



CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, October 24, 2016

6:30 PM

Council Chambers

3.3d. [16-290](#)

Water service beyond corporate limits for property located at 2487 Robins Lane SE

Ward(s): Currently outside City Limits, Ward 4 (upon annexation)

Councilor(s): Steve McCoid (upon annexation)

Neighborhood(s): South Gateway (upon annexation)

Recommendation:

Authorize a water service connection to an existing single family residence on a parcel that is outside of, but contiguous to, the current city limits, conditioned on the property owner filing a complete application for annexation, an annexation agreement, and paying all usual and customary fees and service charges.

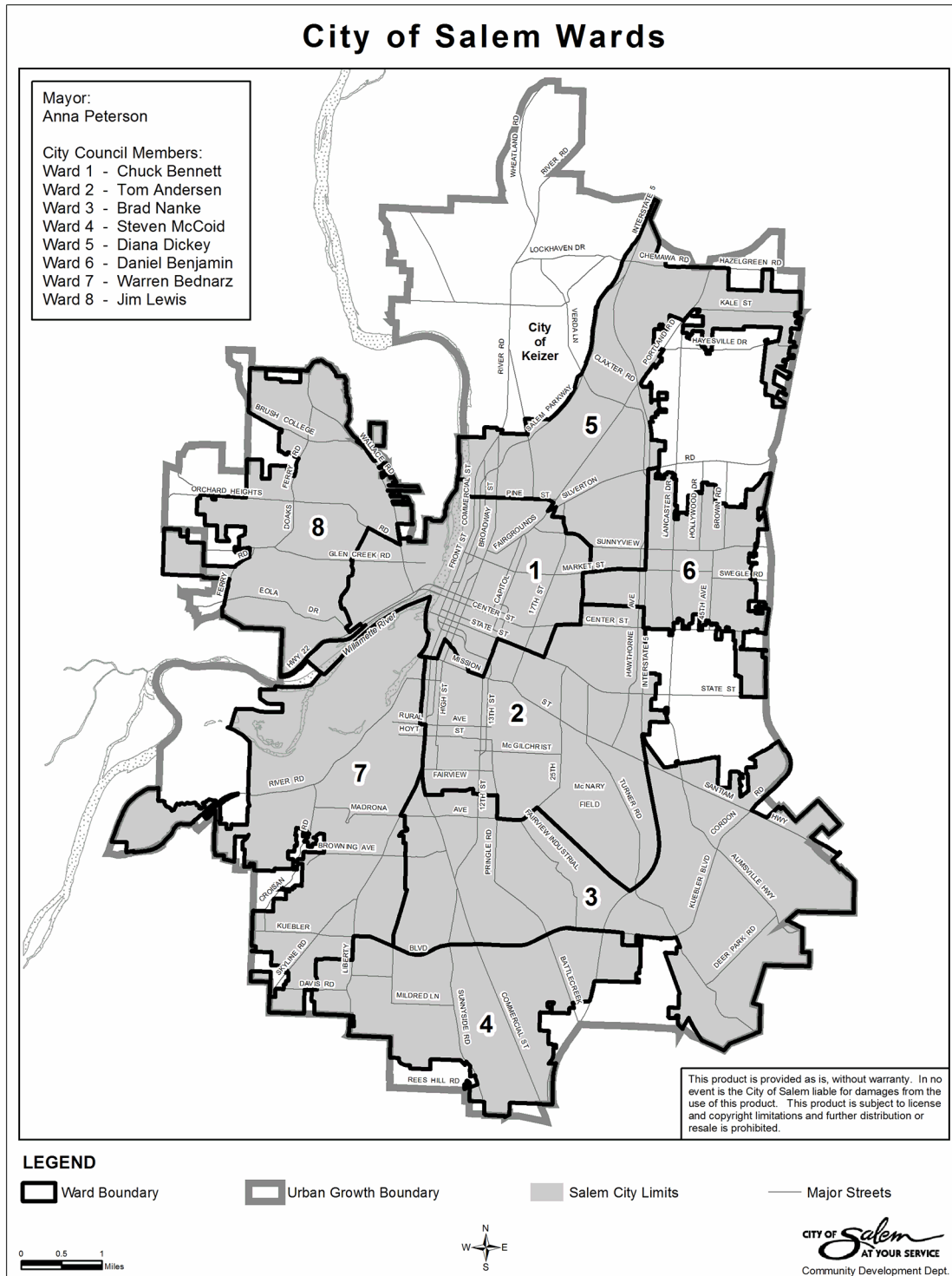
Attachments:

[VicinityMap 2487 Robins Ln SE](#)

[Request for Water Service 2487 Robins Ln SE](#)

[10-24-16 Council Written Testimony 1](#)

Add - Written Testimony



Amy Johnson - Fwd: Tonight's agenda 3.3d. 16-290

From: Amber Mathiesen
To: Amy Johnson
Date: 10/24/2016 1:46 PM
Subject: Fwd: Tonight's agenda 3.3d. 16-290
Attachments: OCVA SB1573-A ENG highlighted.pdf

Amber Mathiesen
 City Recorder
 City of Salem
[503-588-6097](tel:503-588-6097)

>>> Richard Reid <richard@bluffhouse.org> 10/24/2016 12:41 PM >>>
 Councilors,
 I wanted to draw your attention to this item.

It appears that this property is proposed for annexation under SB 1573. Granted SB 1573 authorizes councils to ignore existing voting rights and adopt annexations by ordinance. But the legitimacy of SB 1573 is being adjudicated. I believe allowing even a single annexation without voting could create unintended barriers to orderly community development.

Will adopting this annexation set a legal precedent; annexation occurring under legislation that allows legislative interference in city charters?

There are other significant unintended consequences arising from adopting this annexation.

SB 1573(3) allows "any additional territory described in ORS222.111(1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory. Even though this annexation seems inconsequential it could make significant additional territory eligible for future annexation."

Until the SB 1573 decision occurs should we establish a precedent where any property "outside and contiguous to city boundaries" gets annexed without voting? How many additional properties just outside city boundaries require annexation and how much "additional territory" will they require?

How could council specify this annexation as a single event and avoid future problems?

Thank you,
 Richard Reid, Co-Chair
 Oregon Communities for a Voice in Annexations
OCVA.org

3.3d. 16-290
 Recommendation:

Attachments: 3.3e. 16-304

Recommendation:

Meeting Agenda October 24, 2016

IGA Amendment - DHS 2016-18

IGA Amendment - DHS 2014-16

IGA - State of Oregon - DHS 2012-14

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SB 1573

A-Engrossed Senate Bill 1573

Ordered by the Senate February 25
Including Senate Amendments dated February 25

Sponsored by Senator BEYER (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires city **whose laws require petition proposing annexation of territory to be submitted to electors** to annex territory without vote upon receipt of petition for annexation submitted by all owners of land in territory provided territory is included within urban growth boundary of city or Metro and is, or will be, subject to acknowledged comprehensive plan of city, **at least one parcel in territory is contiguous to city limits and proposal conforms to all other requirements of city's ordinances**. Provides that territory to be annexed includes additional territory necessary to *[provide]* **locate** infrastructure and **right of way access for services necessary** for development of annexed territory at density *[planned in acknowledged comprehensive plan]* **equal to average residential density within annexing city**. Provides city *[is not required to hold public hearing and]* may declare territory annexed by ordinance containing description of territory. *[Validates designated urban reserve adopted by Metro and Clackamas County.]*
Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) **This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.**

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **city.**

2 (4) When the legislative body of the city determines that the criteria described in sub-
3 section (2) of this section apply to territory proposed for annexation, the legislative body may
4 declare that the territory described in subsections (2) and (3) of this section is annexed to
5 the city by an ordinance that contains a description of the territory annexed.

6 SECTION 3. This 2016 Act being necessary for the immediate preservation of the public
7 peace, health and safety, **an emergency is declared to exist,** and this 2016 Act takes effect
8 on its passage.

9
