

**ORDINANCE BILL NO. 14-18**

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

*The City of Salem ordains as follows:*

**Section 1. Findings.**

(a) **Petition.** On August 2, 2017, Brandie Dalton of Multi/Tech Engineering Services, Inc., submitted an application for annexation on behalf of the applicant, Nathan Quarry, and property owner, Stonewell LLC (Nathan P. Quarry and Kenneth J. Birdwell); Stonewell LLC paid the filing fee; and Nathan Quarry submitted a valid triple-majority annexation petition for certain real property located at 1338 and 1340 Wallace Road NW and Land East (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.

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

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7 annexed Territory, and the Territory should be withdrawn from the District.

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

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

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 Withdrawal.** The Territory is hereby withdrawn from the Surburban Rural Fire  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

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

20 PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

21 ATTEST:

22  
23  
24 City Recorder

25 Approved by City Attorney: \_\_\_\_\_  
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27 Checked by: P. Cole  
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