

Legislation Details (With Text)

File #: 21-188 **Version:** 1

Type: Ordinance First Reading **Status:** Second Reading

In control: City Council

On agenda: 5/10/2021 **Final action:**

Title: Petitioner-Initiated Annexation of Territory Located at 2527 and 2547 Robins Lane SE - 97306 (Annexation Case No. C-730)

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA
Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

Sponsors:

Indexes:

Code sections:

Attachments: 1. Vicinity Map, 2. Ordinance Bill No. 4-21, 3. Exhibit A - Territory Legal Description and Map

Date	Ver.	Action By	Action	Result
5/10/2021	1	City Council	introduced on first reading	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Norman Wright, Community Development Director

SUBJECT:

Petitioner-Initiated Annexation of Territory Located at 2527 and 2547 Robins Lane SE - 97306 (Annexation Case No. C-730)

Ward(s): 4
Councilor(s): Leung
Neighborhood(s): SGNA
Result Area(s): Good Governance; Safe Community; Safe, Reliable and Efficient Infrastructure

ISSUE:

Shall the City Council conduct first reading of Ordinance Bill No. 4-21 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres) and Marion County UT-10 (Urban Transition - 10 Acres), withdrawing from Salem Suburban Rural Fire Protection District and Turner Fire District, and approving annexation for a 47.23-acre property located at 2527 and 2547 Robins Lane SE - 97306 subject to three conditions proposed by the petitioner as mitigation for tree removal conducted through a lawful timber harvest between April,

2018 and June, 2018:

- (1) 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
- (2) 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
- (3) 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?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 4-21 annexing, applying City of Salem RA (Residential Agriculture) zoning from Marion County UT-5 (Urban Transition - 5 Acres) and Marion County UT-10 (Urban Transition - 10 Acres), withdrawing from Salem Suburban Rural Fire Protection District and Turner Fire District, and approving annexation for a 47.23-acre property located at 2527 and 2547 Robins Lane SE - 97306 subject to three conditions proposed by the petitioner as mitigation for tree removal conducted through a lawful timber harvest between April, 2018 and June, 2018:

- (1) 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
- (2) 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
- (3) 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.

SUMMARY:

This is a petitioner-initiated annexation of a 47.23-acre territory located at 2527 and 2547 Robins Lane SE - 97306 (Marion County Assessor Map and Tax Lot 083W1300201, 083W24B02200, and 083W24B02300). A vicinity map is included as Attachment 1.

FACTS AND FINDINGS:

On October 16, 2018, Brandie Dalton of Multi-Tech Engineering submitted an annexation application on behalf of the petitioner and property owner, BC Salem Property LLC (Kelley D. Hamilton, Chris Jundt, and Anthony R. Kreitzberg, Managers), submitted a valid triple-majority petition signed by the property owner, and paid the filing fee.

The facts and findings supporting the annexation, zoning designation, and withdrawal from the districts can be found in Ordinance No. 4-21 (Attachment 2).

BACKGROUND:

Council held a public hearing on the petition on April 26, 2021.

Testimony in favor of the annexation was received, stating that the annexation would bring consistency in services, market values and tax rates; allow development of needed subdivision lots and houses; and allow development that would bring jobs, strengthen the economy, and increase tax revenue.

Testimony in opposition to the annexation was received, stating that development of the property should not be allowed within five years of a timber harvest that was conducted in April, 2018 through June, 2018; neighboring property owners and taxpayers have not had time, due to the pandemic, to decide whether to sell their properties; additional mitigation for the tree removal should be required beyond the conditions proposed by the petitioner; road improvements should be required; and a property at 2447 Robins Lane that contains a privately developed recreational facility and would become an enclave as the result of the proposed annexation should not be forced to annex, and no road should be built through that property.

Council closed the public hearing, conducted deliberations, and adopted Order No. 2021-1 ANX. Staff mailed notice of the adoption of the order on April 28, 2021. No appeal has been filed.

Pamela Cole
Planner II

Attachments:

1. Vicinity Map
2. Ordinance Bill No. 4-21
3. Exhibit A - Territory Legal Description and Map