

BEFORE THE CITY COUNCIL  
OF THE CITY OF SALEM, OREGON

IN THE MATTER OF THE	)	ORDER NO. 2021-1 ANX
PETITIONER-INITIATED	)	
ANNEXATION OF TERRITORY	)	FINAL ORDER ADOPTING THE
LOCATED AT	)	FINAL DECISION AND FINDINGS OF
2527 AND 2547 ROBINS LANE SE	)	COMPLIANCE WITH SRC CHAPTER 260
	)	IN ANNEXATION CASE NO. C-730

**Whereas**, on April 26, 2021, after due notice was given, the City Council of the City of Salem held a public hearing to take testimony and evidence on an annexation proposal (the Annexation Proposal), as required by SRC 260.060(a); and

**Whereas**, after receiving evidence and hearing testimony, and upon consideration of the Staff Report and Recommendation, and being fully advised, the City Council hereby finds that the Annexation Proposal complies with SRC 260.060(c); and

**Whereas**, the Petitioner has met the annexation petition, application, information submission, fee, waiver and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035 and SRC 260.040; and

**Whereas**, a triple majority consent petition for annexation of the Territory (Exhibit A) has been signed and the triple majority requirements of ORS 222.170(1) are satisfied because more than half of the owners of land in the Territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the Territory; and

**Whereas**, the annexation proposal meets the requirements of SRC 260.020(b) as a state-mandated annexation, and is therefore exempt from voter approval; and

**Whereas**, the Comprehensive Plan designation will not be changed and the zoning designation will be the equivalent zoning that is consistent with the Comprehensive Plan set forth in SRC 260.045 and Table 260-1 of SRC Chapter 260; and

**Whereas**, the withdrawal of the Territory from Salem Suburban Rural Fire Protection District and Turner Fire District is in the best interest of the City; and

**Whereas**, the Salem Revised Code 808.030(a)(2)(i) states that properties from which trees have been harvested under the Oregon Forest Practices Act may not be partitioned, subdivided, developed as a planned unit development, or developed for commercial uses or activities for a period of five years following the completion of the timber harvest; and

**Whereas**, the petitioner's property was the subject of a timber harvest between April, 2018 and June, 2018;

**Whereas**, the City Council has approved the annexation subject to the following conditions:

- (a) Any future development of the Subject Property shall require compliance with SRC 808.050 tree planting requirements; however, the minimum diameter of the trees to be planted shall be increased from a 1.5-inch caliper to a 2-inch caliper standard and replacement tree diversity shall be increased by planting not less than five species authorized in the City's Tree and Vegetation Technical Manual; and
- (b) Prior to recordation of a final plat for any partition, subdivision, or planned unit development, or occupancy of a commercial development, the applicant shall grant \$15,000 to the Salem City Tree Fund; and
- (c) Prior to submittal of any application for a land use approval, limited land use approval, or permit for developing the Subject Property, Applicant shall enter into an agreement with the City of Salem acknowledging and agreeing that the City of Salem will not record a final plat for any partition, subdivision, or planned unit development on or before July 1, 2023; and

**Whereas**, this FINAL ORDER constitutes the final land use decision in the Annexation Proposal and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal, as provided in SRC 260.060(e).

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:**

**Section 1:** Proposed Annexation C-730, of the Territory more particularly described in the attached Exhibit B, which is incorporated herein by this reference, satisfies the criteria set forth in SRC 260.060(c) and is hereby approved based on the facts and findings stated in the attached Exhibit C, which is incorporated herein by reference.

**Section 2:** The 47.323-acre Territory shall, pursuant to SRC 260.045, be designated Developing Residential on the City of Salem Comprehensive Plan Map and be zoned Salem Residential Agriculture (RA).

**Section 3:** The Territory shall be withdrawn from Salem Suburban Rural Fire Protection District and Turner Fire District.

**Section 4:** The annexation is subject to the following conditions:

- (a) Any future development of the Subject Property shall require compliance with SRC 808.050 tree planting requirements; however, the minimum diameter of the trees to be planted shall be increased from a 1.5-inch caliper to a 2-inch caliper standard and replacement tree diversity shall be increased by planting not less than five species authorized in the City's Tree and Vegetation Technical Manual; and

- (b) Prior to recordation of a final plat for any partition, subdivision, or planned unit development, or occupancy of a commercial development, the applicant shall grant \$15,000 to the Salem City Tree Fund; and
- (c) Prior to submittal of any application for a land use approval, limited land use approval, or permit for developing the Subject Property, Applicant shall enter into an agreement with the City of Salem acknowledging and agreeing that the City of Salem will not record a final plat for any partition, subdivision, or planned unit development on or before July 1, 2023.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

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City Recorder  
City of Salem

Checked by: P. Cole