

MEMORANDUM

TO: Community Development: Lisa Anderson-Ogilvie
Rebai Tamerhoulet
Pamela Cole

Public Works: Peter Fernandez
Bruce Hildebrandt
Kent Inman
Kevin Pearson
Sarah Batmale
Anastasiya Grecu

Urban Development: Sheri Wahrgren

Administrative Services: David Lacy
Tony Turley

IT: Dan Brown
Alan Kessler
Hilary Leavell

Fire: Rachael Hostetler

Police: Kathy Sime

WVCC: Rich Ragone

FROM: Amy Johnson, Deputy City Recorder

DATE: August 27, 2018

SUBJECT: Ordinance Bill No. 13-18 – Annexation C-725

Attached is a copy of Ordinance Bill No. 13-18, passed by the City Council on July 9, 2018 annexing territory to the City of Salem, prescribing zoning, and withdrawing the territory from Salem Suburban Rural Fire Protection District.

A legal description, the annexation map depicting the new boundaries of the City of Salem, a tax map, and a highlighted plat map are attached to the ordinance. The annexation relates to territory located 6719 Devon Avenue SE, Salem, OR 97304 (Marion Co. tax lot number 083W22C00300).

The Secretary of State, Official Public Documents Division, received and filed Ordinance Bill No. 13-18 as of August 10, 2018, which is the effective date of Annexation C-725 (copy attached), as verified through the application of ORS 222.180. A copy of the Notice to Taxing Districts is also attached.

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The City of Salem ordains as follows:

(a) Petition. On November 7, 2017, Brandie Dalton of Multi/Tech Engineering Services, Inc., submitted an application for annexation on behalf of the petitioner and property owner, HSF Development, LLC (Chris Jundt, Anthony R. Kreitzberg, and Kelley D. Hamilton); Bonaventure Senior Housing paid the filing fee; and the property owner submitted a valid triple-majority annexation petition, for certain real property located at 6719 Devon Avenue SE (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.

1 (4) The proposal conforms to all other requirements of the city's ordinances.

2 **(c) Hearing and Decision.** The Council held a duly advertised public hearing on June
3 11, 2018, and received evidence and testimony regarding whether the Petitioner signed a
4 valid triple majority petition for annexation of the Territory; whether the proposed
5 annexation of the Territory was exempt from a vote of the people pursuant to Senate Bill
6 1573(2016); whether the proposed annexation of the Territory, including the proposed
7 change in the Territory's zone designation from Marion County Urban Transition 10
8 Acres (UT-10) to City of Salem Single Family Residential (RS) upon annexation,
9 complied with SRC Chapter 260 and the applicable land use and other criteria; and
10 whether the withdrawal of the Territory from the Salem Suburban Rural Fire Protection
11 District (the District) upon annexation would be in the best interest of the City. At the
12 conclusion of the public hearing, after due consideration of the evidence and testimony,
13 the Council adopted Order No. 2018-03-ANX as its final decision and findings
14 determining that the proposed annexation is exempt from voter approval because it meets
15 the requirements of Senate Bill 1573(2016); the proposed annexation of the Territory,
16 including land use designations, complies with SRC Chapter 260 and the applicable land
17 use and other criteria; and the withdrawal of the Territory from the District would be in
18 the best interest of the City.

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

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

1 by the City without such additional taxation. Leaving the Territory in the Salem
2 Suburban Rural Fire Protection District would lead to a fragmented approach to delivery
3 of public services, unequal tax bases, and resistance to cooperation. Withdrawal would
4 promote efficiency, economy, and sound management in the provision of urban services
5 for newly annexed Territory, and the Territory should be withdrawn from the District.

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

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

12 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Salem Suburban Rural
13 Fire Protection District, such withdrawal to be effective upon, and contemporaneous with, the
14 date of annexation.

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

18
19 PASSED by the City Council this 9th day of July, 2018.

20
21 *Certified to be a true and
22 correct copy of the original*

23 *Amy Johnson*
24 *Deputy* City Recorder
City of Salem, Oregon

ATTEST:

City Recorder

Approved by City Attorney:

[Signature]
for
Dan Atchison

26 Checked by: P. Cole
27
28
29
30

6719 Devon Avenue SE

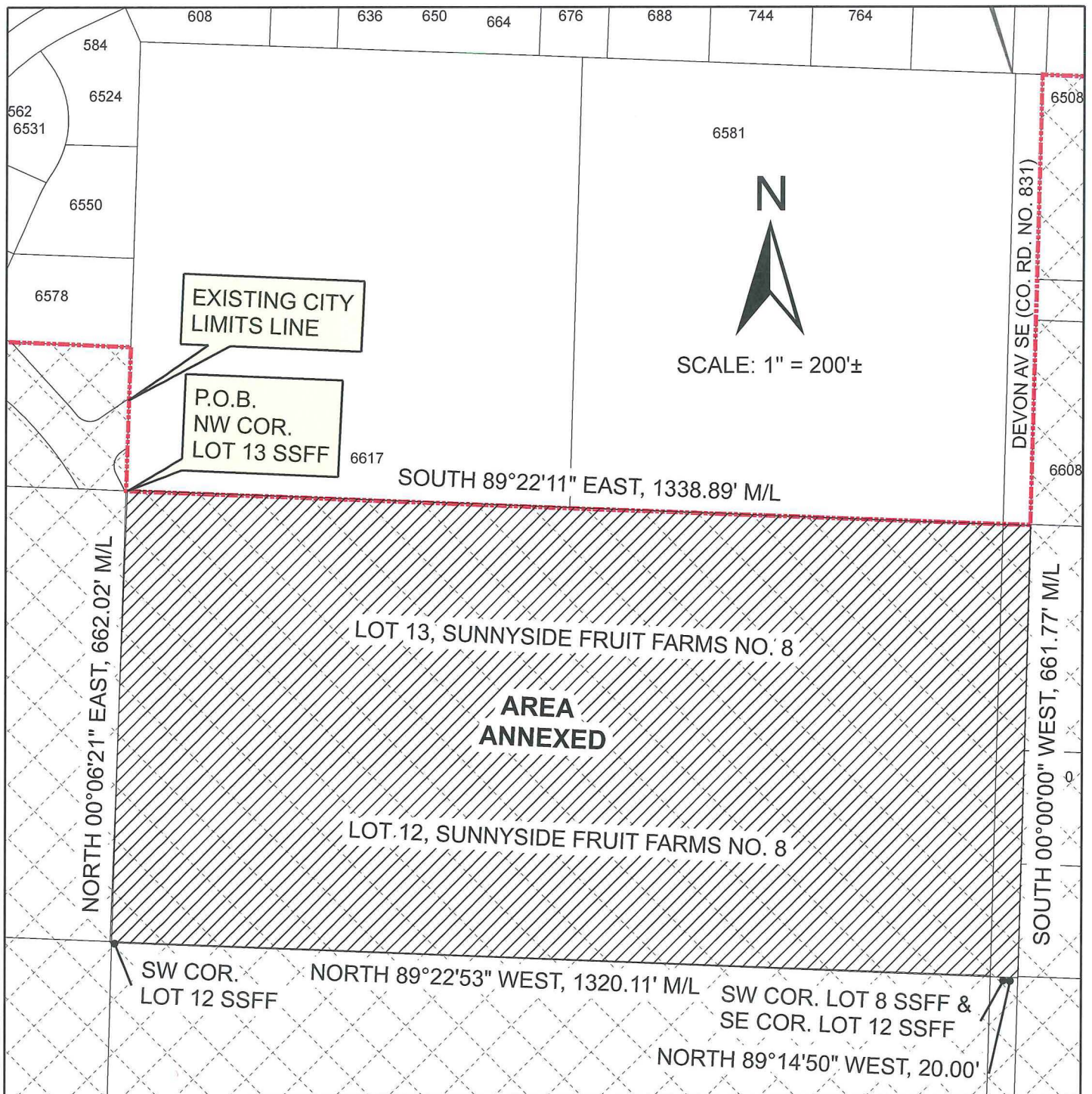
Beginning at the northwest corner of Lot 13, Sunnyside Fruit Farms No. 8, as recorded in Volume 3, Page 10, Marion County Book of Town Plats, Marion County, Oregon; said corner also being an angle point on the now existing City Limits Line; and running thence,
 South 89°22'11" East along the North Line of said Lot 13, the now existing City Limits Line, and the easterly extension of said North Line, a distance of 1338.89 feet, more or less, to a point on the east line of County Road No. 831 (commonly known as Devon Avenue SE) also being an angle point on the now existing City Limits Line;
 thence leaving the now existing City Limits Line South 00°00'00" West along the East Line of said Devon Avenue SE, a distance of 661.77 feet, more or less, to a point on the South Line of Lot 8, Sunnyside Fruit Farms No. 8;
 thence North 89°14'50" West along said South Line, a distance of 20.00 feet to the southwest corner of said lot, said corner also being the southeast corner of Lot 12, Sunnyside Fruit Farms No. 8;
 thence North 89°22'53" West along the South Line of Lot 12, Sunnyside Fruit Farms No. 8, a distance of 1320.11 feet, more or less, to the southwest corner of said lot;
 thence North 00°06'21" East along the West Line of Lots 12 and 13, Sunnyside Fruit Farms No. 8, a distance of 662.02 feet, more or less, to the Point of Beginning.

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Gerard A. Pappe 2-02-18
 OREGON
 JULY 17, 1981
 GERARD A. PAPPE
 1951

RENEWABLE: DECEMBER 31, 2018

Approved: KRT
 January 26, 2018
 Annexation No.: C-725
 DOR No.: 24-P231-2018
 DOR Date: March 1, 2018



 Property in County

P.O.B. = POINT OF BEGINNING
M/L = MORE OR LESS
SSFF = SUNNYSIDE FRUIT FARMS NO. 8

PROPERTY PROPOSED TO BE ANNEXED INTO CITY



EXHIBIT MAP

LOCATED IN THE SW 1/4 and SE 1/4 OF SEC. 22
TOWNSHIP 8 SOUTH, RANGE 3 WEST, W.M.

**CITY OF SALEM, OREGON
PUBLIC WORKS DEPARTMENT**

6719 DEVON AVENUE SE

CITY OF SALEM ORDINANCE NO. 13-18

ANNEXED: AUGUST 10, 2018

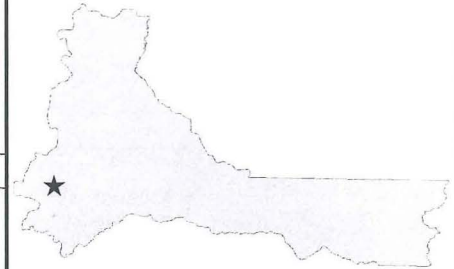
CONTAINING 20.35± ACRES

ADJACENT TO WARD 4

CASE NO. C-725

TRACT NO. 722

08 3W 22C
SALEM



MARION COUNTY, OREGON
SW1/4 SEC22 T8S R3W W.M.
SCALE 1" = 200'

LEGEND

LINE TYPES

Taxlot Boundary	Historical Boundary
Road Right-of-Way	Easement
Railroad Right-of-Way	Railroad Centerline
Private Road ROW	Taxcode Line
Subdivision/Plat Bndry	Map Boundary
Waterline - Taxlot Bndry	Waterline - Non Bndry

SYMBOL TYPES

• Survey Monument	+ 1/16TH Section Cor.
◊ Road Station	⊕ 1/4 Section Cor.
⊙ DLC Corner	⊕ 16, 15 Section Corner
	21 22

NUMBERS

Tax Code Number
000 00 00 0

Acreage 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

1200

DISCLAIMER: THIS MAP WAS PREPARED
FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Cartography Dept.

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 10/8/2015

SALEM
08 3W 22C

08 3W 22C

024 00 23 0

SEE MAP
083W21DA

924 00 23 0

SEE MAP
083W22CB

924 01 00 0

924 01 00 0

924 00 23 0

924 00

FARMS

PART. PLAT 1994 - 106

FRUIT

NO 3

SUNNY SIDE FRUIT FARMS 110.3

08 3W 22C

024 00 23 0

SEE MAP
083W27B

SEE MAP
083W27A

Sunny Side Fruit Farm No. 8

Consisting of S. E. $\frac{1}{4}$, S. $\frac{1}{2}$ of S. W. $\frac{1}{4}$, N. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ of Sec 22, $\frac{1}{2}$ N. $\frac{1}{2}$ of N. $\frac{1}{2}$ of N. W. $\frac{1}{4}$ of Sec. 27, T. 8 S. R. 3 W. Willamette Meridian



DENNIS RICHARDSON
SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 Summer Street NE
Salem, Oregon 97310
(503) 373-0701
Facsimile (503) 378-4118

August 10, 2018

City of Salem
Legal Dept. Room 205
555 Liberty Street SE
Salem, Oregon 97301

Dear City Recorder:

Please be advised that we have received and filed, as of **August 10, 2018**, the following records annexing territory to the following:

Ordinance/Resolution Number(s)

Our File Number

ORD #13-18

AN 2018-0085

ORD #14-18

AN 2018-0084

For your records please verify the effective date through the applicable ORS.

Our assigned file number(s) are included in the above information.

Sincerely,

Dani Morley
Official Public Documents

Cc: Department of Revenue
Population Research Center

Notice to Taxing Districts

ORS 308.225



Cadastral Information Systems Unit
 PO Box 14380
 Salem, OR 97309-5075
 fax 503-945-8737
 boundary.changes@oregon.gov

City of Salem
 City Recorder Room 205
 555 Liberty St. SE
 Salem OR 97301

Description and Map Approved
August 22, 2018
As per ORS 308.225

☒ Description ☒ Map - Received from: Amy Johnson
 On: 8/20/2018

This is to notify you that your boundary change in Marion County for:
 Annexation to the City of Salem And withdrawing from the Salem Suburban Rural Fire
 Protection District

Ordinance Bill No 13-18

has been: ☒ Approved 8/22/2018
☐ Disapproved

Department of Revenue File Number: 24-1290-2018

Reviewed by: Robert Ayers, 503-983-3032

Boundary: ☒ Change ☐ Proposed Change

The change is for:

- ☐ Formation of a new district
- ☒ Annexation of a territory to a district
- ☒ Withdrawal of a territory from a district
- ☐ Dissolution of a district

If you have not already done so, the approved version of the map(s), legal descriptions(s) and signed ordinance must also be filed with the County Assessor and Secretary of State

- ☐ Transfer
- ☐ Merge
- ☐ Establishment of Tax Zone