

**ORDINANCE BILL NO. 15-22**

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 3518-3598  
CHERRY GLEN PLACE NE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING  
ZONING, AND WITHDRAWING THE TERRITORY FROM THE MARION COUNTY FIRE  
DISTRICT #1, EAST SALEM SEWER AND DRAINAGE DISTRICT

*The City of Salem ordains as follows:*

**Section 1. Findings.**

(a) **Petition.** On October 15, 2020 Matthew J. Conser filed an application for annexation, and on October 29, 2021, Matthew Conser filed an updated application and petition on behalf of the new owner, Cherry Glen Apartments, LLC (James F. Conser, Stuart T. Conser, Gregory J. Conser, Mary Kay Conser, and Matthew J. Conser) for certain real property located at 3518-3598 Cherry Glen Place NE (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 June  
3 27, 2022, and received evidence and testimony regarding whether the Petitioner signed a  
4 valid triple majority petition for annexation of the Territory; whether the proposed  
5 annexation of the Territory was exempt from a vote of the people pursuant to Senate Bill  
6 1573(2016); whether the proposed annexation of the Territory, including the proposed  
7 change in the Territory's zone designation from Marion County Multiple Family  
8 Residential (RM) to City of Salem Multiple Family Residential II (RM-II) upon  
9 annexation, complied with SRC Chapter 260 and the applicable land use and other  
10 criteria; and whether the withdrawal of the Territory from the Marion County Fire  
11 District #1, and East Salem Sewer and Drainage District (the Districts) upon annexation  
12 would be in the best interest of the City. At the conclusion of the public hearing, after  
13 due consideration of the evidence and testimony, the Council adopted Order No. 2022-12  
14 ANX as its final decision and findings determining that the proposed annexation is  
15 exempt from voter approval because it meets the requirements of Senate Bill 1573(2016);  
16 the proposed annexation of the Territory, including land use designations, complies with  
17 SRC Chapter 260 and the applicable land use and other criteria; and the withdrawal of the  
18 Territory from the Districts would be in the best interest of the City.

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

21 **(e) Withdrawal from Special Districts.** After due consideration of the evidence and  
22 testimony, the City Council finds it is in the best interest of the City to withdraw the  
23 Territory from the Marion County Fire District #1, and East Salem Sewer and Drainage  
24 District and to provide the Territory with city services because the public good of the  
25 City and the citizens residing in the annexed Territory would be best served if the citizens  
26 residing in the Territory receive city services without the problems attendant with  
27 coordination that would result from the Territory being subject to the jurisdiction of  
28 overlapping urban service providers. It would not be in the best interest of the City for  
29 the citizens residing in newly annexed Territory to pay both City taxes and an additional  
30 assessment to the Marion County Fire District #1 and East Salem Sewer and Drainage

District to receive services that may readily be supplied by the City without such additional taxation. Leaving the Territory in the Marion County Fire District #1 and East Salem Sewer and Drainage 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 Districts.

**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 “Multiple Family Residential” on the Salem Area Comprehensive Plan, and the Plan Map. The zoning for the Territory is prescribed as “Multiple Family Residential II.” The Planning Administrator shall add to the official zoning map the Territory herein annexed.

**Section 4. Withdrawal.** The Territory is hereby withdrawn from the Marion County Fire District #1, and East Salem Sewer and Drainage 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 \_\_\_\_\_, 2022.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: L. Olmstead