

**ORDINANCE BILL NO. 42-07**

1 AN ORDINANCE declaring and proclaiming certain territory located SOUTH OF DEVON  
2 AVENUE SE AND WEST OF ELKINS WAY SE AREA annexed to the City of Salem, prescribing  
3 zoning and withdrawing the territory from the Salem Suburban Rural Fire Protection District.  
4

5 THE CITY OF SALEM ORDAINS AS FOLLOWS:

6 **Section 1. Findings.**

7 (a) **Petition.** The owner of certain real property located SOUTH OF DEVON AVENUE  
8 SE AND WEST OF ELKINS WAY SE AREA (the Territory) submitted a petition for the  
9 annexation of the Territory into the City of Salem (the City), as more particularly described in  
10 **Exhibit 1**, which is attached hereto and incorporated herein by reference.

11 (b) **Hearing and Decision.** The Council held a duly advertised public hearing on  
12 April 3, 2006 and received evidence and testimony regarding: referral to a vote of the people  
13 (as required by Salem City Charter Section 61) of the proposed annexation of the Territory,  
14 including whether the public interest would be served; whether the proposed annexation of  
15 the Territory, including the proposed the change in the Territory's zoning designation from  
16 Marion County UT-10 (Urban Transition - 10 acres) to City RA (Residential Agriculture)  
17 upon annexation, complied with Salem Revised Code (SRC) Chapter 165 and the applicable  
18 land use and other criteria; and whether the withdrawal of the Territory from the Salem  
19 Suburban Rural Fire Protection District (the District) upon annexation would be in the best  
20 interest of the City. At the conclusion of the public hearing, after due consideration of the  
21 evidence and testimony, the Council adopted Order No. 06-C-608 as its final decision and  
22 findings determining that: the public interest would be furthered by the referral of the  
23 proposed annexation of the Territory to the voters of the City; the proposed annexation of the  
24 Territory, including land use designations, complied with SRC Chapter 165 and the  
25 applicable land use and other criteria; and, the withdrawal of the Territory from the District  
26 would be in the best interest of the City.

27 (c) **Referral and Elector Approval.** On July 24, 2006 the Council adopted Resolution  
28 No. 2006-149 approving referral of the proposed annexation of the Territory to the electors of

1 the City at the November 7, 2006 election, as required by Salem City Charter Section 61. At  
2 the election a majority of the votes cast by the electors residing in the City favored  
3 annexation of the Territory into the City. This election result is set forth in the canvass of  
4 votes from the election reviewed by the Council at it's December 11, 2006 meeting and  
5 proclaimed by the Mayor.

6 **(d) Withdrawal from Special District.** The Council finds it is in the best interest of the  
7 City to withdraw the Territory from the Salem Suburban Rural Fire Protection District (the  
8 District) and to provide the Territory with City services because the public good of the City  
9 and the citizens residing in the Territory would be best served if the citizens residing in the  
10 Territory receive City services without the problems attendant with coordination that would  
11 result from the Territory being subject to the jurisdiction of overlapping urban service  
12 providers. It would not be in the best interest of the City for the citizens residing in the  
13 Territory to pay both City taxes and an additional assessment to the District to receive  
14 services that may readily be supplied by the City without such additional taxation. Since  
15 leaving the Territory in the District would lead to a fragmented approach to delivery of public  
16 services, unequal tax bases and resistance to cooperation, withdrawal would promote  
17 efficiency, economy and sound management in the provision of urban services for the  
18 Territory, and the Territory should be withdrawn from the District.

19 **Section 2. Annexation.** The City Council of the City of Salem declares and proclaims that the  
20 Territory described in **Exhibit 1**, which is attached hereto and incorporated herein by reference, is  
21 hereby annexed to the City of Salem, Oregon.

22 **Section 3. Zoning.** The Territory is designated "Developing Residential" in the Salem Area  
23 Comprehensive Plan, and on the Plan Map. The zoning for the Territory is prescribed as RA  
24 (Residential Agriculture). The Planning Administrator shall add to the official zoning map the  
25 Territory herein annexed.

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



South of Devon Avenue SE and West of Elkins Way SE Area

Beginning at the point of intersection of the North Line of County Road No. 831 (commonly known as Devon Avenue SE) and the northerly extension of the West Line of Lot 15, Sunnyside Fruit Farms No. 8, as recorded in Volume 3, Page 10, Book of Town Plats, Marion County, Oregon; said point being in Section 22, Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; said point also being on the now existing City Limits Line; and running thence:

South 00° 26' 36" East 662.02 feet along the West Line of Lot 15 and West Line of Lot 14 to the southwest corner of Lot 14, Sunnyside Fruit Farms No. 8;

thence South 89° 57' 14" East 659.31 feet along the South Line of said Lot 14 to the southeast corner of that tract of land described in that instrument recorded in Volume 739, Page 421, Deed Records, Marion County, Oregon;

thence North 00° 30' 58" West 661.82 feet along the East Line of said Volume 739, Page 421 to a point on the North Line of said Devon Avenue SE; said point also being on the now existing City Limits Line;

thence North 89° 56' 08" West 658.47 feet along the North Line of said Devon Avenue SE and the now existing City Limits Line to the Point of Beginning.

Approved: J.N.  
March 14, 2006  
Annexation No.: C-608  
DOR No.: 24-PIA-2006  
DOR Date: 3/24/06

**EXHIBIT 1**