests a Comprehensive Plan Change to "Parks, Open Space, and Outdoor Recreation" and a zone change to City of Salem PA (Public Amusement).

Pursuant to SRC 260.045(b), the Planning Commission held a public hearing to review the proposed designations on July 23, 2019. The Planning Commission recommended that the City Council adopt the proposed designations based on the petitioner meeting the Comprehensive Plan Change/Zone Change criteria of SRC 260.045(b)(1) through (4). The proposed designations are adopted by the City Council. These land use designations are consistent with the SACP and applicable Statewide Planning Goals as demonstrated by the following findings.

A. **Statewide Planning Goals** -- Statewide Planning Goals applicable to the proposed annexation are:

- (1) **GOAL 8. Recreational Needs.** Goal 8 requires local governments to plan for the recreation needs of their residents and visitors. Goal 8 states that local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans. If a local government decides to adopt a local park plan as part of the local comprehensive park plan, the adoption shall include a plan map designation, as necessary, to indicate the location and boundaries of the local park; and appropriate zoning categories and map designations, including objective land use and siting review criteria, in order to authorize the existing and planned park uses described in the local park master plan. The City has an adopted



Comprehensive Park System Master Plan and has identified the need for a Community Park to serve residential development near the territory. The proposed annexation and land use designations will increase the city's inventory of lands suitable for park development. The location is in close proximity to existing and proposed residential development and is appropriate to provide recreational facilities for such housing. The proposed annexation is consistent with Goal 8.

- (2) **GOAL 11. Public Facilities and Services.** Goal 11 requires a plan or program for orderly and efficient arrangements of public facilities. The city adopted a Public Facilities Plan (the Plan) consistent with Goal 11. The city applies the Plan to development of property within the city to achieve a timely, orderly and efficient arrangement of public facilities and services in a manner that supports both existing and planned growth. The Plan is implemented by the city's adopted master plans, Capital Improvement Plan (CIP), and the Urban Growth Management Process set forth in SRC Chapter 200. The Territory is outside of the Salem Urban Service Area (USA). An Urban Growth Area Preliminary Declaration is required if the applicant proposes to develop the property as defined in SRC Chapter 200. The proposed annexation is consistent with Goal 11.
- (3) **GOAL 12. Transportation.** Goal 12 requires a jurisdiction to adopt a Transportation System Plan (TSP) that provides a safe, convenient and economic transportation system. The City has adopted a transportation plan acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to further this goal. The TSP is applied to the transportation elements of new development under SRC Chapter 200 and other provisions of the Salem Area Comprehensive Plan and Zoning Code and to the transportation elements of the city's adopted master plans, the CIP, etc. as set forth in the discussion of Goal 11 above to provide safe and convenient pedestrian, bicycle, and vehicular circulation that is consistent with the TSP and the requirements of the State Transportation Planning Rule. As described in the finding for Goal 11 compliance above, and as described in the discussion of Criterion 3 below, the Territory will comply with Goal 12 when any new development occurs, and will be served by facilities compliant with Goal 12 to the extent that transportation-related improvements occur under the city's adopted master plans, the CIP, SRC Chapter 200 and the Zoning Code. The proposed annexation is consistent with Goal 12.
- (4) **GOAL 14. Urbanization.** Goal 14 mandates provisions for an orderly and efficient transition from rural to urban land use. The Territory is within the Salem-Keizer Urban Growth Boundary (UGB), which, by definition, makes this territory "urbanizable." The incorporation of contiguous areas, including the Territory, into the overall composition of the city provides order and efficiency in the provision of municipal facilities and services as well as in the facilitation of orderly urbanization. This is because the Salem Area Comprehensive Plan (SACP), Zoning Code and other applicable implementation measures have been acknowledged as being in compliance with Goal 14 and these measures will be made applicable to the Territory upon

annexation. The applicable implementation measures are designed to provide order and efficiency in the provision of facilities and services, and to facilitate orderly urbanization by uniformly integrating the Territory into the City's municipal facilities and services system. This integration would provide for a uniform rather than an isolated, discontinuous, and fragmented system of services provided to areas not within the Salem city limits. The application of the city's Goal 14 acknowledged Salem Area Comprehensive Plan, Master Plans, and implementation ordinances to the Territory furthers the conversion of urbanizable land to urban uses consistent with Goal 14 for the reasons cited above. The proposed annexation is consistent with Goal 14.

In summary, the proposed annexation is consistent with the applicable Statewide Goals.

**B. Salem Area Comprehensive Plan (SACP) --** The SACP goals, policies and intent statements applicable to the proposed annexation are:

**(1) SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part g (Parks, Open Space, and Outdoor Recreation) (SACP pages 9-10):** The "Parks, Open Space, and Outdoor Recreation" designation is characterized by a wide variety of parks, open spaces, and outdoor recreation sites.

The future use of these areas is primarily for parks and open space facilities to be managed by the city, such as neighborhood parks, large urban parks, and connector trails; open space which is incorporated into the design of a development, such as Capitol Mall and the grounds of the State Fair; open space which is maintained, at least in part, by natural conditions which limit more intensive use, such as Pringle Creek, Mill Creek, and agricultural land within the floodplain; and outdoor recreation uses such as golf courses. The City's PA (Public Amusement) zone implements this Plan map designation by providing additional land for uses classified as commercial entertainment (other than camps and recreational vehicle parks), major event entertainment, recreational and cultural community services, parks and open space, marinas, agriculture (other than marijuana production), and forestry. The Territory to be annexed has characteristics suitable for the PA zone, as it is a large open space suitable for development with a city park. The uses allowed under the proposed PA zoning would provide recreational opportunities for the residents of the surrounding residential zones and developments. The Territory zoning will be PA (Public Amusement). The proposed annexation is consistent with the above SACP provision.

**(2) SACP Chapter IV (Salem Urban Area Goals and Policies), Section A (Coordination Policies), Subsection 6 (Annexation Coordination) (SACP page 23):** The city must provide an opportunity for the affected county to comment on proposals for annexation of territory to the City of Salem.

Marion County was notified of the annexation and provided an opportunity to comment on the annexation. The county did not indicate any objections or comments. Therefore, the intent of the policy is met. The proposed annexation is consistent with the above SACP provision.

- (3) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 1 (Annexation) (SACP page 26):** Marion and Polk Counties should encourage the orderly annexation to the City of Salem of land within the Salem Urban Area.

The Territory is located within the Salem Urban Area and is contiguous to the city limits. Annexation of the Territory allows for the orderly annexation of urbanizable land to the City of Salem. The proposed annexation is consistent with this policy.

- (4) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 3 (UGB is Urbanizable) (SACP page 26):** Territory is considered available for annexation and development to the extent that it is urbanizable and located within the UGB.

The Territory is considered urbanizable because it is located within the UGB, and all needed facilities to support urban development are or can be made available under the City's existing public facilities plans and urban growth management program. Therefore, the Territory is considered available for annexation. The proposed annexation is consistent with the above SACP provision.

- (5) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 1 (Development Guided by Growth Management) (SACP page 27):** The conversion of urbanizable land shall be guided by the Growth Management Program (SRC Chapter 200).

SRC Chapter 200 establishes a comprehensive growth management program for the City of Salem. The Territory would lie within the Salem Urban Area, as defined by SRC Chapter 200. Conversion of the Territory to urban uses will be guided by the City's growth management program. The proposed annexation is consistent with the above SACP provision.

- (6) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 3 (Programming Development) (SACP pages 28):** The City shall provide levels of services to city residents consistent with community needs as determined by the City Council, within the financial capability of the city, and subject to relevant legal constraints on revenues and their applications. Considerations for the programming of development are: (a) The financial capability of the city to provide certain facilities and services as authorized through the budgetary process; (b) The technical requirements of public facility master plans; (c) The need for sufficient amounts of buildable land to maintain an adequate supply in the marketplace; and (d) The willingness of the development community to

assume the burden of funding the cost of providing certain facilities.

These criteria are factored into the proposed annexation because the Growth Management Program imposes an equitable share of public facility costs on new development by requiring provisions for required facilities by the developer and/or system development charges in connection with the provision of required facilities by the City. Therefore, this policy is satisfied. The proposed annexation is consistent with the above SACP provision.

- (7) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 7 (Development Requiring Water and Sewer) (SACP page 29):** Development will only be allowed within the city limits where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted Growth Management Program.

The City of Salem adopted a Growth Management Program (SRC Chapter 200) that applies to the development of the Territory in the future. City services can be provided to the Territory in the future pursuant to the city's Growth Management Program. The proposed annexation is consistent with the above SACP provision.

- (8) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section K (Open Space, Parks and Recreation), Subsection 1 (Parks Acquisition and Development) (SACP page 44):** Public parks shall be acquired and developed as recommended by the Comprehensive Park System Master Plan. Early acquisition of park sites shall be considered in anticipation of future needs and to minimize land costs as described in the Urban Growth Management Program.

The proposed annexation is of a parcel the City purchased for future development of a park. Development of the park will be according to the Comprehensive Park System Master Plan, which has identified the need for a Community Park to serve residential development near the territory.

In summary, the proposed annexation is consistent with the applicable provisions of the SACP.

**Criterion 2: The annexation will result in a boundary in which services can be provided in an orderly, efficient and timely manner;**

The annexation of unincorporated territory contiguous to the city limits will result in urban services being provided in a more orderly, efficient and timely manner. Unincorporated territory adjacent to the city limits prevents the orderly expansion of city services because gaps are created in the city's infrastructure, and services within those gaps must be provided by the county, or by the city pursuant to intergovernmental or other agreements. This results in inefficiencies due to discontinuous and fragmented methods of providing infrastructure and inefficiencies, as well as additional delays for any development proposal. The boundary resulting from the proposed annexation will provide a more compact and efficient urban form

for providing urban services, because the services will be integrated into the existing city infrastructure, and potential jurisdictional conflicts will not exist. The proposed annexation complies with this criterion.

**Criterion 3: The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;**

Comments provided by the various city departments indicate that the Territory in the proposed annexation may be served through the orderly, efficient and timely extension of key urban facilities and services as outlined in the city's adopted master plans, CIP and public works and parks design and construction standards. No improvements to urban facilities and services are needed at this time to serve the Territory.

If new development is proposed for the Territory, additional urban facilities and services will be required and will be provided in accordance with the city's adopted master plans, CIP and Urban Growth Management process as set forth in SRC Chapter 200. The territory proposed for annexation lies outside the Urban Service Area. Pursuant to the City's adopted growth management program found in SRC Chapter 200, future development of the Territory must first obtain an Urban Growth Area (UGA) Permit to provide adequate public facilities, including water, sewer, stormwater, transportation, and park services that may be necessitated by the proposed new development. If such facilities are not provided at public expense under the city's adopted master plans, the CIP, etc., they will be provided at the developer's expense at the time of development. The proposed annexation complies with this criterion.

**Criterion 4: The public interest would be furthered by the referral of the annexation to the voters.**

The Petitioner has met the annexation, petition, application, information submission, fee, waiver and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040. A valid triple majority consent petition for annexation of the Territory has been signed and, thus, there is no need to hold an election in the Territory to be annexed. Annexations applied for after May 16, 2000 require approval of the voters of the city under Section 61 of the Salem City Charter and SRC 260.020. Pursuant to SRC 260.020(b), however, annexations mandated by state law are exempt from voter approval. Therefore, the city is not required to refer this proposed annexation to the voters. Regardless of this, the proposed annexation of the Territory conforms to the Salem Area Comprehensive Plan. Services can be provided consistent with the city's adopted master plans and Public Works design and construction standards. The annexation of unincorporated territory contiguous to the city limits will result in urban services being provided in a more orderly, efficient and timely manner. Therefore, although this proposed annexation is exempt from a referral to the voters, the proposal still meets the intent of this criterion, to be in the "public interest", for the reasons stated above.

**2. State Law.**

According to SRC 260.020(b), annexations mandated by state law may be decided

by a vote of the City Council without a city-wide election on that issue. State law (ORS 222.111 to 222.180) was amended in 2016 through Senate Bill 1573 to require a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city to annex the territory without a vote upon receipt of petition for annexation submitted by all owners of land in the territory, provided that (1) the territory is included within the urban growth boundary of the city; (2) the territory is, or will be, subject to the acknowledged comprehensive plan of the city; (3) at least one parcel in the territory is contiguous to the city limits; and (4) the proposal conforms to all other requirements of city's ordinances.

The annexation petition was signed by all owners. The territory is located within the urban growth boundary and is subject to the Salem Area Comprehensive Plan. The property is a single parcel contiguous to the city limits. The proposal conforms to all other requirements of the city's ordinances. The proposed annexation complies with this criterion.

**3. The proposed withdrawal of the Territory more specifically described in Exhibit B conforms to the following criteria found in SRC 260.065:**

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

The City will withdraw the Territory from Marion County Fire District #1 and replace those services with service from the City of Salem Fire Department.

ORS 222.520 establishes the process by which the Territory may be withdrawn from the Marion County Fire District #1 at the same time as the annexation.

No comprehensive plan provision or implementing ordinance of the City applies to the withdrawal decision, and none is amended in the process of making the decision. In addition, the decision to withdraw territory and serve the territory with city-supplied urban services rather than district-supplied services, does not have significant impacts on present or future land uses. Consequently, the withdrawal decision is not the kind of decision that requires application of land use laws.