



Staff Report

File #: 24-138
Version: 1

Date: 4/22/2024
Item #: 4.b.

TO: Mayor and City Council
THROUGH: Keith Stahley, City Manager
FROM: Kristin Retherford, Community Planning and Development Director

SUBJECT:

An Annexation of an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE (ANXC-757).

Ward(s): Ward 6
Councilor(s): Hoy
Neighborhood(s): ELNA
Result Area(s): Welcoming and Livable Community

SUMMARY:

Annexation of an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE.

ISSUE:

Shall City Council approve the annexation of the territory located at 4785 and 4815 Auburn Road NE, including the withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District and the application of RA (Residential Agriculture) zoning and forward to first reading?

RECOMMENDATION:

Approve the annexation of the territory located at 4785 and 4815 Auburn Road NE, including the withdrawal from the Marion County Fire District #1 and the East Salem Sewer and Drainage District and the application of RA (Residential Agriculture) zoning and forward to first reading.

FACTS AND FINDINGS:

1. Proposal

A petitioner-initiated annexation request was received for an approximately 1.32-acre territory located at 4785 and 4815 Auburn Road NE - 97301 (Marion County Assessor Map and Tax Lot numbers: 072W29BC / 00300 and 00600). Each property is developed with an existing single-family dwelling. A vicinity map is included as **Attachment 1**. The territory is approximately 1.32 acres; there is no right-of-way included in the request as Auburn Road NE is already inside City limits - see territory legal description and map (**Attachment 2**).

The property is currently served by the Marion County Fire District #1 and the East Salem Sewer and Drainage District. The territory will be withdrawn from these districts upon annexation; the City will provide services.

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 112540.

3. Notice

Mailed Notice - Pursuant to SRC 300.620(b)(2), mailed notice was provided as required on March 28, 2024.

Posted Notice - Pursuant to SRC 300.620(b)(3), notice of the annexation was posted on the subject property, in the Salem Public Library, the West Salem branch of the Public Library and at City Hall.

Newspaper Notice - Pursuant to SRC 300.620(b)(4) notice of the annexation was published in the Statesman Journal on April 10, 2024, and April 17, 2024.

Notice to potential enclaved property - Pursuant to SRC 300.620(b)(2)(B)(v) mailed notice is required to all property owners whose property will become an enclave if this annexation is approved. This annexation will create an enclave at 4795 Auburn Road NE. Mailed notice was provided to the property owner pursuant to SRC 300.620(b)(2)(B)(v) on June 28, 2023, no response was received.

3. Neighborhood Association and Public Comments

Neighborhood Association Comment: The subject property will be located within the boundaries of the East Lancaster Neighborhood Association (ELNA). Notice was provided, pursuant to SRC 300.620, to the neighborhood association. No comments were received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was provided, pursuant to SRC 300.620, to all property owners and tenants within 250 feet of the subject property and on the subject property. No public comments were received.

4. City Department Comments

Building and Safety Division - Reviewed the proposal and indicated no concerns.

Parks Division - Reviewed the proposal and commented that there will be no impact on any city parks through this proposed annexation. The closest city park, informally referred to as Stella Street Park, is undeveloped property acquired by the City of Salem in January 2024. It is located near the junction of State Street and Cordon Road NE. The estimated walking distance from the proposed annexation territory to Stella Street Park is roughly 0.5 miles.

Development Services Division - Reviewed the proposal and submitted comments regarding public infrastructure requirements (**Attachment 3**).

Fire Department - Reviewed the proposal and submitted comments indicating that the response time to this location is approximately 5 minutes. Primary fire protection and emergency medical services would be provided from Fire Station No. 10 located at 3611 State Street. Secondary protection would be provided by Fire Station No. 3 at 1884 Lansing Ave NE. The territory will be withdrawn from Marion County Fire District #1 upon annexation.

Police Department - Received notice of the proposal and submitted no comments.

Finance Department - Reviewed the proposal and submitted comments regarding property tax limits, rates and other information related to the financial impacts of annexation (**Attachment 4**).

5. Public Agency Comments

Salem-Keizer Public Schools - Reviewed the proposal and submitted comments regarding the impact of the proposed annexation on the Salem-Keizer School District (**Attachment 5**).

6. Voter Approval

Pursuant to SRC 260.010(d)(2) voter approval is not required if the annexation request meets one of the following criteria:

- (A) **The annexation is being made pursuant to an annexation agreement effective prior to May 16, 2000;**
- (B) **The annexation is necessitated by a failing septic system or health hazard; or**

- (C) The annexation, notwithstanding the Salem City Charter, complies with all of the following requirements:**
- (i) The annexation petition request is signed by all owners of the property proposed to be annexed;**
 - (ii) The territory proposed for annexation is within the urban growth boundary;**
 - (iii) The territory proposed for annexation is subject to an acknowledge comprehensive plan upon annexation; and**
 - (iv) At least one lot within the territory proposed for annexation is contiguous to the City limits.**

Finding: The proposed annexation is exempt from voter approval pursuant to SRC 260.010(d)(2) (C). The territory is owned by Daniel and Jessica Lonbeck (4785 Auburn Road NE) and Jaime Tenorio (4815 Auburn Road NE). Signed annexation petitions have been received from each property owner of the territory. The property is located within the Salem Urban Growth Boundary and is subject to Salem's acknowledged Comprehensive Plan. The property is contiguous to the City limits on the north and west side. The territory is therefore exempt from voter approval.

7. Analysis of Annexation Approval Criteria

Salem Revised Code (SRC) 260.010(g)(1) sets forth the following criteria that must be met before approval can be granted to a request for an Annexation without a minor comprehensive plan map amendment or quasi-judicial zone change.

SRC 260.010(g)(1)(A): The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;

Finding: The proposed annexation is for a territory that is 1.32-acres in size; it does not include right-of-way as Auburn Road NE is already inside City limits. The annexation of unincorporated territory contiguous to the City limits will result in urban services being provided in a more orderly, efficient, and timely manner. Unincorporated territory adjacent to the City limits prevents the orderly expansion of City services because gaps are created in the City's infrastructure, and services within those gaps must be provided by the county, or by the City pursuant to intergovernmental or other agreements. This results in inefficiencies due to discontinuous and fragmented methods of providing infrastructure and inefficiencies, as well as additional delays for any development proposal. The boundary resulting from the proposed annexation will provide a more compact and efficient urban form for providing urban services, because the services will be integrated into the existing City infrastructure that exists adjacent to the property, and potential jurisdictional conflicts will not exist. The proposed annexation complies with this criterion.

SRC 260.010(g)(1)(B): The land uses and development densities that will be allowed can be served through the orderly, efficient, and timely extension of key urban facilities and services;

Finding: Comments provided by the various City departments indicate that the territory in the proposed annexation is both already served and can be served through the orderly, efficient, and timely extension of key urban facilities and services as outlined in the City's adopted master plans, Capital Improvement Plan (CIP) and Public Works and Parks design and construction standards. City Services are available in Auburn Road NE to serve the territory; no additional improvements to urban facilities and services are needed at this time to serve the Territory. The Territory is located outside of the Urban Service Area. At time of development, improvements to existing public infrastructure, or new construction of new infrastructure, may be required to serve the proposed development.

SRC 260.010(g)(1)(C): The withdrawal of the territory from any applicable special districts complies with applicable state statutes governing the withdrawal of the territory from those districts; and

Finding: When withdrawal from a special service district is not automatic, the City Council shall decide on withdrawal from those special service districts. These withdrawals shall be made according to applicable state statutes governing the specific withdrawal.

The City will withdraw the Territory from the Marion County Fire District #1 and replace those services with service from the City of Salem Fire Department. Additionally, the Territory will be withdrawn from the East Salem Sewer and Drainage District as the development is connected to City infrastructure.

ORS 222.520 establishes the process by which the Territory may be withdrawn from service districts at the same time as the annexation. No Comprehensive Plan provision or implementing ordinance of the City applies to the withdrawal decision, and none is amended in the process of making the decision. In addition, the decision to withdraw the Territory and serve the Territory with City-supplied urban services rather than district-supplied services, does not have significant impacts on present or future land uses. Consequently, the withdrawal decision is not the kind of decision that requires application of land use laws.

SRC 260.010(g)(1)(D): The public interest is furthered by the annexation of the territory.

Finding: The proposed annexation of the territory conforms to the Salem Area Comprehensive Plan and City services can be provided consistent with the City's adopted master plans. The City is expected to add land within the Urban Growth Boundary over time to facilitate development commensurate with urban densities found within the City. The annexation of unincorporated territory contiguous to the city limits will result in urban services being provided in a more orderly, efficient, and timely manner and will allow urban levels of development. Therefore, the proposal is found to be in the public interest.

8. Land use designations upon annexation

Under SRC 260.030, annexed land is automatically given zoning designations that implement the Salem Area Comprehensive Plan designation, unless the petitioner or City Council propose a new Comprehensive Plan and/or zone designation. The property owners of the territory have not proposed a new Comprehensive Plan or zone designation.

The territory has a Comprehensive Plan designation of Developing Residential. Pursuant to SRC Table 260-1, the RA (Residential Agriculture) zone implement the Developing Residential designation. The applicant has requested RA zoning be applied to the territory upon annexation and staff concurs that the RA zone is appropriate. Single-family dwellings are a permitted use in the RA zone.

BACKGROUND:

Land located within the Urban Growth Boundary (UGB) but outside of the City limits is designated as urbanizable lands in Statewide Planning Goal 14. Urbanizable land is land that is determined to be necessary and suitable for future urban areas, that can be served by urban services and facilities and that is needed for the expansion of an urban area. The City is expected to annex land within the UGB over time to provide for facilities or activities which are related to or supportive of urban development such as residential, commercial, and industrial development as well as such things as sewage treatment facilities, water reservoirs or wells, parks, and recreational facilities.

Aaron Panko
Planner III

Attachments:

1. Vicinity Map
2. Territory Legal Description and Map
3. Development Services Memo
4. Finance Memo
5. Salem-Keizer Public Schools Memo