



## Staff Report

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**File #:** 16-016

**Version:** 1

**Date:** 5/23/2016

**Item #:** a.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Glenn W. Gross, Community Development Director

**SUBJECT:**

City Initiation of Septic Failure Annexation for 3641 Boone Road SE

Ward(s): 3

Councilor(s): Nanke

Neighborhood(s): SEMCA

**ISSUE:**

Shall the City Council adopt Resolution No. 2016-16 to initiate a voter exempt septic failure annexation of a territory located at 3641 Boone Road SE?

**RECOMMENDATION:**

Adopt Resolution No. 2016-16 to initiate a voter-exempt septic failure annexation of a territory located at 3641 Boone Road SE.

**SUMMARY AND BACKGROUND:**

This resolution will initiate annexation of a 1.65-acre territory located at 3641 Boone Road SE due to a failing septic system.

3641 Boone Road SE is eligible for annexation pursuant to ORS 222.111 because the territory is contiguous to the City and the owners have consented to annexation due to a failing septic system. Under Salem Revised Code (SRC) 260.020(b), annexations necessitated by a failing septic system are exempt from voter approval.

**FACTS AND FINDINGS:**

1. The territory at 3641 Boone Road SE is eligible for a voter-exempt annexation due to its failing

septic system. Because the property owners are in need of city services, they have consented to annexation and are therefore eligible for a voter-exempt septic failure annexation.

2. Council authorized connection of the existing dwelling to the City's sewer and water system on February 22, 2016, conditioned on the property owner's consent to annexation, with the effective date of the annexation to be delayed three years from the date of the annexation as allowed by state law.
3. The property owners submitted a consent to annexation on February 25, 2016 and a recorded annexation agreement on March 4, 2016.
4. On February 29, 2016, Council approved a Settlement Agreement and Release that requires the City to initiate the annexation process, cover the fees associated with annexing the property into the City, and delay the effective date of the annexation for three years as allowed by state law. As noted in the February 29, 2016 staff report, the Agreement to connect to annex and connect to City services was required because City right-of-way work adjacent to the subject property damaged the property's septic drain field, and existing conditions prevented reestablishing the drainfield, and therefore caused the health hazard.
5. The "Resolution to Initiate Annexation of Certain Property" is listed below by Resolution number, the general location of the territory, and the case number:  
  
Resolution No. 2016-16: 3641 Boone Road SE (ANX C-720)
6. The application of City zoning to this territory shall be the City zoning designation that is the equivalent to the applicable County zoning and the existing Salem Area Comprehensive Plan designations, in this case General Industrial (IG).
7. The territory lies within the Salem Suburban Rural Fire Protection District. The Council proposes to withdraw the territory from the District upon annexation.
8. A public hearing will be scheduled for Council to receive evidence and testimony regarding whether the property owners signed a valid petition for annexation of the Territory, the proposed annexation is exempt from voter approval, the proposed annexation and application of City zoning upon annexation comply with SRC Chapter 260, and the withdrawal of the Territory from the Salem Suburban Rural Fire Protection District would be in the best interest of the City.

Lisa Anderson-Ogilvie, AICP  
Planning Administrator

**Attachments:**

1. Resolution 2016-16

05/23/2016

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