

ORDINANCE BILL NO. 18-23

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 7002 SUNNYSIDE ROAD SE AND 7102 CAINS PLACE SE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE SALEM SUBURBAN RURAL FIRE PROTECTION DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

Voter Approval.

Pursuant to SRC 260.010(d)(2) voter approval is not required if the annexation request meets one of the following criteria:

(A)The annexation is being made pursuant to an annexation agreement effective prior to May 16, 2000;

(B)The annexation is necessitated by a failing septic system or health hazard; or

(C)The annexation, notwithstanding the Salem City Charter, complies with all of the following requirements:

(i)The annexation petition request is signed by all owners of the property proposed to be annexed;

(ii)The territory proposed for annexation is within the urban growth boundary;

(iii)The territory proposed for annexation is subject to an acknowledge comprehensive plan upon annexation; and

(iv) At least one lot within the territory proposed for annexation is contiguous to the City limits.

Finding: The proposed annexation is exempt from voter approval pursuant to SRC 260.010(d)(2)(C). The property is owned by Cains Properties, LLC, Ruth Cain/Cain Joint Revocable Living Trust and Marion County. All property owners have signed the annexation applications. The property is located within the Salem Urban Growth Boundary and is subject to Salem's acknowledged Comprehensive Plan. The property is contiguous to the City limits on the south side. The territory is therefore exempt from voter approval.

Approval Criteria:

1 Salem Revised Code (SRC) 260.010(g)(1) sets forth the following criteria that must be met
2 before approval can be granted to a request for an Annexation without a minor comprehensive
3 plan map amendment or quasi-judicial zone change.

4 *SRC 260.010(g)(1)(A): The annexation will result in a boundary in which services can be*
5 *provided in an orderly, efficient, and timely manner;*

6 **Finding:** The proposed annexation is for a territory that is approximately 48 acres in size. The
7 annexation of unincorporated territory contiguous to the city limits will result in urban services
8 being provided in a more orderly, efficient, and timely manner. Unincorporated territory adjacent
9 to the city limits prevents the orderly expansion of city services because gaps are created in the
10 City's infrastructure, and services within those gaps must be provided by the county, or by the
11 City pursuant to intergovernmental or other agreements. This results in inefficiencies due to
12 discontinuous and fragmented methods of providing infrastructure and inefficiencies, as well as
13 additional delays for any development proposal. The boundary resulting from the proposed
14 annexation will provide a more compact and efficient urban form for providing urban services,
15 because the services will be integrated into the existing City infrastructure that exists adjacent to
16 the property, and potential jurisdictional conflicts will not exist. The proposed annexation
17 complies with this criterion.

18 *SRC 260.010(g)(1)(B): The land uses and development densities that will be allowed can be*
19 *served through the orderly, efficient, and timely extension of key urban facilities and services;*

20 **Finding:** Comments provided by the various City departments indicate that the territory in the
21 proposed annexation may be served through the orderly, efficient, and timely extension of key
22 urban facilities and services as outlined in the City's adopted master plans, Capital Improvement
23 Plan (CIP) and Public Works and Parks design and construction standards. No improvements to
24 urban facilities and services are needed at this time to serve the Territory. If new development is
25 proposed for the Territory, additional urban facilities and services will be required and will be
26 provided in accordance with the City's adopted master plans, CIP and Urban Growth
27 Management process as set forth in SRC Chapter 200. The Territory proposed for annexation lies
28 outside of the Urban Service Area (USA). Pursuant to the City's adopted growth management
29 program found in SRC Chapter 200, an Urban Growth Area (UGA) Permit is required to provide
30 adequate public facilities, including water, sewer, stormwater, transportation, and park services,

1 that may be necessitated by future development. The proposed annexation complies with this
2 criterion.

3 *SRC 260.010(g)(1)(C): The withdrawal of the territory from any applicable special districts*
4 *complies with applicable state statutes governing the withdrawal of the territory from those*
5 *districts; and*

6 **Finding:** When withdrawal from a special service district is not automatic, the City Council shall
7 decide on withdrawal from those special service districts. These withdrawals shall be made
8 according to applicable state statutes governing the specific withdrawal. The City will withdraw
9 the Territory from the Salem Suburban Rural Fire Protection District and replace those services
10 with service from the City and the City of Salem Fire Department. ORS 222.520 establishes the
11 process by which the Territory may be withdrawn from service districts at the same time as the
12 annexation. No Comprehensive Plan provision or implementing ordinance of the City applies to
13 the withdrawal decision, and none is amended in the process of making the decision. In addition,
14 the decision to withdraw the Territory and serve the Territory with City-supplied urban services
15 rather than district-supplied services, does not have significant impacts on present or future land
16 uses. Consequently, the withdrawal decision is not the kind of decision that requires application
17 of land use laws.

18 *SRC 260.010(g)(1)(D): The public interest is furthered by the annexation of the territory.*

19 **Finding:** The proposed annexation of the territory conforms to the Salem Area Comprehensive
20 Plan and City services can be provided consistent with the City's adopted master plans. The city
21 is expected to add land within the Urban Growth Boundary over time to facilitate development
22 commensurate with urban densities found within the city. The annexation of unincorporated
23 territory contiguous to the city limits will result in urban services being provided in a more
24 orderly, efficient, and timely manner and will allow urban levels of development. Therefore, the
25 proposal is found to be in the public interest.

26 **Section 2. Annexation.** The Territory described in "Exhibit A" is hereby annexed to the City of
27 Salem, Oregon.

28 **Section 3. Land Use Designations.** The zoning for the Territory is prescribed as "RA –
29 Residential Agriculture." The Planning Administrator shall add to the official zoning map the
30 Territory herein annexed.

1 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Salem Suburban Rural
2 Fire Protection District. Such withdrawal is effective upon, and contemporaneous with, the date
3 of annexation.

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

7 PASSED by the City Council this _____ day of _____, 2023.

8 ATTEST:

9
10
11 City Recorder

12 Approved by City Attorney: _____

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14 Checked by: L. Anderson-Ogilvie