



**CITY OF SILVERTON – PLANNING COMMISSION
REGULAR MEETING**
Silverton City Council Chambers
421 S. Water Street
December 13, 2016 - 7:00 PM

AGENDA

I. Roll Call

II. Minutes

Approval of Minutes of the Regular Meeting held November 8, 2016.

III. Business From The Floor

Items not on the Agenda.

IV. Public Hearings

4.1 Annexation Application, AN-16-04, 13793 Hobart Road

Annexation application to annex 13793 Hobart Road into the city limits and zone the property R-1, Single Family Residential. The property is 0.815 acres in size and is located at the corner of Setness Street and Hobart Road. The request is to allow the property to connect to City sanitary sewer facilities.

4.2 Vacation Application, VA-16-03, Welch Street, Fairview Street, And Phelps Street Right-Of-Ways Adjacent To The Silverton Hospital

Vacation application to vacate portions of the Welch St, Fairview St, and Phelps Street Right-Of-Ways adjacent to the Legacy Silverton Medical Center that was required to be dedicated as part of resolution 89-18. The planning action of Resolution 89-18 never occurred. A portion of the building is currently within the Right-Of Way.

V. Reports And Communications

VI. Adjournment

Written comments may be filed with the Community Development Department, prior to the Public Hearing or you may attend the Hearing and testify in person or in writing on these applications. Additional information and/or review of this application may be obtained at Silverton City Hall, 306 South Water Street or by contacting the Community Development Department at (503) 874-2207. Copies of the staff report will be available seven (7) days prior to the public hearing. All documents will be available on our website at www.silverton.or.us.

AMERICANS WITH DISABILITIES ACT: The City of Silverton intends to comply with the A.D.A. The meeting location is accessible to individuals needing special accommodations such as a sign language interpreter, headphones, or other special accommodations for the hearing impaired. To participate, please contact the City Clerk at 503-874-2216 at least 48 hours prior to the meeting.

**CITY OF SILVERTON
PLANNING COMMISSION MINUTES**

Drafted for approval; subject to change and/or correction

7:00 P.M.

November 8, 2016

The Planning Commission of the City of Silverton met at the Silverton Community Center on November 8, 2016 at 7:00 p.m. with Chairman Flowers presiding.

ROLL CALL:

Present	Absent	
<u> X </u>	<u> </u>	Chairman Clay Flowers
<u> X </u>	<u> </u>	Vice-Chairman Jeff DeSantis
<u> </u>	<u>Excused</u>	Tasha Huebner
<u> X </u>	<u> </u>	Gus Frederick
<u> </u>	<u>Excused</u>	Joseph Pelletier
<u> X </u>	<u> </u>	Rich Piaskowski
<u> </u>	<u>Excused</u>	Morry Jones

Staff Present:

Community Development Director, Jason Gottgetreu; Public Works Director, Christian Saxe; and City Clerk, Lisa Figueroa

APPROVAL OF THE MINUTES FROM THE MEETING HELD OCTOBER 11, 2016:

COMMISSIONER DESANTIS MOVED TO APPROVE THE MINUTES OF OCTOBER 11, 2016 AS PRESENTED. VICE CHAIRMAN FREDERICK SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

BUSINESS FROM THE FLOOR:

There were no comments.

AGENDA ITEMS:

1. Case: Variance Application
Filed by: Janet Rhode
Planning Department File No.: VR-16-01

Chairman Flowers opened the Public Hearing at 7:03 p.m. and asked Commissioners if they wish to declare any ex parte contacts or conflicts of interest. No Commissioners declared ex parte contacts or conflicts of interest. Chairman Flowers reviewed the Public Hearing procedures. Chairman Flowers noted that Steve Herr built his home but it will not have any bearing on his ability to render an impartial decision.

Community Development Director, Jason Gottgetreu presented the staff report. He said the variance application requests to allow a five-foot side yard setback for the existing detached accessory structure at 1328 South Water Street, which will be converted into an Accessory Dwelling Unit. He said an accessory dwelling is permitted in the R-1 Zoning District as long as it meets certain standards, such as a seven-foot yard setback. He said the existing structure was built as an accessory structure, which is allowed a five-foot side yard setback, and is a conforming structure. He clarified converting the structure to an accessory dwelling requires the seven-foot setback, which is why they are requesting a variance. He indicated the reduction of the side yard setback will not adversely affect the existing physical and natural systems of the area. He said any conversion must meet current building code standards. He noted Staff did not receive any written testimony.

1 **Applicants Testimony:**

2 Janet Rhode, owner of 1328 S. Water St., addressed the Commission. She said she purchased the
3 property about two months ago and intended on it being a workshop, however, due to unforeseen
4 circumstances she would like to convert it into a unit for her sister and brother in law. She said the
5 footprint of the unit would not change. She answered several clarification questions for the Commission.
6

7 **Public Testimony:**

8 There were no comments in favor or opposed from the public.
9

10 **VICE CHAIRMAN FREDERICK MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER**
11 **DESANTIS SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**
12

13 Chairman Flowers closed the Public Hearing at 7:13 p.m.
14

15 **COMMISSIONER DESANTIS MOVED TO APPROVE VARIANCE APPLICATION VR-16-01 AS**
16 **PRESENTED. VICE CHAIRMAN FREDERICK SECONDED THE MOTION AND IT CARRIED**
17 **UNANIMOUSLY.**
18

19 **2. Case:** Amend the Silverton Comprehensive Plan

20 **Filed by:** City of Silverton

21 **Planning Department File No.:** CP-16-03
22

23 Chairman Flowers opened the Public Hearing at 7:15 p.m. and asked if any Commission members wish
24 to abstain, declare conflicts of interests or ex parte contacts. No Commissioners responded.
25

26 Community Development Director Gottgetreu provided the Staff report and said this is a procedural
27 amendment. He indicated it would allow the City to adopt more specific facility plans that are
28 amendments to the Water Facility Plan through the resolution process rather than through the Ordinance
29 process. He said the proposed amendment would streamline the approval process for amendments to all
30 Master Plans that do not rise to the level of Land Use application. The Commission asked who
31 determines whether an amendment would be a Land Use decision. Community Development Director
32 Gottgetreu replied Oregon Revised Statutes defines Land Uses. Commissioner DeSantis said he would
33 rather keep the current process in place, since this kind of action is not a regular occurrence. Community
34 Development Director Gottgetreu explained the resolution process.
35

36 Public Works Director, Christian Saxe said the Water Facility Plan provides an overview of the City's
37 current capacity and conditions of the plants and the recommended upgrades. He said additional plans
38 that may be amended could include the Wastewater Treatment Plan, Sewer System Master Plans, etc.
39 He said to bring them up to capacity would not require any land use processes. Staff provided examples
40 of non-Land Use issues, such as replacing internal equipment.
41

42 **Public Testimony:**

43 There were no comments in favor or opposed to the application. Community Development Director
44 stated there were no written comments submitted.
45

46 **VICE CHAIRMAN FREDERICK MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER**
47 **DESANTIS SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**
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49 Chairman Flowers closed the Public Hearing at 7:28 p.m.
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51 Commissioner DeSantis reiterated his concerns.
52

53 **VICE CHAIRMAN FREDERICK MOVED TO RECOMMEND TO THE CITY COUNCIL TO APPROVE**
54 **THE PROPOSED CP-16-03 APPLICATION TO AMEND THE SILVERTON COMPREHENSIVE PLAN**
55 **BY REFERRING TO MASTER PLANS, "AS AMENDED" AS IT MEETS THE REVIEW CRITERIA AS**
56 **PRESENTED. COMMISSIONER PIASKOWSKI SECONDED THE MOTION AND IT CARRIED THREE**
57 **TO ONE. COMMISSIONER DESANTIS OPPOSED THE MOTION.**
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10 **IV. REPORTS AND COMMUNICATIONS**

Community Development Director Gottgetreu updated the Commission on the landscaping issue at Maps Credit Union. He said there was a condition to have vegetative screening on both sides of the fence. He said the bushes on the fence side are red bells, which will grow to a maximum of eight-feet; he indicated the Code allows for a three-year maturity growth. He said there was an inquiry about window signs at O'Reilly's; and indicated the Sign Code exempts interior signs that are four square feet in area, but it cannot exceed 20% of the window area. He said Code enforcement is investigating that issue.

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20 **ADJOURNMENT**

The Meeting adjourned at 7:34 p.m.

Respectfully submitted,

/s/Lisa Figueroa,
City Clerk

DRAFT



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: AN-16-04

LAND USE DISTRICT:

UT-5, URBAN TRANSITION – 5 ACRE

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 061W26B

LOTS #: 02700

SITE SIZE: 0.815 ACRES

ADDRESS: 13793 HOBART ROAD

APPLICANT:

ROJAN INVESTMENTS, LLC

7540 SW HERMOSO WAY

TIGARD, OR 97223

APPLICANT'S REPRESENTATIVE

ROBERT STACY

7540 SW HERMOSO WAY

TIGARD, OR 97223

CONTACT PERSON:

ROBERT STACY, 503-620-1614

PROPERTY OWNER:

ROJAN INVESTMENTS, LLC

7540 SW HERMOSO WAY

TIGARD, OR 97223

LOCATION: LOCATED ON THE NORTHEAST
CORNER OF THE INTERSECTION OF HOBART
ROAD AND SETNESS STREET.

PROPOSED DEVELOPMENT ACTION: ANNEXATION APPLICATION TO ANNEX 13793 HOBART ROAD INTO
THE CITY LIMITS AND ZONE THE PROPERTY R-1, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS 0.815
ACRES IN SIZE AND IS LOCATED AT THE CORNER OF SETNESS STREET AND HOBART ROAD. THE REQUEST
IS TO ALLOW THE PROPERTY TO CONNECT TO CITY SANITARY SEWER FACILITIES.

DATE: DECEMBER 6, 2016

Attachments

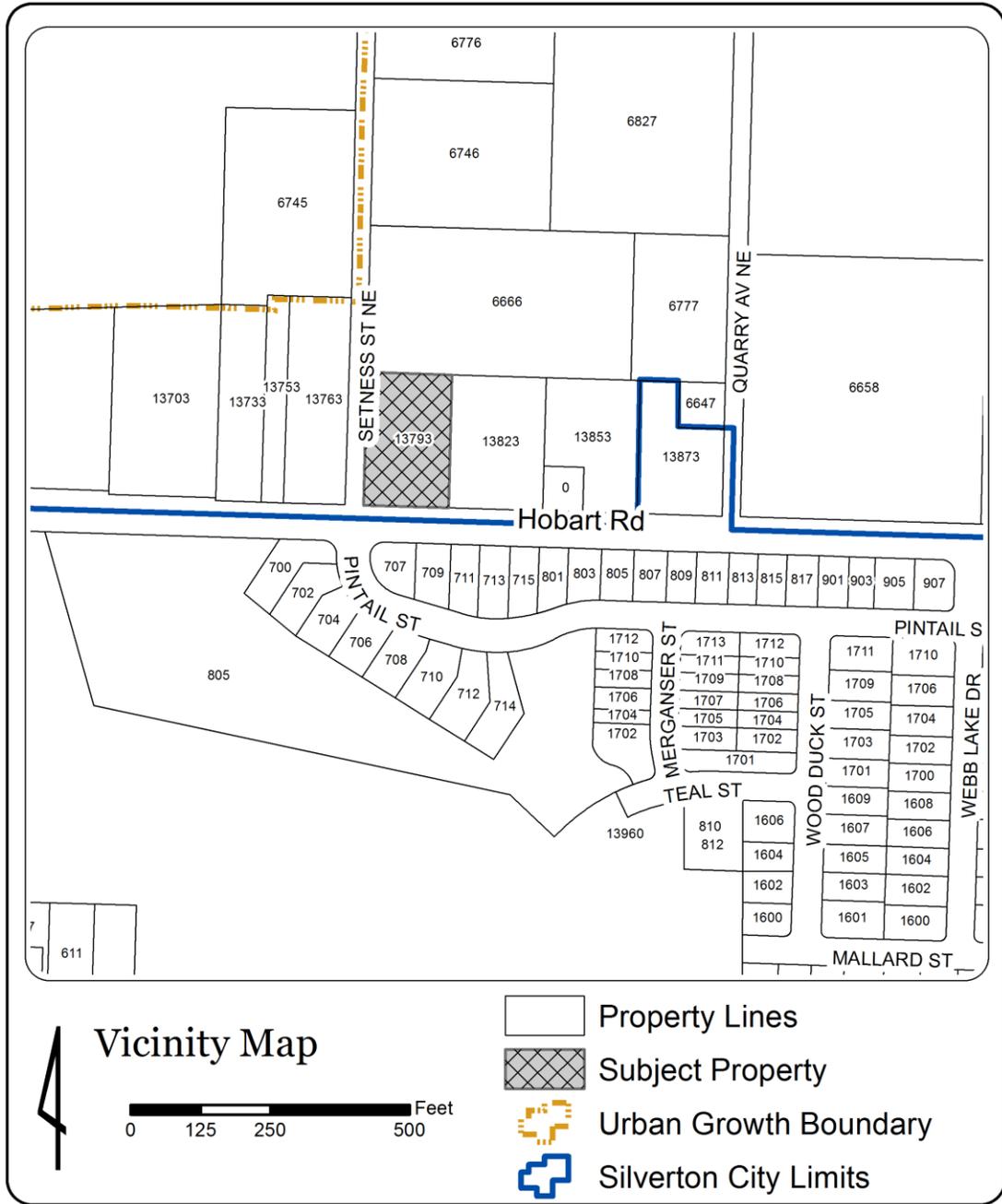
- A. Vicinity Map and Review Criteria
- B. Applicant's Findings
- C. Conditions of Approval
- D. Staff Report
- E. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: AN-16-04

Vicinity Map and Surrounding Land Use Districts

- North – UT-5, Urban Transition – 5 Acre
- East – UT-5, Urban Transition – 5 Acre
- South – R-1, Single Family Residential
- West – UT-5, Urban Transition – 5 Acre



REVIEW CRITERIA: When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and
2. Conformity of the proposal with the City's Comprehensive Plan; and
3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the City's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
4. The new area will meet City standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and
5. The area to be annexed is contiguous to the City and represents a logical direction for City expansion; and
6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

ATTACHMENT B: APPLICANT'S FINDINGS

Narrative. Explain the conditions surrounding the proposal and address the factors contained in the Review Criteria, as relevant, including:

Opening Remark – The subject property, 13793 Hobart Road, NE, has no current development plans for the property as part of the annexation; rather the annexation is being sought to alleviate problems arising from surface groundwater (specifically in times of high precipitation) that interfere with property's septic system. This problem has been exacerbated since the development of Webb Lake south of the subject property. So the request for annexation is for health reasons, rather than expanded development.

- a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities; and
 - Subject property is currently connected to city water. Consultation with City Planning indicates that sewer is accessible south side of Hobart on Pintail Street. A city rain collection grate exists on the south property line of the property on north shoulder of Hobart road. Residents of the single-family home on the subject property currently attend city schools and use city parks and transportation.
- b. Statement of increased demand for such facilities to be generated by the proposed development; and
 - No additional burden to the city infrastructure is anticipated of annexing the single-family home on the subject property.
- c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand.
 - No additional facilities should be required to meet the demand of annexing the single-family home on the subject property.
- d. Statement outlining method and source of financing required to provide additional facilities, if any; and
 - While no additional facilities are anticipated, the owner/applicant has sufficient funds to pay for connection to sewer line noted by City Planning, without resort to lender financing.
- e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced; and
 - Since no development is anticipated, no development concept or methods exist. However, the annexation will serve the community by avoiding potential health issues due to the surface groundwater interference with subject property's septic system by allowing a connection to city sewer services.
- f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small sub-community or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any; and
 - Generally, the subject property single family home and residents already contribute to the physical, aesthetic and related social aspects of the community. The owner/applicant improved the property exterior and interior from many years of deferred maintenance, and has attempted to transform the property to that which would be an asset to the neighborhood. The applicant does not foresee any negative effects to the community due to the annexation.

- g. Statement indicating the type and nature of any comprehensive plan text or map amendments that may be required to complete the proposed development.
- No changes to comprehensive plan text or map amendments should be required as part of this annexation, except for those that may arise with any annexation. Applicant would submit that this is a small annexation, and since for health purposes, would be equivalent to a “low documentation” change for the City Planning, and other City services.

In addition, explain how the proposed annexation meets **each and all** of the following review criteria in sufficient detail for review and decision-making:

1. Adequacy of access to the site; and
 - Access is already available to subject property from Hobart Road (south), as well as access from Setness Road (west).
2. Conformity of the proposal with the City’s Comprehensive Plan; and
 - The subject property is within the Urban Growth Boundaries of the city. All other aspects of this annexation proposal conform to the Comprehensive Plan.
3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city’s infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and
 - Public facilities, services and transportation networks in place are anticipated to be sufficient to meet the needs of this annexation proposal, and no additional extensions or upgrading of such facilities are anticipated.
4. The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and
 - Existing public improvements (sidewalks, sanitary sewer, water, storm drainage and other improvements) should be sufficient to serve this small annexation. The annexation proposal is submitted for health reasons (sanitary sewer) rather than development purposes.
5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and
 - The subject property is within the City’s urban growth boundaries on the zoning map, is contiguous with the City – due west of the City limit on Hobart Road. It is understood that the City intends to annex this property and neighboring properties at some time in the future.
6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and
 - Subject property is in the urban growth property, as well as an annexation will solve a health issue due to ground water interfering with existing septic system.
7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and

- Subject property is a single-family dwelling consistent with neighboring properties both within the City limits and unannexed property within the urban growth boundary contiguous or near the subject property.
8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and
- The annexation of the subject property is directly consistent with the applicable goals and policies of the Silverton Comprehensive Plan, and appears to be anticipated within that plan.
9. Shall be in compliance with applicable sections of ORS Chapter 222; and
- Annexation shall comply with all section of ORS Chapter 222.
10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and
- No known natural hazards are known by applicant on the subject property.
11. Urbanization of the subject property shall not have a significant adverse effect on areas identified of designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and
- Property improvements on the subject property already exist, so no such adverse effects should be caused by this annexation proposal.
12. Economic impacts which are likely to result from the annexation shall be evaluated in light of social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.
- As the subject property and residents already are part of the City of Silverton's social, economic and physical environments, so no negative effects can be anticipated from this annexation proposal. At worse, the effect on those environments will be neutral and remain status quo. There may be some positive economic impact as the property will contribute to the City economic system through assessment of property taxes.



EXISTING SITE PLAN
 FOR ROBERT STACY
 IN THE NW 1/4 OF SECTION 26, T. 6S, R. 1W, W.M.
 MARION COUNTY, OREGON
 SCALE: 1"=30' OCTOBER 22, 2016



STACY
SURVEYING
 15595 S ORAVES RD
 HOLLIS, OREGON 97042
 (503) 324-1211

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
Ben Stacy
 OREGON 2003
 BENJAMIN B. STACY
 5194
 REFERENCE: 610202016

- SURVEYOR'S NOTES**
1. GENERAL DATA NOTED IS BASED ON MARION COUNTY GEODETIC CONTROL DATA.
 2. ONE-WAY FOOT CONTIGUOUS INTERVALS ADJACENT TO ADJACENT ROADS ON SENECA STREET.
 3. PROPERTY BOUNDARY LINES ARE SHOWN FOR VISUAL REPRESENTATION ONLY AND SHOULD NOT BE RELIED UPON FOR DESIGN OR CONSTRUCTION PURPOSES WITHOUT THE BENEFIT OF A FULL SURVEY.

ATTACHMENT C: CONDITIONS OF APPROVAL

ATTACHMENT D: STAFF REPORT, AN-16-04

FINDINGS OF FACT

A. Background Information:

1. The applicant submitted an application on October 28, 2016 13793 Hobart Road into the City Limits and zone the property R-1, Single Family Residential. The property is 0.815 acres in size and is located at the corner of Setness Street and Hobart Road. The request is to allow the property to connect to city sanitary sewer facilities.
2. The site is currently developed with a single family home and detached garage. The home and garage were constructed in 1939. The dwelling is already connected to city water and is requesting annexation to connect to city sanitary sewer facilities to alleviate problems arising from surface groundwater that interfere with the property's septic system.
3. Notice was mailed to all property owners within 700 feet of the subject area on November 23, 2016. As of this writing, December 6, 2016 no written testimony has been received. The notice was published in the Silverton Appeal on December 7, 2016. The site posted on December 2, 2016.
4. The City Council passed Resolution 16-29 on September 12, 2016 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of six (6) months after the date of said refusal or the final adjudication of SB 1573 : The subject property is less than two acres in size and not subject to the hold.
5. The City Council passed Ordinance 16-17 on October 3, 2016 that modified the annexation review criteria found in Silverton Development Code chapter 4.10.140. The Ordinance had an effective date of November 2, 2016. The application was submitted on October 28, 2016 and is not subject to the new criteria.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500

Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. The applicant submitted an application on June 3, 2016, meeting Criterion A. A public notice for this request was mailed to all property owners within 700 feet of the site on November 23, 2016. The notice was published in the Silverton Appeal on December 7, 2016. The site

posted on December 2, 2016. The application will be before the Planning Commission December 13, 2016 and will be before the City Council January 9, 2017.

Unless mandated by state law, annexation, delayed annexations, and/or extension of city services may only be approved by a majority vote among the electorate. On March 15, 2016, the State enacted SB 1573 that states that the legislative body of a city shall annex a territory petitioning annexation without submitting the proposal to the electors of the city if the territory is within the Urban Growth Boundary, the territory upon annexation will be subject to the acknowledged comprehensive plan, the territory is contiguous to the city limits and the proposal conforms to all other requirements of the city's ordinances. The territory is within the UGB, is contiguous to the city limits and would be subject to the comp plan upon annexation.

The City Council passed Resolution 16-29 on September 12, 2016 that stated in part, When annexation applicants refuse to authorize the City to submit the annexation proposal to the City electorate, and the area proposed for annexation is greater than two (2) acres in size, the City shall place a hold on consideration of the proposed annexation for the sooner of six (6) months after the date of said refusal or the final adjudication of SB 1573 : The subject property is less than two acres in size and not subject to the hold. City Staff were directed in all other regards to comply with the Charter, Comprehensive Plan, Development Code and all other applicable land use laws in processing annexation proposals. This staff report will review the proposal for conformity with all other requirements of the city's ordinances.

Section 4.10.140 Review Criteria – Annexation

When reviewing a proposed annexation of land, the Planning Commission and City Council will consider the following standards and criteria:

1. Adequacy of access to the site; and

Findings: The site is located on the northeast corner of the intersection of Hobart Road and Setness Street. Hobart Road is an Arterial Roadways under Marion County jurisdiction. Setness Street is a Local Roadway under Marion County jurisdiction. The site has 152 feet of frontage along Hobart Road and 238 feet of frontage along Setness Street. The existing dwelling currently has access off Hobart Road directly adjacent to the intersection of Setness Street. The site is .815 acres in size and has the potential to develop with 4 additional single family homes. Access will be restricted along Hobart Road due to its Arterial Classification. The amount of frontage along Setness Street allows for multiple point of access into the site to accommodate the potential dwelling units. Criterion 1 is met.

2. Conformity of the proposal with the City's Comprehensive Plan; and;

Findings: The parcel to be annexed is located within the UGB and is designated Single Family. The zoning of the site will be R-1, Single Family Residential. The purpose of the annexation is for the site to develop as a Residential Subdivision or Planned Unit Development. A Subdivision or Planned Unit Development application would have to be submitted for review by the Planning Commission for conformance with Development Code standards in a Public Hearing prior to any develop occurring on the site.

The Goal of the Urbanization Element of the Comprehensive Plan is to, “Provide adequate land to meet anticipated future demands for urban development in a logical and orderly manner.” And has Objectives to, Maintain a supply of buildable residential, commercial and industrial land within the City’s UGB as allowed by state law; Continue to work with Marion County to manage land development between the city limits and UGB; and Consistently apply and enforce the City’ development policies, codes, standards and other

The Goal of the Air, Water and Land Resources Quality seeks to “Maintain and improve the quality of the area’s air, water, and land resources.” The area proposed for annexation is developed with an existing single family home on a septic system. The dwelling is already connected to city water and is requesting annexation to connect to city sanitary sewer facilities to alleviate problems arising from surface groundwater that interfere with the property’s septic system. As such, this annexation and subsequent connection to the City’s water system will comply with the goals and policies within the Air, Water and Land Resources Quality and will not lead to the degradation of the natural resources.

A Goal of the Transportation Element is to “Provide a safe, convenient, aesthetic and economical transportation system.” Any development of the site will be required to meet transportation, access and circulations, and roadway standards.

The Goal of the Housing element to “Meet the projected housing needs of citizens in the Silverton area.” The Objectives of the Housing Element are to, Encourage a “small town” environment; Encourage preservation, maintenance and improvement of the existing housing stock; Encourage new housing in suitable areas to minimize public facility and service costs and preserve agricultural land; and Encourage an adequate supply of housing types necessary to meet the needs of different family sizes and incomes. The proposed annexation is directly adjacent to existing public facilities. Encouraging a “small town” environment is an ambiguous statement that can be interpreted by the Planning Commission and City Council.

The requested annexation will be consistent with the goals and policies of the Economy element of the Comprehensive Plan. This element largely speaks to encouraging the diversification of the local economy and the proposed annexation of the development of single family homes will not have an impact upon this element.

With the public hearing held before the Planning Commission and City Council the requested annexation will satisfy the goal and policies of the Citizen Involvement element of the Comprehensive Plan. The purpose of the public hearing is to solicit and involve the public in the decision making process. The public hearing was published, posted, and notices were mailed in accordance with all requirements.

The Goal of the Public Facilities and Services Elements of the Comprehensive Plan is to “Provide orderly and efficient public facilities and services to adequately meet the needs of Silverton residents.” The water system, storm water system and transportation network exist adjacent to the site. A sanitary sewer mainline exists 150’ south of the site in Pintail Street.

3. *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. If extensions*

or upgrading of any improvement is necessary to serve the area, such extension must be consistent with the city's infrastructure plans and must be an orderly and efficient arrangement for the extension of public services; and

Findings: The property is requesting annexation in order to connect to city sanitary sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system and transportation network exist adjacent to the site. A sanitary sewer mainline exists 150' south of the site in Pintail Street. Each of the utilities is the standard size for residential development. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development. Adequate public facilities exist to serve the site and no upgrades are necessary; thereby meeting Criterion 3.

- 4. The new area will meet city standards for any public improvements which may be necessary to serve the area (including but not limited to streets, including sidewalks, sanitary sewer, water, storm drainage); and*

Findings: The property is requesting annexation in order to connect to city sanitary sewer facilities. There are no identified Master Plan projects identified to serve the site. The water system, storm water system and transportation network exist adjacent to the site. A sanitary sewer mainline exists 150' south of the site in Pintail Street. Each of the utilities is the standard size for residential development. Development of the site will require the public facilities to be extended into the site in accordance with Public Works Design Standards to serve a proposed development. Therefore Criterion 4 is met.

- 5. The area to be annexed is contiguous to the city and represents a logical direction for city expansion; and*

Findings: The area is contiguous to the City. The site abuts the City Limits along the southern property line. The annexation represents a logical direction for city expansion, meeting Criterion 5.

- 6. The area is within the urban growth boundary, unless a health hazard due to failing septic systems or groundwater supplies is found to exist; and*

Findings: The area considered for annexation is inside the Urban Growth Boundary. The criterion is met.

- 7. The proposed use of the property is consistent with the applicable comprehensive plan designation; and*

Findings: The use of the property is will continue to be used as a single family dwelling, a permitted use. In the future it may be developed with up to 4 additional single family dwellings, which is a permitted use in the R-1 zone. It is designated Single Family of the Comprehensive Plan Map and will be zoned R-1, Single Family Residential, thereby meeting Criterion 7.

- 8. The proposed annexation shall be consistent with all applicable goals and policies of the Silverton Comprehensive Plan; and*

Findings: The proposed annexation has been reviewed for conformity with the city's comprehensive plan earlier in the report.

9. Shall be in compliance with applicable sections of ORS Chapter 222; and

Findings: ORS 222 provides for a means of annexation by election or by action of the governing body. However, as noted above the City is no longer allowed to submit proposals for annexation to the electors of the city for their approval or rejection.

The proposal is following the Type IV procedure, consistent with ORS 222 for annexation procedures.

This application has been found to be in compliance with the applicable sections of ORS Chapter 222 and will follow all applicable state and local procedures. Therefore, this criterion has been met.

10. Natural hazards identified by the City, such as wetlands, floodplains and steep slopes have been addressed; and

Findings: There are no wetlands on the site and the site is not located within the floodplain. The site is very flat. Natural hazards of the site have been addressed. The criterion is met.

11. Urbanization of the subject property shall not have a significant adverse effect on areas identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas; and

Findings: There are no areas on the site identified or designated in the Comprehensive Plan as open space or as significant scenic, historic or natural resource areas. The criterion is met.

12. Economic impacts which are likely to result from the annexation shall be evaluated in light of the social and physical impacts. The overall impact which is likely to result from the annexation and development shall not have a significant adverse effect on the economic, social and physical environment of the community, as a whole.

Findings: The annexation will add additional developable land to the City Limits. The request is to be able to connect the existing dwelling to city sanitary sewer facilities, but the property may be developed with up to 4 additional single family homes in the future. This will add approximately 4 more homes to the tax rolls. After development, this will add approximately 840,000 of assessed value, equating to annual taxes to the City of Silverton of \$3,024. The median household income in Silverton is \$53,929, representing an additional \$215,716 in household income within the City. This will create a population increase of 10 people. The development will increase the impact to the water, sewer, transportation, storm sewer and parks system. As such, System Development Charges will be applicable to each new dwelling. In total, a new house pays \$20,282 in SDC's for their impact on public facilities. 4 additional homes will equate to approximately \$81,128 in total SDC's. There is a Silver Falls School District excise tax on new homes in Silverton that is \$1 per square foot of living area, which will generate an additional \$8,000 for the school district.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed annexation may meet applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission is required to hold a public hearing to evaluate the proposed annexation.

The Planning Commission will make a recommendation to the City Council regarding the annexation request and determine how the proposal has or has not complied with the review criteria. The Planning Commission will then forward their recommendation and findings in support of its recommendation to the City Council.

Once the City Council receives Planning Commission's recommendation on the annexation, the Council will review the findings and the recommendation in a public hearing.

Staff finds the application, as presented, meets, can meet, or does not meet the applicable City codes and requirements.

Planning Commission Options:

1. Recommend to the City Council the **APPROVAL** of the proposed annexation as it meets the review criteria and recommend the City Council approve the proposed annexation.
2. Recommend to the City Council the **DENIAL** of the proposed annexation as it does not meet the review criteria.
3. Recommend to the City Council a **MODIFICATION** of the proposed annexation so that it meets the review criteria.

ATTACHMENT C: TESTIMONY

None Received.



City of Silverton
Community Development
306 South Water Street
Silverton, OR 97381

STAFF REPORT

PROCEDURE TYPE IV

FILE NUMBER: VA-16-03

LAND USE DISTRICT:

RIGHT-OF-WAY

PROPERTY DESCRIPTION:

ASSESSOR MAP#: N/A

LOT #: N/A

SITE SIZE: 7,110 SQUARE FEET

ADDRESS: N/A

APPLICANT:

CITY OF SILVERTON

306 SOUTH WATER STREET

SILVERTON, OR 97381

CONTACT PERSON:

JASON GOTTFREU, 503-874-2212

OWNER:

CITY OF SILVERTON

306 SOUTH WATER STREET

SILVERTON, OR 97381

LOCATION: WELCH STREET, FAIRVIEW STREET,
AND PHELPS STREET RIGHT-OF-WAYS ADJACENT
TO THE SILVERTON HOSPITAL.

PROPOSED DEVELOPMENT ACTION: VACATION APPLICATION TO VACATE PORTIONS OF THE WELCH ST, FAIRVIEW ST, AND PHELPS STREET RIGHT-OF-WAYS ADJACENT TO THE LEGACY SILVERTON MEDICAL CENTER THAT WAS REQUIRED TO BE DEDICATED AS PART OF RESOLUTION 89-18. THE PLANNING ACTION OF RESOLUTION 89-18 NEVER OCCURRED. A PORTION OF THE BUILDING IS CURRENTLY WITHIN THE RIGHT-OF WAY.

DATE: DECEMBER 6, 2016

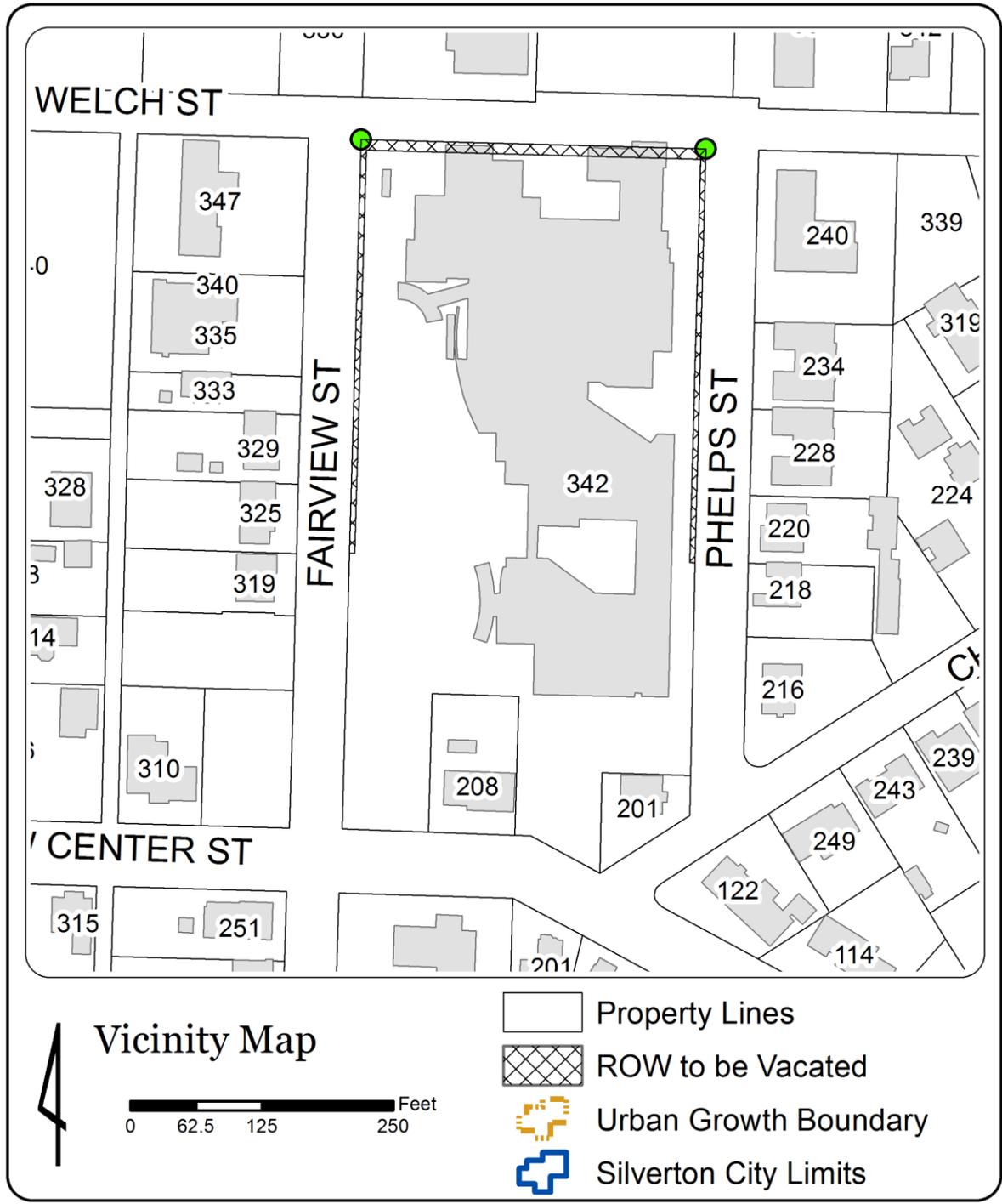
- Attachments
- A. Vicinity Map and Review Criteria
 - B. Conditions of Approval
 - C. Staff Report
 - D. Testimony

ATTACHMENT A: VICINITY MAP & REVIEW CRITERIA

Case File: VA-16-03

Vicinity Map and Surrounding Land Use Districts

- North – P (Public)
- East – P (Public)
- South – R-1 (Single Family Residential)
- West – P (Public)



REVIEW CRITERIA: Vacation requests may be approved if the review body finds that the applicant has shown that all of the following review criteria are met; the applicant shall bear the burden of proof.

- A. The requested vacation is consistent with relevant comprehensive plan policies and with any street plan, city transportation, or public facility plan.
- B. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.
- C. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
- D. The portion of the right-of-way that is to be vacated will be brought into compliance with code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
- E. The public interest, present and future, will be best served by approval of the proposed vacation.

ATTACHMENT B: CONDITIONS OF APPROVAL

ATTACHMENT C: STAFF REPORT, VA-16-03

FINDINGS OF FACT

A. Background Information:

1. The City of Silverton was contacted by Legacy Silverton Medical Center (Hospital) regarding an encroachment of the Legacy Silverton Medical Center buildings into the south side of the Welch Street Right-of-Way.
2. Staff researched the matter and found the following. In 1989 the Hospital requested a Zone Change for a portion of the hospital block in order to expand the hospital. A Variance was also requested as part of a Master Plan for the site, dated January 25, 1989. The Variance was to allow a parking lot to encroach into the Welch Street setback. The City Council approved Resolution No 89-18, which was an “Intent to Rezone.” The Resolution laid out a number of Conditions the Hospital would have to accomplish for the Council to approve a Zone Change Ordinance. The Resolution also stated that if the property is not developed as requested, the Resolution of Intent shall be of no further binding effect and shall terminate.

Condition D of the Resolution was to dedicate 10 additional feet of Right-of-Way on the site’s Welch Street frontage and 5’ of additional Right-of-Way along the site’s frontage of Phelps and Fairview Street. The additional land was deeded to the City on August 24, 1989, Reel 717, Page 288. The 1989 Master Plan proposed a parking area between the proposed building modifications and the Welch Street Right-of-Way. The proposal was to demolish a portion of the northern most section of the building to make room for the parking area.

The Master Plan was never implemented and no Zone Change Ordinance was adopted. As such, Resolution 89-18 had no effect and was terminated. However, the land dedicated to the City remained under City ownership. The portion of the building that was proposed to be demolished remained, but now about 2’ of the building was located within the Right-of-Way that was deeded to the City.

The Hospital submitted a new Master Plan and Zone Change request in 1993. Both the Topographical Survey and Site Plan submitted did not show the site with the previous Right-of-Way dedications. Review of the Master Plan occurred assuming the dedication did not exist. No Right-of-Way was required to be dedicated as part of the application. In this Master Plan, the northern most section of the building was proposed to be retained. The application was approved, the Hospital expansion was constructed, and the roadways around the site were fully improved. The northern portion of the building remained in the Right-of-Way, seemingly unknown.

3. The city may initiate vacation proceedings and make such vacation without a petition or consent of property owners. Such vacation shall not be made if the owners of a majority of the area affected object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will

substantially affect the market value of such property, unless the city governing body provides for paying damages.

4. Notice was mailed to all property owners within 700 feet of the subject area on November 23, 2016. The notice was published in the Silverton Appeal on December 7, 2016.

B. Silverton Development Code (SDC):

1. Article 4 – Administration of Land Use and Development

Section 4.1.500 Type IV Procedure

A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications

Findings: This application is being reviewed through a Type IV procedure. A public notice for this request was mailed to all property owners within 700 feet of the site on November 23, 2016. The notice was published in the Silverton Appeal on December 7, 2016. The application will be before the Planning Commission on December 13, 2016 and will be before the City Council on January 9, 2017.

Section 4.13.400 Review Criteria – Vacation

A. The requested vacation is consistent with relevant comprehensive plan policies and with any street plan, city transportation, or public facility plan.

Findings: The Vacation application is to vacate 10 feet or Right-of-Way along 342 Fairview Street’s Welch Street frontage and 5’ of additional Right-of-Way along 342 Fairview Street’s northern frontage of Phelps and Fairview Street. The land was required to be deeded to the City as part of Resolution 89-18, which was an “Intent to Rezone.” The Resolution laid out a number of Conditions the Hospital would have to accomplish for the Council to approve a Zone Change Ordinance. The Resolution also stated that if the property is not developed as requested, the Resolution of Intent shall be of no further binding effect and shall terminate. Condition D of the Resolution was to dedicate 10 additional feet or Right-of-Way on the site’s Welch Street frontage and 5’ of additional Right-of-Way along the site’s frontage of Phelps and Fairview Street. The additional land was deeded to the City on August 24, 1989, Reel 717, Page 288. The Master Plan was never implemented and no Zone Change Ordinance was adopted. Resolution 89-18 had no effect and was terminated. However, the land dedicated to the City remained under City ownership. The site later developed in 1993 assuming the Right-of-Way dedication did not occur and was developed in conformance with the applicable standards. As such, vacating the Right-of-Way has no effect on the sites consistency with any plans or policies. Criterion A is met.

B. The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

Findings: The site was developed under the assumption the additional Right-of-Way was not dedicated to the City. Development of the site under that assumption occurred after the proper City approvals were obtained. There are no negative effects on access to existing or potential lots in the area. Criterion B is met.

C. The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

Findings: As noted above, the site developed under the assumption the additional Right-of-Way did not exist. The site is fully developed and the vacation will have no effect on traffic. Criterion C is met.

D. The portion of the right-of-way that is to be vacated will be brought into compliance with code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

Findings: The Right-of-Way to be vacated is in compliance with code requirements as it was developed in conformance with the applicable codes as part of the hospital expansion. Criterion D is met.

E. The public interest, present and future, will be best served by approval of the proposed vacation.

Findings: The proposed vacation remedies a historical error and will remove a building encroachment issue that should not exist. No future improvements will be impacted by the vacation as development of the site and frontage improvements has already occurred.

III. SUMMARY AND CONCLUSION

Findings have been made for all of the applicable Code sections. The proposed vacation meets all applicable Silverton Development Code Review Criteria and Standards.

The Planning Commission is required to hold a public hearing to evaluate the proposed vacation.

The Planning Commission will make a recommendation to the City Council regarding the vacation request and determine how the proposal has or has not complied with the review criteria. The Planning Commission will then forward their recommendation and findings in support of its recommendation to the City Council.

Once the City Council receives Planning Commission's recommendation on the vacation, the Council will review the findings and the recommendation in a public hearing.

Staff finds the application, as presented, meets or can meet the applicable City codes and requirements.

Planning Commission Options:

1. Recommend to the City Council the APPROVAL of the proposed vacation as it meets the review criteria.
2. Recommend to the City Council the DENIAL of the proposed vacation as it does not meet the review criteria.
3. Recommend to the City Council a MODIFICATION of the proposed vacation so that it meets the review criteria.

Staff recommends that the Silverton Planning Commission forward to the City Council a recommendation to find the requested vacation meets the applicable review criteria.

ATTACHMENT E: TESTIMONY