

ORDINANCE BILL NO. 14-18

1
2 AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED
3 AT 1338 AND 1340 WALLACE ROAD, NW, AND LAND EAST, ANNEXED TO THE CITY
4 OF SALEM, PRESCRIBING SALEM AREA COMPREHENSIVE PLAN MAP
5 DESIGNATION, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY
6 FROM THE SALEM SUBURBAN RURAL FIRE PROTECTION DISTRICT

7 *The City of Salem ordains as follows:*

Section 1. Findings.

9 **(a) Petition.** On August 2, 2017, Brandie Dalton of Multi/Tech Engineering Services,
10 Inc., submitted an application for annexation on behalf of the applicant, Nathan Quarry,
11 and property owner, Stonewell LLC (Nathan P. Quarry and Kenneth J. Birdwell);
12 Stonewell LLC paid the filing fee; and Nathan Quarry submitted a valid triple-majority
13 annexation petition for certain real property located at 1338 and 1340 Wallace Road NW
14 and Land East (the Territory), as more particularly described in “Exhibit A,” which is
15 attached hereto and incorporated herein by reference.

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

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

28 (1) The territory is within the Salem Urban Growth Boundary (UGB).

29 (2) The territory is currently subject to the acknowledged Salem Area Comprehensive
30 Plan, and will continue to be subject to the Plan upon annexation.

1 (3) The territory is contiguous to the city limits.

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

3 **(c) Hearing and Decision.** The Council held a duly advertised public hearing on June
4 11, 2018, and received evidence and testimony regarding whether the Petitioner signed a
5 valid triple majority petition for annexation of the Territory; whether the proposed
6 annexation of the Territory was exempt from a vote of the people pursuant to Senate Bill
7 1573(2016); whether the proposed annexation of the Territory, including the change in
8 the Salem Area Comprehensive Plan Map designation from “Developing Residential” to
9 “Multi-Family Residential” and the change in zoning designation from Polk County
10 Suburban Residential (SR) to City of Salem Multiple Family Residential 2 (RM2) upon
11 annexation, complied with SRC Chapter 260 and the applicable land use and other
12 criteria; and whether the withdrawal of the Territory from the Salem Suburban Rural Fire
13 Protection District (the District) upon annexation would be in the best interest of the City.
14 At the conclusion of the public hearing, after due consideration of the evidence and
15 testimony, the Council adopted Order No. 2018-02-ANX as its final decision and
16 findings determining that the proposed annexation is exempt from voter approval because
17 it meets the requirements of Senate Bill 1573(2016); the proposed annexation of the
18 Territory, including land use designations, complies with SRC Chapter 260 and the
19 applicable land use and other criteria; and the withdrawal of the Territory from the
20 District would be in the best interest of the City.

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

23 **(e) Withdrawal from Special Districts.** After due consideration of the evidence and
24 testimony, the City Council finds it is in the best interest of the City to withdraw the
25 Territory from the Salem Suburban Rural Fire Protection District, and to provide the
26 Territory with city services because the public good of the City and the citizens residing
27 in the annexed Territory would be best served if the citizens residing in the Territory
28 receive city services without the problems attendant with coordination that would result
29 from the Territory being subject to the jurisdiction of overlapping urban service
30 providers. It would not be in the best interest of the City for the citizens residing in

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newly annexed Territory to pay both City taxes and an additional assessment to the Salem
Surburban Rural Fire Protection District to receive services that may readily be supplied
by the City without such additional taxation. Leaving the Territory in the Surburban
Rural Fire Protection District would lead to a fragmented approach to delivery of public
services, unequal tax bases, and resistance to cooperation. Withdrawal would promote
efficiency, economy, and sound management in the provision of urban services for newly
annexed Territory, and the Territory should be withdrawn from the District.

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

Section 3. Land Use Designations. The Territory is designated “Multi-Family Residential” on
the Salem Area Comprehensive Plan, and the Plan Map. The zoning for the Territory is
prescribed as “Multiple Family Residential 2.” The Planning Administrator shall add to the
official zoning map the Territory herein annexed.

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

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

PASSED by the City Council this _____ day of _____, 2018.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: P. Cole