



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: April 09, 2015
Jurisdiction: City of Salem
Local file no.: CPC-NPC 14-04
DLCD file no.: 007-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/08/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	007-14 {19933}
Received:	4/8/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAD 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: **CPC-NPC14-04**

Date of adoption: 02/09/2015 Date sent: 4/8/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 04/01/2014
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Pamela Cole, Planner II

Phone: 503-540-2309 E-mail: pcole@cityofsalem.net

Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Single Family Residential to Multi-Family Residential. 0.39 acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 072W20BD01600 , 4922 Swegle Rd NE, Salem OR.

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): 072W20BD 01600 - 4922 Swegle Rd NE

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This Comprehensive Plan change was effective upon the effective date of the annexation (March 11, 2015) as adopted with Ordinance No. 2-15.

ORDINANCE BILL NO. 2-15

1
2 AN ORDINANCE DECLARING AND PROCLAIMING CERTAIN TERRITORY LOCATED
3 AT 4911 AND 4922 SWEGLE ROAD NE, ANNEXED TO THE CITY OF SALEM,
4 PRESCRIBING SALEM AREA COMPREHENSIVE PLAN MAP DESIGNATION,
5 PRESCRIBING EAST LANCASTER NEIGHBORHOOD PLAN MAP DESIGNATION,
6 PRESCRIBING ZONING, AND WITHDRAWING THE TERRITORY FROM THE MARION
7 COUNTY FIRE DISTRICT #1.

8 *The City of Salem ordains as follows:*

9 **Section 1. Findings.**

10 (a) On October 8, 2013, an annexation application and signed triple majority petition and
11 consent for annexation were submitted for annexation of the Territory located at 4911
12 and 4922 Swegle Road NE, as more particularly described in "Exhibit 1," attached
13 hereto, and by this reference incorporated herein.

14 (b) The signed triple majority petition and consent is valid, and no election is required in
15 the Territory.

16 (c) The City Council held a public hearing on June 23, 2014 to consider the proposed
17 annexation of the Territory, the change in the Salem Area Comprehensive Plan Map
18 designation of the property at 4922 Swegle Road NE from "Single Family Residential" to
19 Multi-Family Residential," the change in the East Lancaster Neighborhood Plan Map
20 designation of the property at 4922 Swegle Road NE from Single Family to Multifamily,
21 the change in zoning designation of the Territory from Marion County RM (Multiple
22 Family Residential) to City of Salem RM1 (Multiple Family Residential 1) upon
23 annexation, and the withdrawal of the Territory from Marion County Fire District #1.

24 (d) On June 23, 2014, after due consideration of evidence and testimony, the City
25 Council adopted Order No. 2014-04-ANX approving the annexation, Salem Area
26 Comprehensive Plan Map designation, East Lancaster Neighborhood Plan Map
27 designation, zoning designation, and withdrawal of the territory from the Marion County
28 Fire District #1 upon annexation.

29 (e) The City Council finds it is in the best interest of the City to withdraw the Territory
30 from the Marion County Fire District #1 and to provide the Territory with City services

1 because the public good of the City and the citizens residing in the Territory would be
2 best served if the citizens residing in the Territory receive City services without the
3 problems attendant with coordination that would result from the Territory being subject
4 to the jurisdiction of overlapping urban service providers. It would not be in the best
5 interest of the City for the citizens residing in the Territory to pay both City taxes and an
6 additional assessment to the Marion County Fire District #1 to receive services that may
7 readily be supplied by the City without such additional taxation. Since leaving the
8 Territory in the Marion County Fire District #1 would lead to a fragmented approach to
9 delivery of public services, unequal tax bases and resistance to cooperation, withdrawal
10 would promote efficiency, economy and sound management in the provision of urban
11 services for the Territory, and the Territory should be withdrawn from the Marion County
12 Fire District #1.

13
14 (f) Notice of the City Council decision adopting Order No. 2014-04-ANX was duly
15 given as required by law to all entitled to notice. No appeal of the City Council decision
16 has been filed and the time limit for appeal has lapsed.

17 (g) On June 23, 2014, the City Council adopted Resolution No. 2014-46, referring
18 annexation of the Territory to the electors in the City at the November 4, 2014 election.

19 (h) On August 25, 2014, the City Council adopted Resolution No. 2014-60, amending
20 Resolution No. 2014-46 by replacing Exhibits 2 and 3 of the resolution, the Measure and
21 Explanatory Statement, with a new Exhibit 2 including a required condition that the
22 annexation be conditioned upon substantial conformance with the conceptual plan
23 approved by the City Council and a new Exhibit 3 including required information on the
24 density available under the comprehensive plan, zoning designation, and conceptual plan.

25 (i) On November 4, 2014, ballot measure 24-377, relating to annexation of the Territory
26 in to the City, was approved by a majority of the electors of the city of Salem.

27 **Section 2. Annexation.** The Territory described in "Exhibit 1" is hereby annexed to the City of
28 Salem.

29 **Section 3. Land Use Designations.** The Territory is designated "Multi-Family Residential" on
30 the Salem Area Comprehensive Plan, and the Plan Map. The Territory is designated

1 "Multifamily" in the East Lancaster Neighborhood Plan Map. The zoning for the territory is
2 prescribed as "Multiple Family Residential 1" (RM1). The Planning Administrator shall add to
3 the official zoning map the Territory herein annexed.

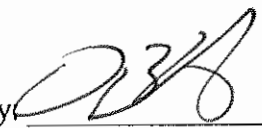
4 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Marion County Fire
5 District #1, such withdrawal to be effective upon, and contemporaneous with, the date of
6 annexation.

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

11 PASSED by the City Council this 9th day of February, 2015.

12 ATTEST:

13
14 City Recorder

15 Approved by City Attorney 

16 Checked by: P. Cole

17 G:\Group\legal\COUNCIL\2015\012615 C-714 Annexation Ordinance 2-15.docx



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

June 26, 2014

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173.

NOTICE OF FINAL DECISION: Annexation C-714, Comprehensive Plan Change and Neighborhood Plan Change, Application of Zoning and Withdrawal from Service District, for property located at 4911 & 4922 Swegle Road NE

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem has made a final written land use decision for Annexation C-714 by adopting Order No. 2014-04-ANX at the June 23, 2014 session, which incorporates Facts and Findings in support of the decision. A copy of the Order is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after June 26, 2014**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie,
Urban Planning Administrator

Attachment: Order No. 2014-04-ANX

**BEFORE THE CITY COUNCIL
OF THE CITY OF SALEM, OREGON**

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

IN THE MATTER OF THE)	ORDER NO. 2014-04-ANX
PETITIONER-INITIATED)	FINAL ORDER ADOPTING THE
ANNEXATION OF)	FINAL DECISION AND FINDINGS OF
TERRITORY LOCATED AT)	COMPLIANCE WITH SRC CHAPTER 260
4911 AND 4922 SWEGLE ROAD NE)	IN ANNEXATION CASE NO. C-714

Whereas, on June 23, 2014, after due notice was given, the City Council of the City of Salem held a public hearing to take testimony and evidence on annexation proposal C-714 (Annexation Proposal), as required by Salem Revised Code (SRC) 260.060(a); and

Whereas, after receiving evidence and hearing testimony, and upon consideration of the staff report and recommendation, and being fully advised, the City Council hereby finds that the Annexation Proposal complies with SRC 260.060(c); and

Whereas, the City Council has determined that the petitioner has met the annexation petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in Oregon Revised Statutes (ORS) Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040; and

Whereas, the City Council hereby finds that the public interest would be furthered by the referral of the annexation to the voters of the City pursuant to Section 61 of the Salem City Charter; and

Whereas, following the recommendation of the Planning Commission pursuant to SRC 260.045(b), the City Council has determined that the Comprehensive Plan designation and the Neighborhood Plan designation of the 0.39-acre northern parcel of the Territory (4922 Swegle Road NE) will be changed to "Multi-Family Residential" and Multifamily, and the City of Salem Multiple Family Residential 1 (RM1) zoning designation will be the equivalent zoning that is consistent with the "Multi-Family Residential" Comprehensive Plan Map designation; and

Whereas, for the 0.54-acre southern parcel of the Territory (4911 Swegle Road NE), the City Council has determined that the Comprehensive Plan designation will not be changed and the City of Salem Multiple Family Residential 1 (RM1) zoning designation will be the equivalent zoning that is consistent with the Comprehensive Plan set forth in SRC 260.045 and Table 260-1 of SRC Chapter 260;

Whereas, the City Council hereby finds that withdrawal of the Territory from Marion County Fire District #1 is in the best interest of the city; and

Whereas, this FINAL ORDER constitutes the final land use decision in the Annexation Proposal and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal, as provided in SRC 260.060(e).

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1: Proposed Annexation C-714, of the Territory depicted on the map in the attached Exhibit 1 and more particularly described in the attached Exhibit 2, both of which are incorporated herein by this reference, satisfies the criteria set forth in SRC 260.060(c) and is hereby approved based on the facts and findings stated in the attached Exhibit 3, which is incorporated herein by reference.


Section 2: If the proposed annexation is approved by City Council, the Territory shall, pursuant to SRC 260.045, be designated "Multi-Family Residential" on the City of Salem Comprehensive Plan Map, be designated Multifamily on the East Lancaster Neighborhood Plan Map, and be zoned Salem RM1 (Multiple Family Residential 1).

Section 3: If the Proposed Annexation is approved by the voters, the Territory shall be withdrawn from Marion County Fire District #1.

Section 4: A measure shall be prepared for Council approval to submit the proposed annexation of the Territory to the voters of the City of Salem for the November 4, 2014 election.

ADOPTED by the City Council this 23rd day of June, 2014.

ATTEST:



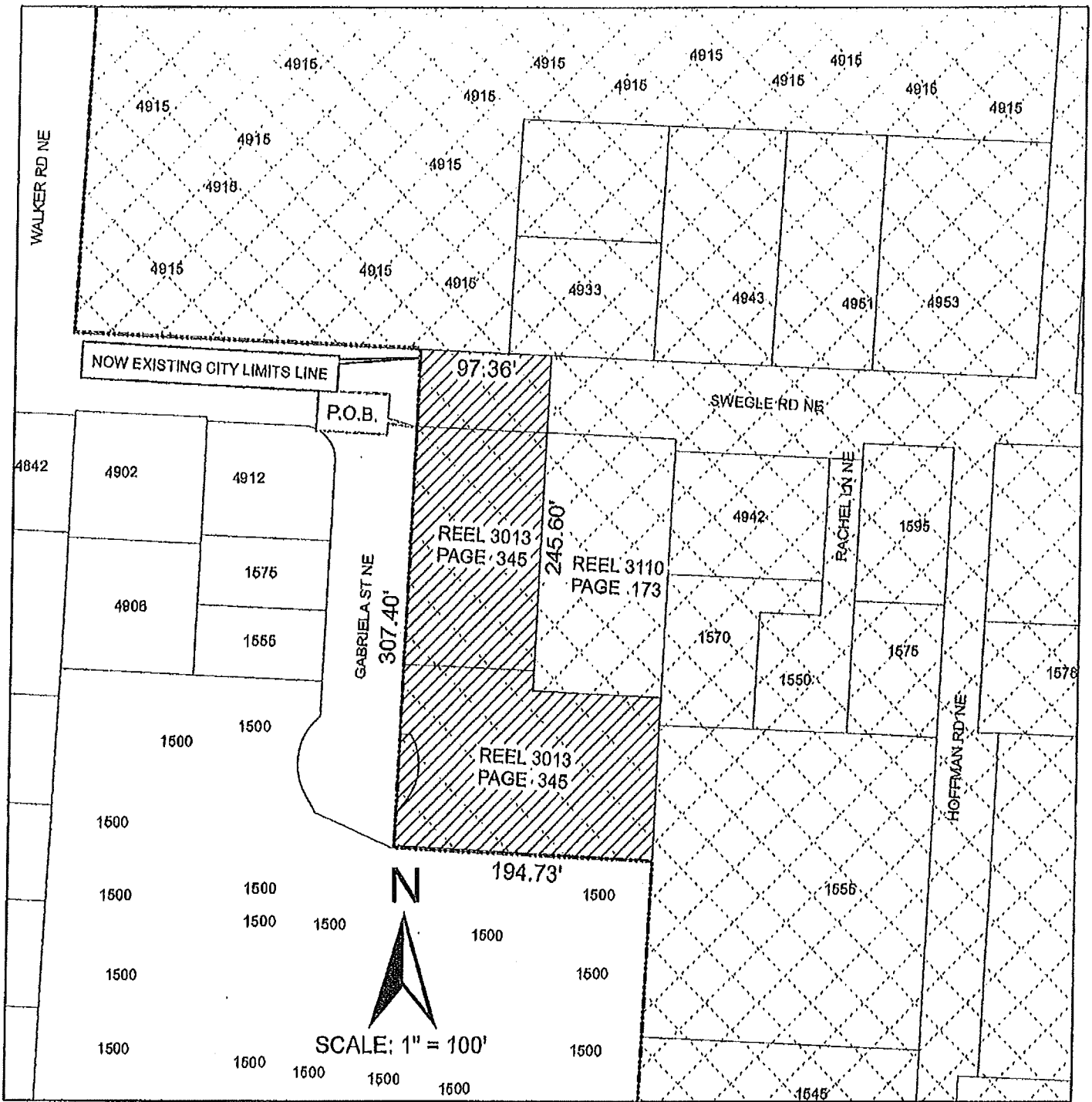
City Recorder

Exhibits:

1. Territory Map
2. Territory Legal Description
3. Facts and Findings

Checked by: P. Cole

EXHIBIT 1



 Property in County

PROPERTY PROPOSED TO BE ANNEXED INTO CITY

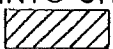


EXHIBIT MAP

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

4911 & 4922 SWEGLE ROAD NE

CITY OF SALEM ORDINANCE NO. XX-XX
ANNEXED: XXX XX, 20XX
CONTAINING 1.08 ACRES

ADJACENT TO WARD 6

CASE NO. C-714

TRACT NO. XXX

EXHIBIT 2

4911 and 4922 Swegle Road NE

Beginning at the intersection of the South Line of Swegle Road NE (County Road No. 736) with the East Line of Gabriela Street NE, being on the now existing City Limits Line, said intersection recorded as being 419.46 feet west and 27.00 feet south of the northeast corner of Lot 2, East Salem Fruit Farms, as recorded in Volume 3, Page 27, Book of Town Plats, Marion County, Oregon, situated in Section 20, Township 7 South, Range 2 West of the Willamette Meridian; said point also being on the West Line of that tract of land described in Reel 3013, Page 345, Marion County Deed Records, and running thence:

South along the West Line of said tract and the now existing City Limits Line a distance of 307.40 feet to the southwest corner of said tract, also being an angle point in the now existing City Limits Line;

thence East along the South Line of said tract and the now existing City Limits Line a distance of 194.73 feet to the southeast corner of said tract, also being an angle point in the now existing City Limits Line;

thence leaving said now existing City Limits Line, north along the East Line of that tract described in Reel 3013, Page 345, a distance of 118.80 feet to the southeast corner of that tract of land described in Reel 3110, Page 173, Marion County Deed Records;

thence west along the South Line of said tract a distance of 97.37 feet to the southwest corner of said tract;

thence northerly along the West Line of said tract and the northerly extension thereof a distance of 245.60 feet, more or less, to a point on the North Line of said Swegle Road NE;

thence westerly along the North Line of Swegle Road NE a distance of 97.36 feet, more or less, to an angle point in the now existing City Limits Line;

thence south along the now existing City Limits Line a distance of 57.00 feet, more or less, to the POINT OF BEGINNING.

Approved: GERRY PAPPE 4-11-14
March 28, 2014
Annexation No.: C-714

DOR No.: 24-P211-2014
DOR Date: 5/21/2014

**EXHIBIT 3, ORDER NO. 2014-04-ANX,
FINDINGS:
COMPLIANCE OF ANNEXATION C-714
WITH SRC CHAPTER 260 AND 260.060(c)**

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

1. **The proposed petitioner-initiated annexation of that certain real property located at 4911 and 4922 Swegle Road NE (Territory) and more specifically described in Exhibit 2, Council Order in Annexation Case No. C-714, conforms to the following criteria found in SRC 260.060(c):**

Criterion 1: The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable Statewide Planning Goals.

Under Salem Revised Code (SRC) 260.045, territory annexed to the City is automatically given the Salem Area Comprehensive Plan and zoning designations that are equivalent to the applicable County zoning designations, as set forth in Table 260-1, unless the petitioner or City Council proposes a new Comprehensive Plan/zone designation under SRC 260.045(a).

SRC 260.045(a) allows the petitioner to request a new Comprehensive Plan designation and zoning designation if the equivalent city designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan. For the northern parcel (4922 Swegle Road NE), the petitioner requested a Comprehensive Plan Change to "Multi-Family Residential" and a Neighborhood Plan Change to Multifamily and application of the equivalent zoning designation of Salem RM1 (Multiple Family Residential 1).

Pursuant to SRC 260.045(b), the Planning Commission held a public hearing to review the proposed designations for the northern parcel (4922 Swegle Road NE) on May 6, 2014. The Planning Commission recommended, in light of the conceptual plan, that the City Council adopt the proposed designations based on the petitioner meeting the Comprehensive Plan Change/Zone Change criteria of SRC 260.045(b)(1) through (4). The proposed designations are adopted by the City Council.

The petitioner and the City Council did not propose new designations for the southern parcel (4911 Swegle Road NE). Therefore, the land use designations that will be automatically applied to the southern parcel from SRC Chapter 260 Table 260-1 are "Multi-Family Residential" on the Salem Area Comprehensive Plan (SACP) Map and the City of Salem RM1 (Multiple Family Residential 1) zone district.

The land use designations for the Territory will be "Multi-Family Residential" on the Salem Area Comprehensive Plan Map, Multifamily in the East Lancaster Neighborhood Association Plan Map, and City of Salem RM1 (Multiple Family Residential 1) zoning.

These land use designations are consistent with the SACP and applicable Statewide Planning Goals as demonstrated by the following findings.

A. **Statewide Planning Goals** -- Statewide Planning Goals applicable to the proposed annexation are:

- (1) **GOAL 10. Housing.** Goal 10 requires provisions for housing to meet the needs of residents. The proposed annexation will increase the city's inventory of buildable lands for multi-family residential use. The increased inventory of land is a positive factor in providing for housing variety and availability. The location is in close proximity to existing residential development and is appropriate for such housing. The proposed annexation is consistent with Goal 10.
- (2) **GOAL 11. Public Facilities and Services.** Goal 11 requires a plan or program for orderly and efficient arrangements of public facilities. The city adopted a Public Facilities Plan (the Plan) consistent with Goal 11. The city applies the Plan to development of property within the city to achieve a timely, orderly and efficient arrangement of public facilities and services in a manner that supports both existing and planned growth. The Plan is implemented by the city's adopted master plans, Capital Improvement Plan (CIP), and the Urban Growth Management Process set forth in SRC Chapter 66. The Territory is within the Salem Urban Service Area (USA). The proposed annexation is consistent with Goal 11.
- (3) **GOAL 12. Transportation.** Goal 12 requires a jurisdiction to adopt a Transportation System Plan (TSP) that provides a safe, convenient and economic transportation system. The City has adopted a transportation plan acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to further this goal. The TSP is applied to the transportation elements of new development under SRC Chapter 66 and other provisions of the Salem Area Comprehensive Plan and Zoning Code and to the transportation elements of the city's adopted master plans, the CIP, etc. as set forth in the discussion of Goal 11 above to provide safe and convenient pedestrian, bicycle, and vehicular circulation that is consistent with the TSP and the requirements of the State Transportation Planning Rule. As described in the finding for Goal 11 compliance above, and as described in the discussion of Criterion 3 below, the Territory will comply with Goal 12 when any new development occurs, and will be served by facilities compliant with Goal 12 to the extent that transportation-related improvements occur under the city's adopted master plans, the CIP, SRC Chapter 66 and the Zoning Code. The proposed annexation is consistent with Goal 12.
- (4) **GOAL 14. Urbanization.** Goal 14 mandates provisions for an orderly and efficient transition from rural to urban land use. The Territory is within the Salem-Keizer Urban Growth Boundary (UGB), which, by definition, makes this territory "urbanizable." The incorporation of contiguous areas, including the Territory, into the overall composition of the city provides order and efficiency in the provision of municipal facilities and services as well as in the facilitation of orderly urbanization. This is because the Salem Area Comprehensive Plan (SACP), Zoning Code and other applicable implementation measures

have been acknowledged as being in compliance with Goal 14 and these measures will be made applicable to the Territory upon annexation. The applicable implementation measures are designed to provide order and efficiency in the provision of facilities and services, and to facilitate orderly urbanization by uniformly integrating the Territory into the City's municipal facilities and services system. This integration would provide for a uniform rather than an isolated, discontinuous, and fragmented system of services provided to areas not within the Salem city limits. The application of the city's Goal 14 acknowledged Salem Area Comprehensive Plan, Master Plans, and implementation ordinances to the Territory furthers the conversion of urbanizable land to urban uses consistent with Goal 14 for the reasons cited above. The proposed annexation is consistent with Goal 14.

In summary, the proposed annexation is consistent with the applicable Statewide Goals.

B. Salem Area Comprehensive Plan (SACP) -- The SACP goals, policies and intent statements applicable to the proposed annexation are:

- (1) **SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 2 "Multi-Family Residential," (SACP pages 4-6):** The "Multi-Family Residential" designation is characterized by a mixture of housing types.

The future use of these areas is primarily residential in nature. The City's RM1 (Multiple Family Residential 1) zone implements this Plan map designation by providing additional land used primarily for residential uses. The Territory to be annexed has the characteristics of the RM1 zone with predominantly residential use. The northern parcel is currently served by public sewer facilities and is not currently served by public water facilities. The southern parcel is not currently served by public sewer and water facilities. This is also consistent with the surrounding zoning and land use of the area. The Territory zoning will be RM1 (Multiple Family Residential 1). The proposed annexation is consistent with the above SACP provision.

- (2) **SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 4 (Conversion of Developing Residential or Urbanizable Areas to Urban Development) (SACP page 7):** Urbanizable lands located outside the city limits must be annexed to the city to receive urban services. Some of the reasons for converting urbanizable land to urban land include: (1) providing for the orderly and economic extension of public facilities and services; (2) providing adequate land area for a variety of housing types and locations; and (3) maintaining an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses.

Annexation of the Territory allows for the future extension of public facilities and services consistent with the Salem Urban Growth Management Program through the master planning, CIP and SRC Chapter 66 (UGA) processes. Publicly funded capital improvements will depend on funding availability. Most new development in newly annexed areas requires developer responsibility for extending public facilities as part of a common city infrastructure under an orderly plan for their extension. In addition, annexation of the Territory with RM1 (Multiple Family Residential 1) zoning will provide the city with additional land area that expands the availability of a variety of housing types and locations within the city. The proposed annexation is consistent with the above SACP provision.

- (3) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section A (Coordination Policies), Subsection 6 (Annexation Coordination) (SACP page 24):** The city must provide an opportunity for the affected county to comment on proposals for annexation of territory to the City of Salem.

Marion County was notified of the annexation and provided an opportunity to comment on the annexation. The county did not indicate any objections or comments. Therefore, the intent of the policy is met. The proposed annexation is consistent with the above SACP provision.

- (4) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 1 (Annexation) (SACP page 27):** Marion and Polk Counties should encourage the orderly annexation to the City of Salem of land within the Salem Urban Area.

The Territory is located within the Salem Urban Area and is contiguous to the city limits. Annexation of the Territory allows for the orderly annexation of urbanizable land to the City of Salem. The proposed annexation is consistent with this policy.

- (5) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 3 (UGB is Urbanizable) (SACP page 27):** Territory is considered available for annexation and development to the extent that it is urbanizable and located within the UGB.

The Territory is considered urbanizable because it is located within the UGB, and all needed facilities to support urban development are or can be made available under the City's existing public facilities plans and urban growth management program. Therefore, the Territory is considered available for annexation. The proposed annexation is consistent with the above SACP provision.

- (6) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 1 (Development Guided by Growth Management) (SACP page 29):** The conversion of urbanizable land shall be guided by the Growth Management Program (SRC Chapter 66).

SRC Chapter 66 establishes a comprehensive growth management program for the City of Salem. The Territory would lie within the Salem Urban Area, as defined by SRC Chapter 66. Conversion of the Territory to urban uses will be guided by the City's growth management program. The proposed annexation is consistent with the above SACP provision.

- (7) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 3 (Programming Development) (SACP pages 29-30):** The City shall provide levels of services to city residents consistent with community needs as determined by the City Council, within the financial capability of the city, and subject to relevant legal constraints on revenues and their applications. Considerations for the programming of development are: (a) The financial capability of the city to provide certain facilities and services as authorized through the budgetary process; (b) The technical requirements of public facility master plans; (c) The need for sufficient amounts of buildable land to maintain an adequate supply in the marketplace; and (d) The willingness of the development community to assume the burden of funding the cost of providing certain facilities.

These criteria are factored into the proposed annexation because the Growth Management Program imposes an equitable share of public facility costs on new development by requiring provisions for required facilities by the developer and/or system development charges in connection with the provision of required facilities by the City. Therefore, this policy is satisfied. The proposed annexation is consistent with the above SACP provision.

- (8) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 7 (Development Requiring Water and Sewer) (SACP page 30):** Development will only be allowed within the city limits where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted Growth Management Program.

The City of Salem adopted a Growth Management Program (SRC Chapter 66) that applies to the development of the Territory in the future. City services can be provided to the Territory in the future pursuant to the city's Growth Management Program. The proposed annexation is consistent with the above SACP provision.

In summary, the proposed annexation is consistent with the applicable provisions of the SACP.

Criterion 2: The annexation will result in a boundary in which services can be provided in an orderly, efficient and timely manner;

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, and potential jurisdictional conflicts will not exist. The proposed annexation complies with this criterion.

Criterion 3: The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;

Comments provided by the various city departments indicate that the Territory in the proposed annexation may be served through the orderly, efficient and timely extension of key urban facilities and services as outlined in the city's adopted master plans, CIP and public works and parks design and construction standards. No improvements to urban facilities and services are needed at this time to serve the Territory.

If new development is proposed for the Territory, additional urban facilities and services will be required and will be provided in accordance with the city's adopted master plans, CIP and Urban Growth Management process as set forth in SRC Chapter 66. The territory proposed for annexation lies outside the Urban Service Area. Pursuant to the City's adopted growth management program found in SRC Chapter 66, future development of the Territory must first obtain an Urban Growth Area (UGA) Permit to provide adequate public facilities, including water, sewer, stormwater, transportation, and park services, that may be necessitated by the proposed new development. If such facilities are not provided at public expense under the city's adopted master plans, the CIP, etc., they will be provided at the developer's expense at the time of development. The proposed annexation complies with this criterion.

Criterion 4: The public interest would be furthered by the referral of the annexation to the voters.

The Petitioner has met the annexation, petition, application, information submission, fee, waiver and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040. Annexations, other than annexations made pursuant to annexation contracts effective prior to May 16, 2000, and annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law, are subject to voter approval (City of Salem Charter, Section 61, and SRC 260.020). Therefore, the City is required to refer this proposed annexation to the voters. The proposed annexation of the Territory conforms to the Salem Area Comprehensive Plan. Services can be provided consistent with the City's adopted master plans and Public Works design and construction standards. 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. For these reasons, the public interest would be furthered by the referral of the proposed annexation of the Territory to the voters.

2. The proposed withdrawal of the Territory more specifically described in Exhibit 2 conforms to the following criteria found in SRC 260.065:

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.

Upon approval by the voters, the city will withdraw the Territory from Marion County Fire District #1 and replace those services with service from the City of Salem Fire Department. The criterion for a decision to withdraw the Territory from such a district is whether such withdrawal "is for the best interest of the city," ORS 222.524. No Salem Area Comprehensive Plan provision or any implementing ordinances apply to the withdrawal decision, and none is amended in the process of making the decision. In addition, the decision to withdraw territory and serve the territory with city-supplied urban services rather than district-supplied services would not produce 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. The statutory "best interest of the city" criterion, therefore, is the sole basis for a withdrawal decision.

Based upon the record in this case and after due consideration of such evidence, testimony and objections, if any, the City Council finds it is for the best interest of the city to withdraw the Territory from Marion County Fire District #1 and to provide the Territory with city services because the public good of the City and the citizens residing in the annexed Territory would best be served if the citizens residing in the Territory receive City services without the problems that would result from the Territory being subject to overlapping jurisdictions that provide urban services. It is for the best interest of the City for the citizens who may reside in the newly annexed Territory to not pay both City taxes and an additional assessment to Marion County Fire District #1 to receive services that may readily be supplied by the City with such additional taxation. It is for the best interest of the city not to leave the Territory in Marion County Fire District #1 because that would lead to a fragmented approach to delivery of public services, unequal tax bases, and resistance to cooperation. Withdrawal of the Territory is for the best interest of the City because it would promote efficiency, economy, and sound management in the provision of urban services for newly annexed Territory. The Territory should be withdrawn from Marion County Fire District #1.

FOR CITY COUNCIL MEETING OF:
AGENDA ITEM NO.:

June 23, 2014
4 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH: LINDA NORRIS, CITY MANAGER *Linda Norris*
FROM: GLENN W. GROSS, COMMUNITY DEVELOPMENT DIRECTOR *Glenn W. Gross*
SUBJECT: PETITIONER-INITIATED ANNEXATION OF TERRITORY LOCATED
AT 4911 AND 4922 SWEGLE ROAD NE
(ANNEXATION CASE NO. C-714)

ISSUE:

This is a petitioner-initiated annexation of approximately 1.08 acres (Territory). The annexation includes proposed changes to the Salem Area Comprehensive Plan Map and East Lancaster Neighborhood Plan Map designations for the northern part of the Territory. Council must determine whether to refer the proposed annexation to the voters for the November 4, 2014 election and approve several documents required for the election.

Should the City Council:

1. Find that petitioners submitted a petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222.
2. Determine that Annexation Case No. C-714 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2014-04-ANX (Attachment M).
3. Refer the proposed annexation to the November 4, 2014 election ballot, and, if approved by the voters:
 - A. Change the Salem Area Comprehensive Plan (SACP) Map designation of the 0.39-acre property at 4922 Swegle Road NE from "Single Family Residential" to "Multi-Family Residential" (Attachment B); and
 - B. Change the East Lancaster Neighborhood Plan Map designation of the 0.39-acre property at 4922 Swegle Road NE from Single Family to Multifamily; and
 - C. Apply the City of Salem RM1 (Multiple Family Residential 1) zone to the Territory, which is currently zoned Marion County RM (Multiple Family Residential); and
 - D. Withdraw the Territory from Marion County Fire District #1.
4. Approve the Ballot Measure and the Explanatory Statement (Attachment N).
5. Approve, by motion, the Fact Sheet for the petitioner annexation (Attachment O).

6. Authorize staff to provide information to be included in the Marion County voter pamphlet and to Polk County voters.

RECOMMENDATION:

1. Find that petitioners submitted a petition for annexation of the Territory, in conformance with ORS Chapter 222.
2. Determine that Annexation Case No. C-714 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2014-04-ANX (Attachment M).
3. Adopt Resolution No. 2014-46 (Attachment N), referring this petitioner-initiated annexation to the electors of the City of Salem at the November 4, 2014 election, and approve the Ballot Measure and Explanatory Statement. If approved by the voters, then:
 - A. Change the Salem Area Comprehensive Plan (SACP) Map designation of the 0.39-acre property at 4922 Swegle Road NE from "Single Family Residential" to "Multi-Family Residential" (Attachment B); and
 - B. Change the East Lancaster Neighborhood Plan Map designation of the 0.39-acre property at 4922 Swegle Road NE from Single Family to Multifamily; and
 - C. Apply the City of Salem RM1 (Multiple Family Residential 1) zone to the Territory, which is currently zoned Marion County RM (Multiple Family Residential); and
 - D. Withdraw the Territory from Marion County Fire District #1.
4. Approve, by motion, the Fact Sheet for the petitioner annexation (Attachment O).
5. Authorize staff to provide information to be included in the Marion County voter pamphlet and to Polk County voters.

SUMMARY AND BACKGROUND:

This is a petitioner-initiated annexation of a Territory of approximately 1.08 acres located at 4911 and 4922 Swegle Road NE (Attachment A). The annexation includes proposed changes to the SACP Map and East Lancaster Neighborhood Plan Map designations for the northern part of the Territory. Council must determine whether to refer the proposed annexation to the voters for the November 4, 2014 election and approve several documents required for the election.

The Petitioner has filed a valid annexation petition and findings to address applicable criteria (Attachment C). Annexation requests submitted after May 16, 2000, are subject to voter approval under Section 61 of the Salem City Charter. The Territory's tax lots

total approximately 0.93 acres. The Territory's tax lots and rights-of-way total approximately 1.08 acres. The Territory is owned by a limited liability corporation, Patsy LLC (managing member is Bruce Hoffman, additional members include Linda Susan Cravinho, Diane Marie Whittier, Donna Estelle Hoffman, and Sheryl Denise Barrett).

Annexation Case No. C-714 has been scheduled for a June 23, 2014 public hearing before Council. Notice of the public hearing was duly mailed to those entitled to notice at least ten (10) days before the hearing in accordance with SRC 260.060(b).

FACTS AND FINDINGS:

1. The petitioner has met the annexation, petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040.

Annexations – other than annexations made pursuant to annexation contracts effective prior to May 16, 2000, annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law – are subject to voter approval (City of Salem Charter, Section 61, and SRC 260.020).

The property owners filed the application for annexation for approximately 0.93 acres. The annexation also includes adjacent right-of-way in Swegle Road NE and Gabriela Court NE. Including right-of-way, the Territory is approximately 1.08 acres.

2. The Territory is contiguous to the city limits at the northern, southern, and western property lines and is located inside the Urban Growth Boundary (UGB).
3. The SACP Map designates the southern parcel of the Territory (4911 Swegle Road NE) as "Multi-Family Residential."

The SACP Map designates the northern parcel of the Territory (4922 Swegle Road NE) as "Single-Family Residential." The petitioner is requesting that the designation be changed to "Multi-Family Residential" upon annexation.

The "Multi-Family Residential" designation is implemented in the City through the RM1 (Multiple Family Residential 1) and RM2 (Multiple Family Residential 2) zones.

The Territory is currently zoned RM (Multiple Family Residential) in Marion County and contains one single-family dwelling and several accessory buildings on the northern parcel.

The SACP Map designations for the surrounding area are:

North: Across Swegle Road NE, "Multi-Family Residential"
South: "Multi-Family Residential"
East: "Single-Family Residential"

West: Across Gabriela Court NE, "Single-Family Residential" and "Multi-Family Residential"

The zoning and land use for the surrounding area includes:

North: Across Swegle Road NE, Marion County RM (Multiple-Family Residential) and Marion County RS (Single Family Residential) -- manufactured home park and single family dwelling

South: RS (Single Family Residential) -- manufactured home park

East: Marion County UD (Urban Development) -- single family dwellings

West: Across Gabriela Court NE, RS (Single Family Residential) -- single family dwellings

4. Under SRC 260.045, territory annexed into the City is automatically given the SACP and zoning designations that are equivalent to the applicable county zoning designations, unless the petitioner or Council proposes a new Comprehensive Plan/zone designation.

The petitioner has not requested a Comprehensive Plan change, Neighborhood Plan change, or zone designation change for the 0.54-acre southern parcel of the Territory (4911 Swegle Road NE) under SRC 260.045(a)(2). Therefore, the City equivalent SACP designation of "Multi-Family Residential" and RM1 (Multiple Family Residential 1) will be applied automatically to that parcel.

The 0.39-acre northern parcel of the Territory (4922 Swegle Road NE) is zoned RM (Multiple Family Residential) in Marion County, and the equivalent City SACP designation and zoning designation in Table 260-1 would be "Multi-Family Residential" and RM1 (Multiple Family Residential 1) or RM2 (Multiple Family Residential 2). However, the SACP Map designates the parcel as "Single-Family Residential." Therefore, the equivalent city designation in Table 260-1 is inconsistent with the SACP map designation.

To resolve the inconsistency between the equivalent City designation in Table 260-1 and the SACP map designation, the petitioner has requested a Comprehensive Plan change to "Multi-Family Residential" and a Neighborhood Plan change to Multifamily for the northern parcel of the Territory.

For annexations that propose a change in the comprehensive plan designation or a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, SRC 260.130(c)(5) provides that Council shall determine whether the proposal meets the following criteria:

- (A) The comprehensive plan and zone designation provides for the logical urbanization of land;
- (B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;
- (C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and

(D) It is in the public interest that the proposed change be made.

Pursuant to SRC 260.045(b), the Planning Commission held a public hearing on May 6, 2014 to review the proposed designations and conceptual plan for 4922 Swegle Road NE, found that the proposal met the applicable criteria, and voted to recommend that Council approve the petitioner-initiated Comprehensive Plan change and Neighborhood Plan change (Attachment D). Findings of compliance with the applicable criteria are set forth in Attachment E and in Exhibit 3 of the proposed order.

Unless Council modifies or rejects the Planning Commission's recommendation and rejects the conceptual plan pursuant to SRC 260.060(d), the SACP designation of MF "Multi-Family Residential," East Lancaster Neighborhood Plan designation of Multifamily, and equivalent RM1 (Multiple Family Residential 1) zone will be applied to the 0.39- acre property at 4922 Swegle Road NE.

5. Public and Private Facilities and Services Comments

- A. Public Works Department, Parks. The Parks Division indicated that no additional park land is needed to serve this annexation (Attachment F).
- B. Finance Department. The Finance Department submitted comments regarding property tax limits, rates, and other information related to the financial impacts of annexation (Attachment G).
- C. Fire Department. The Salem Fire Department response time to this location is approximately 4.5 to 6 minutes depending on road conditions, traffic, and similar variables. Primary fire protection and EMS service would be provided from Fire Station No. 3, located at 1884 Lansing Avenue NE. Secondary service would be provided from Fire Station No. 10, located at 3611 State Street (Attachment H).
- D. Police Department. The Salem Police Department has reviewed the proposal and had no comments.
- E. Public Works Department. The Public Works Department stated that the territory is located inside the Urban Service Area (USA) and an Urban Growth Area Development Permit is not required (Attachment I).
- F. Salem-Keizer School District. The Salem-Keizer School District estimates that the proposed annexation would add 3 additional students, assuming the property redevelops at densities allowed in the requested zones. The annexation would create an estimated short-term cost to the District for new facilities, beyond current capacity, due to change in enrollment, of \$0 (Attachment J).

6. Citizen and Neighborhood Association Comments

Staff has not received any written citizen comments regarding the annexation.

The City notified the East Lancaster Neighborhood Association (ELNA) of the proposed annexation. On April 17, 2014, ELNA submitted comments indicating it has a standing position not to oppose small annexations, but it reserves the right to object to zone changes at annexation. ELNA decided not to take a position for or against the annexation, but submitted comments (Attachment K). The comments indicate that neighbors would prefer the area not be re-zoned to RM, that neighbors were concerned about traffic impacts if residents begin to park on the narrow street, that the Land Use Chairperson saw no evidence to support the request for a higher-density zone because no changes have taken place in the area in years to suggest that an increase in density is warranted, and that a duplex can be built on the property without a zone change to RM.

Staff response: The proposal is intended to resolve an inconsistency between the current zoning of Marion County RM and the SACP map designation of "Single-Family Residential" for the northern parcel. The conceptual plan would result in a total of four dwelling units and eight off-street parking spaces. If the northern parcel is annexed with the SACP map designation of "Single-Family Residential" and RS zoning, it could be partitioned into three parcels that could be developed with a total of four dwelling units and a minimum of eight off-street parking spaces. Therefore, the development density and off-street parking would be similar for either SACP designation. Gabriela Court NE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way, meeting the standards of the Salem Transportation Systems Plan for a local street. Additional street improvements may be required if future development meets the definition of development in SRC 77.150(a)(1). If the SACP map designation of the northern parcel is changed to "Multi-Family Residential," the northern parcel could be developed in coordination with the abutting parcel to the south, which is also owned by the petitioner, already designated "Multi-Family Residential" in the SACP, and proposed for RM1 zoning upon annexation. Multi-family design review standards or guidelines would apply to both parcels, and coordinated development of the two small parcels could result in a more cohesive and efficient design and a shared driveway on Gabriela Court NE. This could leave more of the street frontage available for overflow parking.

7. Fiscal Impact of Annexation

The potential impact of the annexation, based upon an assumed density of no more than 11 dwelling units per acre, on the City of Salem's General Fund is dependent upon the value and extent of the property's ultimate development, the year in which the cost and revenue is measured, and the level of City services available at that time.

ECONorthwest's "Fiscal Impact Analysis Relating to City Growth and Annexations," dated January 18, 2001 and updated in 2007, provides the model for determining the impact on Salem's General Fund. This model utilizes the fiscal year 2013-14 adopted budget to estimate the fiscal impacts of the proposed annexation. The fiscal impact model created by ECONorthwest estimated the proposed annexation would create an annual deficit of \$2,404 to the City's General Fund given the current level of service for park, library and fire

facilities. Attachment L contains a detailed summary of the estimated fiscal impact of annexation.

8. SRC 260.060(c) requires Council to determine whether or not the proposed annexation meets the following criteria:
 - (1) The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable Statewide Planning Goals;
 - (2) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;
 - (3) The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;
 - (4) The public interest would be furthered by the referral of the annexation to the voters.

Attachment M contains findings demonstrating compliance with these criteria.

9. Staff must provide the Ballot Measure to the Marion County Elections Office on or before September 5, 2014. The resolution to refer the annexation to the electors has been prepared and is submitted to the City Council to allow for processing and appeal deadlines. Staff has prepared the Ballot Measure, Explanatory Statement, and Fact Sheet for this annexation.
10. The Ballot Title for this annexation will be prepared and deposited with the City Recorder by the City Attorney under SRC 11.266(c). The Ballot Title is officially prepared and deposited with the City Recorder under SRC 11.266(d) on the date the resolution is approved by Council. Any appeal of the Ballot Title must be made within five business days of the date the Ballot Title is filed with the City Recorder.
11. SRC 260.075(a) requires the Community Development Director to prepare an Explanatory Statement for each annexation proposal. According to ORS 251.354, an Explanatory Statement shall include an "impartial, simple and understandable statement explaining the measure and its effect." Explanatory Statements are limited in length to 500 words.

Explanatory Statements are contained in the County's voter pamphlet, if one is printed. Marion County typically chooses to print a voter pamphlet. Polk County does not.

City practice in regard to annexations has been to make the same information available to all voters, regardless of County residency. During the last election when annexations were considered, the same information that is published in the Marion County's voter pamphlet was sent to City residents in Polk County. The information included the Ballot Title, Ballot Measure, Explanatory Statement, and a vicinity map for each annexation. No opinion statements were included in the

City-distributed materials. Upon authorization by Council, these materials will be provided to Marion County for inclusion in the Marion County voter pamphlet and mailed to applicable Polk County voters. The owners of the petitioner-initiated annexation proposals are responsible for reimbursing the City for these costs.

12. SRC 260.075(b) also requires the Community Development Director to make available a Fact Sheet for each annexation proposal and obtain Council approval prior to public distribution. Fact Sheets are not included in the County's voter pamphlet, but are made available by the City. There are no word limits for the Fact Sheets.
13. SRC 260.075(b) requires the City to make the Fact Sheet available to the voters no less than 20 days prior to the election. October 15, 2014 is 20 days prior to the November 4, 2014 election. The schedule is to post copies of annexation Fact Sheets on the City's web page, provide copies at various City offices, including, but not limited to, the Community Development Department, the Permit Application Center, the City Recorder's office, the City Libraries, and other appropriate locations prior to October 15, 2014. The Fact Sheet includes the following information about the annexation proposal: location, acreage, type of annexation, Comprehensive Plan designation, proposed zoning classification, potential use(s), public facilities and services, City fiscal impact, school fiscal impact, and contact resources for additional information.
14. As demonstrated by the Facts and Findings and found in Attachment M, the proposed annexation and service district withdrawal conforms to State law requirements and the criteria found in SRC 260.060(c). The annexation and application of zoning to the Territory are consistent with the public interest, and referral of the proposed annexation to the electors of the City is in the best interest of the public.

For these reasons, staff recommends that the City Council:

1. Find that petitioners submitted a petition for annexation of the Territory, in conformance with ORS Chapter 222.
2. Determine that Annexation Case No. C-714 satisfies the criteria of SRC 260.060(c) and adopt Order No. 2014-04-ANX (Attachment M).
3. Adopt Resolution No. 2014-46 (Attachment N), referring this petitioner-initiated annexation to the electors of the City of Salem at the November 4, 2014 election, and approve the Ballot Measure and Explanatory Statement. If approved by the voters, then:
 - A. Change the Salem Area Comprehensive Plan (SACP) Map designation of the 0.39-acre property at 4922 Swegle Road NE from "Single Family Residential" to "Multi-Family Residential" (Attachment B); and

- B. Change the East Lancaster Neighborhood Plan Map designation of the 0.39-acre property at 4922 Swegle Road NE from Single Family to Multifamily; and
 - C. Apply the City of Salem RM1 (Multiple Family Residential 1) zone to the Territory, which is currently zoned Marion County RM (Multiple Family Residential); and
 - D. Withdraw the Territory from Marion County Fire District #1.
- 4. Approve, by motion, the Fact Sheet for the petitioner annexation (Attachment O).
 - 5. Authorize staff to provide information to be included in the Marion County voter pamphlet and to Polk County voters.

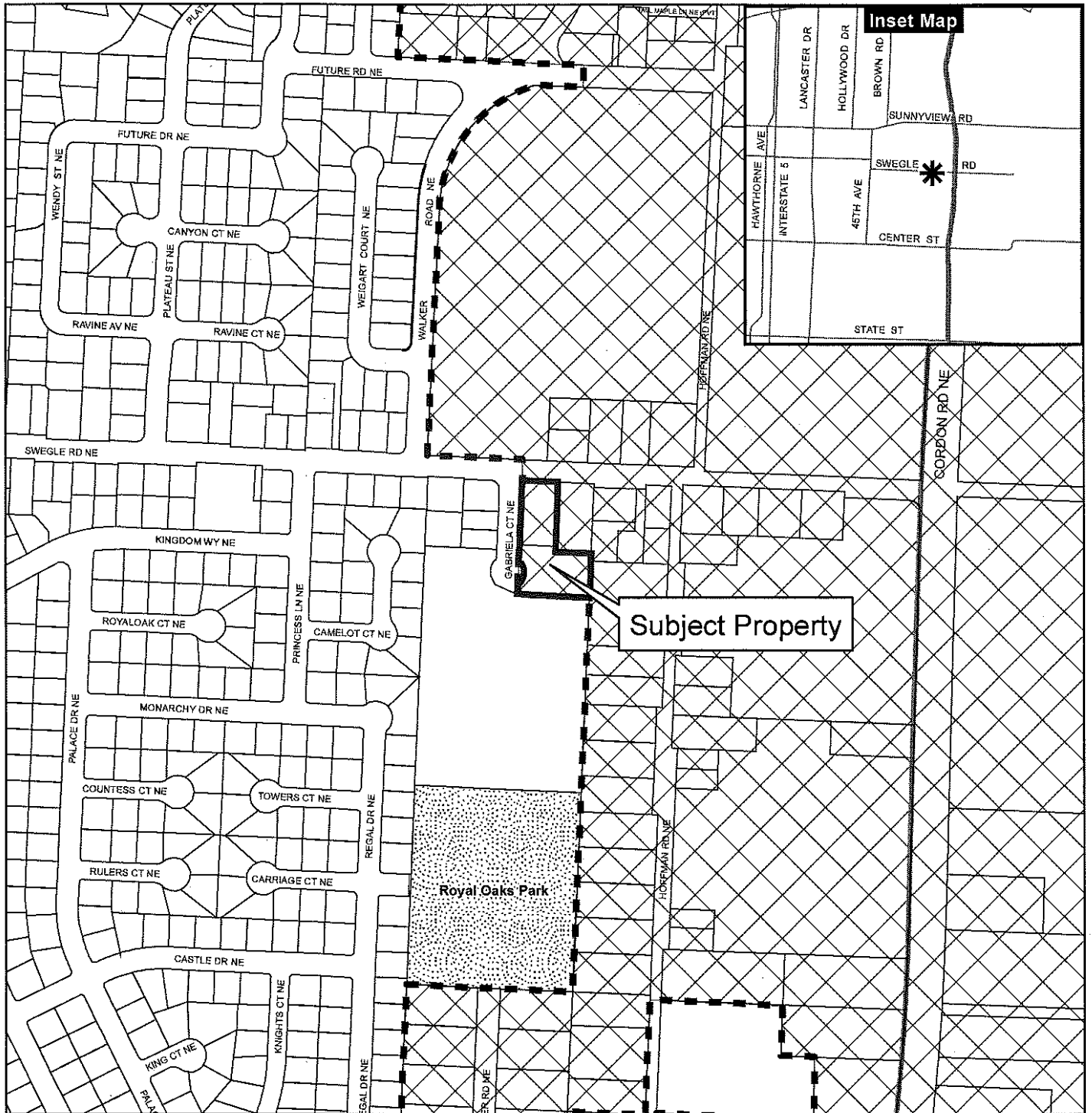


Lisa Anderson-Ogilvie,
Urban Planning Administrator

- Attachments:
- A. Map Showing Area of Proposed Annexation
 - B. Conceptual Plan
 - C. Annexation Petition
 - D. Planning Commission Action Sheet
 - E. Planning Commission staff report, dated May 6, 2014
 - F. Public Works Department, Transportation and Parks Planning Division Comments
 - G. Finance Department Comments
 - H. Fire Department Comments
 - I. Public Works Department Comments
 - J. Salem-Keizer School District Comments
 - K. East Lancaster Neighborhood Association Comments
 - L. General Revenue Impacts
 - M. Order No. 2014-04-ANX Adopting the Final Decision and Findings of Compliance
 - N. Resolution 2014-46 which includes the Ballot Measure and Explanatory Statement
 - O. Fact Sheet for ANXC-714

Vicinity Map C-714

4911 and 4922 Swegle Road NE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

SUNSET MOBILE HOME PARK

RM

RS



SWEGLE ROAD

RS

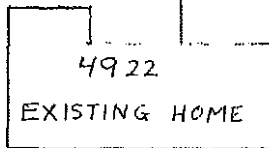
RS

RS

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GABRIELA STREET

MF



RM-1

UD

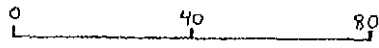
TRI-
PLEX

4911



RM

ROYAL OAKS
MOBILE HOME PARK



SCALE 1" = 40'

City of



PERMIT APPLICATION CENTER/CITY HALL
555 LIBERTY STREET SE/ROOM 320
SALEM, OREGON 97301
(503) 588-6256
Website: www.cityofsalem.net

ANNEXATION PETITION AND
CONSENT AND WAIVER OF BALLOT MEASURE 49 CLAIMS

TO: The Honorable Mayor and City Council of the City of Salem, Marion County, State of Oregon

Petitioner(s): PATSY LLC is/are the legal owner(s) or contract purchaser(s) of the following described real property (the Territory) comprising approximately .93 acres, and located outside of, but contiguous to, the corporate boundaries of the City of Salem: 072W20CA03100 and 072W20BD01600 [add legal description or tax lot number]

Petitioner(s) respectfully request(s) that the Territory be annexed to the City of Salem, and by my/our signature(s) hereon, (does)(do) hereby consent to such annexation, and (does)(do) hereby request that the City Council take such steps as are necessary to determine whether the Territory should be annexed and to submit the annexation to the electors of the City of Salem, as required by Salem City Charter, Section 61.

Petitioner(s) knowingly and willingly waive(s) any and all claims that I/we might assert against the City of Salem arising out of, or resulting from, or are in anyway connected to, those certain statewide initiative commonly known as Ballot Measure 49 or any successors thereto, and that might accrue as a result of the annexation of the territory into the City of Salem, or the imposition of City of Salem land use regulations pursuant thereto, whether the claims be past, present or future. Petitioner(s) hereby consent(s) to the imposition of such land use regulations that are in existence at the time of annexation, and to which the territory becomes subject as a result of the annexation into the corporate limits of the City of Salem.

Owner(s) or Contract Purchaser(s):
(Owner/Purchaser signatures)

BRUCE HOFFMAN
Agent for PATSY LLC

Address:

2838 LIVINGSTON ST NE
SALEM OR 97301

Turn over for chief petitioner statement and notarization of signature(s).

I, BRUCE HOFFMAN, Chief Petitioner, upon oath or affirmation, say that I secured each signature appearing on the foregoing petition, and each name was signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts, and I further affirm that, to the best of my knowledge, the individuals above named constitute more than half of the owners of land in the territory proposed to be annexed and these owners also own more than half of the land in the territory and own real property in that territory representing more than half of the assessed value of all real property in the territory.

[Signature]
Chief Petitioner (Chief Petitioner Signature)

STATE OF OREGON)
COUNTY OF Mason ss.

Signed and sworn to/affirmed before me on 24 Oct, 2013 by Linnea Prock

(Name or Names of Persons Signing)

[Signature]
NOTARY PUBLIC FOR OREGON (Notary Signature)

My Commission expires: 8/28/16



(NOTARY SEAL)

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173.*

RECOMMENDATION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE
CASE NO. CPC-NPC14-04

APPLICATION NO. : 14-106038-ZO & 14-106040-ZO

NOTICE OF DECISION DATE: MAY 7, 2014

REQUEST: This is a Comprehensive Plan Change and Neighborhood Plan Change for property that is proposed to be annexed into the City of Salem. The applicant requests a Comprehensive Plan Change from Single-Family Residential to Multi-Family Residential and East Lancaster Neighborhood Plan Change from Single Family Residential to Multifamily for the 0.39 acre property located at 4922 Swegle Road NE 97301 (Marion County Assessor's Map and Tax Lot Number 072W20BD 01600) and zoned Marion County RM (Multiple Family Residential); this application is concurrent with a petitioner-initiated annexation of territory approximately 0.93 acres in size located at 4911 and 4922 Swegle Road NE 97301 (Marion County Assessor's Map and Tax Lot Numbers 072W20CA03100 and 072W20BD01600); both properties are zoned Marion County RM (Multiple Family Residential), and the petitioner has requested that they be annexed with the Salem Area Comprehensive Plan designation of Multi-Family Residential, East Lancaster Neighborhood Plan designation of Multifamily, and City of Salem zoning of RM1 (Multiple Family Residential). The entire territory would be withdrawn from Marion County Fire District #1.

APPLICANT: PATSY, LLC

LOCATION: 4922 SWEGLE RD NE

CRITERIA: Salem Revised Code Chapter 260

FINDINGS: The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated May 6, 2014, herewith attached and by this reference incorporated herein.

DECISION: Based upon the foregoing findings and conclusions, the Planning Commission **RECOMMENDS** to City Council:

- A. That the Salem Area Comprehensive Plan change from "Single-Family Residential" to "Multi-Family Residential" be GRANTED and
- B. That the East Lancaster Neighborhood Plan Change from Single Family to Multifamily be GRANTED and
- C. That the equivalent City of Salem RM1 (Multiple Family Residential 1) zoning be applied upon annexation of the property.

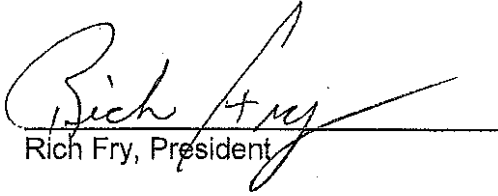
NOTICE OF RECOMMENDATION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF *Salem*
AT YOUR SERVICE

VOTE:

Yes 4 No 0 Absent 2 (Lewis, Palmateer)


Rich Fry, President

A copy of the recommendation is attached.

Case Manager: Pamela Cole, pcole@cityofsalem.net

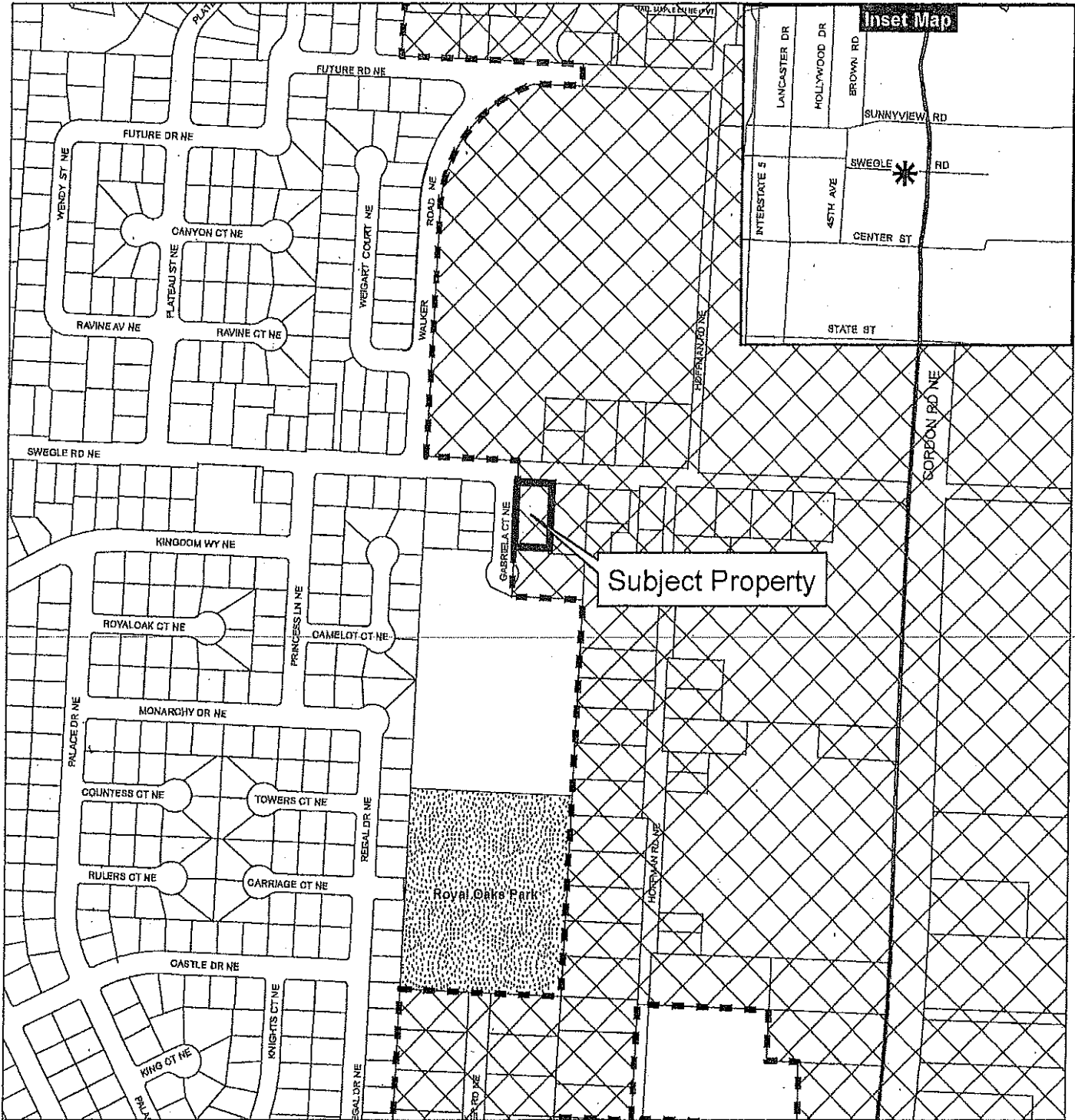
The Salem City Council will hold a public hearing to receive additional evidence and testimony, and this recommendation of the Planning Commission and staff. After due deliberation, the City Council will make a final decision on the application. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the decision mailing date.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during city business hours, 8:00 a.m. to 5:00 p.m. Contact Pamela Cole, Case Manager at 503-540-2309 or pcole@cityofsalem.net to review the case file.

<http://www.cityofsalem.net/planning>

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2014\Case Processing Docs\CPC-NPC14-04 - 4922 Swegle Rd NE for Annex C-714 (Pamela)\CPC-NPC14-04 Notice of Recommendation.doc

Vicinity Map 4922 Swegle Road NE



Subject Property

Royal Oaks Park

Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools

Parks

CITY OF Salem
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Community Development Dept.

0 100 200 400 Feet



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FOR MEETING OF: May 6, 2014
AGENDA ITEM NO.: 6.1

TO: Planning Commission *[Signature]*

FROM: Lisa Anderson-Ogilvie, Urban Planning Administrator

STAFF: Pamela Cole, Planner II *[Signature]*

HEARING DATE: May 6, 2014

APPLICATION: Comprehensive Plan Change - Neighborhood Plan Change 14-04

LOCATION: 4922 Swegle Road NE

SIZE: 0.39 acres

REQUEST: This is a Comprehensive Plan Change and Neighborhood Plan Change for property that is proposed to be annexed into the City of Salem. The applicant requests a Comprehensive Plan Change from "Single-Family Residential" to "Multi-Family Residential" and East Lancaster Neighborhood Plan Change from Single Family Residential to Multifamily for the 0.39 acre property located at 4922 Swegle Road NE 97301 (Marion County Assessors Map and Tax Lot Number 072W20BD01600) and zoned Marion County RM (Multiple Family Residential); this application is concurrent with a petitioner-initiated annexation of territory approximately 0.93 acres in size located at 4911 and 4922 Swegle Road NE 97301 (Marion County Assessors Map and Tax Lot Numbers 072W20CA03100 and 072W20BD01600); both properties are zoned Marion County RM (Multiple Family Residential), and the petitioner has requested that they be annexed with the Salem Area Comprehensive Plan designation of "Multi-Family Residential," East Lancaster Neighborhood Plan designation of Multifamily, and City of Salem zoning of RM1 (Multiple Family Residential). The entire territory would be withdrawn from Marion County Fire District #1.

APPLICANT: Patsy LLC (Members Linda Susan Cravinho, Diane Marie Whittier, Donna Estelle Hoffman, Sheryl Denise Barrett), represented by Bruce Hoffman, Managing Member

APPROVAL CRITERIA: Comprehensive Plan Designation for Proposed Annexation: Salem Revised Code, Chapter 260.045(b)(1)-(4)

RECOMMENDATION: Adopt the findings of this report and recommend approval of Comprehensive Plan Change - Neighborhood Plan Change 14-04 to City Council

APPLICATION PROCESSING

Subject Application

Bruce Hoffman, on behalf of the property owner, Patsy LLC, filed an application for a Comprehensive Plan Change and Neighborhood Plan Change for the 0.39-acre subject property (Attachment 1), which is under consideration to be annexed to the City of Salem. The annexation territory includes 0.54 contiguous acres at 4911 Swegle Road NE that are not subject to this Comprehensive Plan Change and Neighborhood Plan Change application. The total annexation territory including right-of-way is approximately 1.08 acres.

The entire 1.08-acre annexation territory is currently zoned Multiple Family (RM) in Marion County. The northern parcel, 4922 Swegle Road NE, is designated "Single-Family Residential" in the Salem Area Comprehensive Plan (SACP) and Single Family in the East Lancaster Neighborhood (ELNA) Land Use Plan Map. The southern parcel, 4911 Swegle Road NE, is designated "Multi-Family Residential" in the SACP and Multifamily in the ELNA Land Use Plan Map.

Salem Revised Code (SRC) Chapter 260 contains annexation procedures. SRC 260.045, Land Use Designations, provides that territory annexed into the city shall be automatically given the city comprehensive plan designation and zoning designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless one or more of the following apply: (1) the petitioner requests a new comprehensive plan designation, or zone designation other than the equivalent city designation in Table 260-1, in the petition for annexation; (2) the City Council proposes a new comprehensive plan designation, or zone designation other than the equivalent city designation in Table 260-1, in the resolution initiating the annexation; or (3) the equivalent city designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan.

In Table 260-1, the equivalent city zoning designation for the Marion County RM zoning designation would be RM1 (Multiple Family Residential 1) or RM2 (Multiple Family Residential 2) and the equivalent city comprehensive plan designation would be "Multi-Family Residential." The equivalent city comprehensive plan designation of "Multi-Family Residential" in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan map designation of "Single-Family Residential" for 4922 Swegle Road NE. To resolve the inconsistency, the petitioner requests a new comprehensive plan designation of "Multi-Family Residential" and ELNA designation of Multifamily for 4922 Swegle upon annexation, along with a zoning designation of City of Salem RM1.

In Table 260-1, the existing SACP map designation of "Single-Family Residential" is equivalent to a Marion County RS (Single Family Residential) or UD (Urban Development) zoned and a Salem RS (Single Family Residential) zone.

Zoning and comprehensive plan designations apply within road rights-of-way. When designations are different on opposite sides of a street, the designation on each side applies to the centerline of the street. The northern side of the centerline of Swegle Road NE is designated "Multi-Family Residential" in the SACP and Multifamily in the ELNA Land Use Plan Map and zoned RM in Marion County, so the equivalent zoning designation of RM1 from Table 260-1 is consistent with the Salem Area Comprehensive Plan map. The southern side of the centerline of Swegle Road NE is designated "Single-Family Residential" in the SACP and Single Family in the ELNA Land Use Plan Map and zoned RM in Marion County. The requested changes to the "Multi-Family Residential" SACP designation and Multifamily ELNA designation would apply to the southern side of the Swegle Road NE centerline right-of-way within the annexation territory.

Notice of a proposed comprehensive plan change and neighborhood plan change must be given in accordance with Section 300.720(b) of the Salem Revised Code (Attachment 2).

Annexations where a new comprehensive plan map designation is proposed require a public hearing before the Planning Commission. Pursuant to SRC 260.045(b), upon holding a public hearing, the

Planning Commission shall make a recommendation to the City Council whether, in light of the conceptual plan, to adopt the proposed designation, the equivalent designation, or a different designation to the City Council regarding the proposed Comprehensive Plan and zoning designations. Staff forwards the Planning Commission's recommendation to the City Council as part of the staff report for the annexation public hearing. The public hearing before City Council regarding annexation of the subject property is tentatively scheduled for June 23, 2014. The Council has the authority in SRC 260.060(d) to adopt, modify, or reject the Planning Commission's recommendation for land use designations, and approve or reject the conceptual plan.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes (ORS) 227.178).

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on April 16, 2014 (Attachment 2).
2. The property was posted in accordance with the posting provision outlined in SRC 300.720.
3. State law (ORS 197.610) and SRC 300.720(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan. The City delivered notice of this proposal to DLCD on April 1, 2014.

BACKGROUND INFORMATION

Summary of Requested Action

The subject property for the Comprehensive Plan Change and Neighborhood Plan Change at 4922 Swegle Road NE is approximately 0.45 acres including right-of-way and is located entirely within the Salem Urban Growth Boundary (UGB) and Urban Service Area, but outside the city limits. The applicant submitted an annexation request concurrent with this Comprehensive Plan Change and Neighborhood Plan Change request. If the City Council refers the proposed annexation to the voters, the annexation is scheduled for inclusion on the November 4, 2014 ballot.

The pre-application conference concerning the proposed annexation was held on April 22, 2013.

The subject property at 4922 Swegle Road NE is currently occupied by a single family residence. The contiguous property to the south is also owned by the petitioner, designated "Multi-Family Residential" in the SACP, zoned RM in Marion County, and vacant. The requested change to "Multi-Family Residential" SACP designation and application of the RM1 zone upon annexation would allow development of 4922 Swegle Road NE at the same density (8 to 14 units per acre) as the petitioner's abutting property at 4911 Swegle Road NE.

The applicant has the burden to prove that all necessary criteria in SRC Chapter 260 have been met to approve the proposed change. In this case, staff finds that the applicant meets the burden of proof. Approval of this request would result in a residential development that provides diversity of housing types and is consistent with the Salem Area Comprehensive Plan.

Neighborhood Association Comments

SRC 300.720(b)(2)(A)(i) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is within the East Lancaster Neighborhood Association boundary. The association's comments are

included as Attachment 3. While the association decided not to take a position for or against the proposal, they commented that neighbors would prefer the area not be re-zoned to RM, that neighbors were concerned about traffic impacts if residents begin to park on the narrow street, that the Land Use Chairperson saw no evidence to support the request for a higher density zone because no changes have taken place in the area in years to suggest that an increase in density is warranted, that a duplex can be built on the property without a zone change to RM, and that ELNA reserves the right to object to zone changes at annexation.

Staff response: The proposal is intended to resolve an inconsistency between the current zoning of Marion County RM and SACP map designation of "Single-Family Residential," and the conceptual plan would result in a total of four units on the property. If the property is annexed with the SACP map designation of "Single-Family Residential" and RS zoning, it could be partitioned into three parcels that could be developed with a total of four dwelling units; therefore, the density and possible impact of on-street parking would be similar for either SACP designation. Gabriela Court NE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way, meeting the standards of the Salem Transportation Systems Plan for a local street. Additional street improvements may be required if future development meets the definition of development in SRC 77.150(a)(1). If the SACP map designation is changed to "Multi-Family Residential," the subject property could be developed in coordination with the abutting parcel to the south, which is also owned by the applicant, already designated "Multi-Family Residential" in the SACP, and proposed for RM1 zoning upon annexation. Multi-family design review standards or guidelines would apply to both parcels, and coordinated development of the two small parcels could result in a more cohesive and efficient design and a shared driveway on Gabriela Court NE. This could leave more of the street frontage available for overflow parking.

Public Comments

As of the date of this staff report, no comments have been received from adjoining property owners or citizens at large.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 4). The Assistant City Traffic Engineer reviewed the applicant's Transportation Planning Rule (TPR) Analysis (Attachment 5) and found that the small increase in traffic with the change to "Multi-Family Residential" SACP designation and application of the equivalent city zoning of RM1 does not have a significant effect on the transportation system and complies with the Transportation Planning Rule.

Police Department – The Police Department reviewed the proposal and indicated that they have no comments.

Fire Department – The Fire Department reviewed the proposal and indicated that they have no comments.

Public and Private Agency Comments

As of the date of this staff report, no comments have been received from public and private agencies and service providers.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan Map designates the subject property as "Single-Family Residential." The Comprehensive Plan designations of all surrounding properties are:

North: Across Swegle Road NE, "Multi-Family Residential"
South: "Multi-Family Residential"
East: "Single-Family Residential"
West: Across Gabriela Court NE, "Single-Family Residential"

Applicable Detail Plans

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function.

East Lancaster Neighborhood Plan: The generalized land use map designates the subject property Single Family.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located at the intersection of Swegle Road NE and Gabriela Court NE. Swegle Road NE is designated a Minor Arterial and Gabriela Court NE is designated a Local street. The applicant's Conceptual Plan (Attachment 6) shows that access would be provided to the subject property by an existing driveway from Swegle Road NE to the garage of the existing single family dwelling and driveways from Gabriela Court NE to garages serving each unit of the proposed tri-plex.

The State Transportation Planning Rule (TPR) specifies a connection between lots, streets, and pedestrian facilities. The applicant/developer is required to provide pedestrian/bicycle access to abutting public streets. Pedestrian access must be conveniently located and must provide a reasonably direct route to public streets served by mass transit. Sidewalks would be required if the proposed tri-plex is developed. The applicant provided trip generation findings regarding statewide Planning Goal 12 (Transportation) (Attachment 5) and concluded that the anticipated traffic from the proposed development would not have a significant impact on the transportation system beyond what could be generated if 4922 Swegle Road NE was annexed with a "Single-Family Residential" SACP designation and Single Family Residential zoning. Staff concurs with these findings.

Zoning and Uses

The subject property is currently zoned RM (Multiple Family Residential) in Marion County. Zoning and uses of surrounding properties include:

North: Across Swegle Road NE, Marion County RM (Multiple-Family Residential) and Marion County RS (Single Family Residential) -- manufactured home park and single family dwelling
South: Marion County RM (Multiple-Family Residential) -- vacant
East: Marion County UD (Urban Development) -- single family dwelling
West: Across Gabriela Court NE, RS (Single Family Residential) -- single family dwellings

Existing Site Conditions

The subject property is a flat site at the southeast corner of Swegle Road NE and Gabriela Court NE and is developed with a single family dwelling and accessory building.

SRC Chapter 68, Trees. The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. No heritage trees, significant trees, or trees and native vegetation in riparian corridors are present, and the subject property is less than 20,000 square feet in area.

Wetlands and Waterways. Based upon a review of the data in the City geographic information system, the subject property contains no wetlands or waterways but does contain hydric soils and hydric soil

inclusions. The applicant obtained an Offsite Wetland Determination Report from the Oregon Department of State Lands (DSL) indicating that the property does not contain jurisdictional wetlands or other waters that would require state permits (Attachment 7).

Conceptual Plan

The applicant provided a Conceptual Plan for the subject property (Attachment 6) as required under SRC 260.035(b)(4)(D). Development of the property shall be in substantial conformance with the conceptual plan according to SRC 260.090, and the applicant will be responsible for compliance with all applicable regulations at the time of development, including multi-family design review, parking, landscaping, and site plan review.

The conceptual plan illustrates the existing single family dwelling and driveway and a proposed tri-plex and driveways. The conceptual plan indicates that the tri-plex would replace an existing accessory structure.

The proposed development of four units would have a density range of 10 dwelling units per gross acre, which is within the range of 8 to 14 units per acre allowed in the City of Salem RM1 zone.

The maximum density allowed in the Marion County RM zone would be one dwelling unit per 1,500 square feet of lot area, or 11 units for the subject property. This density of 28 units per acre would be equivalent to the maximum density allowed in the City of Salem RM2 zone.

Applicant Submittal Information

ANALYSIS AND FINDINGS FOR COMPREHENSIVE PLAN CHANGES WITH ANNEXATION

The applicant provided an analysis of the traffic impacts of the proposed development. Staff accepted the application without additional proposed findings because the applicant is requesting a comprehensive plan map designation of "Multi-Family Residential" that is equivalent in Table 260-1 to the current RM zoning in Marion County and the applicant's conceptual plan for four dwelling units would result in fewer than the 11 dwelling units that could be developed on the subject property under the density limitations for the Marion County RM zoning.

Salem Revised Code, Chapters 260.045(b) and 260.060(c)(5) provide the criteria for the approval of Comprehensive Plan Changes and Zone Changes with annexation applications. The only difference between these two code sections is the reference to the decision-making group, either the Planning Commission or the City Council. The applicable criteria are stated below in ***bold italic*** print. Following each criterion are staff findings relative to the changes requested.

Criterion 1: Whether the comprehensive plan and zone designation provides for the logical urbanization of land;

Staff Finding: A comprehensive plan designation of "Multi-Family Residential" and zoning of RM1 with a conceptual plan for four dwelling units provides for the logical urbanization of the subject property because the area is adequately served by linking streets and water, sewer, and stormwater facilities. The subject property and surrounding properties are located within the Urban Service Area. City stormwater mains and sewer lines are located in Swegle Road NE and Gabriela Court NE; the subject property became eligible for public sewer service when the applicant filed the annexation petition. A city water line is available in Gabriela Court NE, and the subject property will be eligible for public water service after the annexation petition has been approved by City Council. At the time of development of the additional units proposed in the conceptual plan, street improvements may be required and would be constructed in compliance with applicable development standards. The proposal meets this criterion.

Criterion 2: *Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;*

Staff Finding: The proposed comprehensive plan designation of "Multi-Family Residential," conceptual plan for four dwelling units, and application of RM1 zoning are compatible with the surrounding development patterns and consistent with the established uses in the vicinity and the overall character of the neighborhood. Development of the property at 4922 Swegle Road NE as multi-family residential with RM1 density of 8 to 14 units per acre would also be compatible with future development resulting from the "Multi-Family Residential" SACP designation and RM1 zoning that would be applied upon annexation of the contiguous property under the same ownership at 4911 Swegle Road NE.

The properties surrounding the annexation territory are developed with a mix of single family dwellings and manufactured dwelling parks and designated "Multi-Family Residential" or "Single Family Residential" in the SACP. One property to the north is designated "Multi-Family Residential" in the SACP and zoned RM in Marion County and developed with approximately 5 manufactured dwellings per acre; if that property is annexed, the equivalent zoning designation according to Table 260-1 would be RM1 or RM2, and the property could be redeveloped at a density of eight to 28 units per acre. The other property to the north is designated "Multi-Family Residential" in the SACP and zoned RS in Marion County and developed with a single family dwelling. The property immediately to the south is under the same ownership as the subject property, part of the proposed annexation territory, designated "Multi-Family Residential" in the SACP, designated Multifamily in the ELNA plan map, and zoned RM in Marion County; the property further to the south is designated "Multi-Family Residential" in the SACP, designated Multifamily in the ELNA plan map, zoned RS in Salem, and developed with a density of approximately 7 manufactured dwellings per acre. The property to the east is designated "Single-Family Residential" in the SACP and zoned UD (Urban Development) in Marion County; if this property is annexed, the equivalent city zone under Table 260-1 would be RS. The three parcels to the west were created through a partition and are designated "Single-Family Residential" in the SACP, Multifamily in the ELNA plan map, and zoned RS; the corner lot of 7942 square feet could be developed with a duplex and the other lots are developed or developable for single family dwellings, for a total of four dwelling units on 0.4 acre, or 10 units per acre. The proposed conceptual plan for four units at 4922 Swegle Road NE would result in the same density as the development on the three parcels on the west side of Gabriela Court NE.

If the comprehensive plan change to "Multi-Family Residential" is not granted, the subject property would retain a "Single-Family Residential" SACP designation that would be inconsistent with the current Marion County RM zoning, and the Planning Commission would recommend that Council propose the equivalent city zone of RS (Single Family Residential) in the resolution initiating the annexation. Under RS zoning, the subject property could be developed with up to four dwelling units if it is partitioned into a 7,000 square foot corner parcel for a duplex and two 4,000 square foot parcels with frontage on Gabriela Court SE for single family dwellings. The proposed comprehensive plan change to "Multi-Family Residential" and conceptual plan for four dwelling units with RM1 zoning would result in the same number of dwelling units as the maximum allowed under RS zoning.

The proposal meets this criterion.

Criterion 3: *Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and*

Staff Finding: Staff consulted Marion County Planning staff and learned that the subject property has been zoned RM since at least the early 1990s, and the SACP map from 1993 designated the property as "Single-Family Residential." The ELNA plan map adopted in 1984 designated the subject property as Single Family and designated the property on the west side of Gabriela Court NE as Multifamily; that property on the west side of Gabriela Court NE was annexed with an SACP designation of Single-Family Residential and zoning of RS and is being developed with single family dwellings.

The applicant did not provide proposed findings that social, economic, or demographic patterns of the nearby vicinity have altered in the area, as the applicant is seeking to remedy an inconsistency between the current zoning and SACP designations. The burden of proof is relatively low in this instance because the applicant is not requesting a significant change to the current designations or a significant increase in the number of dwelling units that could be developed on the property. The requested SACP designation of "Multi-Family Residential" and zoning of RM1 would be equivalent to the current RM zoning designation in Marion County, and development in substantial conformance with the proposed conceptual plan for four units would not result in a significant increase in the number of dwelling units that could be developed on the property. The proposed change to provide for a small multiple-family residential housing development would provide reasonable housing alternatives for families at a variety of income levels.

Criterion 4: *Whether it is in the public interest that the proposed change be made.*

Findings: The City of Salem construes the public interest to be that which is consistent with the adopted goals and policies of the Salem Area Comprehensive Plan, in light of its intent statements. The applicant has addressed applicable Statewide Planning Goal 12, which requires coordination of land use decisions and transportation systems in ways that encourage a variety of transportation choices. The proposal also complies with Statewide Planning Goal 10, which requires that cities must allow a variety of housing locations, types, and densities.

The proposal also is consistent with the intent of the Salem Area Comprehensive Plan. The "Single Family Residential" and "Multi-Family Residential" plan map categories apply to the portion of the Salem urban area that is currently developed with housing or served by public facilities and suitable for residential development at urban densities. The proposal meets the intent of the residential designations:

- (a) To retain and conserve the existing sound housing stock;
- (b) To provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards;
- (c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions;
- (d) To ensure a compatible transition between various types of housing;
- (e) To provide and maintain a supply of serviced, developable land throughout the urban area for residential and other urban uses, as demand warrants and service capabilities permit;
- (f) To stabilize and protect the essential characteristics of residential environments, including natural features;
- (g) To encourage locating residential development where full urban services, public facilities, and routes of public transportation are available;
- (h) To permit multifamily housing developments which are consistent with development standards and growth policies to blend into the overall fabric of the Salem urban area.

The proposed change corrects an inconsistency between the property's current zoning and its SACP map designation and makes a small property available for multi-family housing within the Salem urban area. Since the property is already in the City of Salem Urban Growth Area, it is clearly expected the land will eventually be annexed by the city, and the applicant is requesting this annexation, SACP designation, and zoning designation to facilitate development and use of two adjacent properties. The Urban Growth Boundary was designed to provide a supply of land available for the city's urban growth needs. Annexation would allow further residential development at urban densities that would help maximize investment in public services and encourage the efficient use of developable land. The proposed conceptual plan for four dwelling units would provide a transition between single family development on the west and possible higher-density multi-family development to the east; design review for the multi-family development would ensure compatibility with surrounding development. The proposal would not have a significant traffic impact or significant impact on protected natural features; it would have a similar density to nearby development on small single family lots; and the proposed development may be coordinated with development of an abutting property that will also be designated RM1 upon annexation. The proposal meets this criterion.

RECOMMENDATION

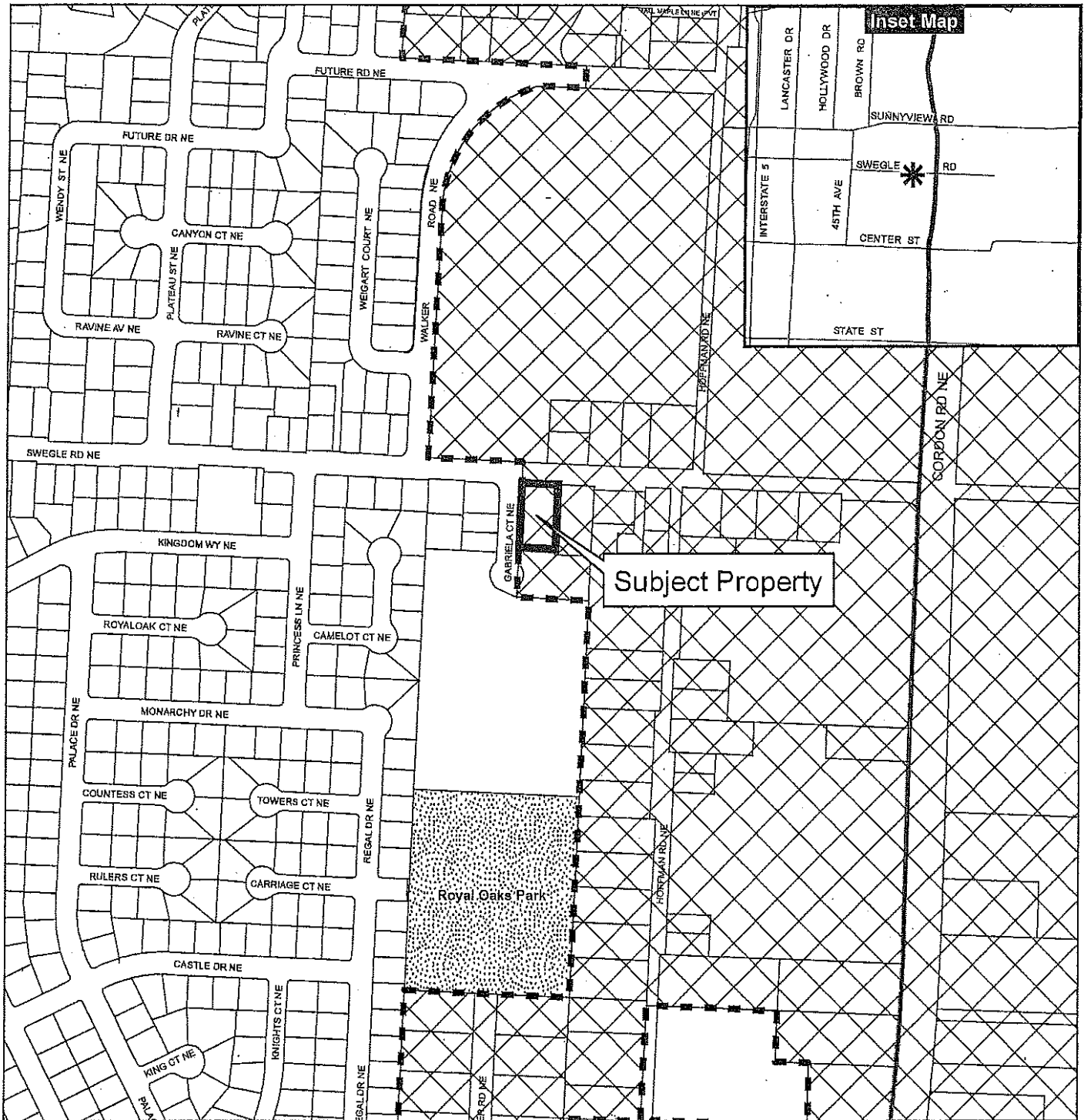
Staff recommends that the Planning Commission adopt the findings of this report and make the following recommendation to the City Council for the 0.39 acre property zoned Marion County RM (Multiple Family Residential) and located at 4922 Swegle Road NE 97301 (Marion County Assessors Map and Tax Lot Number 072W20BD01600):

- A. That the Salem Area Comprehensive Plan change from "Single-Family Residential" to "Multi-Family Residential" be GRANTED and
- B. That the East Lancaster Neighborhood Plan Change from Single Family to Multifamily be GRANTED and
- C. That the equivalent City of Salem RM1 (Multiple Family Residential 1) zoning be applied upon annexation of the property.








- Attachments:**
- 1. Vicinity Map of Subject Property
 - 2. Public Hearing Notice and Map
 - 3. East Lancaster Neighborhood Association Comments
 - 4. Public Works Department Comments
 - 5. Transportation Planning Rule Analysis
 - 6. Conceptual Plan
 - 7. Offsite Wetland Determination Report from Oregon Department of State Lands

Prepared by: Pamela Cole, Planner II *PC*

Vicinity Map 4922 Swegle Road NE



Legend

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

CITY OF Salem
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Community Development Dept.

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ATTACHMENT 1



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

CASE NUMBER:	Comprehensive Plan Change / Neighborhood Plan Change Case No. CPC-NPC14-04
AMANDA APPLICATION NOS:	14-106038-ZO & 14-106040-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, MAY 6, 2014 AT 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	4922 SWEGLE RD NE, SALEM OR 97301
OWNER/APPLICANT:	RATSY LLC
REPRESENTATIVE:	BRUCE HOFFMAN
DESCRIPTION OF REQUEST:	<p>This is a Comprehensive Plan Change and Neighborhood Plan Change for property that is proposed to be annexed into the City of Salem. The applicant requests a Comprehensive Plan Change from Single-Family Residential to Multi-Family Residential and East Lancaster Neighborhood Plan Change from Single Family Residential to Multifamily for the 0.39 acre property located at 4922 Swegle Road NE 97301 (Marion County Assessor's Map and Tax Lot Number 072W20BD01600) and zoned Marion County RM (Multiple Family Residential); this application is concurrent with a petitioner-initiated annexation of territory approximately 0.93 acres in size located at 4911 and 4922 Swegle Road NE 97301 (Marion County Assessor's Map and Tax Lot Numbers 072W20CA03100 and 072W20BD01600); both properties are zoned Marion County RM (Multiple Family Residential), and the petitioner has requested that they be annexed with the Salem Area Comprehensive Plan designation of Multi-Family Residential, East Lancaster Neighborhood Plan designation of Multifamily, and City of Salem zoning of RM1 (Multiple Family Residential). The entire territory would be withdrawn from Marion County Fire District #1.</p>
CRITERIA TO BE CONSIDERED:	<p>COMPREHENSIVE PLAN DESIGNATION FOR PROPOSED ANNEXATION</p> <p>Pursuant to SRC 260.045(b)(1)-(4), If the new comprehensive plan designation is proposed, or a zoning designation is proposed for the territory that is different from the equivalent designation set forth in Table 260-1, the Planning Commission shall hold a public hearing to review the proposed designation, and shall make a recommendation to the City Council whether, in light of the conceptual plan, to adopt the proposed designation, the equivalent designation, or a different designation. The Planning Commission's review shall be based the following criteria:</p> <ol style="list-style-type: none">(1) Whether the comprehensive plan and zone designation provides for the logical urbanization of land;(2) Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;(3) Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and(4) Whether it is in the public interest that the proposed change be made.

ATTACHMENT 2

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing, a recommendation will be forwarded to the City Council and notice of the recommendation will be mailed to the applicant, if applicable, the property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested notice of the recommendation.

CASE MANAGER:

Pamela Cole, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2309; E-mail: pcole@cityofsalem.net

NEIGHBORHOOD ORGANIZATION:

East Lancaster Neighborhood Association (ELNA), Susann Kaltwasser, Land Use Chair; Phone: 503-363-3998; Email: susann@kaltwasser.com

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

April 16, 2014

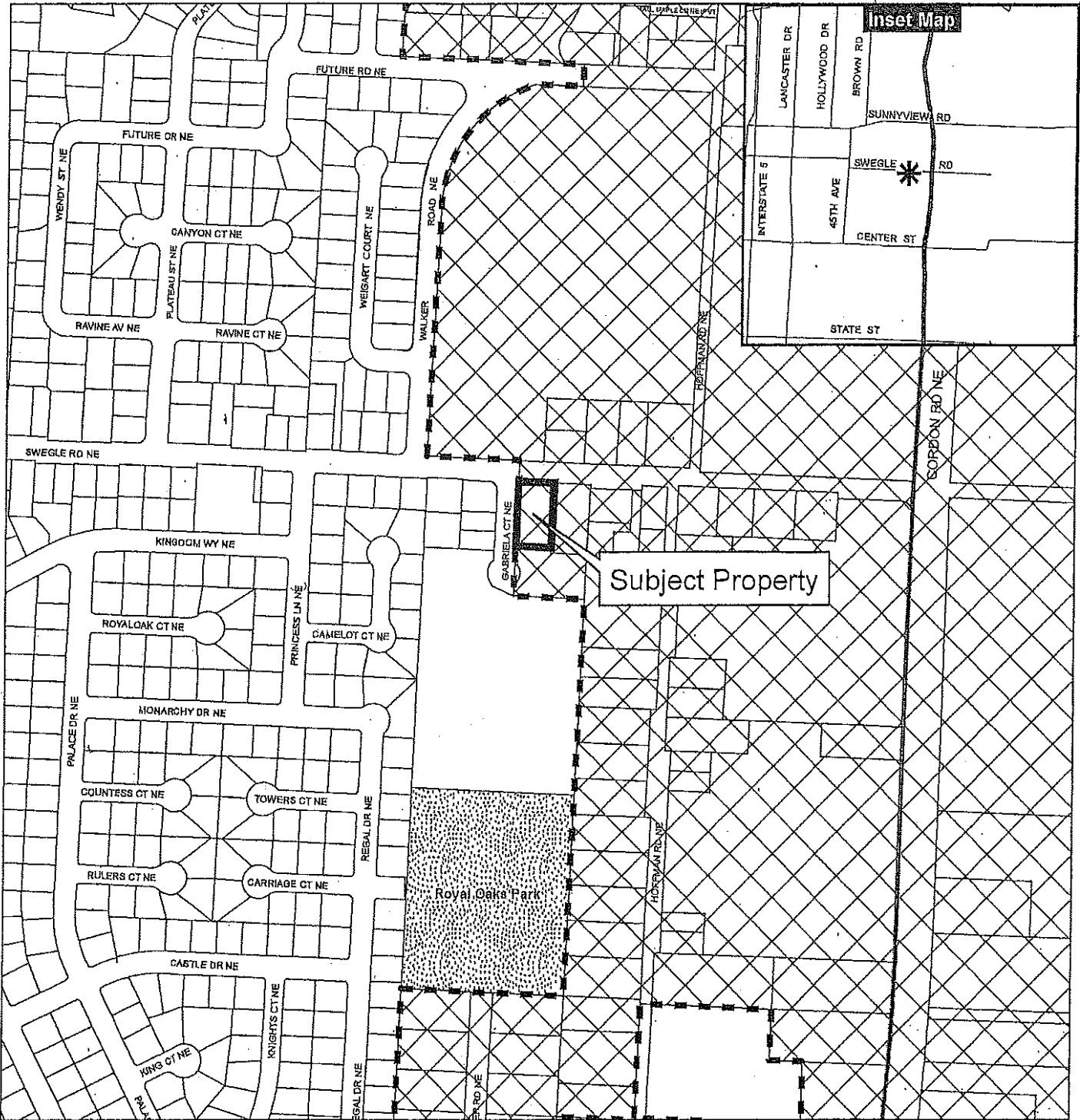
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

<http://www.cityofsalem.net/planning>

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least two business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 4922 Swegle Road NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

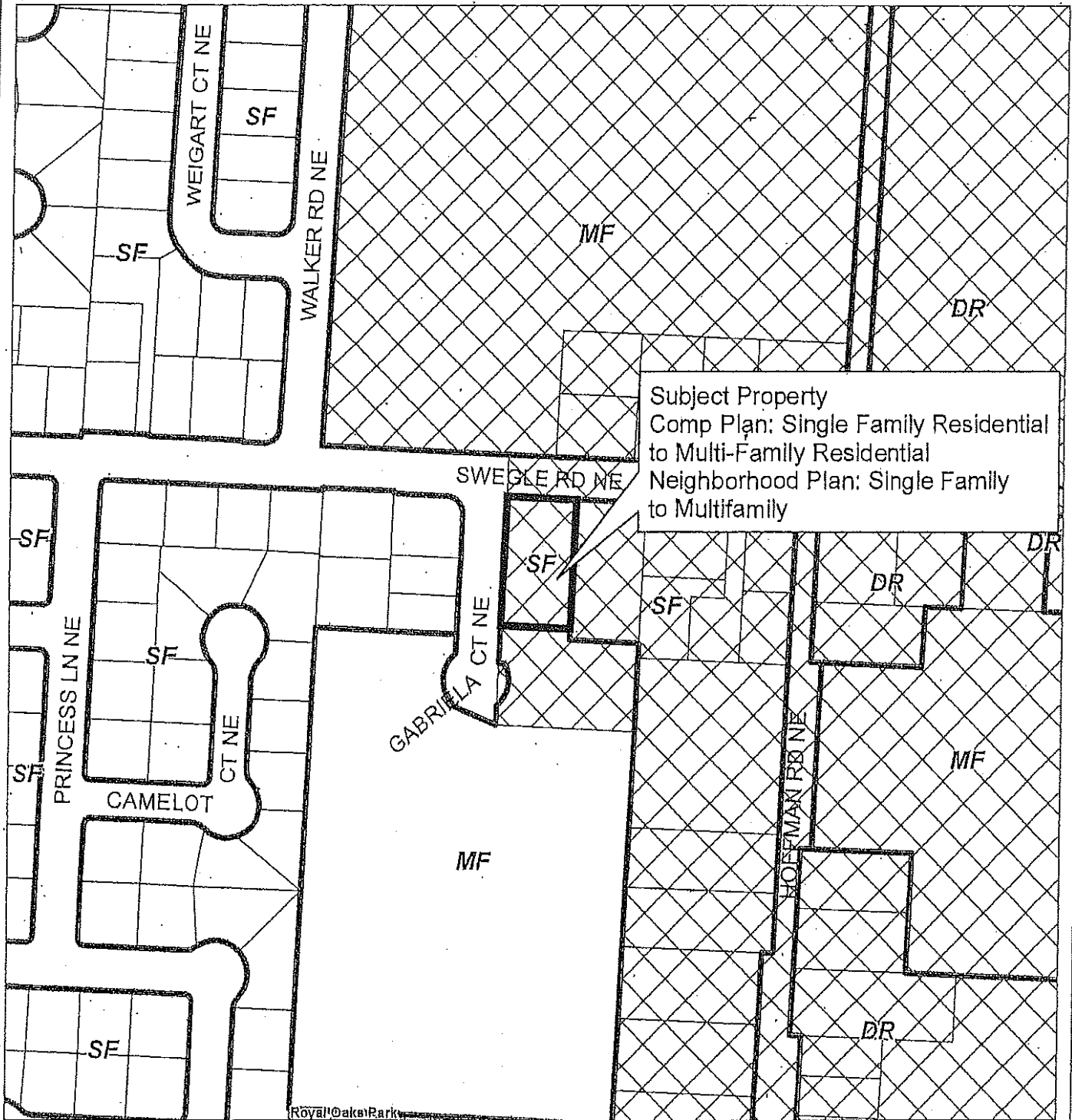
city of *Salem*
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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Comprehensive Plan Change and Neighborhood Plan Change CPC-NPC14-04 4922 Swegle Road NE (Tax Lot 072W20BD01600)



Legend

- Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

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CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

Pamela Cole - Re: Proposed annexation in ELNA

From: Susann Kaltwasser <susann@kaltwasser.com>
To: "Pamela Cole" <pcole@cityofsaalem.net>, <nanasue03@yahoo.com>
Date: 4/17/2014 4:33 AM
Subject: Re: Proposed annexation in ELNA
CC: Sue Fowler <nanasue03@yahoo.com>, Annie Battee <abattee@cityofsaalem.net>

This is the formal response from the East Lancaster Neighborhood Association.

The ELNA board reviewed the application for Annexation and Comprehensive Plan and Neighborhood Plan Change for property at 4911 and 4922 Swegle Road NE at their April 3, meeting.

After discussing the case we decided not to take a position for or against the proposal. We did, however, decided to submit the following comments.

- 1) The neighbors have expressed concerns to ELNA board members regarding the increased density. They would prefer that the area not be re-zoned to RM;
- 2) Concern was expressed about traffic impact if residents begin to park on the narrow street.
- 3) The Land Use Chairperson for ELNA looked at the zone change criteria if this property was not being annexed at the same time and saw no evidence to support the request for a higher density zone in this area. The character of the surrounding properties are large lots and a mobile home park. No changes have taken place in the area in years to suggest that the zone warrants and increase in density.
- 4) A duplex can be built on the property without a zone change to RM.
- 5) ELNA has a standing position not to oppose small annexations of land within the UGB, but reserves the right to object to zone changes at annexation.

Thank you for this opportunity to comment.

Susann Kaltwasser
ELNA co-chairperson
ELNA Land Use Chairperson

RECEIVED

APR 28 2014

COMMUNITY DEVELOPMENT



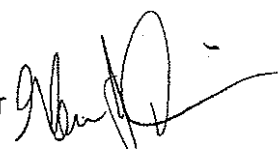
MEMO

TO: Pamela Cole, Planner II
Community Development Department

FROM: Glenn J. Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: April 28, 2014

SUBJECT: PUBLIC WORKS COMMENTS
CPC/NPC NO. 14-04 (14-106038)
4922 SWEGLE ROAD NE



PROPOSAL

This is a Comprehensive Plan Change and Neighborhood Plan Change for property that is proposed to be annexed into the City of Salem. The applicant requests a Comprehensive Plan Change from Single-Family Residential to Multi-Family Residential and East Lancaster Neighborhood Plan Change from Single Family Residential to Multifamily for the 0.39 acre property located at 4922 Swegle Road NE (Marion County Assessors Map and Tax Lot Number 072W20BD01600) and zoned Marion County RM (Multiple Family Residential); this application is concurrent with a petitioner-initiated annexation of territory approximately 0.93 acres in size located at 4911 and 4922 Swegle Road NE (Marion County Assessors Map and Tax Lot Numbers 072W20CA03100 and 072W20BD01600); both properties are zoned Marion County RM (Multiple Family Residential), and the petitioner has requested they be annexed with the Salem Area Comprehensive Plan designation of Multi-Family Residential, East Lancaster Neighborhood Plan designation of Multifamily, and City of Salem zoning of RM1 (Multiple Family Residential). The entire territory would be withdrawn from Marion County Fire District No. 1.

FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060).

The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed this analysis and determined the small increase in traffic is low enough to not have a significant effect on the transportation system.

CRITERIA AND FINDINGS

SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding—The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding—The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the existing and future development proposed. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

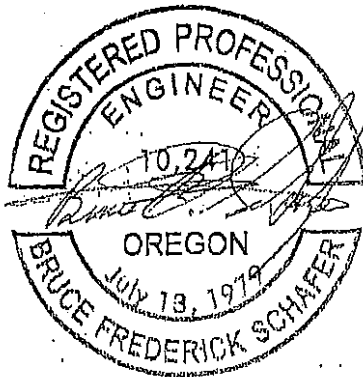
Prepared by: Robin Bunse, C.F.M., Administrative Analyst II
cc: File

**BRUCE F. SCHAFER
& COMPANY, Inc.**

TRAFFIC ENGINEERING AND
COUNTING SERVICES

Project No. 925
September 1, 2013

Mr. Bruce Hoffman
Patsy LLC
2838 Livingston Street NE
Salem, Oregon 97301



EXPIRES: 6/30/2014

4770 15TH COURT SOUTH
SALEM, OREGON 97302

(503) 364-3749
FAX: (503) 364-0599

email: BFSC@BruceFSchaferCompany.com
www.BruceFSchaferCompany.com

SUBJECT: Trip Generation Estimate for Maintaining the Current Zoning in Marion County after
Annexation to the City of Salem

REFERENCE: 4911 and 4922 Swegle Road

Dear Mr. Hoffman,

A review of the traffic trip generation characteristics of the two referenced parcel has been conducted per your request based on current zoning and anticipated zoning after annexation to the City of Salem. Currently these two parcels are located within the jurisdiction of the Marion County, BOTH parcels are within the City of Salem Urban Growth Boundary, (UGB).

Since the parcels are within the Salem UGB it is intended that these parcels will one day be located within the City of Salem jurisdiction and not under Marion County jurisdiction. Under the jurisdiction of Marion County both parcels are currently zoned as Residential Multiple Family (RM). Upon annexation into the City of Salem the zoning of these parcels would be Single Family (SF) for the parcel at 4922 Swegle Road while the parcel at 4911 Swegle Road would remain zoned as RM.

Existing and Planned Future Roadway System

Swegle Road in this area is classified as a Minor Arterial within the Transportation System Plan Element of the Salem Comprehensive Plan. Gabriela Court is classified as a local street. Swegle Road as a Minor Arterial will have on street bicycle lanes at full build out. Gabriela Court will continue to have shared travel lane for both vehicular and bicycle traffic.

A City of Salem Transportation Plan comparison of PM Peak Hour traffic for years 2000 and estimated year 2030 capacity for the portion of Swegle Road fronting the site determined that in both years there was not an a capacity or anticipated congestion problem.

The improvement of Swegle Road to full minor Arterial standards between Hoffman Road and Cordon Road is a low priority (25 years into the future).

Various excerpts from the Transportation System Plan Element of the Salem Comprehensive Plan that further illustrate the City's transportation planning efforts are attached.

The Salem-Keizer Transit District currently has route number 17 "Market Street" approximately a ¼ mile west of the intersection of Gabriela Court and Swegle Road.

Possible City of Salem Development Land Use Zoning Alternatives

A review of the Salem Zoning Code indicates that under the residential multiple family designation that there are two zoning classifications, RM1 and RM2. Based on these zoning classifications it was determined that 4922 Swegle Road could be developed with 6 units under RM1 zoning following the RM zoning of Marion County. Since 4922 Swegle Road is a corner lot it could be developed as a single family or and duplex lot under City of Salem Code.

4911 Swegle Road is currently vacant, although there are two concrete slabs on site from what appears to be a prior duplex development. Under the current Marion County zoning, RM and the City of Salem zoning RM1, upon annexation this lot will remain Residential Multiple Family.

Attached spread sheet illustrates the different types of land use developments allowed on both parcels and the proposed revision back to City of Salem RM1 for 4922 Swegle Road as proposed in the annexation application.

The estimated future traffic volumes were made for all possible allowed land uses on each parcel. The basis for making these estimates was the Trip Generation Manual, 9th Edition, 2012, Institute of Transportation Engineers.

A comparison of the estimated total trip volumes for the two lots illustrates that with the development of lot at 4922 as RM1 with in the City of Salem will result in a net change in generated traffic volumes per weekday for total daily traffic would be 22 trips, during the AM peak hour the traffic volume would increase by an estimated 2 in both the AM and PM Peak Hours.

CONCLUSION and RECOMMENDATION

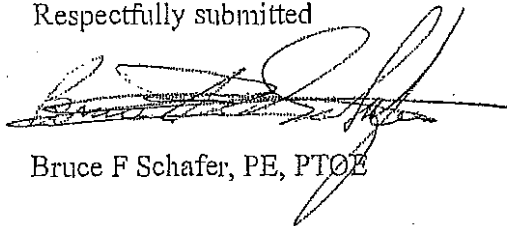
Based on this analysis it has been determined that area of Swegle Road in the vicinity of Gabriela Court is currently operating at and will continue to operate with acceptable capacity into the foreseeable future, year 2030. Although Swegle Road is planned to be widened to a full Minor Arterial, this widening is estimated to not occur until 2030 or after based on the City of Salem Transportation System Plan Element of the Salem Comprehensive Plan.

The difference in trips generated by the maintenance of the current RM zoning as the property is annexed into the City is very low. Two additional trips in each the AM and PM Peak Hours and less than one trip per hour during the average weekday.

Given the current on street roadway system operation and the lack of any project transportation needs in the area it is recommended that the rezone to RM1 under the City of Salem standards precede as a part of the annexation.

Should you have any question related to the above please contact this office.

Respectfully submitted



Bruce F Schafer, PE, PTOE

References

1. Salem Transportation System Plan, as Amended December 10, 2012
2. Trip Generation Manual, 9th Edition, 2012, Institute of Transportation Engineers.
3. City of Salem Revised Code, Chapters 146 and 148

Attachments

1. Various excerpts from Salem Transportation System Plan
2. Spread sheet with Calculations from various land use and trip generation
3. Background on Bruce F. Schafer, PE; PTOE

ESTIMATED CHANGE IN TRIP GENERATION TO MAINTAIN EXISTING RM ZONING WITH ANNEXATION

CURRENT ZONING Before Annexation: Marlon County Area of each parcel on Acres: Area of each parcel on Square Feet:	PARCEL LOCATION	
	4922 Swegle Road RM 0.39 16,988	4911 Swegle Road RM 0.54 23,522

NOTE: This analysis assumes that none of the lots are split or partitioned beyond there current conditions.

City of Salem Zoning After Annexation: City of Salem Permitted Uses Chapter 146.020 Proposed Rezone with Annexation to RM1 for 4922 Swegle Road Parcel, RM1 Units each parcel:	RS One single family residence or duplex on a corner lot Note 4922 Swegle Road Is a corner lot 6	RM1 RM1 Max. 14 units per Gross Ac. 8
---	---	---

ITE TRIP GENERATION DATA ITE Trip Generation Rates, 9th Edition of Trip Generation Manual	Total Trip Generation per Land Use			
	ITE Land Use Codes	Weekday	AM PK Hr.	PM Pk Hr.
210, Single Family	9.52	0.75	1.00	SF
221, Low Rise Apart.	6.59	0.46	0.58	SF, duplex
230, Res. Condo	5.81	0.44	0.52	RM

TOTAL TRIP ESTIMATE FOR BOTH PARCEL per City of Salem Zoning, Single Family on 4922 Swegle Road				
Parcel	City Salem	Total Weekday	AM Peak Hour	PM Peak Hour
4922 Swegle Road	Single Family	10	1	1
4911 Swegle Road	RM1	44	3	4
TOTAL Trips Generated for Time Period:		<u>53</u>	<u>4</u>	<u>5</u>

TOTAL TRIP ESTIMATE FOR BOTH PARCEL per City of Salem Zoning, Single Family (duplex) on 4922 Swegle Road				
Parcel	City Salem	Total Weekday	AM Peak Hour	PM Peak Hour
4922 Swegle Road	Single Family DUPLEX	13	1	1
4911 Swegle Road	RM1	44	3	4
TOTAL Trips Generated for Time Period:		<u>57</u>	<u>4</u>	<u>5</u>

TOTAL TRIP ESTIMATE FOR BOTH PARCEL per City of Salem Zoning, RM1 on 4922 Swegle Road				
Parcel	City Salem	Total Weekday	AM Peak Hour	PM Peak Hour
4922 Swegle Road	RM1	35	3	3
4911 Swegle Road	RM1	44	3	4
TOTAL Trips Generated for Time Period:		<u>79</u>	<u>6</u>	<u>7</u>

ESTIMATED NET CHANGER IN TRIPS GENERATED WITH REZONE OF 4922 Swegle Road to RM1 on ANNEXATION			
CONDITION with 4711 Swegle RM1 Zoning	Total Estimated Traffic Volumes for Time Period		
	Total Weekday	AM Peak Hour	PM Peak Hour
4922 Swegle Road RM1	79	6	7
4922 Swegle Road Single Family DUPLEX	57	4	5
Estimated net change in traffic volume:	<u>22</u>	<u>2</u>	<u>2</u>

SUNSET MOBILE HOME PARK

RM

RS



SWEGLE ROAD

RS

MF

4922

EXISTING HOME

RS

RM-1

UD

RS

TRI-
PLEX

GABRIELA STREET

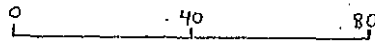
RS

4911



ROYAL OAKS
MOBILE HOME PARK

RM



SCALE 1" = 40'

ATTACHMENT 6

OFFSITE WETLAND DETERMINATION REPORT
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem OR 97301-1279 Phone: (503) 986-5200

BATCH
WD#: 2013-0149

At your request, an offsite wetland determination has been conducted on the property described below.

County: Marion

City: Salem

Other Name & Address: Bruce Hoffman, 2838 Livingston St NE, Salem, OR 97301

Township: 07S

Range: 02W

Section: 20BD/CA Q/Q: _____

Tax Lot(s): 1600/3100

Project Name: N/A

Site Address/Location: 4911 & 4922 Swegle Rd. NE, Salem

- The National Wetlands Inventory or Local Wetlands Inventory shows a waterway on the property.
- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.
- It is unlikely that there are jurisdictional wetlands or waterways on the property based upon a review of wetlands maps, the county soil survey and other information. An onsite investigation by a qualified professional is the only way to be certain that there are no wetlands.
- There are waterways on the property that are subject to the state Removal-Fill Law.
 - A state permit is required for ≥ 50 cubic yards of fill, removal, or ground alteration in the wetlands or waterways.
 - A state permit may be required for any amount of fill, removal, or other ground alteration in the Essential Salmonid Habitat and hydrologically associated wetlands.
- A state permit will not be required for project because based on an office evaluation it appears that tax lots 1600 and 3100 do not contain jurisdictional wetlands or other waters of this state..
- The proposed parcel division may create a lot that is largely wetland and thus create future development problems.
- A wetland determination or delineation may be needed prior to site development; the wetland delineation report should be submitted to the Department of State Lands for review and approval.
- A permit may be required by the Army Corps of Engineers: (503) 808-4373

Note: This report is for the state Removal-Fill Law only. City or County permits may be required for the proposed activity.

Comments:

Determination by: Caroline Stinson

Date: 05/29/2013

This jurisdictional determination is valid for five years from the above date, unless new information necessitates a revision. Circumstances under which the Department may change a determination and procedures for renewal of an expired determination are found in OAR 141-090-0045 (available on our web site or upon request). The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months from the above date.

This is a preliminary jurisdictional determination and is advisory only.

Copy To: Other Enclosures: email: hoffmanbd@comcast.net

City of Salem Planning Department

FOR OFFICE USE ONLY

Entire Lot(s) Checked? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Waters Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Maybe	Request Received: 05/21/2013
LWI Area: <u>Salem</u>	LWI Code: <u>N/A</u>	Latitude: <u>44.9471</u> Longitude: <u>-122.9624</u>
Related DSL File #: <u>N/A Partially Same</u>		
Has Wetlands? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk	ESH? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Wild & Scenic? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
State Secate? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Coast Zone? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk	
Adjacent Waterbody: <u>N/ANWI Quad: <u>Salem East</u></u>	<input type="checkbox"/> Scanned	<input type="checkbox"/> Mailings Completed <input type="checkbox"/> Data Entry Completed

PUBLIC
CITY OF *Salem*
AT YOUR SERVICE
WORKS

MEMO

TO: Pamela Cole, Case Manager
THROUGH: Keith Keever, Park Superintendent
FROM: Jan Staszewski, Urban Forester
DATE: April 7, 2014
SUBJECT: Annexation of ANXC-714, 4911 & 4922 Swegle Rd NE
AMANDA SEQ. NO.: 13-116688-AN

Park Service and Pedestrian Access:

No City park is impacted by this annexation. No land is available for park development from this annexation. The proposed annexation lot size is 0.93 acres and the nearest park is Royal Oaks Park (5.60 A) at approximately 924 feet.



Finance Division

Administrative Services Department



To: Pamela Cole, Associate Planner
From: David Lacy, Financial Analyst
Date: April 15, 2014
Subject: Tax Analysis for Annexation C-714

The amount of property tax levied each year against a parcel of real estate is the product of the parcel's assessed value and its total tax rate. While annexation does not affect assessed value, annexation can have a significant impact on a parcel's total tax rate.

The following tables show the expected impact of annexation on the total tax rate of each parcel in the subject case.

TAX RATE IMPACT OF ANNEXATION

Annexation case
Tax lot

C-714
072W20CA03100

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8634	
City of Salem	-	5.5426	
Urban Renewal	-	0.8418	
Other government	2.7972	0.8492	
Total government	5.8224	10.0970	73%
Schools			
Salem SD 32J	4.5210	4.2970	
Chemeketa	0.6259	0.5952	
Willamette ESD	0.2967	0.2823	
Total schools	5.4436	5.1745	-5%
Bonds			
Marion County	-	-	
City of Salem	-	0.9503	
Salem SD 32J	2.1483	2.0786	
Chemeketa	0.2314	0.2271	
Other bonds	0.3338	-	
Total bonds	2.7135	3.2560	20%
Other			
Local options	0.2900	-	
UR Special Levy	-	0.3796	
Total other	0.2900	0.3796	31%
Total tax rate	\$ 14.2695	\$ 18.9071	33%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor

TAX RATE IMPACT OF ANNEXATION

Annexation case
Tax lot

C-714
072W20BD01600

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8634	
City of Salem	-	5.5426	
Urban Renewal	-	0.8418	
Other government	2.7972	0.8492	
Total government	5.8224	10.0970	73%
Schools			
Salem SD 32J	4.5210	4.2970	
Chemeketa	0.6259	0.5952	
Willamette ESD	0.2967	0.2823	
Total schools	5.4436	5.1745	-5%
Bonds			
Marion County	-	-	
City of Salem	-	0.9503	
Salem SD 32J	2.1483	2.0786	
Chemeketa	0.2314	0.2271	
Other bonds	0.3338	-	
Total bonds	2.7135	3.2560	20%
Other			
Local options	0.2900	-	
UR Special Levy	-	0.3796	
Total other	0.2900	0.3796	31%
Total tax rate	\$ 14.2695	\$ 18.9071	33%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor

RECEIVED
APR 18 2014

ATTACHMENT H

COMMUNITY DEVELOPMENT

MEMORANDUM



To: Pamela Cole, Case Manager
From: Jim Stewart, Deputy Fire Chief *JS*
Date: April 18, 2014
Subject: Annexation ANXC-714, 4911 & 4922 Swegle RD NE

The Salem Fire Department response time to this location is estimated at 4.5 to 6 minutes depending on road conditions, traffic, and similar variables. Primary fire protection and EMS service would be provided from Fire Station #3 located at 1884 Lansing Avenue NE. Secondary service would be provided from Fire Station #10 located at 3611 State Street.

This property is located within Marion County Fire District No. 1. The response time for the district's closest fully staffed fire engine is estimated at 3.7 minutes.

RECEIVED

MAY 07 2014



COMMUNITY DEVELOPMENT

MEMO

TO: Pamela Cole, Planner II
Community Development Department

FROM: Robin Bunse, C.F.M., Administrative Analyst II
Public Works Department

DATE: May 7, 2014

SUBJECT: INFRASTRUCTURE AVAILABILITY
C-714 PETITION-INITIATED ANNEXATION (13-116688)
4911 AND 4922 SWEGLE ROAD NE

PURPOSE

Identify availability of public works infrastructure (streets, sanitary sewer, storm drainage, and water) for a proposed annexation on approximately 0.93 acres and located at 4911 and 4922 Swegle Road NE.

PUBLIC WORKS INFRASTRUCTURE

No public improvements are required for annexation. The following information explains the condition of existing public infrastructure in the vicinity of the subject property and potential development requirements.

Urban Growth Area Development Permit

The subject property is located inside the Urban Service Area (USA) and adequate facilities are available. No UGA permit is required.

Streets

1. Gabriela Court NE has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property. This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. At the time of development, street improvements may be required if the development meets the definition described in SRC 77.150(a)(1).

2. Swegle Road NE has an approximate 34-foot improvement within a 56-foot-wide right-of-way abutting the subject property. This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The property is subject to a special setback equal to 36 feet from centerline of Swegle Road NE. At the time of development, street improvements may be required if the development meets the definition described in SRC 77.150(a)(1).

Storm Drainage

1. Existing Conditions
 - a. A 15-inch storm main is located in Gabriela Court NE.
 - b. A 10-inch storm main is located in Gabriela Court NE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. There is an 8-inch public water line in Gabriela Court NE.

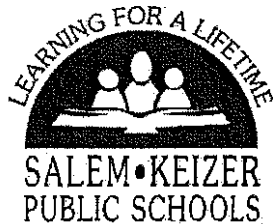
Sanitary Sewer

1. Existing Sewer
 - a. The subject property is located within the East Salem Sewer Service District.
 - b. An 8-inch sewer line is located in Gabriela Court NE.
 - c. An 8-inch sewer line is located in Swegle Road NE.

Parks

The proposed annexation does not impact any existing City parks or create additional land for future park development. The territory being annexed is approximately 0.93 acres and the nearest park is Royal Oaks Park (5.60 A), approximately 924 feet south of the subject property.

cc: File



DAVID FRIDENMAKER, Manager
 Facilities and Planning Department
 Planning and Property Services
 3630 State Street, Bldg. C • Salem, Oregon 97301
 503-399-3290 • Mobile: 503-932-4727 • FAX: 503-375-7847
 E-mail: fridenmaker_david@salkeiz.k12.or.us

Paula Radich, Interim Superintendent

June 2, 2014

Pamela Cole, Case Manager
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity
 Salem Annexation ANXC-714, 4911 & 4922 Swegle Rd. NE

SUMMARY OF COMMENTS

School Assignment: Subject property is located within the attendance area of Swegle Elementary, Waldo Middle and McKay High Schools

School Capacity: Sufficient school capacity currently exists to serve the proposed density.

School Transportation Services: Middle school students living at the location of the subject property will be eligible for school transportation to Waldo Middle School.

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Swegle Elementary School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 604
4. Estimate of school enrollment including new development: 463
5. Ratio of estimated school enrollment to total capacity including new development: 77%.
6. Walk Zone Review: Within walk zone of Elementary School.
7. Estimate of additional students due to previous 2013 land use applications: 0
8. Estimate of additional students due to previous 2014 land use applications: 1
9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 77% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Waldo Middle School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 1,001
4. Estimate of school enrollment including new development: 933
5. Ratio of estimated school enrollment to total capacity including new development: 93%
6. Walk Zone Review: Eligible for transportation to Middle School.
7. Estimate of additional students due to previous 2013 land use applications: 0
8. Estimate of additional students due to previous 2014 land use applications: 1

9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 93% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: McKay High School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 2,271
4. Estimate of school enrollment including new development: 2,083
5. Ratio of estimated school enrollment to total capacity including new development: 92%
6. Walk Zone Review: Within walk zone of High School.
7. Estimate of additional students due to previous 2013 land use applications: 0
8. Estimate of additional students due to previous 2014 land use applications: 1
9. Estimated cumulative impact of 2013-14 land use actions on school capacity: 92% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

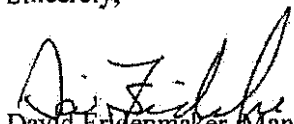
1. Total estimated change in student enrollment: 3
2. Total estimated student enrollment over capacity: 0
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: \$ 0
4. Total estimated additional income to District for new facilities due to change in student enrollment: \$ 0

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

1. When land use request is granted, 10 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2011-13 biennium facilities grant funding for the District was \$5,450,719.
7. General Fund Budget Amount for the 2013-14 school year is \$9,241 per student (ADMw). The State School Fund Revenue for 2013-14 is estimated to be \$8,021 per student (ADMw). ADMw is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,


David Fridgenmaker, Manager
Planning and Property Services

- c: Mike Wolfe, Chief Operations Officer
Jim Jenney, Manager – Custodial and Property Services
William White, Manager - Risk Management
Michael Shields, Manager - Transportation

Pamela Cole - Re: Proposed annexation in ELNA

From: Susann Kaltwasser <susann@kaltwasser.com>
To: "Pamela Cole" <pcole@cityofsalem.net>, <nanasue03@yahoo.com>
Date: 4/17/2014 4:33 AM
Subject: Re: Proposed annexation in ELNA
CC: Sue Fowler <nanasue03@yahoo.com>, Annie Battee <abattee@cityofsalem.net>

This is the formal response from the East Lancaster Neighborhood Association.

The ELNA board reviewed the application for Annexation and Comprehensive Plan and Neighborhood Plan Change for property at 4911 and 4922 Swegle Road NE at their April 3, meeting.

After discussing the case we decided not to take a position for or against the proposal. We did, however, decided to submit the following comments.

- 1) The neighbors have expressed concerns to ELNA board members regarding the increased density. They would prefer that the area not be re-zoned to RM;
- 2) Concern was expressed about traffic impact if residents begin to park on the narrow street.
- 3) The Land Use Chairperson for ELNA looked at the zone change criteria if this property was not being annexed at the same time and saw no evidence to support the request for a higher density zone in this area. The character of the surrounding properties are large lots and a mobile home park. No changes have taken place in the area in years to suggest that the zone warrants and increase in density.
- 4) A duplex can be built on the property without a zone change to RM.
- 5) ELNA has a standing position not to oppose small annexations of land within the UGB, but reserves the right to object to zone changes at annexation.

Thank you for this opportunity to comment.

Susann Kaltwasser
ELNA co-chairperson
ELNA Land Use Chairperson



ANXC - 714 4911 and 4922 Swegle Rd NE
General Fund (Current Year Dollars)

	Citywide Total	Annexation Area	Percent Increase
EXPENDITURES			
Mayor and Council	171,490	18	0.0%
Municipal Court	1,642,020	161	0.0%
City Manager's Office	1,311,450	105	0.0%
Personnel	1,188,030	90	0.0%
Finance	3,748,450	341	0.0%
Legal	1,813,890	160	0.0%
General Services	2,080,110	384	0.0%
Community Development	3,582,470	185	0.0%
Community Services	4,338,820	689	0.0%
Library	4,554,170	152	0.0%
Police	36,022,520	4,085	0.0%
Fire	26,099,450	595	0.0%
Data Management	9,273,070	241	0.0%
Non-Departmental	8,550,100	141	0.0%
Capital Outlays	0	72	0.0%
Contingencies	2,500,000	270	0.0%
Qwest Reserves	0	0	0.0%
TOTAL EXPENDITURES	106,876,040	7,689	0.0%
REVENUES			
Beginning Balance	18,195,680	0	na
Property Taxes	56,427,780	2,786	0.0%
Franchise Fees	15,921,880	731	0.0%
Fees for Services	2,823,610	15	0.0%
Other Fees	0	86	0.0%
Licenses and Permits	646,090	0	0.0%
Rent	1,343,100	11	0.0%
Internal Charges	11,034,910	1,053	0.0%
State Shared Revenues	4,588,060	290	0.0%
Other Agencies	1,411,810	4	0.0%
State and Federal Grants	1,462,100	105	0.0%
Fines and Penalties	2,730,970	178	0.0%
Interest and Other Revenues	362,010	26	0.0%
Interfund Transfer	825,000	0	0.0%
TOTAL REVENUES	117,773,000	5,285	0.0%
Surplus/(Deficit)		(2,404)	

Source: City of Salem Annexation Model

BEFORE THE CITY COUNCIL
OF THE CITY OF SALEM, OREGON

ATTACHMENT M

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

IN THE MATTER OF THE)
PETITIONER-INITIATED)
ANNEXATION OF)
TERRITORY LOCATED AT)
4911 AND 4922 SWEGLE ROAD NE)
ORDER NO. 2014-04-ANX
FINAL ORDER ADOPTING THE
FINAL DECISION AND FINDINGS OF
COMPLIANCE WITH SRC CHAPTER 260
IN ANNEXATION CASE NO. C-714

Whereas, on June 23, 2014, after due notice was given, the City Council of the City of Salem held a public hearing to take testimony and evidence on annexation proposal C-714 (Annexation Proposal), as required by Salem Revised Code (SRC) 260.060(a); and

Whereas, after receiving evidence and hearing testimony, and upon consideration of the staff report and recommendation, and being fully advised, the City Council hereby finds that the Annexation Proposal complies with SRC 260.060(c); and

Whereas, the City Council has determined that the petitioner has met the annexation petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in Oregon Revised Statutes (ORS) Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040; and

Whereas, the City Council hereby finds that the public interest would be furthered by the referral of the annexation to the voters of the City pursuant to Section 61 of the Salem City Charter; and

Whereas, following the recommendation of the Planning Commission pursuant to SRC 260.045(b), the City Council has determined that the Comprehensive Plan designation and the Neighborhood Plan designation of the 0.39-acre northern parcel of the Territory (4922 Swegle Road NE) will be changed to "Multi-Family Residential" and Multifamily, and the City of Salem Multiple Family Residential 1 (RM1) zoning designation will be the equivalent zoning that is consistent with the "Multi-Family Residential" Comprehensive Plan Map designation; and

Whereas, for the 0.54-acre southern parcel of the Territory (4911 Swegle Road NE), the City Council has determined that the Comprehensive Plan designation will not be changed and the City of Salem Multiple Family Residential 1 (RM1) zoning designation will be the equivalent zoning that is consistent with the Comprehensive Plan set forth in SRC 260.045 and Table 260-1 of SRC Chapter 260;

Whereas, the City Council hereby finds that withdrawal of the Territory from Marion County Fire District #1 is in the best interest of the city; and

Whereas, this FINAL ORDER constitutes the final land use decision in the Annexation

Proposal and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal, as provided in SRC 260.060(e).

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1: Proposed Annexation C-714, of the Territory depicted on the map in the attached Exhibit 1 and more particularly described in the attached Exhibit 2, both of which are incorporated herein by this reference, satisfies the criteria set forth in SRC 260.060(c) and is hereby approved based on the facts and findings stated in the attached Exhibit 3, which is incorporated herein by reference.

Section 2: If the proposed annexation is approved by City Council, the Territory shall, pursuant to SRC 260.045, be designated "Multi-Family Residential" on the City of Salem Comprehensive Plan Map, be designated Multifamily on the East Lancaster Neighborhood Plan Map, and be zoned Salem RM1 (Multiple Family Residential 1).

Section 3: If the Proposed Annexation is approved by the voters, the Territory shall be withdrawn from Marion County Fire District #1.

Section 4: A measure shall be prepared for Council approval to submit the proposed annexation of the Territory to the voters of the City of Salem for the November 4, 2014 election.

ADOPTED by the City Council this 23rd day of June, 2014.

ATTEST:

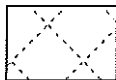
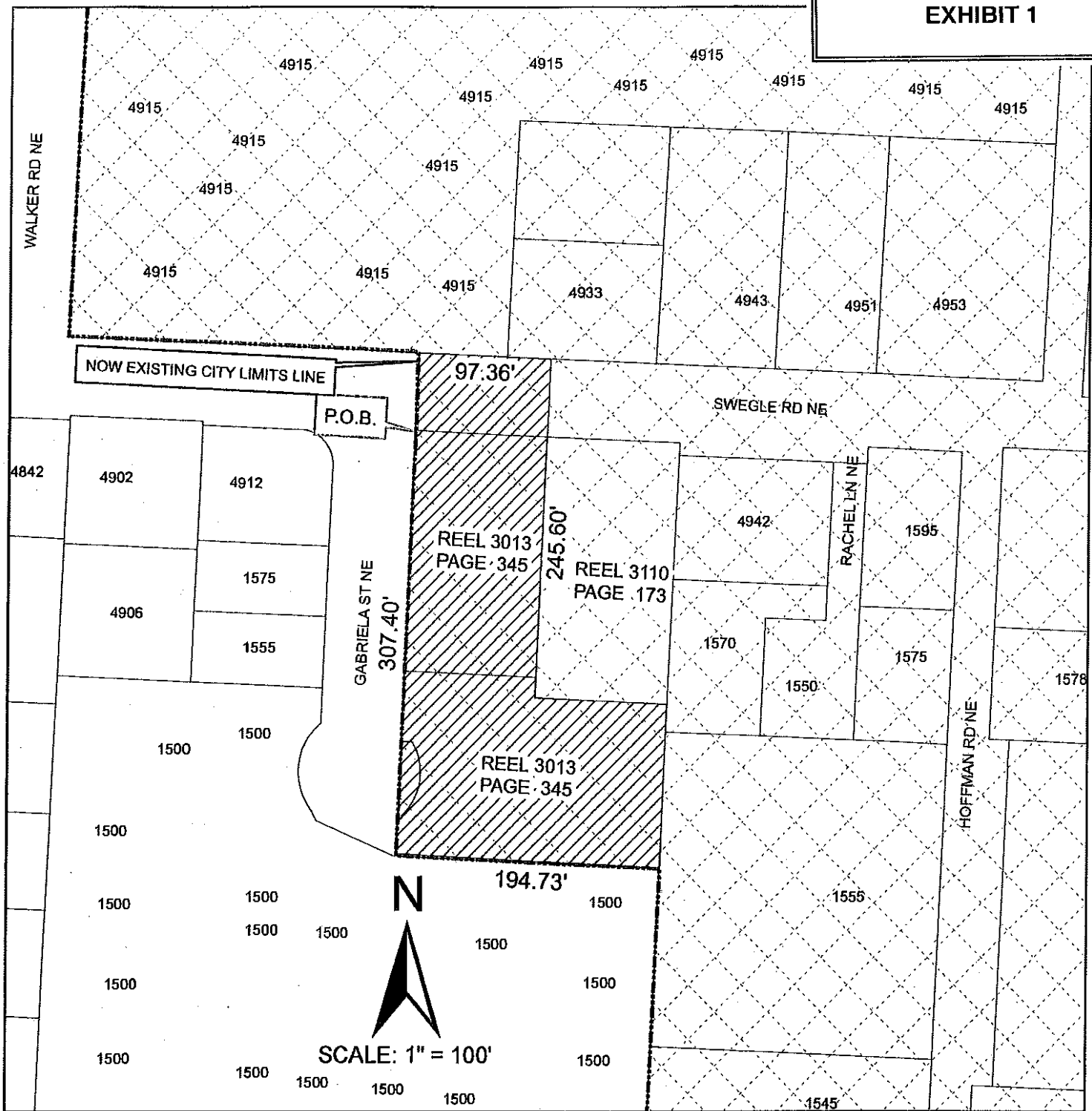
City Recorder

Exhibits

1. Territory Map
2. Territory Legal Description
3. Facts and Findings

Checked by P. Cole

EXHIBIT 1



Property in County

PROPERTY PROPOSED TO BE ANNEXED INTO CITY

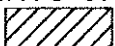


EXHIBIT MAP

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

4911 & 4922 SWEGLE ROAD NE

CITY OF SALEM ORDINANCE NO. XX-XX

ANNEXED: XXX XX, 20XX

CONTAINING 1.08 ACRES

ADJACENT TO WARD 6

CASE NO. C-714

TRACT NO. XXX

4911 and 4922 Swegle Road NE

Beginning at the intersection of the South Line of Swegle Road NE (County Road No. 736) with the East Line of Gabriela Street NE, being on the now existing City Limits Line, said intersection recorded as being 419.46 feet west and 27.00 feet south of the northeast corner of Lot 2, East Salem Fruit Farms, as recorded in Volume 3, Page 27, Book of Town Plats, Marion County, Oregon, situated in Section 20, Township 7 South, Range 2 West of the Willamette Meridian; said point also being on the West Line of that tract of land described in Reel 3013, Page 345, Marion County Deed Records, and running thence:

South along the West Line of said tract and the now existing City Limits Line a distance of 307.40 feet to the southwest corner of said tract, also being an angle point in the now existing City Limits Line;

thence East along the South Line of said tract and the now existing City Limits Line a distance of 194.73 feet to the southeast corner of said tract, also being an angle point in the now existing City Limits Line;

thence leaving said now existing City Limits Line, north along the East Line of that tract described in Reel 3013, Page 345, a distance of 118.80 feet to the southeast corner of that tract of land described in Reel 3110, Page 173, Marion County Deed Records;

thence west along the South Line of said tract a distance of 97.37 feet to the southwest corner of said tract;

thence northerly along the West Line of said tract and the northerly extension thereof a distance of 245.60 feet, more or less, to a point on the North Line of said Swegle Road NE;

thence westerly along the North Line of Swegle Road NE a distance of 97.36 feet, more or less, to an angle point in the now existing City Limits Line;

thence south along the now existing City Limits Line a distance of 57.00 feet, more or less, to the POINT OF BEGINNING.

Approved: GERRY PAPPE *[Signature]* 4-11-14
March 28, 2014
Annexation No.: C-714

DOR No.: 24-P211-2014

DOR Date: 5/21/2014

**EXHIBIT 3, ORDER NO. 2014-04-ANX,
FINDINGS:
COMPLIANCE OF ANNEXATION C-714
WITH SRC CHAPTER 260 AND 260.060(c)**

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

1. **The proposed petitioner-initiated annexation of that certain real property located at 4911 and 4922 Swegle Road NE (Territory) and more specifically described in Exhibit 2, Council Order in Annexation Case No. C-714, conforms to the following criteria found in SRC 260.060(c):**

Criterion 1: The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable Statewide Planning Goals.

Under Salem Revised Code (SRC) 260.045, territory annexed to the City is automatically given the Salem Area Comprehensive Plan and zoning designations that are equivalent to the applicable County zoning designations, as set forth in Table 260-1, unless the petitioner or City Council proposes a new Comprehensive Plan/zone designation under SRC 260.045(a).

SRC 260.045(a) allows the petitioner to request a new Comprehensive Plan designation and zoning designation if the equivalent city designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan. For the northern parcel (4922 Swegle Road NE), the petitioner requested a Comprehensive Plan Change to "Multi-Family Residential" and a Neighborhood Plan Change to Multifamily and application of the equivalent zoning designation of Salem RM1 (Multiple Family Residential 1).

Pursuant to SRC 260.045(b), the Planning Commission held a public hearing to review the proposed designations for the northern parcel (4922 Swegle Road NE) on May 6, 2014. The Planning Commission recommended, in light of the conceptual plan, that the City Council adopt the proposed designations based on the petitioner meeting the Comprehensive Plan Change/Zone Change criteria of SRC 260.045(b)(1) through (4). The proposed designations are adopted by the City Council.

The petitioner and the City Council did not propose new designations for the southern parcel (4911 Swegle Road NE). Therefore, the land use designations that will be automatically applied to the southern parcel from SRC Chapter 260 Table 260-1 are "Multi-Family Residential" on the Salem Area Comprehensive Plan (SACP) Map and the City of Salem RM1 (Multiple Family Residential 1) zone district.

The land use designations for the Territory will be "Multi-Family Residential" on the Salem Area Comprehensive Plan Map, Multifamily in the East Lancaster Neighborhood Association Plan Map, and City of Salem RM1 (Multiple Family Residential 1) zoning.

These land use designations are consistent with the SACP and applicable Statewide Planning Goals as demonstrated by the following findings.

A. **Statewide Planning Goals** -- Statewide Planning Goals applicable to the proposed annexation are:

- (1) **GOAL 10. Housing.** Goal 10 requires provisions for housing to meet the needs of residents. The proposed annexation will increase the city's inventory of buildable lands for multi-family residential use. The increased inventory of land is a positive factor in providing for housing variety and availability. The location is in close proximity to existing residential development and is appropriate for such housing. The proposed annexation is consistent with Goal 10.
- (2) **GOAL 11. Public Facilities and Services.** Goal 11 requires a plan or program for orderly and efficient arrangements of public facilities. The city adopted a Public Facilities Plan (the Plan) consistent with Goal 11. The city applies the Plan to development of property within the city to achieve a timely, orderly and efficient arrangement of public facilities and services in a manner that supports both existing and planned growth. The Plan is implemented by the city's adopted master plans, Capital Improvement Plan (CIP), and the Urban Growth Management Process set forth in SRC Chapter 66. The Territory is within the Salem Urban Service Area (USA). The proposed annexation is consistent with Goal 11.
- (3) **GOAL 12. Transportation.** Goal 12 requires a jurisdiction to adopt a Transportation System Plan (TSP) that provides a safe, convenient and economic transportation system. The City has adopted a transportation plan acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to further this goal. The TSP is applied to the transportation elements of new development under SRC Chapter 66 and other provisions of the Salem Area Comprehensive Plan and Zoning Code and to the transportation elements of the city's adopted master plans, the CIP, etc. as set forth in the discussion of Goal 11 above to provide safe and convenient pedestrian, bicycle, and vehicular circulation that is consistent with the TSP and the requirements of the State Transportation Planning Rule. As described in the finding for Goal 11 compliance above, and as described in the discussion of Criterion 3 below, the Territory will comply with Goal 12 when any new development occurs, and will be served by facilities compliant with Goal 12 to the extent that transportation-related improvements occur under the city's adopted master plans, the CIP, SRC Chapter 66 and the Zoning Code. The proposed annexation is consistent with Goal 12.
- (4) **GOAL 14. Urbanization.** Goal 14 mandates provisions for an orderly and efficient transition from rural to urban land use. The Territory is within the Salem-Keizer Urban Growth Boundary (UGB), which, by definition, makes this territory "urbanizable." The incorporation of contiguous areas, including the Territory, into the overall composition of the city provides order and efficiency in the provision of municipal facilities and services as well as in the facilitation of orderly urbanization. This is because the Salem Area Comprehensive Plan (SACP), Zoning Code and other applicable implementation measures

have been acknowledged as being in compliance with Goal 14 and these measures will be made applicable to the Territory upon annexation. The applicable implementation measures are designed to provide order and efficiency in the provision of facilities and services, and to facilitate orderly urbanization by uniformly integrating the Territory into the City's municipal facilities and services system. This integration would provide for a uniform rather than an isolated, discontinuous, and fragmented system of services provided to areas not within the Salem city limits. The application of the city's Goal 14 acknowledged Salem Area Comprehensive Plan, Master Plans, and implementation ordinances to the Territory furthers the conversion of urbanizable land to urban uses consistent with Goal 14 for the reasons cited above. The proposed annexation is consistent with Goal 14.

In summary, the proposed annexation is consistent with the applicable Statewide Goals.

B. Salem Area Comprehensive Plan (SACP) -- The SACP goals, policies and intent statements applicable to the proposed annexation are:

- (1) SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 2 "Multi-Family Residential," (SACP pages 4-6):** The "Multi-Family Residential" designation is characterized by a mixture of housing types.

The future use of these areas is primarily residential in nature. The City's RM1 (Multiple Family Residential 1) zone implements this Plan map designation by providing additional land used primarily for residential uses. The Territory to be annexed has the characteristics of the RM1 zone with predominantly residential use. The northern parcel is currently served by public sewer facilities and is not currently served by public water facilities. The southern parcel is not currently served by public sewer and water facilities. This is also consistent with the surrounding zoning and land use of the area. The Territory zoning will be RM1 (Multiple Family Residential 1). The proposed annexation is consistent with the above SACP provision.

- (2) SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 4 (Conversion of Developing Residential or Urbanizable Areas to Urban Development) (SACP page 7):** Urbanizable lands located outside the city limits must be annexed to the city to receive urban services. Some of the reasons for converting urbanizable land to urban land include: (1) providing for the orderly and economic extension of public facilities and services; (2) providing adequate land area for a variety of housing types and locations; and (3) maintaining an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses.

Annexation of the Territory allows for the future extension of public facilities and services consistent with the Salem Urban Growth

Management Program through the master planning, CIP and SRC Chapter 66 (UGA) processes. Publicly funded capital improvements will depend on funding availability. Most new development in newly annexed areas requires developer responsibility for extending public facilities as part of a common city infrastructure under an orderly plan for their extension. In addition, annexation of the Territory with RM1 (Multiple Family Residential 1) zoning will provide the city with additional land area that expands the availability of a variety of housing types and locations within the city. The proposed annexation is consistent with the above SACP provision.

- (3) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section A (Coordination Policies), Subsection 6 (Annexation Coordination) (SACP page 24):** The city must provide an opportunity for the affected county to comment on proposals for annexation of territory to the City of Salem.

Marion County was notified of the annexation and provided an opportunity to comment on the annexation. The county did not indicate any objections or comments. Therefore, the intent of the policy is met. The proposed annexation is consistent with the above SACP provision.

- (4) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 1 (Annexation) (SACP page 27):** Marion and Polk Counties should encourage the orderly annexation to the City of Salem of land within the Salem Urban Area.

The Territory is located within the Salem Urban Area and is contiguous to the city limits. Annexation of the Territory allows for the orderly annexation of urbanizable land to the City of Salem. The proposed annexation is consistent with this policy.

- (5) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 3 (UGB is Urbanizable) (SACP page 27):** Territory is considered available for annexation and development to the extent that it is urbanizable and located within the UGB.

The Territory is considered urbanizable because it is located within the UGB, and all needed facilities to support urban development are or can be made available under the City's existing public facilities plans and urban growth management program. Therefore, the Territory is considered available for annexation. The proposed annexation is consistent with the above SACP provision.

- (6) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 1 (Development Guided by Growth Management) (SACP page 29):** The conversion of urbanizable land shall be guided by the Growth Management Program (SRC Chapter 66).

SRC Chapter 66 establishes a comprehensive growth management program for the City of Salem. The Territory would lie within the Salem

Urban Area, as defined by SRC Chapter 66. Conversion of the Territory to urban uses will be guided by the City's growth management program. The proposed annexation is consistent with the above SACP provision.

- (7) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 3 (Programming Development) (SACP pages 29-30):** The City shall provide levels of services to city residents consistent with community needs as determined by the City Council, within the financial capability of the city, and subject to relevant legal constraints on revenues and their applications. Considerations for the programming of development are: (a) The financial capability of the city to provide certain facilities and services as authorized through the budgetary process; (b) The technical requirements of public facility master plans; (c) The need for sufficient amounts of buildable land to maintain an adequate supply in the marketplace; and (d) The willingness of the development community to assume the burden of funding the cost of providing certain facilities.

These criteria are factored into the proposed annexation because the Growth Management Program imposes an equitable share of public facility costs on new development by requiring provisions for required facilities by the developer and/or system development charges in connection with the provision of required facilities by the City. Therefore, this policy is satisfied. The proposed annexation is consistent with the above SACP provision.

- (8) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 7 (Development Requiring Water and Sewer) (SACP page 30):** Development will only be allowed within the city limits where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted Growth Management Program.

The City of Salem adopted a Growth Management Program (SRC Chapter 66) that applies to the development of the Territory in the future. City services can be provided to the Territory in the future pursuant to the city's Growth Management Program. The proposed annexation is consistent with the above SACP provision.

In summary, the proposed annexation is consistent with the applicable provisions of the SACP.

Criterion 2: The annexation will result in a boundary in which services can be provided in an orderly, efficient and timely manner;

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, and potential jurisdictional conflicts will not exist. The proposed annexation complies with this criterion.

Criterion 3: The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;

Comments provided by the various city departments indicate that the Territory in the proposed annexation may be served through the orderly, efficient and timely extension of key urban facilities and services as outlined in the city's adopted master plans, CIP and public works and parks design and construction standards. No improvements to urban facilities and services are needed at this time to serve the Territory.

If new development is proposed for the Territory, additional urban facilities and services will be required and will be provided in accordance with the city's adopted master plans, CIP and Urban Growth Management process as set forth in SRC Chapter 66. The territory proposed for annexation lies outside the Urban Service Area. Pursuant to the City's adopted growth management program found in SRC Chapter 66, future development of the Territory must first obtain an Urban Growth Area (UGA) Permit to provide adequate public facilities, including water, sewer, stormwater, transportation, and park services, that may be necessitated by the proposed new development. If such facilities are not provided at public expense under the city's adopted master plans, the CIP, etc., they will be provided at the developer's expense at the time of development. The proposed annexation complies with this criterion.

Criterion 4: The public interest would be furthered by the referral of the annexation to the voters.

The Petitioner has met the annexation, petition, application, information submission, fee, waiver and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040. Annexations, other than annexations made pursuant to annexation contracts effective prior to May 16, 2000, and annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law, are subject to voter approval (City of Salem Charter, Section 61, and SRC 260.020). Therefore, the City is required to refer this proposed annexation to the voters. The proposed annexation of the Territory conforms to the Salem Area Comprehensive Plan. Services can be provided consistent with the City's adopted master plans and Public Works design and construction standards. 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. For these reasons, the public interest would be furthered by the referral of the proposed annexation of the Territory to the voters.

2. The proposed withdrawal of the Territory more specifically described in Exhibit 2 conforms to the following criteria found in SRC 260.065:

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.

Upon approval by the voters, the city will withdraw the Territory from Marion County Fire District #1 and replace those services with service from the City of Salem Fire Department. The criterion for a decision to withdraw the Territory from such a district is whether such withdrawal "is for the best interest of the city," ORS 222.524. No Salem Area Comprehensive Plan provision or any implementing ordinances apply to the withdrawal decision, and none is amended in the process of making the decision. In addition, the decision to withdraw territory and serve the territory with city-supplied urban services rather than district-supplied services would not produce 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. The statutory "best interest of the city" criterion, therefore, is the sole basis for a withdrawal decision.

Based upon the record in this case and after due consideration of such evidence, testimony and objections, if any, the City Council finds it is for the best interest of the city to withdraw the Territory from Marion County Fire District #1 and to provide the Territory with city services because the public good of the City and the citizens residing in the annexed Territory would best be served if the citizens residing in the Territory receive City services without the problems that would result from the Territory being subject to overlapping jurisdictions that provide urban services. It is for the best interest of the City for the citizens who may reside in the newly annexed Territory to not pay both City taxes and an additional assessment to Marion County Fire District #1 to receive services that may readily be supplied by the City with such additional taxation. It is for the best interest of the city not to leave the Territory in Marion County Fire District #1 because that would lead to a fragmented approach to delivery of public services, unequal tax bases, and resistance to cooperation. Withdrawal of the Territory is for the best interest of the City because it would promote efficiency, economy, and sound management in the provision of urban services for newly annexed Territory. The Territory should be withdrawn from Marion County Fire District #1.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\ANNEXATIONS\2014\ANX C-714 - 4911-4922 Swegle Rd NE (Petition-initiated)\C-714 EXHIBIT 3.docx

RESOLUTION NO. 2014-46
(C-714)

A RESOLUTION APPROVING A REFERRAL OF A PETITIONER-INITIATED ANNEXATION INTO THE CITY OF SALEM OF CERTAIN REAL PROPERTY LOCATED AT 4911 AND 4922 SWEGLE ROAD NE TO THE ELECTORS OF THE CITY OF SALEM

Whereas, it is within the City of Salem's power under Oregon Revised Statute (ORS) 222.111(2) and Salem Revised Chapter (SRC) Chapter 260 to initiate the annexation of territory upon petition, provided however that such annexation be submitted to the electors of the City of Salem, pursuant to the Salem City Charter, Section 61; and

Whereas, the property owners initiated annexation of certain real property located at 4911 and 4922 Swegle Road NE (Territory), more particularly described in "Exhibit 1," incorporated herein by this reference, by submission of a valid annexation petition to the City Council pursuant to SRC Chapter 260 and ORS 222.111(2); and

Whereas, the City Council adopted Council Order No. 2014-04-ANX, which determined that the Territory should be annexed into the City of Salem, established the land use designations to be applied to the Territory upon annexation, and required removal of the Territory from the Marion County Fire District #1 upon annexation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SALEM RESOLVES AS FOLLOWS:

Section 1. Measure. A measure election (Measure Election) is hereby called for the purpose of submitting to the electors of the City of Salem a measure for the Territory, a copy of which is attached hereto as "Exhibit 2," and incorporated herein by reference.

Section 2. Election Conducted by Mail. The Measure Election shall be held in the City on November 4, 2014. As required by ORS 254.465, the Measure Election shall be conducted by mail by the County Clerk of Marion County, Oregon, according to procedures adopted by the Oregon Secretary of State pursuant to ORS 254.470.

Section 3. Delegation. The City authorizes the City Manager, or the City Manager's designee (Authorized Representative), to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

Section 4. Preparation of Ballot Title. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the City Recorder, within the times set forth in SRC 11.266.

Section 5. Publication of Notice of Ballot Title and Rights to Appeal. The City Recorder shall publish in the Statesman Journal, or in some other newspaper of general distribution within the City, a notice of receipt of the ballot title, including notice that an elector may, pursuant to

SRC 11.266, appeal the ballot title to the Municipal Judge, by filing a written appeal with the City Recorder no later than five business days after the date the ballot title is deposited with the City Recorder, requesting a different ballot title and stating why the ballot title is unsatisfactory.

Section 6. Explanatory Statement. The Explanatory Statement for the measure, which is attached hereto as "Exhibit 3," and the incorporated herein by reference, is hereby approved.

Section 7. Filing with County Elections Office. Pursuant to ORS 254.095(2), the City Recorder shall deliver the Notice of Measure Election to the Election Officers of Marion County, Oregon, and Polk County, Oregon, on or before September 4, 2014, which is a date not later than sixty-one days prior to the election.

Section 8. Action upon Approval. If following the election, the City Council finds that a majority of votes cast by the electors residing in the City of Salem favor the annexation, the City Council shall, pursuant to ORS 222.160, adopt an ordinance proclaiming the Territory annexed to the City, designate the Territory Multi-Family Residential on the City of Salem Comprehensive Plan Map, designate the Territory Multifamily on the East Lancaster Neighborhood Plan Map, apply City of Salem RM1 (Multiple Family Residential 1) zoning, and withdraw the Territory from the Marion County Fire District #1 as provided herein.

Section 9. Effective Date. This resolution is effective upon adoption.

ADOPTED by the City Council this 23rd day of June, 2014.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: P. Cole

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EXHIBIT 1

4911 and 4922 Swegle Road NE

Beginning at the intersection of the South Line of Swegle Road NE (County Road No. 736) with the East Line of Gabriela Street NE, being on the now existing City Limits Line, said intersection recorded as being 419.46 feet west and 27.00 feet south of the northeast corner of Lot 2, East Salem Fruit Farms, as recorded in Volume 3, Page 27, Book of Town Plats, Marion County, Oregon, situated in Section 20, Township 7 South, Range 2 West of the Willamette Meridian; said point also being on the West Line of that tract of land described in Reel 3013, Page 345, Marion County Deed Records, and running thence:

South along the West Line of said tract and the now existing City Limits Line a distance of 307.40 feet to the southwest corner of said tract, also being an angle point in the now existing City Limits Line;

thence East along the South Line of said tract and the now existing City Limits Line a distance of 194.73 feet to the southeast corner of said tract, also being an angle point in the now existing City Limits Line;

thence leaving said now existing City Limits Line, north along the East Line of that tract described in Reel 3013, Page 345, a distance of 118.80 feet to the southeast corner of that tract of land described in Reel 3110, Page 173, Marion County Deed Records;

thence west along the South Line of said tract a distance of 97.37 feet to the southwest corner of said tract;

thence northerly along the West Line of said tract and the northerly extension thereof a distance of 245.60 feet, more or less, to a point on the North Line of said Swegle Road NE;

thence westerly along the North Line of Swegle Road NE a distance of 97.36 feet, more or less, to an angle point in the now existing City Limits Line;

thence south along the now existing City Limits Line a distance of 57.00 feet, more or less, to the POINT OF BEGINNING.

Approved: GERRY PAPPE *Gerry Pappe* 4-11-14
March 28, 2014
Annexation No.: C-714

DOR No.: 24-P211-2014
DOR Date: 5/21/2014

EXHIBIT 2

City of Salem Measure No. _____

A MEASURE OF THE CITY OF SALEM PROPOSING THE ANNEXATION OF CERTAIN REAL PROPERTY LOCATED AT 4911 AND 4922 SWEGLE ROAD NE INTO THE CITY OF SALEM

Section 1: Measure Election Called. A measure election is hereby called for the purpose of submitting the following question to the electors of the City:

Shall that certain real property, located at 4911 and 4922 Swegle Road NE and more particularly described as follows, be annexed into the City of Salem:

4911 and 4922 Swegle Road NE

Beginning at the intersection of the South Line of Swegle Road NE (County Road No. 736) with the East Line of Gabriela Street NE, being on the now existing City Limits Line, said intersection recorded as being 419.46 feet west and 27.00 feet south of the northeast corner of Lot 2, East Salem Fruit Farms, as recorded in Volume 3, Page 27, Book of Town Plats, Marion County, Oregon, situated in Section 20, Township 7 South, Range 2 West of the Willamette Meridian; said point also being on the West Line of that tract of land described in Reel 3013, Page 345, Marion County Deed Records, and running thence:

South along the West Line of said tract and the now existing City Limits Line a distance of 307.40 feet to the southwest corner of said tract, also being an angle point in the now existing City Limits Line;

thence East along the South Line of said tract and the now existing City Limits Line a distance of 194.73 feet to the southeast corner of said tract, also being an angle point in the now existing City Limits Line;

thence leaving said now existing City Limits Line, north along the East Line of that tract described in Reel 3013, Page 345, a distance of 118.80 feet to the southeast corner of that tract of land described in Reel 3110, Page 173, Marion County Deed Records;

thence west along the South Line of said tract a distance of 97.37 feet to the southwest corner of said tract;

thence northerly along the West Line of said tract and the northerly extension thereof a distance of 245.60 feet, more or less, to a point on the North Line of said Swegle Road NE;

thence westerly along the North Line of Swegle Road NE a distance of 97.36 feet, more or less, to an angle point in the now existing City Limits Line;

thence south along the now existing City Limits Line a distance of 57.00 feet, more or less, to the POINT OF BEGINNING.

EXHIBIT 3

ANNEXATION CASE NO. C-714

MEASURE _____

EXPLANATORY STATEMENT:

If approved, this measure would result in annexation of approximately 1.08 acres of territory (Territory) to the City of Salem.

The Territory is located at 4911 and 4922 Swegle Road NE, designated in the Salem Area Comprehensive Plan as Multi-Family Residential and Single-Family Residential, and currently zoned Marion County RM (Multiple Family Residential). If annexed, the Territory would be designated Multi-Family Residential in the Salem Area Comprehensive Plan and zoned City of Salem RM1 (Multiple Family Residential 1).

The Multiple Family Residential 1 zone allows residential uses, apartment houses and duplexes, bed and breakfast establishments, residential care facilities (except homeless shelters), playgrounds and parks, public buildings, community or neighborhood club buildings, and child/adult care homes. Additional uses are allowed through conditional use and special use approval. A complete list of allowable uses and development standards for the RM1 zone is available in Salem Revised Code (SRC) Chapter 513.

If annexed, the Territory would be withdrawn from the Marion County Fire District #1 and would receive services through the City of Salem.

If annexed, the Territory is estimated to have an overall fiscal impact of creating an annual deficit to the City's General Fund (in year 2013-14 dollars) of \$2,404 based on the proposed zoning and current level of service for park, library and fire facilities.

Adequate public facilities exist to serve the Territory in accordance with the City's adopted budget, master plans, Capital Improvement Plan, and urban growth management process as set forth in SRC Chapter 66.

Additional information regarding the proposed annexation and zoning is available for public review at the Salem City Hall, Department of Community Development, 555 Liberty Street SE, Room 305, Salem, Oregon, and on the City's web site www.cityofsalem.net.

Word Limit: 500

Word Count: 292

FACT SHEET FOR BALLOT MEASURE # _____

Annexation No. C-714

Location: 4911 and 4922 Swegle Road NE**Acreage:** 1.08 acres

Type of Annexation: This is a petitioner-initiated annexation of territory that is contiguous to Salem city limits. The City of Salem Charter requires voter approval before this annexation can occur.

Comprehensive Plan Designation: Multi-Family Residential

Proposed Zoning Classification: Multiple Family Residential 1 (RM1)

Potential Use:

The RM1 (Multiple Family Residential 1) zone allows residential uses, apartment houses and duplexes, bed and breakfast establishments, residential care facilities (except homeless shelters), playgrounds and parks, public buildings, community or neighborhood club buildings, and child/adult care homes. Additional uses are allowed through conditional use and special use approval. A complete list of allowable uses and development standards for the RM1 zone is available in Salem Revised Code Chapter 513.

Public Facilities and Services:

Adequate police, fire, water, sewer, stormwater, parks and transportation facilities exist to serve the Territory, in accordance with the City's adopted master plans, Capital Improvement Plan and urban growth management process as set forth in SRC Chapter 66.

City Fiscal Impact:

The potential impact of the annexation on the City of Salem's General Fund depends on the value and extent of the property's ultimate development, the year during which the cost and revenue are measured and the level of City services available at that time. ECONorthwest's "Fiscal Impact Analysis Relating to City Growth and Annexations" dated January 18, 2001, and updated in 2007, provides the model for estimating the impact on the City's General Fund. Based on the model's assumptions utilizing 2013-14 budgetary data, the proposed annexation and potential development and average residential density under the proposed zones at build-out are estimated to create an annual deficit of \$2,404 to the City's General Fund, assuming the current level of service for park, library and fire facilities. The actual impact on the General Fund cannot be accurately determined until the land is developed and the assessed value of land and improvements are determined.

School Fiscal Impact:

School funding for school operations and maintenance is largely funded by the State of Oregon under the State's School Fund Revenue program, offset primarily by local property taxes. The following per student budget figures are based upon general fund budget divided by student enrollment. In fiscal year 2013-14, the State School Fund formula revenues were budgeted to provide \$8,021 per student. In 2013-14, the School District budgeted to spend \$9,241 per student. The difference between the State School Fund formula revenues and budget costs are made up through Exempt Resources (resources which are not part of the State School Fund Formula), including funding from the Willamette ESD, beginning balance, transfers from other funds, etc. Based upon annexation and development, the School District estimates an addition of 3 students assuming the property redevelops at densities allowed in the proposed zones.

Additional information regarding the proposed annexation and zoning is in the staff report dated June 23, 2014. Copies of staff reports are available for public review on the City's web site (www.cityofsalem.net), and at the Salem City Hall, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon.