

ORDINANCE BILL NO. 19-18

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 3641 BOONE ROAD, 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.

(a) **Petition.** On February 25, 2016, property owners Carter Investments, LLC (Laurence J Carter and Diana Carter, members) submitted a consent to annexation for certain real property located at 3641 Boone Road SE (the Territory), as more particularly described in “Exhibit A,” which is attached hereto and incorporated herein by reference, in order to obtain connections to the City’s water and sewer system following damage to the property’s septic drain field caused by City work in the adjacent right-of-way.

(b) **Exemption from Voter Approval.** Salem City Charter Section 61 exempts from voter approval “annexations that are necessitated by failing septic systems or health hazards,” and therefore this annexation is exempt from voter approval.

(c) **Hearing and Decision.** The Council held a duly advertised public hearing on July 9, 2018, and received evidence and testimony regarding whether the property owners signed a valid double majority consent for annexation of the Territory; whether the proposed annexation of the Territory was exempt from a vote of the people pursuant to SRC 260.020(b) as a health hazard (septic failure) annexation; whether the proposed annexation of the Territory, including the proposed change in the Territory’s zone designation from Marion County General Industrial (IG) to City of Salem General Industrial (IG) upon annexation, complied with SRC Chapter 260 and the applicable land use and other criteria; and whether the withdrawal of the Territory from the Salem Suburban Rural Fire Protection District (the District) upon annexation would be in the best interest of the City. At the conclusion of the public hearing, after due consideration of the evidence and testimony, the Council adopted Order No. 2018-05-ANX as its final decision and findings determining that the proposed annexation is exempt from voter approval because it is necessary to address a health hazard (septic failure); the proposed

annexation of the Territory, including land use designations, complies with SRC Chapter 260 and the applicable land use and other criteria; and the withdrawal of the Territory from the District would be in the best interest of the City.

(d) Additional Finding. The Council finds that the property owners signed a valid double majority consent for annexation of the Territory.

(e) Withdrawal from Special Districts. After due consideration of the evidence and testimony, the City Council finds it is in the best interest of the City to withdraw the Territory from the Salem Suburban Rural Fire Protection District, and to provide the Territory with city services because the public good of the City and the citizens residing in the annexed Territory would be best served if the citizens residing in the Territory receive city services without the problems attendant with coordination that would result from the Territory being subject to the jurisdiction of overlapping urban service providers. It would not be in the best interest of the City for the citizens residing in newly annexed Territory to pay both City taxes and an additional assessment to the Salem Suburban Rural Fire Protection District to receive services that may readily be supplied by the City without such additional taxation. Leaving the Territory in the Salem Suburban 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; provided, however, that the effective date of the annexation of the Territory shall be three years after the effective date of this ordinance.

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

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

1 **Section 5.** The City Recorder shall submit a copy of this ordinance and such other information
2 as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and
3 reports required by ORS 222.005(1) and ORS 222.010 to the person or entities described therein;
4 shall cause notice of delayed annexation to be recorded by the Marion County Clerk, no later
5 than sixty days after the effective date of this ordinance; and shall notify the Marion County
6 Clerk not sooner than one hundred and twenty days and not later than ninety days before the
7 annexation takes effect.

8
9 PASSED by the City Council this _____ day of _____, 2018.

10 ATTEST:

11
12
13 City Recorder

14 Approved by City Attorney: _____

15
16 Checked by: P. Cole
17
18
19
20
21
22
23
24
25
26
27
28
29
30