

ORDINANCE BILL NO. 2-20

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 1096 HOFFMAN ROAD, NE, ANNEXED TO THE CITY OF SALEM, PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE MARION COUNTY FIRE DISTRICT #1

The City of Salem ordains as follows:

Section 1. Findings.

(a) **Petition.** On December 11, 2018, Eugene Kostromitin of TEK Construction submitted an application for annexation on behalf of the petitioners and property owners, Iryna and Maksim Shcheglyak, and paid the filing fee, and the property owners submitted a valid triple-majority annexation petition, for certain real property located at 1096 Hoffman Road 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.
- (4) The proposal conforms to all other requirements of the city’s ordinances.

1 **(c) Hearing and Decision.** The Council held a duly advertised public hearing on
2 November 25, 2019, and received evidence and testimony regarding whether the
3 Petitioner signed a valid triple majority petition for annexation of the Territory; whether
4 the proposed annexation of the Territory was exempt from a vote of the people pursuant
5 to Senate Bill 1573(2016); whether the proposed annexation of the Territory, including
6 the proposed change in the Territory's zone designation from Marion County Urban
7 Development (UD) and Urban Transition – 5 Acres (UT-5) to City of Salem Residential
8 Agriculture (RA) upon annexation, complied with SRC Chapter 260 and the applicable
9 land use and other criteria; and whether the withdrawal of the Territory from the Marion
10 County Fire District #1 (the District) upon annexation would be in the best interest of the
11 City. At the conclusion of the public hearing, after due consideration of the evidence and
12 testimony, the Council adopted Order No. 2019-14-ANX as its final decision and
13 findings determining that the proposed annexation is exempt from voter approval because
14 it meets the requirements of Senate Bill 1573(2016); the proposed annexation of the
15 Territory, including land use designations, complies with SRC Chapter 260 and the
16 applicable land use and other criteria; and the withdrawal of the Territory from the
17 District would be in the best interest of the City.

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

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

1 lead to a fragmented approach to delivery of public services, unequal tax bases, and
2 resistance to cooperation. Withdrawal would promote efficiency, economy, and sound
3 management in the provision of urban services for newly annexed Territory, and the
4 Territory should be withdrawn from the District.

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

7 **Section 3. Land Use Designations.** The Territory is designated “Developing Residential” on
8 the Salem Area Comprehensive Plan, and the Plan Map. The zoning for the Territory is
9 prescribed as “Residential Agriculture.” The Planning Administrator shall add to the official
10 zoning map the Territory herein annexed.

11 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Marion County Fire
12 District #1, such withdrawal to be effective upon, and contemporaneous with, the date of
13 annexation.

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

17 PASSED by the City Council this _____ day of _____, 2020.

18 ATTEST:

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City Recorder

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Approved by City Attorney: _____

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Checked by: P. Cole

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